



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 31877

PERMIT 21346

Right Holder: Fetzer Vineyards  
c/o Holly Killion  
P.O. Box 611  
Hopland, CA 95449

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **February 22, 2011**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012.

The Deputy Director for Water Rights finds that the State Water Board and/or the Applicant have met the following requirements for permit issuance: (a) demonstrated the availability of unappropriated water; (b) resolved protests in compliance with Water Code section 1330 et seq. and included appropriate permit conditions; (c) demonstrated that the water will be diverted and used without injury to any lawful user of water; (d) demonstrated that the intended use is beneficial; (e) demonstrated that the requirements of the California Environmental Quality Act (CEQA) have been met or that the project is exempt from CEQA; and (f) demonstrated that the requirements of the Policy for Maintaining Instream Flows in Northern California Coastal Streams have been met.

The State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

**Right holder is hereby granted a right to divert and use water as follows:**

1. Source of water: Russian River  
tributary to: the Pacific Ocean  
within the County of **Mendocino**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
(1) North 2,124,411 feet and East 6,247,188 feet	NE ¼ of NE ¼	18*	13N	11W	MD
(2) North 2,122,014 feet and East 6,248,024 feet	NE ¼ of SE ¼	18*	13N	11W	MD
(3) North 2,121,812 feet and East 6,247,621 feet	NE ¼ of SE ¼	18*	13N	11W	MD
(4) North 2,120,450 feet and East 6,247,580 feet	SE ¼ of SE ¼	18*	13N	11W	MD

Location of places of storage

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>Reservoir A (Sundial) North 2,246,6586 feet and East 6,248,252 feet</b>	<b>NE ¼ of NE ¼ NW ¼ of NW ¼</b>	<b>18* 17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>
<b>Reservoir B (Los Cerros Alta) North 2,122,907 feet and East 6,251,586 feet</b>	<b>SW ¼ of NE ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>
<b>Reservoir C (Blue Heron) North 2,121,569 feet and East 6,248,504 feet</b>	<b>NW ¼ of SW ¼ SW ¼ of SW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Irrigation, Frost Protection, Heat Control</b>	<b>SE ¼ of NE ¼</b>	<b>7*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>9</b>
	<b>NW ¼ of SE ¼</b>	<b>7*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>15</b>
	<b>NE ¼ of SE ¼</b>	<b>7*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>19</b>
	<b>SW ¼ of SE ¼</b>	<b>7*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>15</b>
	<b>SE ¼ of SE ¼</b>	<b>7*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>12</b>
	<b>SW ¼ of NW ¼</b>	<b>8*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>1</b>
	<b>NW ¼ of SW ¼</b>	<b>8*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>5</b>
	<b>NW ¼ of NW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>4</b>
	<b>SW ¼ of NW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>14</b>
	<b>SE ¼ of NW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>9</b>
	<b>SW ¼ of NE ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>7</b>
	<b>NW ¼ of SW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>29</b>
	<b>NE ¼ of SW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>34</b>
	<b>SW ¼ of SW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>23</b>
	<b>SE ¼ of SW ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>3</b>
	<b>NW ¼ of SE ¼</b>	<b>17*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>11</b>
	<b>NE ¼ of NE ¼</b>	<b>18*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>25</b>
	<b>SE ¼ of NE ¼</b>	<b>18*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>15</b>
<b>NE ¼ of SE ¼</b>	<b>18*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>7</b>	
<b>SE ¼ of SE ¼</b>	<b>18*</b>	<b>13N</b>	<b>11W</b>	<b>MD</b>	<b>18</b>	

	NW ¼ of NE ¼	19*	13N	11W	MD	1
	NE ¼ of NE ¼	19*	13N	11W	MD	17
	SW ¼ of NE ¼	19*	13N	11W	MD	7
	SE ¼ of NE ¼	19*	13N	11W	MD	25
	NW ¼ of NW ¼	20*	13N	11W	MD	1
					<b>Total</b>	<b>326</b>
<b>At Reservoirs:</b>						
<b>Incidental Recreation Incidental Fire Protection</b>	NE ¼ of NE ¼	18*	13N	11W	MD	
	NW ¼ of NW ¼	17*	13N	11W	MD	
	NW ¼ of SW ¼	17*	13N	11W	MD	
	SW ¼ of SW ¼	17*	13N	11W	MD	
	SW ¼ of NE ¼	17*	13N	11W	MD	

The place of use is shown on map, dated June 22, 2012, filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of **67.9 acre-feet per year** by storage to be collected from December 15 of each year to March 31 of the succeeding year as follows: 32.9 acre-feet per year in Reservoir A, 19.4 acre-feet per year in Reservoir B, and 15.6 acre-feet per year in Reservoir C. **This right does not authorize diversion to offstream storage and the simultaneous withdrawal from offstream storage for beneficial use.**  
(000005D)
6. No water shall be collected 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 **11.2 cubic feet per second.**  
(000005J)
8. The total combined capacity of the reservoirs covered under this right shall not exceed **67.9** acre feet. The capacities of Reservoirs A, B, and C covered by this right shall not exceed **32.9 acre-feet, 19.4 acre-feet, and 15.6 acre-feet,** respectively.  
(000005P)
9. Construction work and complete application of water to the authorized use shall be prosecuted with reasonable diligence and completed by **December 31, 2029.**  
(000009)
10. The State Water Board reserves jurisdiction to impose conditions to conform this right to State Water Board policy on use of water for frost protection. Action by the State Water Board will be taken only after notice to interested parties and opportunity for hearing.  
(000020)
11. If the claimed existing prior rights are quantified at some later date as a result of an adjudication or other legally binding proceeding, the total quantity of water diverted and/or collected to storage, the rate of diversion, and the amount beneficially used under this right shall be reduced by the net of the face value specified in this right less the respective amounts recognized under the quantified existing prior rights during the season specified in this right. No water shall be diverted to the place of use during the season authorized by right, whenever the amounts diverted can be covered by the quantified existing prior right.

The holder of this right shall forfeit the right if he/she transfers all or any part of the claimed existing rights for the place of use covered by this right to another place of use without the prior approval of the State Water Board.

The holder of this right shall divert water under the claimed existing rights only in accordance with the law.  
(0000021A)

12. If it is determined that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, right holder shall, at their expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in California Code of Regulations, title 23, section 715 et seq. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights  
(0000030)

13. The State Water Board intends to develop and implement a basin-wide program for real-time electronic monitoring and reporting of diversions, withdrawals, releases and streamflow in a standardized format if and when resources become available. Such real-time reporting will be required upon a showing by the State Water Board that the program and the infrastructure are in place to accept real-time electronic reports. Implementation of the reporting requirements shall not necessitate amendment to this right.  
(0090031)

14. No water shall be diverted to offstream storage under this right unless right holder is monitoring and reporting said diversion of water. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of continuous monitoring of the rate and quantity of water diverted and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all diversions under this right that includes the date, time, rate of diversion at time intervals of one hour or less, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.  
(0060046)

15. No water shall be diverted under this right unless right holder is monitoring and reporting water levels in the reservoirs. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring water surface levels from the maximum high water line to the minimum water line known to exist for the reservoirs and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed and the reading corresponding to the maximum water line of the reservoirs with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of water surface elevations. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights. The State Water Board may require release of water held in storage that cannot be verified by monthly records. Failure to maintain or submit the required records may result in the requirement to release the entire content of the reservoir's storage.  
(0100047)

16. No water shall be diverted under this right until right holder installs and maintains an in-line flow meter, satisfactory to the Deputy Director for Water Rights that is capable of measuring the cumulative amount of water withdrawn for beneficial use from each reservoir. Right holder shall maintain records of date and time of withdrawal, and the amount of water withdrawn from each reservoir. Right holder shall submit these records with annual progress reports, or whenever requested by the Deputy Director for Water Rights. (0100052)
17. The State Water Board reserves jurisdiction over this right to change the season of diversion to conform to later findings of the State Water 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. (0000080)
18. This right is subject to prior rights. Right holder 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 variations in demands and hydrologic conditions in the Russian River Watershed are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated by order of the State Water Board, made after notice to interested parties and opportunity for hearing. (0000090A)
19. Right holder may divert water under this right only when conditions i. and ii. both are met:
- i. The flows measured at **USGS gage 11462500 (Russian River Near Hopland)** is greater than 165 cubic feet per second. This minimum flow rate is the sum of the normal condition minimum flow requirement for the upper reach of the Russian River established in Decision 1610 (150 cubic feet per second during September 1 through March 31) plus 15 cubic feet per second; and
  - ii. The flows measured at the following stream gages all exceed the flow measured at the **USGS gage 11462500 (Russian River Near Hopland)** by amounts greater than the total rate of diversion at the point or points of diversion listed in this right:
    - a. **USGS gage 11463000 (Russian River Near Cloverdale)**
    - b. **USGS gage 11463682 (Russian River At Jimtown)**
    - c. **USGS gage 11463980 (Russian River At Diggers Bend Near Healdsburg)**
    - d. **USGS gage 11464000 (Russian River Near Healdsburg)**

No diversion is authorized under this right whenever flows in the Russian River are less than the applicable amounts specified above. In the event that any of the gages described above no longer are available for streamflow measurements, right holder (or its successor-in-interest) shall immediately notify and consult with the Deputy Director for Water Rights regarding the substitute gage or gages to be used to determine the appropriate minimum flow requirements.

The State Water Board reserves jurisdiction to amend the minimum flow rate in this right as necessary because of any future modifications to the established minimum flow requirements for the upper reach of the Russian River after a State Water Board hearing regarding changes to Decision 1610.

These requirements shall remain in force as long as water is being diverted by right holder (or successors-in-interest) under any rights issued pursuant to Application **31877**.

(0000204)

20. For the protection of potential habitat of foothill yellow-legged frog (*Rana boylei*) and the northwestern pond turtle (*Clemmys marmorata marmorata*), right holder shall:
- a. Maintain the existing setback around the reservoirs authorized under this right. No new ground disturbing activities shall occur within the setback area. Equipment access within the setback area shall be limited to activities necessary for the ongoing operation and shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Natural vegetation

shall be preserved and protected within the setback area. Planting of native vegetation within the setback area is allowed;

- b. Obtain approval of the United States Fish and Wildlife Service, Sacramento Endangered Species Office, and the California Department of Fish and Wildlife prior to any future reservoir dredging operations. Right holder shall submit to the Deputy Director for Water Rights evidence of agencies' approval prior to any future reservoir dredging operations;
- c. Make no introduction of non-native species into the reservoirs; and
- d. Consult with the United States Fish and Wildlife Service and California Department of Fish and Wildlife should any bullfrogs be discovered at or near the reservoirs to develop and implement an acceptable bullfrog eradication program.

These requirements shall remain in effect as long as water is being diverted under any rights issued pursuant to Application 31877.

(0000205)

21. Right holder shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance from entering into or be placed where it may be washed by rainfall runoff into the waters of the State.

(0000208)

22. No water shall be diverted under this right unless right holder is operating the water diversion facilities for all points of diversion with fish screens satisfactory to the Deputy Director for Water Rights. The fish screens shall be designed and maintained in accordance with the screening criteria of the National Marine Fisheries Service. Right holder shall provide evidence that demonstrates that the fish screens are in good condition with the annual report and whenever requested by the Division of Water Rights.

(0000213)

23. Prior to the diversion of water and development of land, right holder shall obtain coverage from the North Coast Regional Water Quality Control Board under the General Permit for Storm Water Discharges associated with construction and land disturbance activities prior to conducting any construction activities that disturb more than one acre of soil.

(0290300)

24. 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; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of 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; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the right holder to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Deputy Director for Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Deputy Director for Water Rights.

(0000215)

25. If human remains are encountered during project activities, then the right holder shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Deputy Director of the Division of Water Rights.

(0380500)

26. Right holder shall not use more water under the basis of riparian right on the place of use authorized by this right than right holder would have used absent the appropriation authorized by this right.

Based on the information in the Division's files, approximately 260 acre-feet per year of water has been used on the place of use under a riparian claim. Therefore, consistent with this term, right holder may not divert any additional water for use on the place of use authorized by this right under basis of riparian claim. With the Deputy Director for Water Right's approval, this information may be updated, and right holder may use water under basis of riparian on the authorized place of use, provided that right holder submits reliable evidence to the Deputy Director for Water Rights quantifying the amount of water that right holder likely would have used under the basis of riparian right absent the appropriation authorized by this right. The Deputy Director for Water Rights is hereby authorized to approve or reject any proposal by right holder to use water under the basis of riparian right on the place of use authorized by this right.

(0560300A)

27. Right holder shall report any non-compliance with the terms of the right to the Deputy Director for Water Rights within three days of identification of the violation.

(9990999)

28. The State Water Board reserves jurisdiction in the public interest to modify the terms and conditions of this right, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. The State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000000M)

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**THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.) (0000016)
- B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) (0000017)
- C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board. (0000018)
- D. Once the time to develop beneficial use of water ends under this right, right holder is not authorized to increase diversions prior to submitting a time extension petition and obtaining approval of the State Water Board. (0000019)
- E. The amount of water for consideration when issuing a license shall be limited to only the amount of water diverted and applied to beneficial use in compliance with the terms and conditions of this right, as determined by the State Water Board. (Wat. Code, § 1610.) (0000006)
- F. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605. (0000015)
- G. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right. (0000010)
- H. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan. (0000070)
- I. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
  - 1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
  - 2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;

3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(000011)

- J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

(000022)

- K. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

(000025)

- L. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.

(0000212)

- M. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Within 90 days of the issuance of this right or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

(0000203)

- N. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

(000029D)

- O. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 right 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 State Water 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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)

- P. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder and an opportunity for hearing, the State Water 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 State Water 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)

- Q. This right does not authorize any act which results in the taking of a candidate, 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 & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

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*This right is issued and right holder 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.*

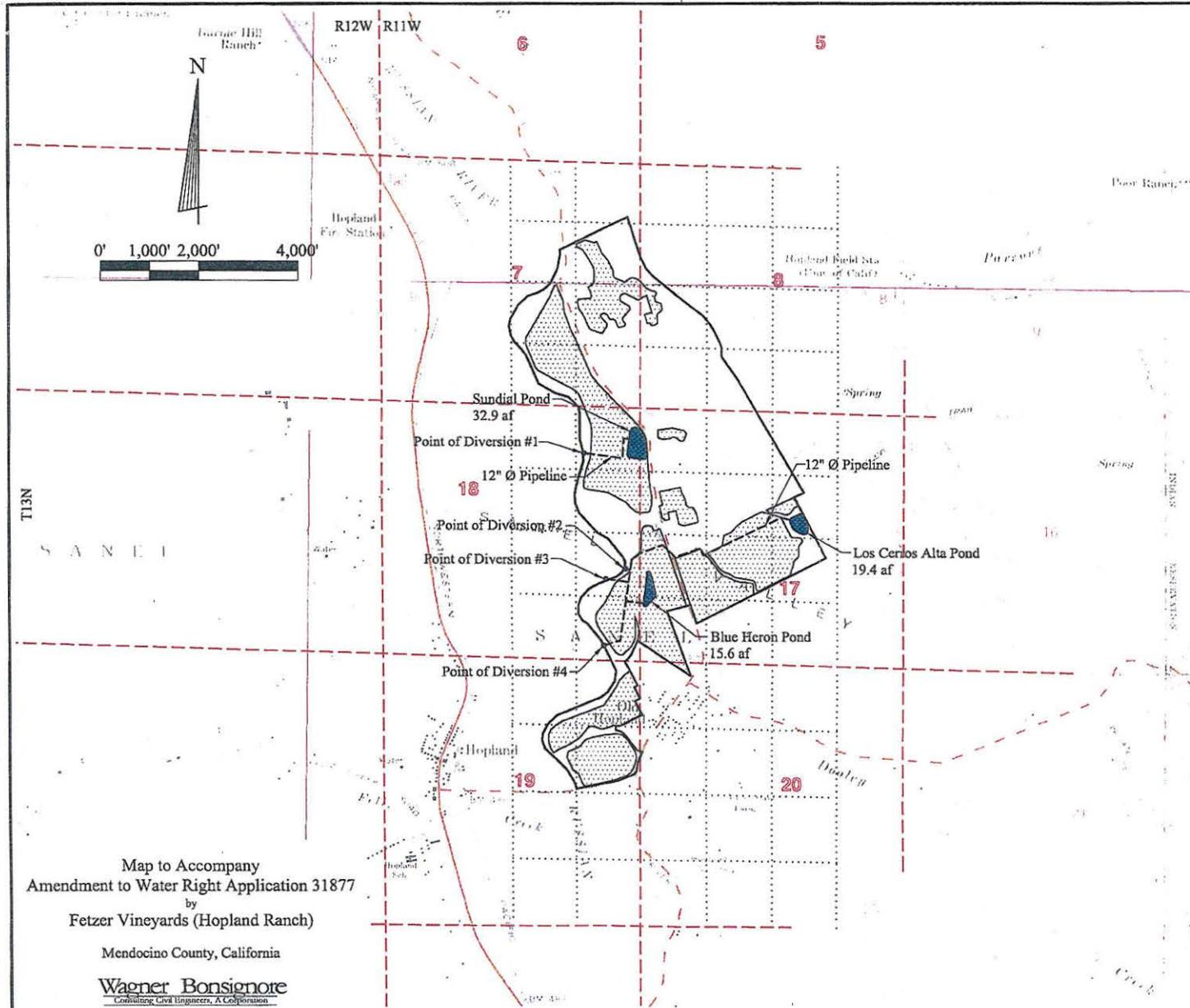
*Water Code section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (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).*

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: MAY 16 2014



**Amended Place of Use:**

Use Within	Section	Township	Range	B.&M.	Acres	
SE¼ of NE¼	7	T13N	R11W	M.D.	9	
NW¼ of SE¼	7	T13N	R11W	M.D.	15	
NE¼ of SE¼	7	T13N	R11W	M.D.	19	
SW¼ of SE¼	7	T13N	R11W	M.D.	15	
SE¼ of SE¼	7	T13N	R11W	M.D.	12	
SW¼ of NW¼	8	T13N	R11W	M.D.	1	
NW¼ of SW¼	8	T13N	R11W	M.D.	5	
NW¼ of NW¼	17	T13N	R11W	M.D.	4	
SW¼ of NW¼	17	T13N	R11W	M.D.	14	
SE¼ of NW¼	17	T13N	R11W	M.D.	9	
SW¼ of NE¼	17	T13N	R11W	M.D.	7	
NW¼ of SW¼	17	T13N	R11W	M.D.	29	
NE¼ of SW¼	17	T13N	R11W	M.D.	34	
SW¼ of SW¼	17	T13N	R11W	M.D.	23	
SE¼ of SW¼	17	T13N	R11W	M.D.	3	
NW¼ of SE¼	17	T13N	R11W	M.D.	11	
NE¼ of NE¼	18	T13N	R11W	M.D.	25	
SE¼ of NE¼	18	T13N	R11W	M.D.	15	
NE¼ of SE¼	18	T13N	R11W	M.D.	7	
SE¼ of SE¼	18	T13N	R11W	M.D.	18	
NW¼ of NE¼	19	T13N	R11W	M.D.	1	
NE¼ of NE¼	19	T13N	R11W	M.D.	17	
SW¼ of NE¼	19	T13N	R11W	M.D.	7	
SE¼ of NE¼	19	T13N	R11W	M.D.	25	
NW¼ of NW¼	20	T13N	R11W	M.D.	1	
					Total	326

**Incidental Recreation and Fire Protection:**

Pond	Use Within	Section	Township	Range	B.&M.
Sundial	NE¼ of NE¼	18	T13N	R11W	M.D.
	NW¼ of NW¼	17	T13N	R11W	M.D.
Blue Heron	NW¼ of SW¼	17	T13N	R11W	M.D.
	SW¼ of SW¼	17	T13N	R11W	M.D.
Los Cerros Alta	SW¼ of NE¼	17	T13N	R11W	M.D.

**Point of Diversion:**

Map Point	Description
1	Point of Diversion to Offstream Storage at Sundial Reservoir: Located at N.2,124,411 and E.6,247,188, California Coordinate System, NAD83, Zone 2, being within the NE¼ of NE¼ of projected Section 18, T13N, R11W, MDB&M.
2	Point of Diversion to Offstream Storage at Blue Heron Reservoir and Los Cerros Alta Reservoir: Located at N.2,122,014 and E.6,248,024, California Coordinate System, NAD83, Zone 2, being within the NE¼ of SE¼ of projected Section 18, T13N, R11W, MDB&M.
3	Point of Diversion to Offstream Storage at Blue Heron Reservoir and Los Cerros Alta Reservoir: Located at N.2,121,812 and E.6,247,621, California Coordinate System, NAD83, Zone 2, being within the NE¼ of SE¼ of projected Section 18, T13N, R11W, MDB&M.
4	Point of Diversion to Offstream Storage at Blue Heron Reservoir and Los Cerros Alta Reservoir: Located at N.2,120,450 and E.6,247,580, California Coordinate System, NAD83, Zone 2, being within the SE¼ of SE¼ of projected Section 18, T13N, R11W, MDB&M.

Map to Accompany  
Amendment to Water Right Application 31877  
by  
Fetzner Vineyards (Hopland Ranch)  
Mendocino County, California

**Wagner Bonsignore**  
Consulting Civil Engineers, A Corporation