

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Application A030794

Duckhorn Wine Company

ORDER APPROVING MINOR CHANGE TO APPLICATION

SOURCES: (1) An Unnamed Stream tributary to Donelly Creek thence Anderson Creek thence the Navarro River

(2) An Unnamed Stream tributary to Graveyard Creek thence Anderson Creek thence the Navarro River

COUNTY: Mendocino County

WHEREAS:

1. On October 13, 1998, Christopher Demuth filed water right application A030794 with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights (Division) to appropriate water from the Navarro River stream system in Mendocino County. Duckhorn Wine Company (applicant) is the current primary owner of the application.
2. The application was publicly noticed on December 17, 1999. Protests were received from the California Sportfishing Protection Alliance, Friends of the Navarro Watershed, Anderson Vineyards Inc, Sierra Club Mendocino Group, Navarro Watershed Protection Association, Daniel Myers, and the California Department of Fish and Wildlife. The protest from the California Department of Fish and Wildlife was rejected and the protest from Anderson Vineyards Inc was withdrawn.
3. On May 2, 2023, the State Water Board initiated a minor change to modify the application as follows:
 - a. Change the season of diversion by reducing it to December 15 of each year to March 31 of the succeeding year.
 - b. Change the maximum amount of water requested for diversion by reducing it to 5.9 acre-feet per year.

- c. Change the points of diversion by removing the second point of diversion located on the Unnamed Stream tributary to Graveyard Creek.
 - d. Change the purpose of use by adding incidental dust control as a purpose of use.
 - e. Change the place of use by reducing it from 30 acres to 27 acres.
4. On June 22, 2023 the State Water Board provided notice and an opportunity to provide comments regarding the minor change to the applicant, the protestants, and other interested parties. No comments were received.
5. The State Water Board may make a minor change to an application without requiring the filing of a petition for change if the Board finds all of the following:
 - a. The change does not enlarge or increase the authorized rate, amount, or season of diversion.
 - b. The change does not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed.
 - c. The change is not substantial or constitutes a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application.
 - d. The change does not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

(Wat. Code, § 1700.4.)

6. The proposed changes will not enlarge or increase the authorized rate, amount, or season of diversion. The amount of diversion and season of diversion will be reduced.
7. The proposed changes will not increase the total area subject to inundation by water diverted to storage or the area where facilities will be constructed. No changes to the existing reservoirs at the first point of diversion are proposed, the reservoir proposed for construction at the second point of diversion will be removed, and the place of use will be reduced.
8. The proposed changes are not substantial or constitute a reduction, agreed to by the applicant, in the authorized diversion, affected area, or other feature of the application. The addition of a purpose of use is not substantial and the changes to the points of diversion, season of diversion, maximum amount for diversion, and place of use constitute a reduction.
9. The proposed changes do not have the potential to adversely affect the water supply of other legal users of water or instream beneficial uses.

10. Pursuant to Resolution 2012-0061, the State Water Board has delegated the authority to conduct and supervise the activities of the State Water Board to the Executive Director. By memorandum dated April 28, 2022, the Executive Director has redelegated the authority to act on minor changes to the Deputy Director for Water Rights. The Deputy Director for Water Rights has further redelegated this authority pursuant to a memorandum dated April 20, 2023.

NOW, THEREFORE, IT IS ORDERED:

1. The minor change to the application is approved.
2. The season of diversion has been changed to December 15 of each year to March 31 of the succeeding year.
3. The maximum amount of water requested for diversion has been changed to 5.9 acre-feet per year.
4. The second point of diversion located on an Unnamed Stream tributary to Graveyard Creek is removed.
5. The purposes of use are changed by adding dust control.
6. The place of use is changed to the following:
 - a. 4 acres within the Southeast quarter of the Northwest quarter;
 - b. 2 acres within the Northwest quarter of the Northeast quarter;
 - c. 1 acre within the Northeast quarter of the Northeast quarter;
 - d. 9 acres within the Southwest quarter of the Northeast quarter;
 - e. 11 acres within the Southeast quarter of the Northeast quarter;
 - f. All within Section 36, Township 14 North, Range 14 West, Mount Diablo Base and Meridian.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
MATTHEW MCCARTHY FOR:

*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: August 8, 2023