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

License for Diversion and Use of Water

APPLICATION 23867 PERMIT 16563 LICENSE 11138

THIS IS TO CERTIFY, *That* RICHARD T. PRESTON AND MARJORIE PRESTON
1691 SULPHUR SPRINGS ROAD, ST. HELENA, CALIFORNIA 94

HAVE *made proof as of* JANUARY 18, 1978 *(the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of* NAPA RIVER IN NAPA COUNTY

tributary to SAN PABLO BAY

for the purpose of IRRIGATION, FROST PROTECTION, RECREATIONAL AND WILDLIFE ENHANCEMENT *under Permit* 16563 *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 15, 1971 *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* SEVEN AND THREE-TENTHS (7.3) ACRE-FEET PER ANNUM BY STORAGE TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING YEAR; AND NINE-TENTHS (0.9) CUBIC FEET PER SECOND FOR REPLENISHMENT OF STORAGE, TO BE DIVERTED FROM MARCH 15 TO APRIL 30 OF EACH YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE (REPLENISHMENT PLUS COLLECTION TO STORAGE) SHALL NOT EXCEED 20 ACRE-FEET PER YEAR. THE TOTAL AMOUNT OF WATER TO BE PLACED TO BENEFICIAL USE (REPLENISHMENT PLUS WITHDRAWAL FROM STORAGE) SHALL NOT EXCEED 20 ACRE-FEET PER YEA

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 0.9 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 AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED

SOUTH 2,000 FEET FROM NE CORNER OF PROJECTED SECTION 16, T7N, R5W, MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 16.

THE PLACE OF STORAGE OF SUCH WATER IS LOCATED:

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.

Pursuant to California Water Code Sections 100 and 275, 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 State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (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 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.

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

NO DIVERSION IS ALLOWED AFTER MARCH 15 OF EACH YEAR EXCEPT TO REPLENISH WATER STORED PRIOR TO MARCH 15. SUCH DIVERSION AFTER MARCH 15 IS CONTINGENT UPON CONTINUING PARTICIPATION BY LICENSEE IN A WATER DISTRIBUTION PROGRAM APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD.

FOR THE PROTECTION OF FISH AND WILDLIFE, LICENSEE SHALL DURING THE PERIOD:
(A) FROM NOVEMBER 1 THOUGH NOVEMBER 14 BYPASS A MINIMUM OF 1.0 CUBIC FEET PER SECOND,
(B) FROM NOVEMBER 15 THOUGH FEBRUARY 29 BYPASS A MINIMUM OF 15.0 CUBIC FEET PER SECOND,
(C) FROM MARCH 1 THROUGH APRIL 30 BYPASS A MINIMUM OF 10.0 CUBIC FEET PER SECOND.
THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT. STREAMFLOWS SHALL BE MEASURED AT THE NEAREST U.S.G.S. GAGING STATION ON THE RIVER OR AS MEASURED BY A DEVICE ACCEPTABLE TO THE BOARD AT ALTERNATE LOCATIONS WHICH MAY BE DESIGNATED BY THE WATERMASTER ADMINISTERING THE WATER DISTRIBUTION PROGRAM.

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THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTIONS 1601, 1603, AND/OR SECTION 6100 OF THE FISH AND GAME CODE.

THIS LICENSE IS SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD TO ISSUE ANY APPROPRIATE ORDER TO INSURE THAT THE APPROPRIATION OF WATER FOR FROST PROTECTION UNDER THE LICENSE DOES NOT RESULT IN WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF WATER. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE 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.