

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

**DIVISION OF WATER RIGHTS**

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In the Matter of License 8714 (Application 17290)  
**Carpenter Family Trust**

**ORDER ISSUING AMENDED LICENSE**

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SOURCE: Howell Creek (Bell Canyon Creek) tributary to Napa River

COUNTY: Napa

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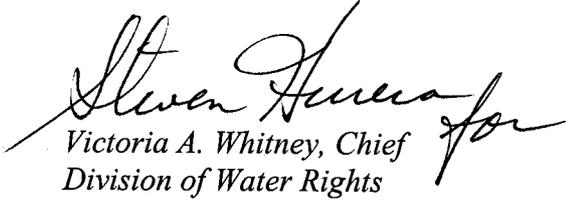
**WHEREAS:**

1. License 8714 was issued pursuant to permitted Application 17290 on July 24, 1968 and was recorded with the County Recorder of Napa County on August 1, 1968. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 8714 shows the current holder of the license as the Carpenter Family Trust.
3. A petition to change in the point of diversion and purpose of use was filed with the State Water Resources Control Board (SWRCB) on February 16, 2001 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on March 16, 2001 and no protests were received.
4. The State Water Resources Control Board (SWRCB) has determined that the license shall be amended to include the following specific corrections or changes:
  - a. The Point of Diversion shall be deleted and amended to read:

North 323,800 and East 1,862,300, California Coordinate System of 1927, Zone 2, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 12, T8N, R6W, MDB&M.
  - b. The Purpose of Use shall be deleted and amended to read: Irrigation, Domestic, Stockwatering and Frost Protection uses.
5. The SWRCB standard license terms pertaining to continuing authority, cultural resources, water quality objectives and protection of endangered species shall be updated or added to the amended license.
6. The SWRCB has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.

**Therefore, it is ordered that** the attached Amended License 8714 is issued, superseding former License 8714 issued on July 24, 1968.

STATE WATER RESOURCES CONTROL BOARD

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

Dated:

**APR 19 2005**



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

**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 17290  
Page 1 of 3

PERMIT 11342

LICENSE 8714

**THIS IS TO CERTIFY, That**

Carpenter Family Trust  
c/o Dr. Lewis G. Carpenter  
701 Crystal Springs Road  
St. Helena, CA 94574

has the right to the use of the waters of **Howell Creek (Bell Canyon Creek)**

tributary to **Napa River thence San Pablo Bay** in **Napa County**

for the purpose of **Irrigation, Domestic, Stockwatering and Frost Protection uses.**

**Amended License 8714** supersedes the license originally issued on **July 24, 1968**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 11342**. The priority of this right dates from **September 21, 1956**. Proof of maximum beneficial use of water under this license was made as of **May 18, 1966 and June 8, 2000** (dates of inspection).

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 **fifteen-hundredths (0.15) cubic foot per second to be diverted from May 1 to October 31 of each year. The maximum amount diverted under this license shall not exceed 54.6 acre-feet per year.**

The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:**

By California Coordinate System of 1927, Zone 2, North 323,800 feet and East 1,862,300 feet, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 12, T8N, R6W, MDB&M.

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

0.5 acres within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 13, T8N, R6W, MDB&M.  
7.5 acres within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 13, T8N, R6W, MDB&M.

8.0 acres total

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*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.

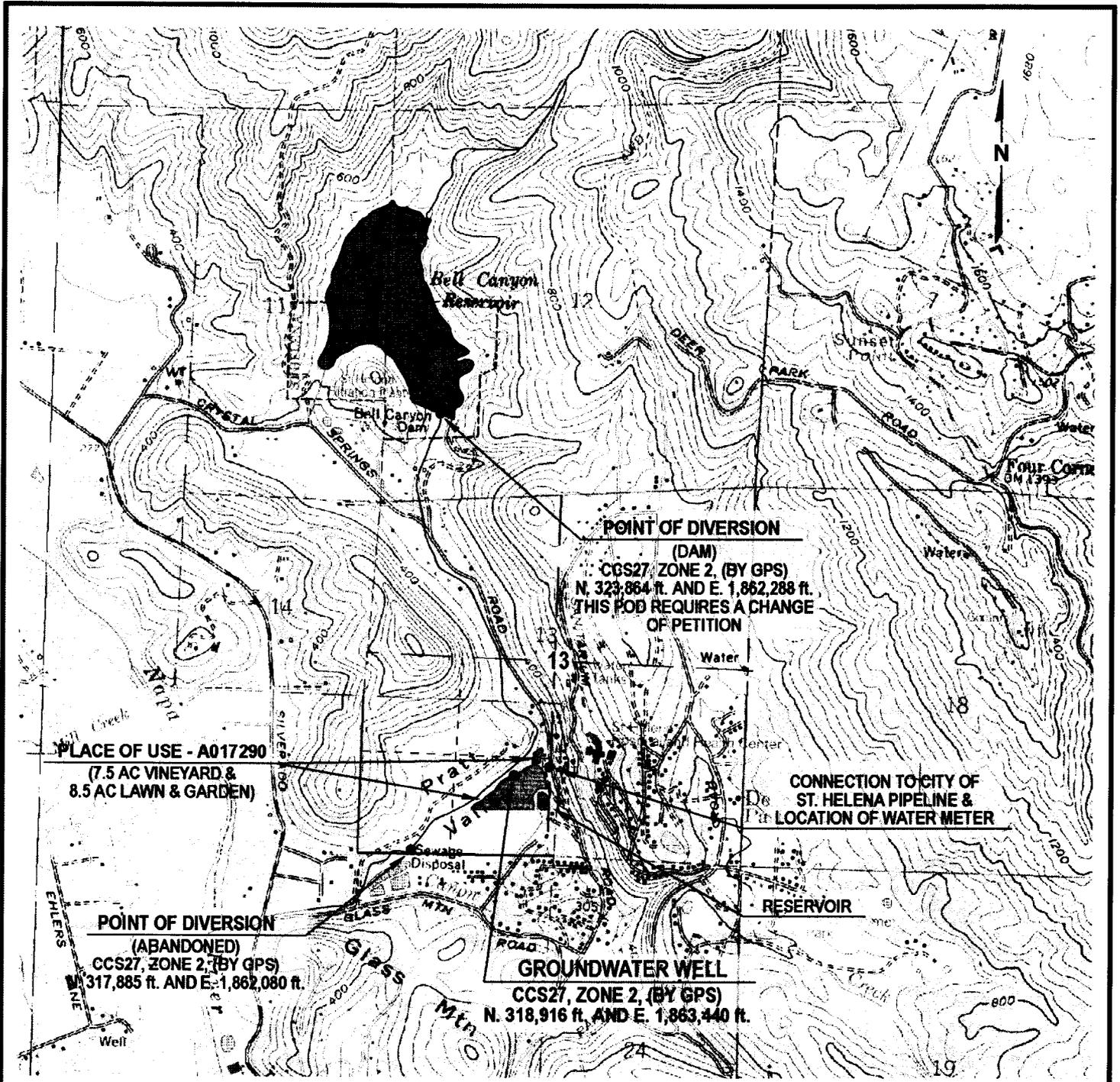
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined 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

  
Victoria A. Whitney, Chief  
Division of Water Rights

Dated:

APR 19 2005



OWNER	CARPENTER FAMILY TRUST	STATE OF CALIFORNIA CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY	
SOURCE	HOWELL CREEK (BELL CANYON CREEK)	STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS	
POINT OF DIVERSION		APPLICATION NO.	17290
WITHIN	SW 1/4 SW 1/4 OF PROJECTED	PERMIT NO.	11342
SECTION	13 T8N, R6W, MDB&M	LICENSE	8714
COUNTY OF	NAPA	DATE:	8/04
U.S.G.S. QUAD	ST. HELENA	SCALE:	1:24,000
DATE:		DRAWN:	CWW
		CHECKED:	MM

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  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 17290

PERMIT 11342

LICENSE 8714

THIS IS TO CERTIFY, *That* LEWIS G. CARPENTER, JR.  
NAPA STATE HOSPITAL, IMOLA, CALIFORNIA 94558

HAS *made proof as of* MAY 18, 1966 *(the date of inspection)*  
*to the satisfaction of the State Water Resources Control Board of a right to the use of the water of*  
HOWELL CREEK (BELL CANYON CREEK) IN NAPA COUNTY

*tributary to* NAPA RIVER THENCE SAN PABLO BAY

*for the purpose of* IRRIGATION, DOMESTIC AND STOCKWATERING USES  
*under Permit* 11342 *of the Board and that the right to the use of this water has been perfected in*  
*accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of*  
*this right dates from* SEPTEMBER 21, 1956 *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* FIFTEEN-HUNDREDTHS (0.15) CUBIC FOOT PER SECOND TO BE DIVERTED FROM ABOUT  
MAY 1 TO ABOUT OCTOBER 31 OF EACH YEAR.

THE EQUIVALENT OF SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY THIRTY-DAY PERIOD  
MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH OTHER VESTED  
RIGHTS.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 2,000 FEET AND WEST 1,850 FEET FROM CENTER OF PROJECTED SECTION 13, T8N,  
R6W, MDB&M, BEING WITHIN SW<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF SAID SECTION 13.

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

DOMESTIC AND STOCKWATERING USES WITHIN NE<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF PROJECTED SECTION 13,  
T8N, R6W, MDB&M AND IRRIGATION AS FOLLOWS:

5 ACRES WITHIN NE<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF PROJECTED SECTION 13, T8N, R6W, MDB&M  
6 ACRES WITHIN SE<sup>1</sup>/<sub>4</sub> OF SW<sup>1</sup>/<sub>4</sub> OF PROJECTED SECTION 13, T8N, R6W, MDB&M

11 ACRES TOTAL

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

*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 Board in accordance with law and in the interest of the public welfare to prevent waste, unreasoning use, unreasonable method of use or unreasonable method of diversion of said water.*

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

*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.*

*This license is granted and 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 Board.

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 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.

Dated: JUL 24 1968

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*

Chief, Division of Water Rights

*grd 4/15/68*