



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

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

RECEIVED
Napa Valley Country Club Water Rights License
OCT 27 2005
NVVE

APPLICATION 29017
Page 1 of 4

PERMIT 20314

LICENSE **13612**

THIS IS TO CERTIFY, That

Napa Valley Country Club
c/o Drew Aspegren,
Napa Valley Vineyard Engineering, Inc.
176 Main Street, Suite B
St. Helena, CA 94574

has made proof as of **July 31, 2002** (the date of inspection) to the satisfaction of the State Water Resources Control Board (SWRCB) of a right to the use of the waters of **(1) (2) 2 Unnamed Streams in Napa County**

tributary to **(1) Sarco Creek thence Milliken Creek thence Napa River and (2) Tulucay Creek thence Napa River**

for the purpose of **Irrigation, Fire Protection, and Recreational uses**

under **Permit 20314** of the SWRCB; that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the SWRCB, and the permit terms; that the priority of this right dates from **April 29, 1987**; and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed a **total of ninety-seven (97) acre-feet per annum to be collected from September 1 of each year to June 1 of the succeeding year as follows: (1) 48 acre-feet per annum in Upper Lake, (2) 25 acre-feet per annum in Lake A, and (3) 24 acre-feet per annum in Lake B. The maximum withdrawal in any one year shall not exceed 97 acre-feet from all reservoirs.**

The capacity of Upper Lake covered by this license shall not exceed 48 acre-feet.

The maximum instantaneous rate of diversion to offstream storage shall not exceed 2.73 cubic feet per second.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

- (1) By California Coordinate System of 1927, Zone 2, North 238,981 feet and East 1,932,246 feet, being within NE¼ of SW¼ of projected Section 31, T6N, R3W, MDB&M.

THE POINT OF DIVERSION, REDIVERSION AND STORAGE OF SUCH WATER IS LOCATED:

- (2) Lake B - By California Coordinate System of 1927, Zone 2, North 234,521 feet and East 1,929,937 feet, being within SE¼ of NE¼ of projected Section 1, T5N, R4W, MDB&M.

THE POINT OF REDIVERSION AND PLACE OF STORAGE OF SUCH WATER IS LOCATED:

At Upper Lake located within NW¼ of NW¼ of projected Section 6, T5N, R3W, MDB&M and SW¼ of SW¼ of projected Section 31, T6N, R3W, MDB&M.

THE PLACE OF STORAGE OF SUCH WATER IS LOCATED:

At Lake A located within SE¼ of NE¼ of projected Section 1, T5N, R4W, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Fire Protection and Recreational uses at Upper Lake within NW¼ of NW¼ of projected Section 6, T5N, R3W, MDB&M and SW¼ of SW¼ of projected Section 31, T6N, R3W, MDB&M, and Lake A and Lake B both within SE¼ of NE¼ of projected Section 1, T5N, R4W, MDB&M, and Irrigation as follows:

- 11.5 acres within NE¼ of NE¼ of projected Section 1, T5N, R4W, MDB&M
- 10.2 acres within SE¼ of NE¼ of projected Section 1, T5N, R4W, MDB&M
- 6.7 acres within NW¼ of NW¼ of projected Section 6, T5N, R3W, MDB&M
- 4.3 acres within SW¼ of NW¼ of projected Section 6, T5N, R3W, MDB&M
- 5.9 acres within SW¼ of SW¼ of projected Section 31, T6N, R3W, MDB&M

38.6 acres total, as shown on map on file with the SWRCB.

Licensee shall install and maintain outlet pipes of adequate capacity in the dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Chief of the Division of Water Rights, in order that water entering the reservoirs which is not authorized for appropriation under this license may be released.

(0050043)

For the protection of steelhead trout, nongame fish, and wildlife, the licensee shall, at a point within 50 feet of Point of Diversion Number 1 on the unnamed tributary to Sarco Creek, bypass a minimum of 1.5 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated rate.

(0140060)

No water shall be diverted under this license unless the licensee has installed a device, satisfactory to the Chief of the Division of Water Rights, which is capable of measuring the flows required by the conditions of this license. The measuring device shall be properly maintained.

(0060062)

In compliance with Fish and Game Code section 5943, if storage of water authorized by this license is on a stream naturally frequented by fish, licensee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by these dams during the open season for the taking of fish, subject to the regulations of the State Fish and Game Commission.

(0030064)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

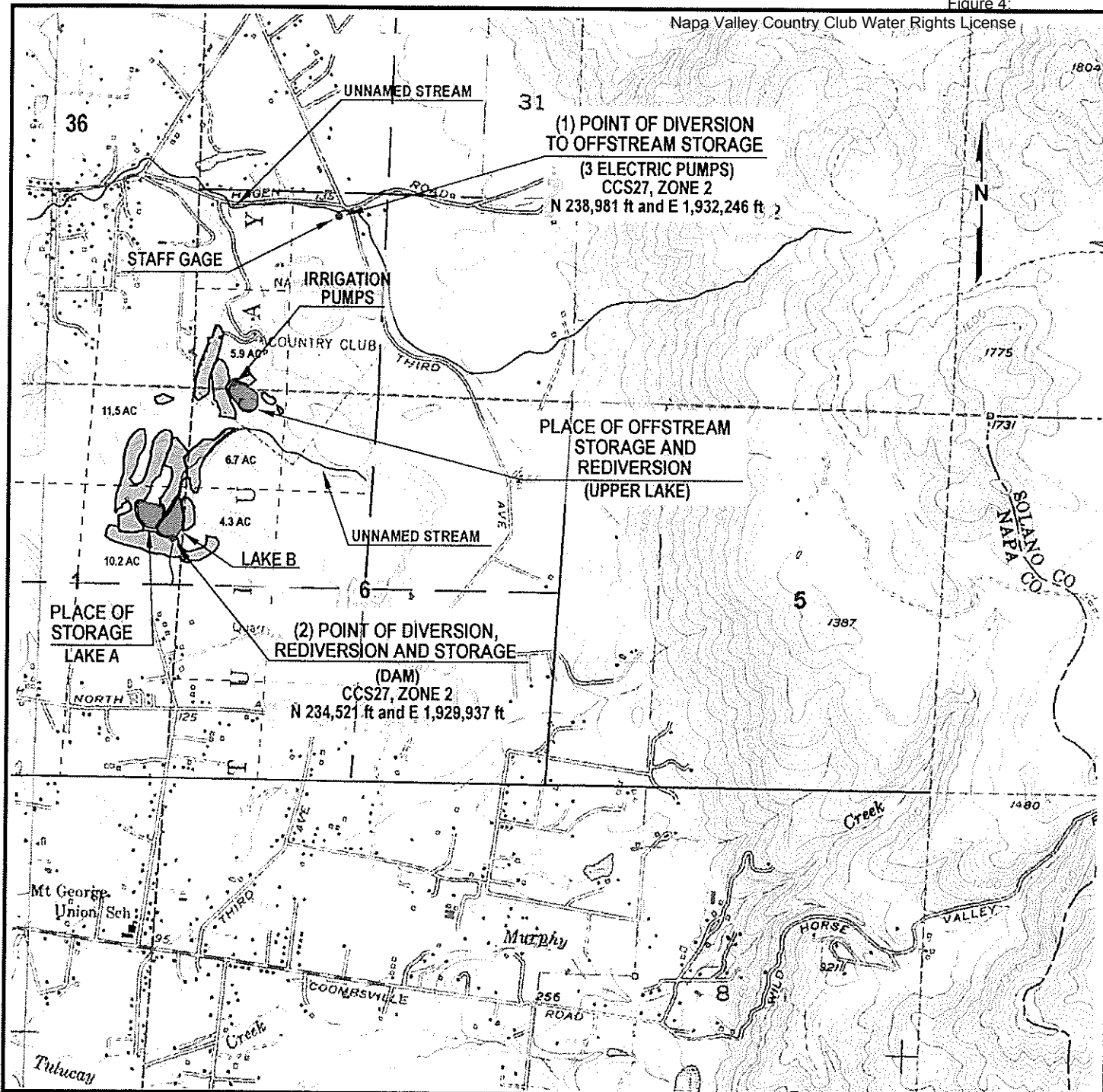
**ORIGINAL SIGNED BY
JOHN O'HAGAN FOR:**

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

Dated: OCT 18 2005

Figure 4:

Napa Valley Country Club Water Rights License



OWNER NAPA VALLEY COUNTRY CLUB

SOURCE (1) & (2) UNNAMED STREAMS

POINTS OF DIVERSION

WITHIN (1) NE 1/4 OF SW 1/4 OF OF PROJECTED
(2) SE 1/4 OF NE 1/4 OF OF PROJECTEDSECTIONS (1) 31, T6N, R3W, MDB&M
(2) 1, T5N, R4W, MDB&M

COUNTY OF NAPA

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

APPLICATION NO. 29017

PERMIT NO. 20314

LICENSE

13612

U.S.G.S. QUAD MT. GEORGE

DATE:

SCALE: 1:24,000

DATE:

4/04

DRAWN:

CWW

CHECKED:

SMC

Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20811

Application 30303 of Napa Valley Country Club

3385 Hagen Road, Napa, CA 94558

filed on November 15, 1993, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream (POD No. 1)

Sarco Creek thence

Milliken Creek thence

Napa River

Unnamed Stream (POD No. 2 & 3)

Tulucay Creek thence

Napa River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
1) North 239,000 feet and East 1,932,450 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD
<u>LAKE B</u> 2) North 234, 400 feet and East 1,930,025 feet	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD
<u>LAKE C</u> 3) North 234,050 feet and East 1,930,050 feet all by California Coordinate System, Zone 2	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Irrigation	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	10
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	31	6N	3W	MD	15
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	5N	3W	MD	10
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD	15
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	1	5N	4W	MD	15
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6	5N	3W	MD	5
					TOTAL	90

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 189 acre-feet per annum to be collected from September 1 of each year to June 1 of the succeeding year as follows: 15 acre-feet per annum in Lake A, 16 acre-feet per annum in Lake B, 49 acre-feet per annum in Lake C, 60 acre-feet per annum in Lake D, and 49 acre-feet per annum in Lake E.

(0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(000005I)

The maximum rate of diversion to offstream storage shall not exceed 3 cubic feet per second from POD #1 and 3 cubic feet per second from POD #2.

(000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2000.

(0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2004.

(0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued.

(0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the Lake C which is not authorized for appropriation under this permit may be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)
14. For the protection of steelhead trout, nongame fish and wildlife, the permittee shall, at a point within 50 feet downstream of Point of Diversion on Unnamed Stream tributary to Sarco Creek, bypass a minimum of 1.5 cubic feet per second. If the streamflow is less than this amount, then the entire streamflow shall be bypassed. These flows shall be bypassed during the entire diversion and storage season. (0140060)
15. Permittee shall install a streamflow measurement device satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Permittee is required to maintain the flow measuring device at all times in such a manner that bypass flows required under this permit can be measured. (0060062)
16. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of a required facility are the responsibility of the permittee. (0000063)
17. This permit is specifically subject to any legally held prior right of Mr. Jerry Linstad under appropriation issued pursuant to Permit 18572 (Application 27151). (000T001)
(016T001)
18. Prior to construction, permittee shall submit a copy of the approved Erosion Control Plan, required by the Napa County Conservation Ordinance, and a copy of the required Grading Permit to the Chief of the Division of Water Rights. (0400500)
19. Prior to construction, and no later than six months of permit issuance, permittee shall prepare a wetland mitigation plan which provides for a 1:1 replacement ratio for wetlands lost as a result of this project. The wetland plan shall: 1) indicate where the reconstructed wetlands will be located and how water will be insured in perpetuity to maintain the created wetland, 2) include measures to establish riparian tree and shrub cover in the drainage channel, 3) include monitoring and performance standards to document that the wetlands created are equivalent to those lost.

Application 30303

Permit 20811

The wetland mitigation and monitoring plan shall be approved by the California Department of Fish and Game and then submitted to the Chief of the Division of Water Rights. (0400500)
(0450500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

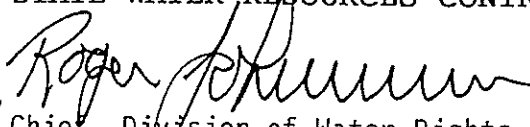
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

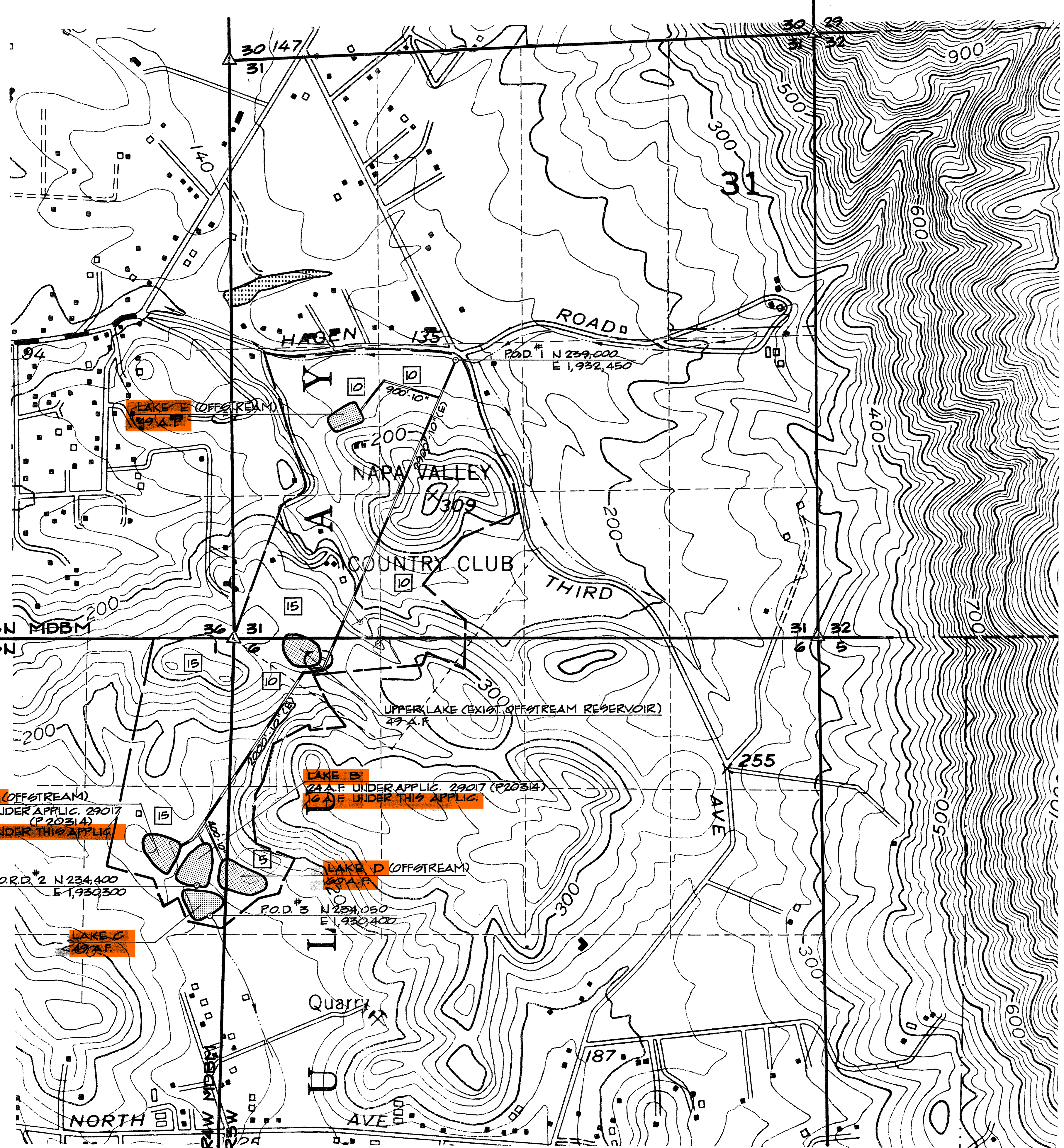
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

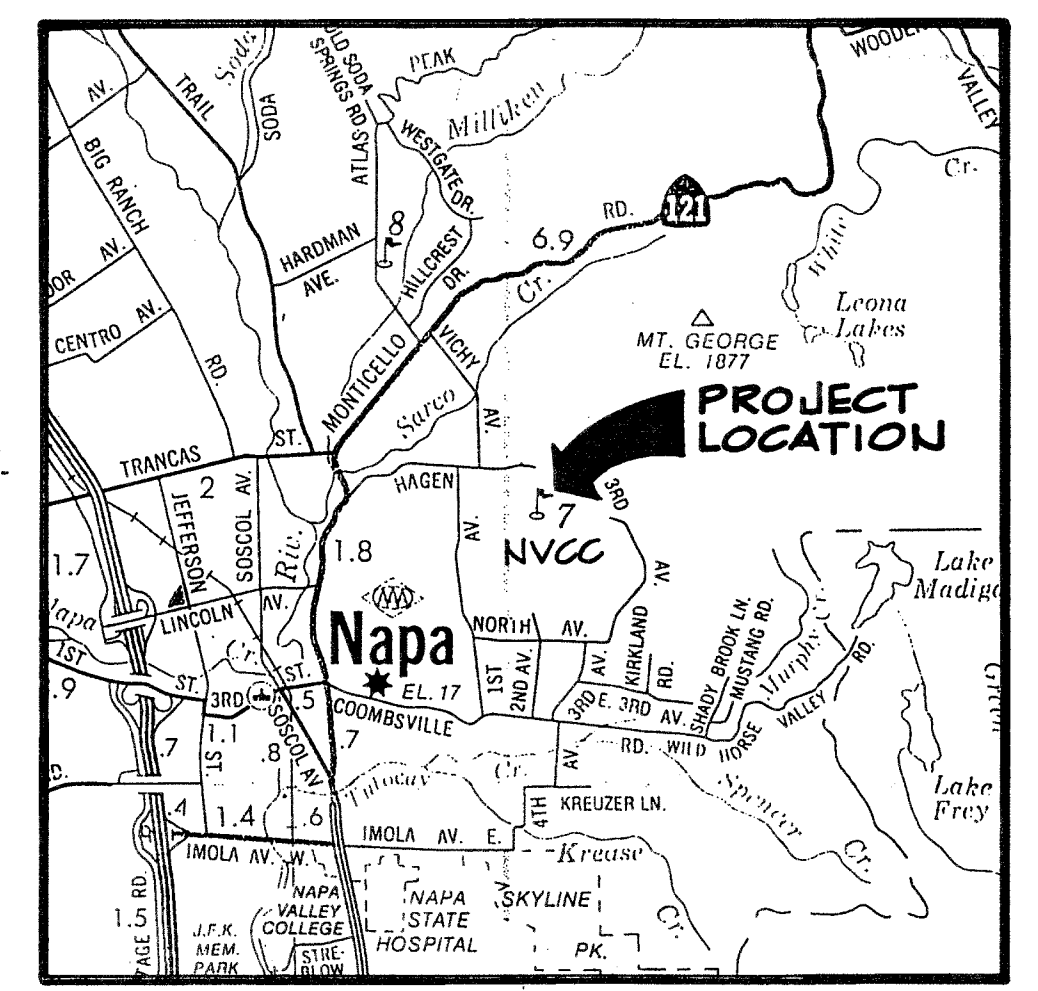
Dated: NOVEMBER 6 1995

STATE WATER RESOURCES CONTROL BOARD


61 Chief, Division of Water Rights



SITE MAP



VICINITY MAP
NTS

LEGEND

- AREA OF USE
- △ SECTION CORNER, MAY BE PROJECTED
- SECTION LINE, MAY BE PROJECTED
- QUARTER-QUARTER SECTION LINE
- [8] ACREAGE OF USE WITHIN 40 ACRE TRACT
- P.O.D. POINT OF DIVERSION
- P.O.R.D. POINT OF REDIVERSION
- PIPELINE, DIRECTION OF FLOW
- [Hatched Box] WATER STORAGE RESERVOIR
- 400'-10" 400' OF 10" PIPE
- A.F. ACRE FEET
- (E) EXISTING

THE TOPOGRAPHIC AND CONTOUR INFORMATION, SHOWN AS SCREENED BACKGROUND, IS A PORTION OF THE MT. GEORGE QUADRANGLE 7.5 MINUTE SERIES 1951, PHOTOINSPECTED 1973 ENLARGED TO THE SCALE SHOWN.

SECTIONS PROJECTED INTO TULUCAY RANCHO

COORDINATE GRID BASED ON CALIFORNIA COORDINATE SYSTEM ZONE 3

CONTOUR INTERVAL = 20'

REV.	DESCRIPTION	BY	DATE

THIS DOCUMENT, AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF NAPA VALLEY VINEYARD ENGINEERING, INC., AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF NAPA VALLEY VINEYARD ENGINEERING, INC.

Napa Valley Vineyard Engineering, Inc.
176 Main St., Suite B
St. Helena
California 94574
(707) 963-4927

DATE:	SCALE: 1" = 500'
DRAWN: TPO	CHECKED: DLW
APPROVED:	
DREW L. ASPEGREN	R.C.E. 31418

**NAPA VALLEY
COUNTRY CLUB**

**MAP TO ACCOMPANY
APPROPRIATIVE APPLICATION
30303**

SHEET:
1
OF: **1**