



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 31279

PERMIT 21327

Right Holder: Joseph Emil Usibelli Trust
P.O. Box 1000
Healy, AK 99743-1000

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 **November 16, 2001**. 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; and (e) demonstrated that the requirements of the California Environmental Quality Act (CEQA) have been met or that the project is exempt from CEQA.

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:

- Source of water: **(1) Conn Creek**
tributary to: **(1) Napa River thence San Pablo Bay thence the Pacific Ocean**
within the County of **Napa**.

2. Location of point 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 1,938,669 feet and East 6,445,893 feet	NE ¼ of SW ¼	3*	7N	5W	MD

Location of place 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
(1) North 1,939,204 feet and East 6,444,815 feet	NW ¼ of SW ¼	3*	7N	5W	MD

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
Irrigation Frost Protection	SW ¼ of NW ¼	3*	7N	5W	MD	2
	SE ¼ of NW ¼	3*	7N	5W	MD	2
	NW ¼ of SW ¼	3*	7N	5W	MD	19
	NE ¼ of SW ¼	3*	7N	5W	MD	10
	SW ¼ of SW ¼	3*	7N	5W	MD	19
	SE ¼ of SW ¼	3*	7N	5W	MD	22
	SE ¼ of SE ¼	4*	7N	5W	MD	1
				Total	75	
Recreation	NW ¼ of SW ¼	3*	7N	5W	MD	

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **35 acre-feet per year** by storage to be diverted from November 1 of each year to May 14 of the succeeding year. (000005C)
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 **2.9 cubic feet per second** (000005J)
8. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2028. (000009)
9. The State Water Board reserves jurisdiction to impose conditions to conform this water 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. (0000020)

10. If the claimed existing prior right is 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 water right less the respective amounts recognized under the quantified existing prior right during the season specified in this water right. No water shall be diverted to the place of use during the season authorized by this 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 right 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 right only in accordance with the law. (000021A)

11. This permit is subject to the agreement dated May 26, 1978 between right holder, the City of Napa, and the California Department of Fish and Wildlife, to the extent that such agreement covers matters within the State Water Resource Control Board's Jurisdiction. (000024)

12. 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)

13. 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 a device and methods satisfactory to the Deputy Director for Water Rights. The device 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 device has 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 device is 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)

14. No water shall be diverted under this right unless right holder is monitoring and reporting the water surface elevation in the reservoir. This monitoring shall be conducted using a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring water surface elevations from the maximum water line to the minimum water line known to exist for the reservoir and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the device has been installed and the mark or reading corresponding to the maximum water line of the reservoir with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with

evidence that substantiates that the device is 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)

15. 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)
16. During the period between March 15 and May 14 water may be collected to storage under this permit only when there are no restrictions imposed by the watermaster on diversions from the Napa River.
(0000085B)
17. No water shall be diverted under this water right unless the flow over the Lake Hennessey spillway is at or above 67.5 cubic feet per second from November 1 to March 14 and 74.1 cubic feet per second from March 15 to May 14, as measured at the City of Napa's stage gage located on the spillway of Lake Hennessey. In the event that said monitoring device is no longer available for streamflow measurements, right holder shall within 15 days submit a plan, satisfactory to the Deputy Director for Water Rights, to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.
(0000204)
18. No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.
(0000208)
19. Right holder shall, for the maintenance of oak woodland, plant three oak trees for every one oak tree removed during reservoir enlargement. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to Napa County. The tree species and planting scheme shall be approved by the California Department of Fish and Wildlife prior to planting. Right holder shall submit to the Deputy Director of the Division of Water Rights a copy of the approved planting scheme.

5 years after completion of the tree planting program, photo documentation showing the trees shall be submitted to the Deputy Director of the Division of Water Rights. Right holder shall replace plants as needed to assure a 75% survival rate.

Right holder shall prepare a long-term wildlife habitat maintenance plan for the re-planted oak woodland in consultation with the California Department of Fish and Wildlife; Right holder shall submit a copy of this plan to the Deputy Director of the Division of Water Rights. Any changes to this plan must be approved by the California Department of Fish and Wildlife; Right holder shall submit a copy of any approved changes to the Deputy Director of the Division of Water Rights. The re-planted oak woodland shall be maintained as wildlife habitat as long as water is being diverted under any permit or license issued pursuant to Application 31279.

(0000210)

20. Should any buried archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archaeological 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 archaeologist 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)
21. If human remains are encountered, then the right holder shall comply with section 15064.5 (e) (1) of the CEQA Guidelines and the Health and Safety Code section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the Napa county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission within 24 hours. The Native American Heritage Commission will identify the person or persons believed to be the most likely descendants from the deceased Native American. The most likely descendent may make recommendations regarding the means of treating or disposing of the remains with appropriate dignity. 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 for Water Rights. (0380500)
22. The archeological site identified as CA-NPA-371 in the 2004 report entitled "A Cultural Resources Survey for the Usibelli Trust Water Right Application Near St. Helena, Napa County, California" shall be avoided by all ground-disturbing activities that are beyond the historic layer of disturbance (i.e., the plow or disc zone). Routine vineyard maintenance shall be limited to the existing disc zone (~25cm below surface), and not include deep ground disturbance such as ripping, as recommended by the previous site investigator. If vines are to be removed for replanting or changing to another crop, then techniques for removal of vines in areas of the sites shall be restricted to using mechanical non-invasive techniques (i.e., pulling the vines with a chain attached to a backhoe, rather than excavation of vines). Vines shall be pulled when the soils are not muddy, but while the soil is moist down to six inches, and vines shall be replanted in the same location as the vines which were removed to avoid excessive disturbance that can be caused using heavy equipment. If future project-related activities or development at the location is unavoidable, then an archaeologist that has been approved by the California Historical Information System to work in the area and who is acceptable to the Deputy Director for Water Rights is retained and the significance of the site is determined. If mitigation is determined to be necessary, then the archeologist shall design an appropriate mitigation plan and submit the plan for approval by the Deputy Director for Water Rights. After the plan has been approved, the mitigation must be completed to the satisfaction of the Deputy Director for Water Rights prior to activities in the area of the site. Right holder shall be responsible for all costs associated with the cultural resource related work. (0380501)
23. If vertebrate fossils are discovered during project activities, all work shall cease within 100 feet of the find until a qualified professional paleontologist as defined by the Society of Vertebrate Paleontology's Conformable Impact Mitigation Guidelines Committee (2011) can assess the nature and importance of the find and recommend appropriate treatment. The Deputy Director for Water Rights will also be notified of the discovery and the qualified professional paleontologist's opinion within 48 hours of the initial

finding. Treatment may include preparation and recovery of fossil materials, so that they can be housed in an appropriate museum or university collection, and also may include preparation of a report for publication describing the finds. Project activities shall not resume until after the qualified professional paleontologist has given clearance and evidence of such clearance has been submitted to the Deputy Director for Water Rights.

(0380502)

24. If construction activities are to occur between February 1 and September 30, a qualified biologist shall conduct a pre-construction survey for the purpose of identifying nesting bird species. The pre-construction survey shall include all potential nesting habitat within 500 feet of proposed construction areas. The survey shall be conducted no more than 14 days prior to the beginning of construction activities. If an active raptor or migratory bird nest is found during the pre-construction survey, the right holder shall notify the California Department of Fish and Wildlife and the United States Fish and Wildlife Service. If an active raptor nest is found during the pre-construction survey, a 500-foot no-disturbance buffer shall be established and maintained around the nest until all young have fledged. If an active nest of any other migratory or non-migratory bird is found, a 250-foot buffer shall be established around the nest until all young have fledged. A report of the findings and actions taken shall be submitted to the Division of Water Rights prior to construction activities.
- (0400500)
25. Prior to the commencement of construction activities, right holder shall obtain a grading permit and approval of an Erosion Control Plan prepared in accordance with Napa County's Conservation Regulations from the County of Napa. The Napa County Erosion Control Plan shall be consistent with the Napa County use requirements in areas with slopes greater than five percent. Copies of the approved grading permit and Erosion Control Plan from the County of Napa shall be submitted to the Deputy Director for Water Rights prior to starting construction. If an Erosion Control Plan is not required, right holder shall provide the Deputy Director for Water Rights a copy of a waiver from Napa County prior to any project construction activity.
- (0450300)
26. Prior to the start of construction, right holder shall submit a detailed Emission Control and Mitigation Plan to the Deputy Director for Water Rights. Right holder shall also submit a copy of the plan to the San Francisco Bay Area Air Quality Management District. The Emission Control and Mitigation Plan shall be consistent with the San Francisco Bay Area Air Quality Management District's Air Quality Guidelines and include a monitoring and reporting component to ensure that mitigation measures identified in the Emission Control and Mitigation Plan are implemented. Right holder shall provide evidence to verify implementation of measures identified in the Emission Control and Mitigation Plan within 30 days of completion of construction work to the Deputy Director for Water Rights. Right holder shall also provide a copy of the evidence to the San Francisco Bay Area Air Quality Management District upon request. Evidence may consist of, but is not limited to, photographs and construction records.
- (0450300)
27. For the protection of potential California red-legged frog and the Western pond turtle habitat and to allow for the growth of riparian vegetation along the reservoir, right holder shall:
- a. Once construction of the proposed project is complete, right holder shall maintain a 50-foot wide setback around the enlarged reservoir. Except for the exclusions stated herein, no ground disturbing activities shall occur within the 50-foot wide setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas. There is excluded from the 50-foot wide setback area established herein all existing planted landscape areas, roads and roadways, bridges, equipment and material storage areas, buildings, structures, fences, wells, pipes, drainage facilities, utility lines and poles, pumps, sumps, water diversion and

storage facilities, and access to all of the foregoing existing features for purposes of operation, maintenance and replacement, as such facilities and access exists now or may from time to time be modified. Equipment access through the 50-foot wide setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the 50-foot wide 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 reservoir dredging operation. Right holder shall submit to the Deputy Director for Water Rights evidence of agencies' approval prior to any future reservoir dredging operations;
- c. Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations;
- d. Make no introduction of non-native fish species into the reservoir;
- e. Consult with the United States Fish and Wildlife Service and California Department of Fish and Wildlife to develop and implement an acceptable bullfrog eradication program. The eradication program may require periodic draining of the reservoir.

These requirements shall remain in effect as long as water is being diverted under any permit or license issued pursuant to Application 31279.

(0450300)

28. Within 14 days prior to the onset of construction activities, a qualified biologist shall conduct pre-construction surveys for Western pond turtle within all areas that fall within 100 feet of any suitable aquatic and upland nesting habitat for this species as shown in Figure 8 of the Usibelli Trust Initial Study/Mitigated Negative Declaration. If Western pond turtles are observed during the pre-construction survey, the Division of Water Rights and the California Department of Fish and Wildlife shall be contacted; any and all construction activities will be delayed until an appropriate course of action is established and approved by the California Department of Fish and Wildlife. If no Western pond turtles are observed during the pre-construction survey, then construction activities may begin. If construction is delayed or halted for more than 30 days, another pre-construction survey for Western pond turtle shall be conducted. Within seven days of the pre-construction survey, a report of findings from the survey shall be submitted to the California Department of Fish and Wildlife with a copy to the Deputy Director for Water Rights.

During construction, a qualified biological monitor who has been approved by the California Department of Fish and Wildlife to relocate Western pond turtles shall be onsite to ensure that no Western pond turtles are harmed. If Western pond turtles are observed in the construction area at any time during construction, the onsite biological monitor shall be notified and construction in the vicinity of the sighting shall be halted until such a time as a turtle has left the construction zone of its own volition or the approved biologist relocates the turtle. If a siting occurs during construction, the biologist shall prepare a report of the event and submit it to California Department of Fish and Wildlife.

(0450300)

29. Within 14 days prior to the onset of construction activities, a qualified biologist shall conduct pre-construction surveys for California red-legged frog and foothill yellow-legged frog within all areas that fall within 100 feet of suitable habitat for these species as shown in Figure 8 of the Usibelli Trust Initial Study/Mitigated Negative Declaration. If either of these species are observed within the project site during the pre-construction survey, Division of Water Rights, United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife shall be contacted and any and all construction activities must be delayed until an appropriate course of action can be established and approved by

United States Fish and Wildlife Service and/or the California Department of Fish and Wildlife. If no California red-legged frog and/or foothill yellow-legged frog are observed within the project site during the pre-construction survey, the right holder shall notify the Deputy Director for Water Rights of the results of the survey before any construction begins. If construction is delayed or halted for more than 30 days, another pre-construction survey for California red-legged frog and foothill yellow-legged frog shall be conducted.

For construction activities within 100 feet of suitable habitat as shown in Figure 8 of the Usibelli Trust Initial Study/Mitigated Negative Declaration, exclusion fencing shall be erected for exclusion for California red-legged frog and foothill yellow-legged frog. Once the exclusion fencing is erected, the qualified biologist shall return to the project site once a week during the construction period to inspect the fencing and confirm that no frogs have access to the exclusion zone. If either of these species is observed within the project site during construction, the Division of Water Rights, United States Fish and Wildlife Service and/or California Department of Fish and Wildlife must be contacted and all construction activities must be delayed until an appropriate course of action can be established and approved by United States Fish and Wildlife Service and/or California Department of Fish and Wildlife.

(0450300)

30. Prior to the onset of construction activities, a qualified biologist shall conduct a pre-construction survey for regionally occurring special status plant species during their bloom periods. The results of the survey shall be submitted to the Deputy Director for Water Rights prior to any ground moving or construction activities. If any special status plant species are found during the pre-construction survey, a 25-foot no-disturbance buffer shall be established around the species' locations to avoid direct or indirect impacts. The species location(s) shall be indicated on a map that shall be submitted to the Deputy Director for Water Rights with the survey report. An exclusionary fence shall be installed around the buffered areas prior to any construction within 100 feet of the species location. No encroachment into the fenced areas shall be permitted and fencing shall remain in place until all construction activities have ceased. The buffers shall be permanently avoided and no activity shall occur within the buffer zones, including, but not limited to grading, road construction, fencing, storage areas, and irrigation, except permitted crossings consistent with United States Army Corps of Engineers, Section 404 permit (33 U.S.C. § 1344.) and the California Department of Fish and Wildlife Lake and Streambed Alteration Agreement (DFG Code 1600 et seq.) requirements.

(0450300)

31. Any non-compliance with the terms of the permit shall be reported by the right holder to the Deputy Director for Water Rights within 3 days of identification of the violation.

(9990999)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by right holder when requested by the State Water Board until a license is issued. (0000010)
- C. Right holder shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this right. (0000011)
- D. 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 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto 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)

F. This right 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, right holder shall obtain 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)

G. Right holder shall maintain records of the amount of water diverted and used 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)

H. No water shall be diverted under this right, and no construction related to such diversion shall commence, until right holder obtains all necessary permits or other approvals required by other agencies. If an amended permit is issued, no new facilities shall be utilized, nor shall the amount of water diverted increase beyond the maximum amount diverted during the previously authorized development schedule, until right holder complies with the requirements of this term.

Within 90 days of the issuance of this permit 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.); or, (5) local grading permits.

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

(0000203)

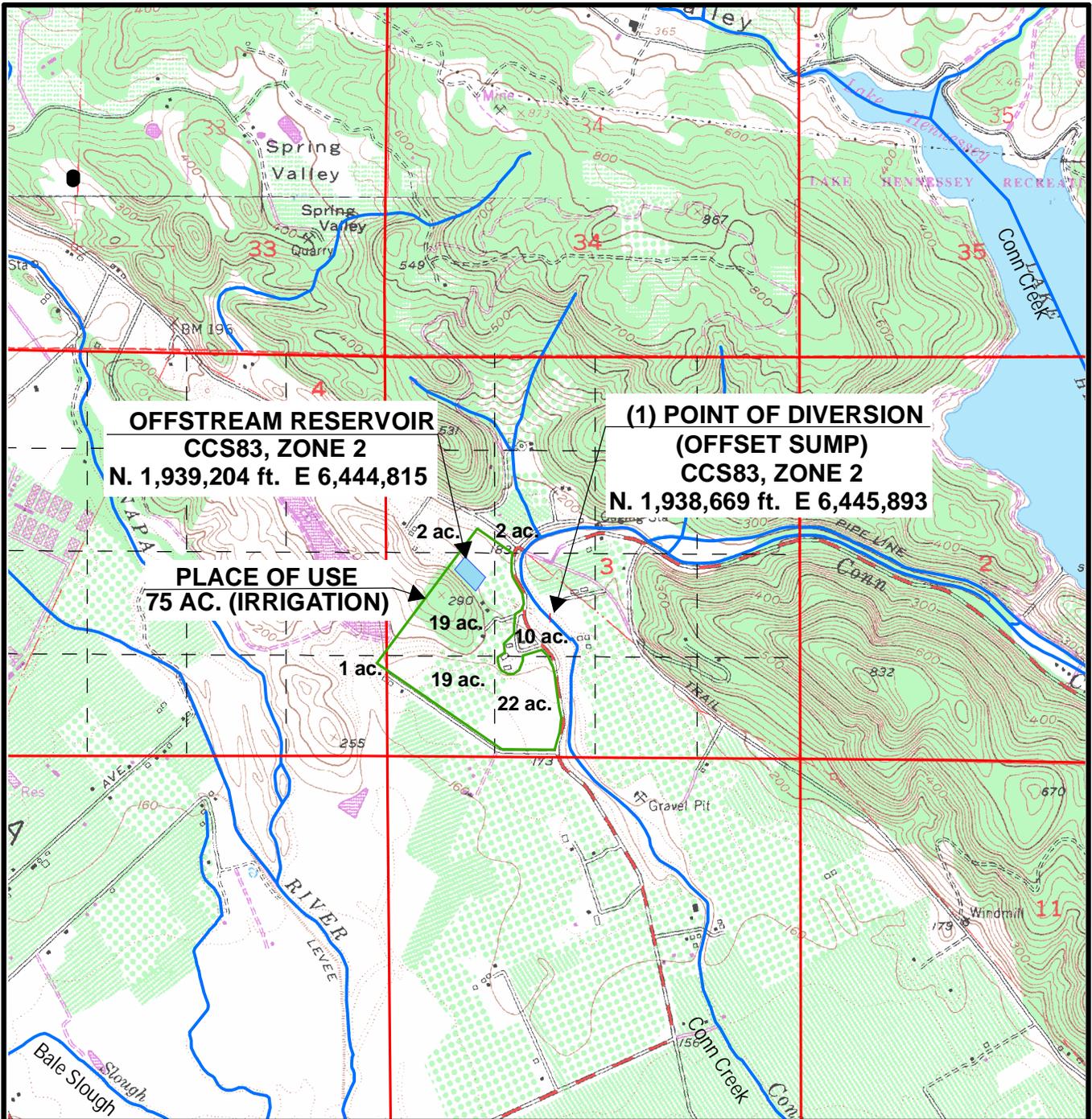
Water Code section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division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

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated:

DRAFT



OFFSTREAM RESERVOIR
CCS83, ZONE 2
N. 1,939,204 ft. E 6,444,815

(1) POINT OF DIVERSION
(OFFSET SUMP)
CCS83, ZONE 2
N. 1,938,669 ft. E 6,445,893

PLACE OF USE
75 AC. (IRRIGATION)

OWNER JOSEPH EMIL USIBELLI TRUST

SOURCE (1) CONN CREEK TRIBUTARY TO NAPA RIVER
 THENCE SAN PABLO BAY

POINT OF DIVERSION

WITHIN (1) NE 1/4 OF SW 1/4 OF PROJECTED

SECTION 3, T7N, R5W, MDB&M

COUNTY OF NAPA

U.S.G.S. QUAD: RUTHERFORD DATE: PH RE 1981 SCALE: 1:24,000

STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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PERMIT

DATE: 02/06/2013	DRAWN: SB	CHECKED: JMH
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Note: This map does not constitute a public land survey as defined by California Business & Professions Code section 8726. It has been prepared for descriptive purposes only.