

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER WR 2007-0037-DWR**

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In the Matter of Application 30740  
**Sutter Home Winery**

**ORDER APPROVING ISSUANCE OF PERMIT**

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SOURCE: Unnamed Stream tributary to North Slough thence Napa River

COUNTY: Napa County

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**WHEREAS:**

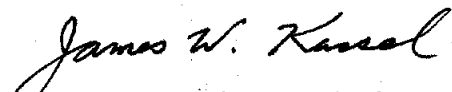
1. Sutter Home Winery filed application 30740 with the State Water Resources Control Board (State Water Board) on July 30, 1998.
2. All protests to approval of the application have been resolved by inclusion of permit conditions and by dismissal pursuant to Water Code section 1335, subdivision (d).
3. The State Water Board has determined that there is unappropriated water available to serve Application 30740. Napa Valley Vineyard Engineering prepared and submitted a water availability analysis on June 20, 2003, documenting the availability of water. The water availability analysis was reviewed and accepted as sufficient by Division of Water Rights (Division) staff on June 24, 2003.
4. The water will be diverted and used without injury to any lawful user of water. The Division issued a public notice of Application 30740 on December 3, 1999. Based on the water availability analysis, water is available to serve this application without injury to prior rights. No protests were filed to approval of Application 30740 on the basis of injury to prior rights.
5. The water will be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In 2002, National Marine Fisheries Service (NMFS) and California Department of Fish and Game (DFG) developed Draft Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams (Draft Guidelines), dated June 17, 2002. The Draft Guidelines were recommended for use by permitting agencies (including the State Water Board), planning agencies and water resources development interests when evaluating proposals to divert and use water from northern California coastal streams. The Draft Guidelines apply to projects located in the geographic area of Sonoma, Napa, Mendocino, and Marin Counties, and portions of Humboldt County. The Draft Guidelines recommend that terms and conditions be included in new water right permits for small diversions to protect fishery resources in the absence of site-specific biologic and hydrologic assessments. Division staff performed a site-specific evaluation and

found the project conforms to the recommendations in the Draft Guidelines. Permit conditions were included in the permit to address potential impacts to fish, wildlife or other instream beneficial uses.

6. The intended use is beneficial. The applicant requested to divert 26 acre-feet per annum for irrigation of 161 acres of vineyard. The proposed water use is beneficial.
7. Pursuant to the provisions of the California Environmental Quality Act, the State Water Board adopted a Mitigated Negative Declaration (MND) pursuant to the California Code of Regulations, Title 14, section 15074. The MND determined that the proposed project will have a less than significant effect on the environment and will not result in significant cumulative impacts based on the reasons specified in the Initial Study. The State Water Board found that the potential adverse impacts of the project were less than significant and were mitigated with the inclusion of specific permit terms. The State Water Board filed a Notice of Determination on October 22, 2007.

**NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 30740, subject to the conditions of the attached permit.**

STATE WATER RESOURCES CONTROL BOARD

*for*   
*Victoria A. Whitney, Chief*  
*Division of Water Rights*

Dated:

**OCT 22 2007**