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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21009

Application **30412** of **Field Stone Winery & Vineyard**
c/o James R. Mazzoni, Jr., Passalacqua, Mazzoni & Gladden,
P.O. Box 455,
Healdsburg, CA 95448-0455

filed on **November 10, 1994**, 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 of water

Source	Tributary to
Russian River Underflow	**Pacific Ocean**

2. Location of point of diversion

By California Coordinate System in Zone 2	40-acre subdivision of public land survey or projection thereof	Section *Projected	Township	Range	Base and Meridian
EXISTING POD: North 353,000 feet and East 1,774,700 feet	**NE¼ of NW¼**	**18***	**9N**	**8W**	**MD**
MOVEABLE PODs (Upper Limit): North 357,000 feet and East 1,773,000 feet	**NE¼ of NW¼**	**7***	**9N**	**8W**	**MD**
MOVEABLE PODs (Lower Limit): North 351,300 feet and East 1,775,200 feet	**SW¼ of NE¼**	**18***	**9N**	**8W**	**MD**

County of **Sonoma**

3. Purpose of use	4. Place of use	Section *Projected	Township	Range	Base and Meridian	Acres
Domestic						
Industrial						
Irrigation	**SW¼ of NW¼**	**8***	**9N**	**8W**	**MD**	**0.3**
	SE¼ of NW¼	**8***	**9N**	**8W**	**MD**	**1.9**
	NW¼ of SW¼	**8***	**9N**	**8W**	**MD**	**13.1**
	NE¼ of SW¼	**8***	**9N**	**8W**	**MD**	**25.3**
	SE¼ of SW¼	**8***	**9N**	**8W**	**MD**	**1.4**
					TOTAL	**42.0**

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

This permit is subject to the following terms and conditions:

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.50 cubic feet per second** to be diverted from **January 1** to **December 31** of each year. The maximum amount diverted under this permit shall not exceed **20.0** acre-feet per year.

(0000005A)

6. Complete application of the water to the authorized use shall be made by December 31, 2009.

(0000009)

7. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

8. 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 under this permit until permittee has entered into a stream or lake alteration agreement with the California 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 are the responsibility of the permittee.

(0000063)

9. For the protection and preservation of fishlife and the maintenance of water related recreational uses, permittee shall divert water from the source only when the flow in the Russian River exceeds the following minimum flows required under Sonoma County Water Agency's Permit 12947A (A12919A): 185 cubic feet per second during normal years; 75 cubic feet per second during dry years; and 25 cubic feet per second during critical dry years. River flows shall be measured at the nearest U.S.G.S. Gaging Station on the river.

10. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning availability of water and the protection of beneficial uses of water in the Russian River. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing.

11. Availability of water for appropriation under this permit during the critical period of approximately July 1 through October 31 is dependent upon water remaining available under the 10,000 acre-foot per annum allocation of water from Lake Mendocino for use in the Russian River Valley in Sonoma County. If subsequent studies show that the above-mentioned allocation has been fully used before use is completed under this permit, a license shall be issued only for the amount of water, if any, which has been put to use under this permit and which is included in the allocation.

(0000081)

12. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variation in demand and hydrologic conditions in the Russian River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of the State Water Resources Control Board made after notice to interested parties and opportunity for hearing.

13. The total quantity of water diverted under this permit, together with that diverted under the license issued pursuant to Application 15728, shall not exceed 37.2 acre-feet per annum.

(0000114)

14. **All permits issued by the State Water Resources Control Board are subject to the following terms and conditions:**

(A) Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

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

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

(D) 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.

(E) 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.

(F) 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.

(G) This permit 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" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

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: OCT 25 1999

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights