
State Water Resources Control Board

April 26, 2024

Solano County
Attn: Bill Emlen, County Administrator
(RE: Informational Response/County Natural Resource Division)
675 Texas Street, Ste. 6500
Fairfield, CA. 94533

Subject: Flannery & Associates Acquisition of More Than 60,000 Acres of Agricultural Land and Associated Water Rights in Solano County

In response to a request from Solano County, this letter provides a brief outline pertaining to parcels purchased by Flannery & Associates that have an associated appropriative, pre-1914, or riparian water right, and associated point or points of diversion, place of use, and purpose of use. This summary is based on an initial review of information received by the State Water Resources Control Board (SWRCB), the Board's electronic Water Rights Information Management System (eWRIMS) and addresses only surface water rights and the historic use of those rights related to lands purchased by Flannery & Associates.

I. Background

Flannery and Associates, LLC (Flannery) has acquired more than 60,000 acres of land within Solano County.¹ These lands are part of a planned modern community of 9,200 acres near Rio Vista, California.²

¹ During discussions with Solano County Department of Resources Management staff, Flannery has acquired more than 60,000 acres of land in Solano County as part of the California Forever Project.

² Please also see <https://californiaforever.com>

Below is Figure 1 which is a map provided by Solano County that shows all lands purchased by Flannery that includes Flannery owned parcels through April 18, 2024.³

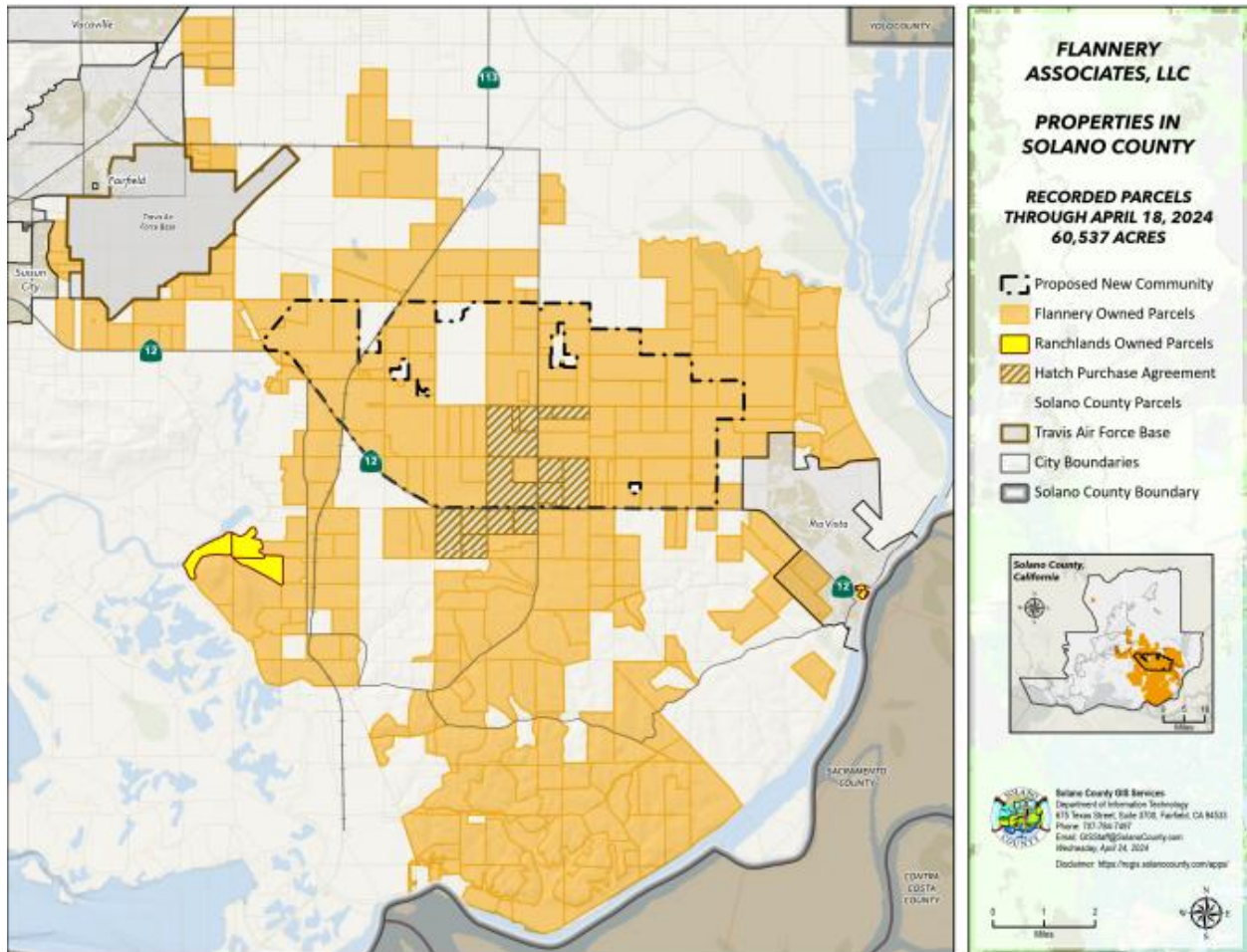


Figure 1. Map provided by Solano County for Flannery purchased parcels.

³ Parcels owned by Flannery are highlighted in Orange.

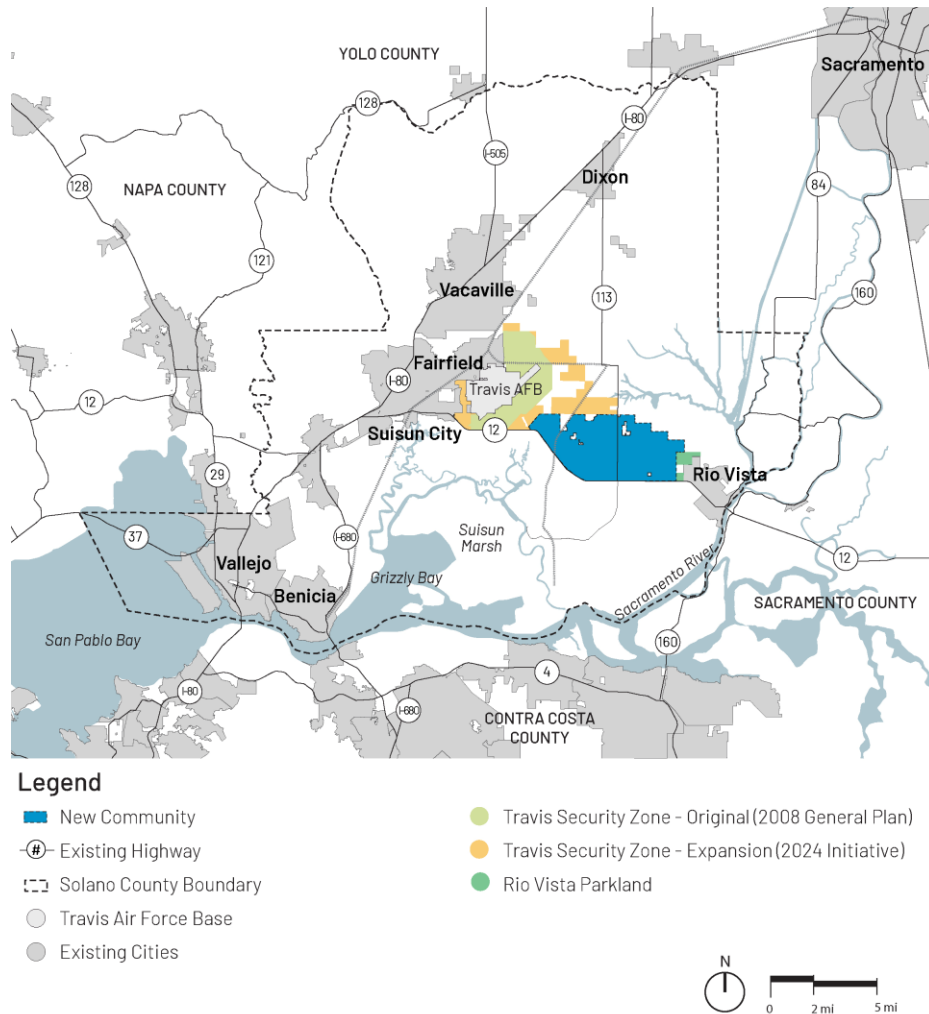


Figure 2. New Community (in blue) proposed by California Forever as part of a ballot initiative submitted to Solano County on February 14, 2024.⁴

Solano County Assessor’s Parcel Numbers (SOCO APNs) that are within the general depicted boundary of the New Community are: 0042-110-250, 0042-110-270, 0048-010-180, 0048-110-020-140, and 0048-020-180.

SOCO APNs that are proximate to the inner or outer boundary of the New Community are: 0042-100-350, 0042-100-360, 0042-100-370, 0042-100-380, 0042-100-390, 0042-100-400, 0042-110-150, 0042-110-200, 0042-110-380, 0042-170-310, 0042-170-320, 0048-010-340, 0048-010-370, 0048-010-480, 0048-020-150, 0048-090-330, 0048-090-340, 0048-090-360, 0048-100-650, 0048-100-660.⁵

⁴ Figure 2 is the map that is part of the latest proposal submitted to Solano County on February 14, 2024.

⁵ Information and the New Community map were obtained from the East Solano Homes, Jobs, and Clean Energy Initiative submitted to Solano County.

Below are a set of Tables provided by Solano County with SOCO APNs categorized as follows:

Table 1. Parcels within the boundary of the New Community:

Label	APN	Acres	Assessee
1	0048020180	17.81	BAY AREA ELECTRIC RR ASSN INC
2	0048020140	7.05	BAY AREA ELECTRIC RR ASSN INC
3	0048010180	6.06	CALIFORNIA STATE
4	0042110270	3.04	CALIFORNIA STATE
5	0042110250	3.04	CALIFORNIA STATE

Table 2. Parcels proximate to the boundary of the New Community:

Label	APN	Acres	Assessee
6	0048010480	20.28	CALIFORNIA STATE
7	0048010370	25	E B STONE & STONE INC
8	0048020150	5.15	EARTHQUAKE PROTECTION SYSTEMS
9	0042100400	31.89	EARTHQUAKE PROTECTION SYSTEMS
10	0042110380	37.43	EARTHQUAKE PROTECTION SYSTEMS
11	0042100350	230.42	EARTHQUAKE PROTECTION SYSTEMS
12	0042170310	5	FAIRFIELD CITY
13	0048090340	45	FAIRFIELD HOUSING AUTHORITY
14	0042100390	5	MCCARTHY DONALD E (ESTATE)
15	0042100380	5	MCCARTHY DONALD E (ESTATE)
16	0042100370	5	MCCARTHY DONALD E (ESTATE)
17	0042100360	5	MCCARTHY DONALD E (ESTATE)
18	0048010340	35	MCNEAR BROTHERS LLC
19	0048100660	5	MENESES ROBERTO
20	0048090330	5	SOLANO COUNTY
21	0048090360	25.63	SOLANO COUNTY
22	0042170320	69.37	SOLANO COUNTY
23	0042110200	26.04	SOLANO COUNTY
24	0042110150	105.86	SOLANO COUNTY
25	0048100650	21	VERA-VEGA RODOLFO

Below is Figure 3 that was also provided by Solano County that shows parcels that are within the boundary of the New Community and proximate to the New Community but excluded from the initiative.

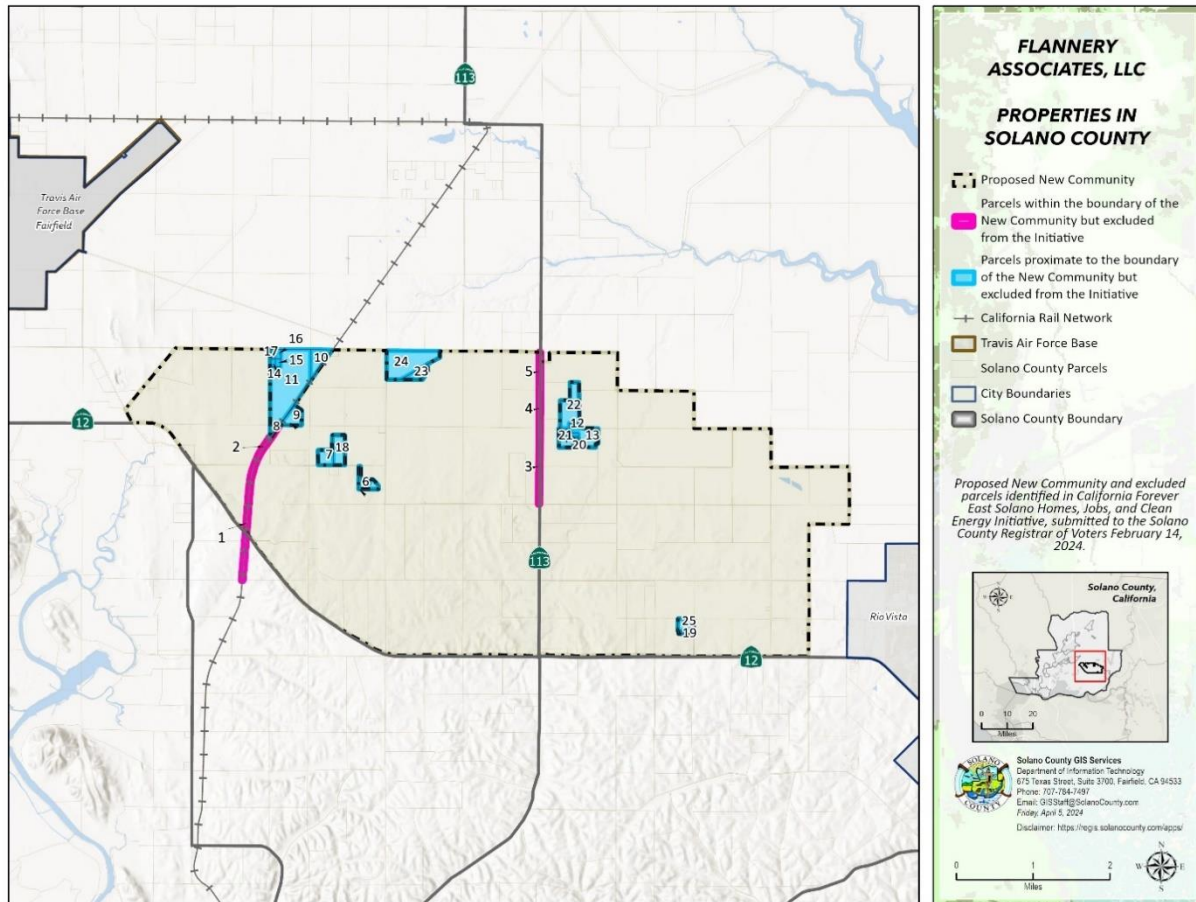


Figure 3. Solano County map that depicts parcels that are within and proximate to the New Community.

II. Summary of Water Rights

This section includes a summary of the surface water rights that have been acquired by Flannery.

A. Summary of SWRCB License Related to Application A13148, Permit P8417, and License L10044 Granted to Petersen Estate Company, which is now owned by Flannery and Associates, LLC.

- Application to appropriate water was filed with a priority date of June 10, 1949, with the Division of Water Rights for irrigation use and was assigned **A13148**.
- **P8417** was issued on February 19, 1951.
- **L10044** was issued on April 4, 1973.

- Source of water is Lindsay Slough, which is tributary to Cache Slough, thence Sacramento River located in Solano County.
- Amount of water for beneficial use is eighteen cubic feet per second (cfs) to be diverted from Lindsay Slough.
- Season of Use is from April 15 to October 15 of each year.
- Maximum Amount diverted under **L10044** is not to exceed 5,330-acre feet per annum (AFA).⁶
- The Point of Diversion (POD) is located North 19° 44' West 6,812 feet from the SE Corner of Projected Section 28, T5N, R2E, Mount Diablo Base and Meridian (MDB&M).
- The Place of Use (POU) consists of 1,468.5 acres within Sections 21, 22, 23, 26, 27, 28, 34, T5N, R2E, MDB&M.⁷
- The License was signed on April 4, 1973, by the then Chief of the Division of Water Rights, K. L. Woodward.
- Flannery and Associates, LLC took over ownership of **L10044** on October 9, 2019.

B. Summary of SWRCB License Related to Application A27251, Permit P18678, and License L12496 Granted to Wilma Hierlihy, which is now owned by Flannery and Associates, LLC.

- Application to appropriate water was filed with priority date of March 16, 1982, with the Division of Water Rights for stock watering and wildlife enhancement uses and was assigned **A27251**.⁸
- **P18678** was issued on December 22, 1982.
- **L12496** was issued on February 27, 1990.
- Source of water is an unnamed stream in Solano County tributary to Watson Slough, thence Cache Slough, thence Sacramento River.
- Amount of water for beneficial use is 6 AFA to be collected from November 1 of each year to April 30 of the succeeding year.
- The POD is located North 800 feet and East 2,600 feet from the SE corner of Section 29, T4N, R2E, MBD&M, being within the SE ¼ of SW ¼ of said Section 29.
- The POU consists of a reservoir within SE ¼ of SW ¼ of Section 29, T4N, R2E, MDB&M.
- The License was signed on February 27, 1990, by then Chief of the Division of Water Rights with the signature that appears to be Roger Johnson.
- Flannery took over ownership of **L12496** on December 11, 2020.

⁶ As part of this License, eighteen cfs can be diverted as long as there is no interference with other rights, junior, as well as senior, and the licensee may increase the rate of diversion to a maximum of 33 cfs; provided that the total quantity diverted in any 30-day period does not exceed 1,066-acre feet. The maximum amount diverted under this license shall not exceed 5,330 acre-feet per year.

⁷ A map was filed with the SWRCB but is not electronically available in eWRIMS.

⁸ A027251 is not located within the Legal Delta. The water right for storage is located south of Highway 12 and due South of the proposed New Community.

C. Summary of Riparian and Pre-1914 Water Right Claims for Flannery filed with SWRCB**S013158**

1/31/1991- Initial Statement was submitted by Dennis R. Edney; the Division assigned number **S013158**. The POD is within the SW ¼ of SE ¼ Section 33, Township 5 North, Range 1 West, MDB&M, with a 4-inch pump to 1 inch nozzle at 45 pounds of pressure to divert 200 to 250 gallons per minute (gpm) estimated capacity with the source being Union Creek, which is tributary to Hill Creek, thence Suisun Slough. The POU includes irrigation and stock watering on 10 to 20 AC of pasture. This Statement was inactivated on August 9, 2011.

S018257

6/30/2010- Initial Statement was submitted by B. P. D. C. Hamilton; the Division assigned number **S018257**. The Initial Statement claims riparian and pre-1914 water rights, and the North Delta Water Agency Contract at a POD located on Sacramento County (SACO) APN 157-0090-017. The POD is within the SE ¼ of Section 29, Township 4 North, Range 3 East, MDB&M, with a gravity diversion of 1,200 gpm estimated capacity with the source being the Sacramento River. The POU includes 102 AC.

S019224

7/2/2010- Initial Statement was submitted by Agent Steve Reddick (Reddick), on behalf of Petersen Estate Company; the Division assigned number **S019224**. The Initial Statement claims a riparian water right at a POD located on Solano County (SOCO) APN 42-170-05. The POD is within the SE ¼ of Section 21, Township 5 North, Range 2 East, MDB&M, with an unknown gravity diversion of estimated capacity with the source being Lindsay Slough, which is tributary to Cache Slough. The POU includes approximately 250 AC for irrigation.

S019242

7/2/2010- Initial Statement was submitted by Agent Reddick on behalf of Petersen Estate Company; the Division assigned number **S019242**. The Initial Statement claims riparian water rights at a POD located on SOCO APN 42-170-05. The POD is within the SW ¼ of Section 21, Township 5 North, Range 2 East, MDB&M, with an unknown gravity diversion of estimated capacity with the source being Lindsay Slough, which is tributary to Cache Slough. The POU includes approximately 150 AC for irrigation and 150 head of cattle and wildlife habitat.

S020269⁹

6/30/2010- Initial Statement was submitted by Agent Gary Krahmer (Krahmer), on behalf of Jim Honegger; the Division assigned number **S020269**. The Initial Statement claims riparian and pre-1914 water rights. The POD is located at N 38° 8.906', W 121° 54.301' and 38° 10', 44.504" N, and 122° 4', 16.165" W with an unknown tidal gravity diversion of

⁹ Water Right S020269 is located in the Suisun Marsh area and not located within the Legal Delta.

estimated capacity with the source being Motezuma Slough. The POU is an area at the West End of Birds Landing Road in Solano County.

S021233

6/28/2010- Initial Statement was submitted by Baldwin on behalf of Willow Ranch Properties; the Division assigned number **S021233**. The Initial Statement claims riparian water rights at a POD located on SOCO APN 177-030-070-01. The POD is within the S ¼ of the E ¼ of Section 7, Township 4 North, Range 3 East, MDB&M, with a 3,500-gpm gravity diversion of estimated capacity with the source being Carpenter Slough, which is tributary to the Sacramento River. The POU includes 800 AC of clover for 375 cows and calves. Other parcels for the POU also include SOCO APNs 177-030-090-01, 177-030-050-01, 177-030-060-01, and 177-030-070-01.

S023176

7/2/2010- Initial Statement was submitted by Gary Silva, Sr. (Silva, Sr.); the Division assigned number **S023176**. The Initial Statement claims riparian water at a POD located on SOCO APN 0042-180-100-01 and named POD #1. The diversion is a creek diversion of 800 gpm estimated capacity with the source being Lindsay Slough, which is tributary to Sacramento River. The POU includes approximately 20 AC of irrigated wheat or grass for cattle and goats plus stock watering for 2,000 animals.

S023178

7/1/2010- Initial Statement was submitted by Silva, Sr.; the Division assigned number **S023178**. The Initial Statement claims riparian water rights at a POD located on SOCO APN 042-180-110-01.

D. Joint Water Use and Easement Agreement Between Flannery and Cronin in Solano County**S016495**

Water Use Agreement between Flannery and John and Jane Marie Cronin (Cronin), where Flannery will be able to access water pursuant to this Statement, in conjunction with Cronin, as summarized below.

- On October 20, 2023, Flannery and Cronin entered into a joint water use and easement agreement for **S016495**.
- The parties to this Agreement agree that water supplies will be allocated where 7.4% of the water will supply the Cronin Property and 92.6% of water will supply to the Flannery Property. The Initial Statement filed with the State Water Board (State Board) claims a riparian right.

6/30/2010- Initial Statement was submitted by Gregory House (House Agricultural Consultants) on behalf of John and Marie Cronin, Trust B; the Division assigned number **S016495**. The Initial Statement claims riparian water rights at a POD located on SOCO APN 42-180-380. The POD is within Section 26, Township 5 North, Range 2 East, MDB&M, with a gravity diversion of 0.01636 acre-feet per day estimated capacity with the source

being Lindsay Slough, which is a tributary to the Sacramento River. The POU includes 2,200 AC of irrigated pasture, alfalfa, wheat, rye, and corn.

III. Conclusion

Information here, provided in response to Solano County's request, addresses recorded water rights and the historic use of those rights on lands acquired by Flannery. The total number of appropriative water rights within L10044 provide authorization to divert no more than 5,330 AFA, L12496 that is authorized to divert no more than 6 AFA to storage; and nine Statements of Water Diversion and Use claims that are S013158, S018257, S019224, S019242, S020269, S021233, S023176, S023178, and S016495.

The total amount of water that was diverted for beneficial use under the surface water rights associated with parcels owned by Flannery (as reported in 2023) was 8,656 AFA. Table 3 details these diversions by water right below. At this time, water use purposes associated with these diversions appear to be mainly agricultural, with some water for storage capacity, but not municipal or industrial applications. It should be noted that the Office of the Delta Watermaster has only reviewed the surface water rights associated with parcels owned by Flannery and has not investigated or evaluated other sources of water. Water Rights that are within the Legal Delta are S013148, S018257, S019224, S019242, S021233, S023176, S023178, and S016495 and have been used for irrigation and stock watering. Water Rights that are not within the Legal Delta are A027251 (Storage Right), and S020269.¹⁰

Table 3: Water Use from Water Rights per Licenses/Statements with Total Amount of Water Diverted in 2023.

Water Right ID	Water Use as Reported in 2023 in Acre Feet (AF)
L10044 ¹¹	3,469 AF
L12496 ¹²	0 AF, no water diverted
S013158	0 AF, Statement Inactive as of 8/9/2011
S018257	236 AF
S019224	589 AF
S019242	993 AF
S020269	84 AF
S021233	1,282 AF

¹⁰ S020269 is located in the Suisun Marsh.

¹¹ Application Number A13148 and Permit Number P8417.

¹² Application Number A27251 and Permit Number P18678.

S023176	858 AF
S023178	897 AF
S016495	248 AF
Total Water Use	8,656 AF

If you have any questions, please reach out to me at (916) 445-5962 or our Senior Environmental Scientist John Collins at (916) 445-5963.

Sincerely,



Jay Ziegler

Delta Watermaster

Cc: Misty Kaltreider, Solano County Department of Natural Resource Management
Solano County Board of Supervisors, Supervisor John Vasquez