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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

REGISTRATION D030777 CERTIFICATE D404

Right Holder: Frank R. Sculatti
701 Rossi Road
St. Helena, CA 94574

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **September 29, 1998**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. The Deputy Director for Water Rights finds that this registration meets the requirements for registration of small domestic use appropriation and that the registration renewal requirements have been met, therefore the registration is renewed. (Wat. Code, § 1228 et seq.)

Right holder is hereby granted a right to divert and use water as follows:

1. Source of water: **Conn Creek**

tributary to: **Napa River thence San Pablo Bay**

within the County of **Napa**

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 2	County	Assessor's Parcel Number
North 1,949,641 feet and East 6,442,907 feet	**Napa**	**025-190-001-000**

3. Purpose of use	4. Place of use	
	County	Assessor's Parcel Number
Domestic and the following incidental uses: Aesthetic, Recreational and Fish and Wildlife Preservation and Enhancement	**Napa**	**025-190-001-000**

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

5. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **4500 gallons per day** by direct diversion to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this right shall not exceed **5.0 acre-feet per year**.

6. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

7. Diversion works shall be constructed and water applied to beneficial use with due diligence.

8. No water shall be diverted under this right unless right holder complies with all lawful conditions required by the California Department of Fish and Wildlife. (Wat. Code, § 1228.6, subd. (a)(2).)

9. No water shall be diverted under this right unless it is diverted in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.

10. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water 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.

11. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

    a. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;

    b. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;

    c. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,

    d. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

12. Diversion of water under this right is subject to prior rights. Right holder may be required to curtail diversion or release water stored during the most recent collection season should diversion under this right result in injury to holders of legal downstream senior rights. If a reservoir is involved, right holder may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, right holder may be required to otherwise compensate the holders of such rights for injury caused.

13. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

14. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

15. If storage or diversion of water under this right is by means of a dam, right holder shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Wildlife, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (Fish & G. Code, § 5937.)

16. The facilities for diversion under this right shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Wildlife.

17. This right does not authorize any act which results in the taking of a threatened, endangered or candidate 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 section 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. section 1531 et seq.). If a “take” will result from any act authorized under this water right, the right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state and Federal Endangered Species Acts for the project authorized under this right.

18. This right is subject to the submittal of a report of water use and satisfactory renewal, on forms to be furnished by the State Water Board, including payment of the then-current renewal fees prior to the expiration of each five-year period following the priority date of this right. (Wat. Code, § 1228.5.)

19. This right shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.

20. This right is subject to enforcement, including but not limited to revocation, by the State Water Board if 1) the State Water Board finds that the right holder knowingly made any false statement, or knowingly concealed any material fact, in the right; 2) the right is not renewed as required by the conditions of this certificate; or 3) the State Water Board finds that the right holder is in violation of the conditions of this right. (Wat. Code, § 1228.4 et seq.)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
KATHERINE MROWKA FOR

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: November 27, 2013

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER FOR CERTIFICATE NO. R404

Application D030777R of Frank R. Sculatti, was filed with the State Water Resources Control Board (State Water Board) on September 29, 1998. The State Water Board issued Certificate No. R404 on January 6, 1999. A subsequent renewal was issued on November 3, 2003.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of chapter 1, part 2, division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to September 28, 2013, based on the above-stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate and any previous amendments.

for Katherine Mrowka
Victoria A. Whitney, Chief
Division of Water Rights

Dated DEC 23 2008

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

SMALL DOMESTIC USE REGISTRATION

RENEWAL ORDER for CERTIFICATE NO. R404

Application D30777R of Frank R. Sculatti was filed with the State Water Resources Control Board on September 29, 1998. Certificate No. R404 was issued on January 6, 1999.

The subject appropriation meets the requirements for renewal specified in section 1228.5 of Chapter 1 of Part 2 of Division 2 of the Water Code, and is hereby renewed for the next incremental five-year period to September 28, 2008, based on the above stated date of first filing the completed registration.

The renewed appropriation is subject to the conditions of the original certificate, any previous amendments thereto, and the following amendments:

Condition 5: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 4,500 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this registration shall not exceed 5 acre-feet per year.

The total amount of water to be taken from the source shall not exceed 5 acre-feet per water year of October 1 to September 30.

Steven Herrera for

Harry M. Schueller
Chief Deputy Director

Dated: NOV - 3 2003

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at http://www.swrcb.ca.gov"

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SMALL DOMESTIC USE REGISTRATION

CERTIFICATE NO. R 404

Application 30777R of Frank R. Scullatti

701 Rossi Road, St. Helena, CA 94574

filed with the State Water Resources Control Board on September 29, 1998 meets the requirements for registration of small domestic use specified in Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code. The appropriation is subject to the following conditions.

1. Source: Conn Creek

Tributary to: Napa River thence San Pablo Bay

2. Location of Point of Diversion: by California Coordinate System, Zone 2	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
North 309,250 feet and East 1,881,550	NE¼ of SE¼	28	8N	5W	MD

County of Napa

SDR CERT (8/89)

APPLICATION 30777R REGISTRATION CERTIFICATE NO. R. 404

3. Purpose of Use:	4. Place of Use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	NE¼ of SE¼	28	8N	5W	MD	6

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

5. Quantity and Season:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 4,500 gallons per day to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 10 acre-feet per year.

The total amount of water to be taken from the source shall not exceed 10 acre-feet per water year of October 1 to September 30.

6. Appropriation of water pursuant to this registration shall be made in accordance with the information set forth in the completed registration form as to source, location of point of diversion, purpose of use, place of use, and quantity and season of diversion. This information is reproduced as conditions 1 through 5 of this certificate.

7. The appropriation registered herein shall be limited to the use of water in houses, resorts, motels, organization camps, campgrounds, and other similar facilities, including the incidental watering of domestic stock for family sustenance or enjoyment, the irrigation of not to exceed one-half acre of lawn, ornamental shrubbery, or gardens at any single establishment, and the human consumption, cooking, and sanitary needs at campgrounds or resorts.

8. Any storage of water registered herein may include impoundment for incidental aesthetic, recreational, or fish and wildlife purposes.

9. This appropriation is limited to the season of diversion specified in condition 5 herein. If such specified season is less than the actual season of need, an alternative supply of water, or other valid right, shall be utilized for all uses outside of the season registered herein.

10. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this registration, 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.

11. This appropriation is subject to prior rights. Registrant may be required to curtail diversion or release water stored during the most recent collection season should diversion under this registration result in injury to holders of legal downstream senior rights. If a reservoir is involved, registrant may be required to bypass or release water through, over, or around the dam. If release of stored water would not effectively satisfy downstream prior storage rights, registrant may be required to otherwise compensate the holders of such rights for injury caused.

12. Registrant 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 and conditions of this registration.

13. If the registrant does not own the point of diversion, this registration shall not be construed as conferring upon the registrant right of access to the point of diversion.

14. To the extent that water available for use under this registration is return flow, imported water, or wastewater, this registration shall not be construed as giving any assurance that such supply will continue.

15. Diversion works shall be constructed and water applied to beneficial use with due diligence.

16. In accordance with Sections 1600 through 1607 and 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until registrant 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 any required facility are the responsibility of the registrant.

17. In compliance with Section 5937 of the Fish and Game Code, if storage or diversion of water under this registration is by means of a dam, registrant shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

APPLICATION 30777R REGISTRATION CERTIFICATE NO. R. 404

18. The facilities for diversion under this registration shall include satisfactory means of measuring and bypassing sufficient water to satisfy downstream prior rights and any requirements of the California Department of Fish and Game.

19. No construction shall be commenced and no water shall be diverted under this registration until all necessary federal, state, and local approvals have been obtained, including obtaining and complying with any waste discharge requirements from the appropriate California Regional Water Quality Control Board.

20. This registration 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 " taking " will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit. (0000014)

21. This registration is subject to the submittal of a report of water use and satisfactory renewal of the registration, on forms to be furnished by the State Water Resources Control Board, including payment of the then-current renewal fees prior to the expiration of each five-year period following the date of first filing the completed registration.

22. The point or points of diversion and the place of use registered herein may be changed by filing a completed amended registration form with the State Water Resources Control Board, including payment of the then-current registration fee. Such change shall not operate to the injury of any legal user of the water involved.

23. The appropriation registered herein shall be totally or partially forfeited for nonuse if the diversion is abandoned or if all or any part of the diversion is not beneficially used for a continuous period of five years.

24. The appropriation registered herein is subject to enforcement, including but not limited to revocation, by the State Water Resources Control Board if 1) the Board finds that the registrant knowingly made any false statement, or knowingly concealed any material fact, in the registration; 2) the registration is not renewed as required by the conditions of this certificate; or 3) the Board finds that the registrant is in violation of the conditions of this registration.

Dated:

January 6, 1999

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

SDR-CERT(8-98)