



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

License for Diversion and Use of Water

APPLICATION 24784
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PERMIT 17536

LICENSE 11897

THIS IS TO CERTIFY, That

Sterling Vineyards
c/o Tucker Catlin
P. O. Box 365
Calistoga, California 94515

has made proof as of May 2, 1985 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
an Unnamed Stream in Napa County

tributary to an Unnamed Stream (aka Diamond Creek) thence Napa River

for the purpose of Irrigation use

under Permit 17536 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 March 21, 1975 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 two and five-tenths (2.5) acre-feet per annum to be
collected from October 1 of each year to May 1 of the succeeding year. The
maximum withdrawal in any one year shall not exceed 2.5 acre-feet.

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.

(0000005)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 1,350 feet and East 1,650 feet from SW corner of Section 12, T8N, R7W,
MDB&M, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 12.

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

1 acre within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M
6 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M
11 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M
36 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M

54 acres total, as shown on map on file with State Water Resources Control
Board.

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.

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.

Pursuant to California Water Code Sections 100 and 275 and the 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 State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, 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.

The continuing authority of the board 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 board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

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, 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, 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, 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: MARCH 5 1986

STATE WATER RESOURCES CONTROL BOARD

Hloy Johnson
Chief, Division of Water Rights

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

DIVISION OF WATER RIGHTS

In the Matter of License 11897 (Application 24784)
Sterling Vineyards

**ORDER AMENDING THE LICENSE BY
CORRECTING THE DESCRIPTIONS OF THE
POINT OF DIVERSION AND PLACE OF USE, AND
BY ADDING MEASURING DEVICE AND
OTHER STANDARD LICENSE TERMS**

SOURCE: Unnamed Stream
COUNTY: Napa

WHEREAS:

1. License 11897 was issued to Sterling Vineyards on March 5, 1986, pursuant to Permit 17536 (Application 24784), and was recorded with the County Recorder of Napa County on March 14, 1986, in Volume 1433, Page 633.
2. The Division of Water Rights (Division) conducted an inspection of the project covered by License 11897 on May 17, 2000. This inspection found the descriptions of the point of diversion and place of use require correction, and that the licensee had no satisfactory records of diversion to ensure compliance with existing terms and conditions of the license.
3. The State Water Resources Control Board (SWRCB) has determined that in order to ensure future compliance with License 11897, an additional measuring device term needs to be added to License 11897.
4. The SWRCB will also add a water quality objective term and add a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the Point of Diversion is corrected as follows:

By California Coordinate System of 1927, Zone 2, North 324,392 feet and East 1,831,754 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M.

2. The description of the Place of Use is corrected as follows:

3 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M.
1 acre within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M.
7 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M.
29 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T8N, R7W, MDB&M.

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

3. A measuring device term is added as follows:

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, capable of measuring the instantaneous rate and cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

4. A water quality objectives term is added to this license as follows:

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.

5. An endangered species term is added to this license as follows:

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"