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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21070

Application **30854** of **Sonoma Stage Vineyards**
2245 Chestnut Street
San Francisco, CA 94123

filed on **March 31, 1999**, has been approved by the State Water Resources Control Board (SWRCB) 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:
(1) Champlin Creek	**Rogers Creek thence**
	Fowler Creek thence
	Sonoma Creek thence
	San Pablo Bay
(2) Unnamed Stream	**Champlin Creek thence**
	Rodgers Creek thence
	Fowler Creek thence
	Sonoma Creek thence
	San Pablo Bay

within the County of **Sonoma**

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
POD#1; North 207,700 feet and East 1,851,400 feet	**NW ¼ of SW ¼**	**34**	**5N**	**6W**	**MD**
POD#2; North 207,640 feet and East 1,852,940 feet	**NE ¼ of SW ¼**	**34**	**5N**	**6W**	**MD**

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Irrigation, Frost Protection	**SW ¼ of NW ¼**	**34**	**5N**	**6W**	**MD**	**8**
	SE ¼ of NW ¼	**34**	**5N**	**6W**	**MD**	**4**
	NW ¼ of SW ¼	**34**	**5N**	**6W**	**MD**	**19**
	NE ¼ of SW ¼	**34**	**5N**	**6W**	**MD**	**5**
	SE ¼ of NE ¼	**33**	**5N**	**6W**	**MD**	**4**
	NE ¼ of SE ¼	**33**	**5N**	**6W**	**MD**	**5**

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 40 acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year.

(0000005C)

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.

(0000005I)

The maximum combined rate of diversion to offstream storage from Points of Diversion numbers 1 and 2 shall not exceed 3 cubic feet per second.

(0000005J)

The capacity of the reservoir(s) covered under this permit shall not exceed 20 acre-feet.

(0000005N)

6. Complete application of the water to the authorized use shall be made by December 31, 2004.

(0000009)

7. The SWRCB reserves jurisdiction to impose conditions to conform this permit to SWRCB policy on use of water for frost protection. Action by the SWRCB will be taken only after notice to interested parties and opportunity for hearing.

(0000020)

8. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some to the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Chief of the Division of Water Rights.

(0380500)

9. Permittee shall furnish evidence satisfactory to the chief, Division of Water Rights which substantiates that erosion control and revegetation has been implemented. Evidence shall include documentation including photographs and maps to ensure maintenance of these features.

10. During the authorized season of diversion, permittee shall bypass a minimum of 0.2 cubic feet per second in Champlin Creek, as measured immediately below the confluence of Champlin Creek and the Unnamed Creek and the Unnamed Stream. The total streamflow shall be bypassed whenever it is less than the designated amount.

11. No water shall be diverted under this permit until the Permittee has installed a device in Champlin Creek, satisfactory to the Chief, Division of Water Rights, which is capable of measuring the bypass flow(s) required by the conditions of this permit. Permittee shall submit plans and specifications of the streamflow measuring device to the Chief of the Division of Water Rights, within six-months of the date the permit is issued. The device and the location of the monitoring station shall be reviewed and must be satisfactory to the Chief, Division of Water Rights, before any construction is undertaken. Permittee shall furnish evidence, which substantiates that the streamflow measuring device has been installed, within sixty (60) days from the date of approval of the plans and specifications for the streamflow measuring device. If the measuring device is rendered inoperative for any reason, all diversions shall cease until such time as the device is restored to service. Said measuring device shall be properly calibrated, operated, and maintained by the Permittee (or successors-in-interest) as long as any water is being diverted under any permit or license issued pursuant to Application 30854.

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 SWRCB 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 SWRCB until a license is issued.

D. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB if, after notice to the permittee 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.

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 authorization for an incidental take prior to construction or operation of the project. 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 2 4 2000

STATE WATER RESOURCES CONTROL BOARD

Harry M. Schueller,
Division Chief