

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Permit 20948 (Application 30441)

David I. Olney

ORDER REVOKING WATER RIGHT

SOURCE: Unnamed Stream tributary to Napa River

COUNTY: Napa

WHEREAS:

1. David I. Olney (Water Right Holder) is the water right holder of Water Right Permit 20948.
2. On June 12, 2013, in a letter titled *Field Inspection Finding for Existing Reservoirs Permit 20948 Application A030441*, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) documented an inspection of three reservoirs covered by Water Right Permit 20948. The Division concluded that water being stored in the three reservoirs do not collect water from a defined channel and are not currently under permitting authority of the State Water Board.
2. On June 18, 2013, the Water Right Holder requested that the Division revoke Water Right Permit 20948.
3. By signing the voluntary request for revocation, Water Right Holder waived the right to the hearing and notice requirements set forth in Water Code sections 1410 et seq.
4. The State Water Board has delegated the authority to revoke water rights to the Deputy Director of the Division pursuant to Resolution No. 2012-0029. The Deputy Director has redelegated this authority to the Assistant Deputy Directors, Program Managers, and Unit Seniors pursuant to redelegation order dated July 6, 2012.

THEREFORE, IT IS ORDERED THAT WATER RIGHT PERMIT 20948 IS HEREBY REVOKED, AND THE WATER IS DECLARED TO BE SUBJECT TO APPROPRIATION.

This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
AMANDA MONTGOMERY FOR:
Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUL 10 2013

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20948

Application 30441 of David I. Olney

2253 Dry Creek Road Napa, CA 94558

filed on May 4, 1995, has been approved by the State Water Resources Control Board
 SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

- | | |
|---|--|
| 1. Source:

<u>Unnamed Stream</u> | Tributary to:

<u>Napa River</u> |
| | |
| | |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
Diversion to offstream storage:					
1. North 241,800 feet East 1,903,000 feet	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	30	6N	4W	MD
2. North 241,900 feet East 1,902,000 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	30	6N	4W	MD
Both by California Coordinates System, Zone 2					

*Projected

County of Napa

3. Purpose of use:	4. Place of use:	Projected Section	Township	Range	Base and Meridian	Acres
Fire protection						
Recreation and Stockwatering	At the Offstream Reservoirs within:	30 & 31	6N	4W	MD	
Frost protection and irrigation	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	30	6N	4W	MD	9
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	30	6N	4W	MD	9
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	31	6N	4W	MD	20
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	31	6N	4W	MD	2

The place of use is shown on map on file 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 a total of 15.5 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows: 3.5 acre-feet per annum in Reservoir No. 1, 6 acre-feet per annum in Reservoir No. 2, and 6 acre-feet per annum in Reservoir No. 3. (0000005)
6. 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)
7. The maximum rate of diversion to offstream storage shall not exceed 7.5 cubic feet per second. (000005J)
8. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2002. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 2006. (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. Diversion of water between March 15 and May 15 is subject to control under a water distribution program administered by the State Water Resources Control Board or by the Department of Water Resources. Whenever such a program is in effect at the project location, permittee shall comply with the following:

- A. Diversion after March 15 is contingent upon participation in the water distribution program by permittee.

- B. Diversion after March 15 shall be solely 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 devices, satisfactory to the Watermaster, which are capable of measuring the instantaneous rate of diversion and the total 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 State Water Resources Control 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)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

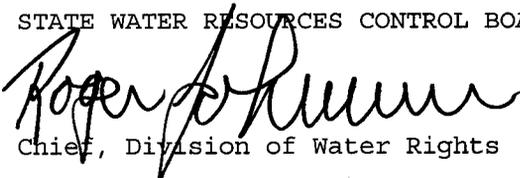
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

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: **JANUARY 12 1998**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights