STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20544

Application 29533 of Walter L. Peddy (over)

5270 Chiles-Pope Valley Road, St. Helena, CA 94574

filed on July 27, 1989, 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:	Tributary to:
(1, 2, 3 & 4) Unnamed Streams	Pope Creek thence
	Putah Creek thence
	Yolo Bypass

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
RESERVOIR NO. 1 - STORAGE (1) SOUTH 3,375 FEET AND EAST 2,475 FEET FROM THE NW CORNER OF PROJECTED SECTION 18	NE¼ OF SW¼	18	9N	5W	MD
RESERVOIR NO. 2 - STORAGE AND DIVERSION TO OFFSTREAM STORAGE (2) SOUTH 4,000 FEET AND EAST 1,420 FEET FROM THE NW CORNER OF PROJECTED SECTION 18	SE¼ OF SW¼	18	9N	5W	MD
RESERVOIR NO. 3 - STORAGE AND REDIVERSION (4) SOUTH 3,800 FEET AND EAST 2,200 FEET FROM THE NW CORNER OF PROJECTED SECTION 18	SE¼ OF SW¼	18	9N	5W	MD
RESERVOIR NO. 4 - STORAGE AND DIVERSION TO OFFSTREAM STORAGE (3) SOUTH 4,640 FEET AND EAST 2,220 FEET FROM THE NW CORNER OF PROJECTED SECTION 18	SE¼ OF SW¼	18	9N	5W	MD

*projected

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
(SEE ADDENDUM)						

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

WRCB 14 (6-90)

P-2055

8-17-94 Assign to Heitz Wine Cellars

ADDENDUM

Application 29533

Permit 20544

3. Purpose of use:	4. Place of use:	Section *	Town-ship	Range	Base and Meridian	Acre
RECREATIONAL	RESERVOIR #1 WITHIN NE¼ OF SW¼ RESERVOIR #2, #3 AND #4 WITHIN SE¼ OF SW¼	18	9N	5W	MD	
DOMESTIC	SW¼ OF NE¼	18	9N	5W	MD	
	SE¼ OF NE¼	18	9N	5W	MD	
FROST PROTECTION	SE¼ OF NE¼	18	9N	5W	MD	12.9
IRRIGATION	NW¼ OF SE¼	18	9N	5W	MD	29.6
	NE¼ OF SE¼	18	9N	5W	MD	3.7
	NE¼ OF SW¼	18	9N	5W	MD	11.1
	SE¼ OF NW¼	18	9N	5W	MD	6.4
	NW¼ OF NE¼	18	9N	5W	MD	6.4
	SW¼ OF NE¼	18	9N	5W	MD	39.1
					TOTAL	109.2
		*projected				

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 178 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year as follows: 49 acre-feet per annum in Reservoir #1, 49 acre-feet per annum in Reservoir #2, 31 acre-feet per annum in Reservoir #3, and 49 acre-feet per annum in Reservoir #4. (0000005)

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. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 10 cubic feet per second. (000005J)

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

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1994. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1995. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a 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, 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)

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. The State Water Resources Control Board reserves jurisdiction to impose conditions to conform this 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)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

16. For the purposes of determining the amount of water diverted and used under this permit, permittee shall install and maintain devices satisfactory to the State Water Resources Control Board, necessary to verify the amount of water diverted from each of the Unnamed Streams Tributary to Pope Creek and the amount of water diverted into and released from Reservoir #1, Reservoir #2, Reservoir #3 and Reservoir #4.. Permittee shall submit records of said water diversions to the Board each year with annual progress reports. (0060046)

17. Permittee shall install and properly maintain in each reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow Pope Vineyards and all successors in interest, or a designated representative, reasonable access to each reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoirs. (0070047) (0100047)

18. Whenever the prior storage rights of Pope Vineyards (under Licenses 4464, 7830, 10881, 10882, 11156 and Permits 17786 and 19073) issued pursuant to Applications 13597, 15934, 20060, 20061, 24045, 25432 and 27209) are not satisfied by July 1 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir(s) below the previous October 1 staff gage reading unless permittee has withdrawn water from the reservoir(s) for consumptive purposes since October 1. (0000051)

19. No water shall be collected to storage under this permit unless two cubic feet per second is flowing through the outlet pipe in Reservoir No. 4 as described in Application 29533 of Walter L. Peddy. (0360400)

20. For the protection of wildlife, permittee shall plant an average of one tree of one-gallon size or greater for every 10 feet of shoreline for the water storage reservoirs (Nos. 1, 2 and 4). The length of the shoreline shall be measured at the high water mark of the reservoir. Tree species shall be native to Napa County. Trees shall be planted within 150 feet of the high water elevation waterline of the water storage reservoir. (0400500)

21. All trees shall be planted within six months of the completion of the construction of each storage reservoir. The trees shall be irrigated as necessary and otherwise maintained to insure 100 per cent survival for a total of three years after completion of construction of the storage reservoir. One year after completion of the tree planting program, photo documentation showing the trees and the reservoir shall be submitted to the Chief of the Division of Water Rights. (0400700)

22. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained. The measuring device shall be installed downstream from the outlet pipe in Reservoir No. 4 and upstream from the point of diversion for Application 22224 (License 9663). (0060062)

23. Permittee shall allow John E. Hopkins, Emanuele N. Damonte, and all successors in interest, or a designated representative, reasonable access to Reservoir No. 4 and the measuring device for the purpose of verifying that the bypass conditions of the permit are met. (0480400)

24. Permittee is hereby put on notice that there may be years when water collected to storage under this permit will not be within the reservation of water established for the watershed upstream from Lake Berryessa in State Water Resources Control Board Decision 869. During such years, unless replacement water is provided on an exchange basis, permittee shall release water collected to storage under this permit during the preceding collection season at the maximum practical rate to flow into Lake Berryessa. (0220087)

25. This permit is specifically subject to the prior rights of Pope Vineyards under appropriations issued pursuant to Applications 13597, 15934, 20060, 20061, 22042, 24045, 25432 and 27209. (00T0001)

26. The total quantity of water diverted under this permit, together with that diverted under the license issued pursuant to Application 21433, shall not exceed 196 acre-feet per annum. (0000114)

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: AUGUST 02 1991

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights