STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26036A PERMIT 18272A LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.

2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE	December 1, 1990 (0000008)
COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE	December 1, 1991 (0000009)

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

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)

Dated: JULY 1 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26036A PERMIT 18272A LICENSE _____

ORDER CORRECTING POINT OF DIVERSION, PLACE OF USE AND APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 18272A was issued to George Altamura on June 3, 1981 pursuant to Application 26036A.

2. The project area was inspected on June 22, 1992 by State Water Resources Control Board (State Water Board) staff and it was determined that the description of the point of diversion and place of use should be corrected.

3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Board.

4. The permittee has proceeded with diligence and good cause has been shown for said correction and extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be corrected to read:

   Location of Point of Diversion:
   South 1,000 feet and East 1,100 feet from the NW corner of projected Section 22, T6N, R4W, MDB&M; being within the NW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 2, North 251,400 and East 1,915,550. (0000002)

2. Condition 4 of the permit by corrected to read:

   5 acres within the NW¼ of NW¼ of Section 22, T6N, R4W, MDB&M
   7 acres within the NE¼ of NW¼ of Section 22, T6N, R4W, MDB&M
   1 acre within the NW¼ of NE¼ of Section 22, T6N, R4W, MDB&M
   5 acres within the SE¼ of SW¼ of Section 15, T6N, R4W, MDB&M
   2 acres within the SW¼ of SE¼ of Section 15, T6N, R4W, MDB&M (0000004)

3. Condition 8 of the permit be amended to read:

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 31, 1998 (0000008)

4. Condition 9 of the permit be amended to read:

   COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE December 31, 2003 (0000009)

Dated: NOVEMBER 12 1993

Roger Johnson

for Edward C. Anton, Chief
Division of Water Rights

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

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18272 A

Application 26036A of GEORGE ALTAMURA

3050 JEFFERSON STREET, NAPA, CALIFORNIA 94558

filed on JUNE 27, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Source: NAPA RIVER

Tributary to: SAN PABLO BAY

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
DIVERSION TO OFFSTREAM STORAGE SOUTH 40°30' EAST, 1,520 FEET FROM NW CORNER OF PROJECTED SECTION 22	NW1/4 OF NW1/4	22	6N	4W	MD
STORAGE WESTERN RESERVOIR IN	NW1/4 OF NW1/4	22	6N	4W	MD
	NE1/4 OF NW1/4	22	6N	4W	MD

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
HEAT PROTECTION						
FROST PROTECTION						
IRRIGATION	NW1/4 OF NW1/4	22	6N	4W	MD	5
	NE1/4 OF NW1/4	22	6N	4W	MD	18
	NW1/4 OF NE1/4	22	6N	4W	MD	4
	SE1/4 OF SW1/4	15	6N	4W	MD	1
	SW1/4 OF SE1/4	15	6N	4W	MD	2
					TOTAL	30

The place of use is shown on map filed 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 30 ACRE-FEET PER ANNUM TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO MAY 15 OF THE SUCCEEDING YEAR.

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.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 2 CUBIC FEET PER SECOND. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked (0000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1984. (0000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. 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)

12. Pursuant to California Water Code Sections 100 and 275, 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 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 minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 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. (0000012)

13. 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)

14. FOR THE PROTECTION OF FISH AND WILDLIFE, PERMITTEE SHALL DURING THE PERIOD: (A) FROM NOVEMBER 1 THROUGH NOVEMBER 14 BYPASS A MINIMUM OF 1.0 CUBIC FOOT PER SECOND; (B) FROM NOVEMBER 15 THROUGH FEBRUARY 29 BYPASS A MINIMUM OF 15.0 CUBIC FEET PER SECOND; AND (C) FROM MARCH 1 THROUGH MAY 15 BYPASS A MINIMUM OF 10.0 CUBIC FEET PER SECOND. THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD. 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 ALTERNATIVE LOCATIONS WHICH MAY BE DESIGNATED BY THE WATERMASTER ADMINISTERING THE WATER DISTRIBUTION PROGRAM. (0140060)

15. 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 UNTIL PERMITTEE HAS ENTERED INTO A STREAM OR LAKE ALTERATION AGREEMENT WITH THE 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 IS THE RESPONSIBILITY OF PERMITTEE. (0000063)

16. DIVERSION OF WATER BETWEEN MARCH 15 AND MAY 15 SHALL BE SUBJECT TO CONTROL UNDER A WATER DISTRIBUTION PROGRAM ADMINISTERED BY THE STATE WATER RESOURCES CONTROL BOARD OR BY THE DEPARTMENT OF WATER RESOURCES AT ANY TIME SUCH A PROGRAM IS IN EFFECT AT THE PROJECT LOCATION.

A. DIVERSION AFTER MARCH 15 IS CONTINGENT UPON PARTICIPATION IN THE WATER DISTRIBUTION PROGRAM BY THE PERMITTEE.

B. NO DIVERSION IS ALLOWED AFTER MARCH 15, EXCEPT TO REPLENISH WATER STORED PRIOR TO MARCH 15, UNLESS OTHERWISE AUTHORIZED BY THE WATERMASTER IN CHARGE OF THE DISTRIBUTION PROGRAM.

C. PRIOR TO MAKING DIVERSIONS AFTER MARCH 15, PERMITTEE SHALL INSTALL AND MAINTAIN A DEVICE, SATISFACTORY TO THE WATERMASTER, WHICH IS CAPABLE OF MEASURING THE INSTANTANEOUS RATE OF DIVERSION AND THE ACCUMULATIVE AMOUNT OF WATER DIVERTED DURING PARTICIPATION IN THE DISTRIBUTION PROGRAM.

D. PERMITTEE'S PARTICIPATION IN ANY WATER DISTRIBUTION PROGRAM REQUIRED UNDER THE TERMS OF THIS PERMIT SHALL BE EVIDENCED BY RETURNING THE INFORMATION SHEET DISTRIBUTED PRIOR TO THE FROST SEASON AND PAYING COSTS AS APPORTIONED AT THE END OF THE SEASON.

E. THE WATER DISTRIBUTION PROGRAM REQUIRED UNDER THIS PERMIT MAY BE REVISED PERIODICALLY BY THE BOARD PROVIDED THAT THE PROGRAM SHALL BE SUBSTANTIALLY CONSISTENT WITH TERMS OF ANY WATER DISTRIBUTION PROGRAM IMPOSED ON SIMILARLY SITUATED USERS BY THE NAPA COUNTY SUPERIOR COURT. (0000085)

17. THE ARCHEOLOGICAL SITE IDENTIFIED AS ALTAMURA-1 IN THE CULTURAL RESOURCE SURVEY REPORT SHALL BE EXCLUDED FROM THE PROPOSED PLACE OF USE AND SHALL NOT BE IMPACTED BY ANY PROJECT DEVELOPMENTS RELATED TO THE PLANNED WATER DISTRIBUTION FACILITIES OR USE. SUCH DEVELOPMENT WOULD INCLUDE CANALS, DITCHES, OR BURIED PIPELINES AND ANY OPERATIONS (E.G., LEVELING OR GRADING) THAT WOULD CAUSE SUBSURFACE DISTURBANCE ON THE ARCHEOLOGICAL DEPOSIT. (0380500)

18. THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT TO IMPOSE ANY APPROPRIATE CONDITIONS AT SOME FUTURE DATE TO CONFORM THE PERMIT TO BOARD POLICY ON USE OF WATER FOR FROST PROTECTION. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000020)

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: JUNE 3 1981

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

CHIEF, DIVISION OF WATER RIGHTS