



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

DIVISION OF WATER RIGHTS

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 18055

PERMIT 11570

Right Holder: Howell Mountain Mutual Water Company  
P.O. Box 9  
Angwin, CA 94508

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 **March 20, 1958**. 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. This right supersedes any previously issued right on **Application 18055**.

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or 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:**

1. Source of water: **(1) an Unnamed Stream**

tributary to: **(1) Bell Canyon thence Napa River thence San Pablo Bay**

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
<b>North 1,981,827 feet and East 6,424,039 feet</b>	<b>SW ¼ of NW ¼</b>	<b>25</b>	<b>9N</b>	<b>6W</b>	<b>MD</b>

Location of points of redirection

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>Deer Lake</b> (1) North 1,979,000 feet and East 6,426,281 feet	SW ¼ of SE ¼	25	9N	6W	MD
<b>Lake Henne</b> (2) North 1,975,728 feet and East 6,429,907 feet	NE ¼ of SW ¼	31*	9N	5W	MD
<b>Lake Orville</b> (3) North 1,976,537 feet and East 6,428,831 feet	NW ¼ of SW ¼	31*	9N	5W	MD
<b>Granite Lake</b> (4) North 1,978,415 feet and East 6,427,267 feet	SE ¼ of SE ¼	25	9N	6W	MD
<b>Lake Newton</b> (5) North 1,977,784 feet and East 6,427,273 feet	NE ¼ of NE ¼	36	9N	6W	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
<b>Deer Lake</b> (1) North 1,979,000 feet and East 6,426,281 feet	SW ¼ of SE ¼	25	9N	6W	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
<b>Irrigation</b>	NE ¼	36	9N	6W	MD	50
<b>Municipal</b>	<p><b>Within the Howell Mountain Mutual Water Company service area boundary within portions of Sections 25 and 36, T9N, R6W; portions of projected Sections 31 and 32, T9N, R5W; projected Sections 6 and 7, portions of projected Sections 5 and 8, and portions of Sections 18 and 19, T8N, R5W; and portion of Section 12, and portions of projected Sections 13 and 24, T8N, R6W; all within MDB&amp;M, as shown on map</b></p>					

The place of use is shown on map filed on June 14, 2013 with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1.783 cubic feet per second** by direct diversion to be diverted and **45 acre-feet per year** by storage to be collected from October 1 of each year to April 30 of the succeeding year. The total amount of water to be taken from the source (direct diversion plus collection to storage) for all uses shall not exceed **45 acre-feet per year**.  
(0000005E)
6. No water shall be collected to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.  
(0000005I)
7. The maximum rate of diversion to offstream storage shall not exceed **10 cubic feet per second**.  
(0000005J)
8. The total quantity of water diverted under this water right and the water rights pursuant to Applications 8512A, 8801A, 11275, 14006, 14490, and 29853 shall not exceed **739.1 acre-feet per year**. The total amount of water to be placed to beneficial use (direct diversion plus withdrawal from storage) under this right and the water rights pursuant to Applications 8512A, 8801A, 11275, 14006, 14490, and 29853 shall not exceed **367 acre-feet per year**.  
(0000005Q)
9. The maximum simultaneous rate of direct diversion under this right and the rights pursuant to Applications 8512A, 8801A, 11275, 14006, 14490, and 29853 shall not exceed **1.783 cubic feet per second**.  
(0000005S)
10. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 1, 1996.  
(0000009)
11. 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)
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. Right holder shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before storing water in the reservoirs, right holder shall furnish evidence which substantiates that the outlet pipes, or alternative facilities, has been installed in

the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043BP)

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 a device and methods satisfactory to the Deputy Director for Water Rights. The device shall be capable of monitoring 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, 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 the water surface elevation 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 elevations from the maximum 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 mark or 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 unless right holder is monitoring and reporting the withdrawal of water for beneficial use and the release of water from 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 continuous monitoring of the rate and quantity of water withdrawn for beneficial use or released to the stream channel from each reservoir 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 withdrawals of water for beneficial use or releases of water to the stream channel under this right that includes the date, time, rate of withdrawal or release at time intervals of one hour or less, and the amount of water withdrawn or released. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(0100052)

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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 permit, 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. Only the amount of water applied to beneficial use during the authorized diversion season, as determined by the State Water Board, shall be considered when issuing a license. (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.

(0000011)

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

(0000022)

- 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.

(0000025)

- 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.

(0000029D)

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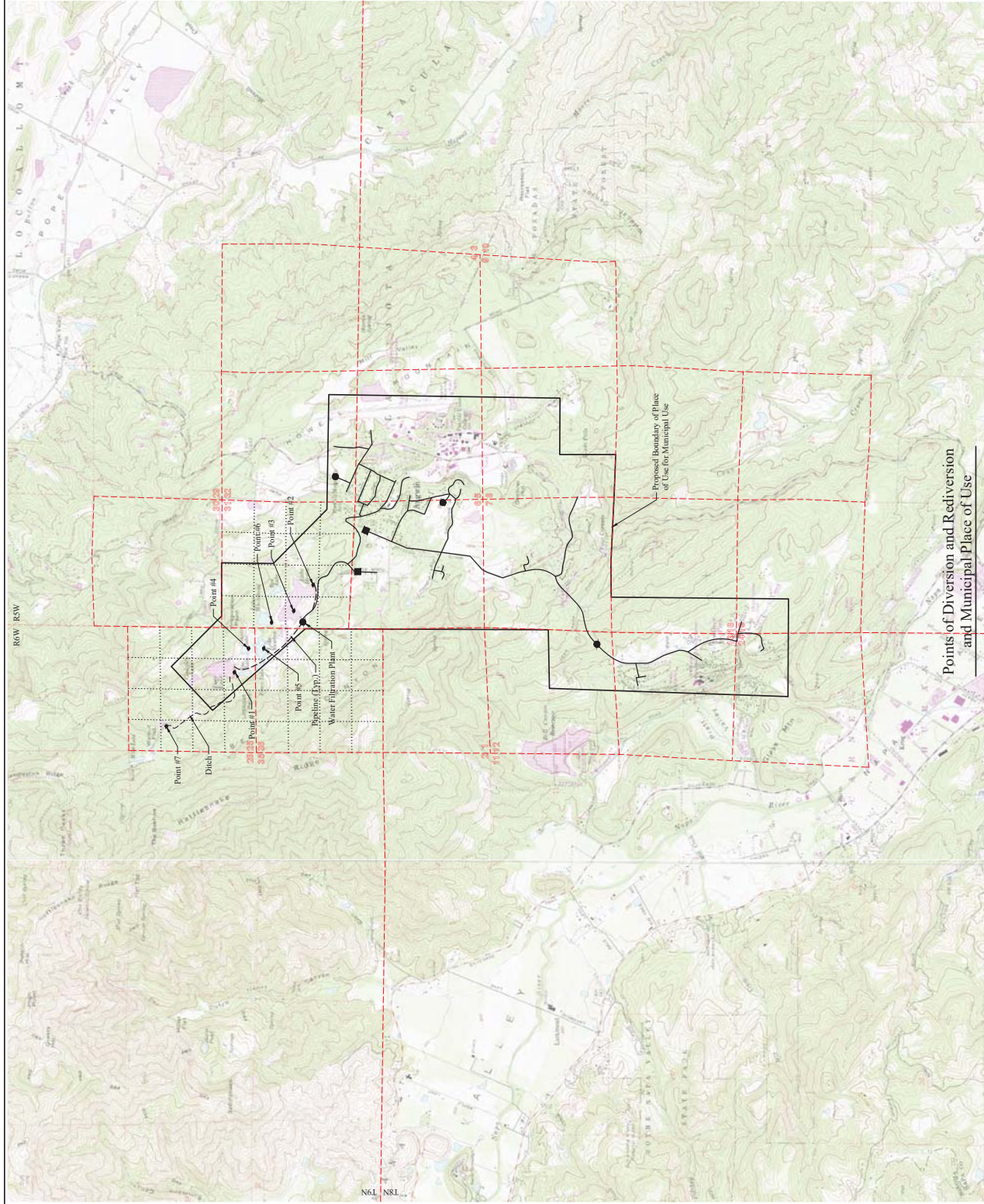
*Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the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

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: JUL 15 2013



- Legend**
- Booster Pump
  - Storage Tank
  - Main Distribution Lines

Map Point	Name	Coordinates		Section	Township Range	R&M
		Northing	Eastng			
1	Lake Dam	1975.238	16429.507	NE of SW	31	9N 6W M.D.
2	Lake Dam	1975.238	16429.507	NE of SW	31	9N 6W M.D.
3	Lake Dam	1976.837	16428.883	NW of SW	31	9N 5W M.D.
4	Granite Lake Dam	1978.415	16427.267	SE of SE	25	9N 6W M.D.
5	Lake Newton Dam	1977.884	16427.273	SE of NE	36	9N 6W M.D.
6	Lake Whitehead Dam	1977.457	16428.351	SW of NW	31	9N 5W M.D.
7	Jett Canyon Trns POD	1981.827	16424.039	SW of NW	25	9N 6W M.D.

\* California Coordinate System, NAD83, Zone 2.

Application	Permit	Points of Diversion and Rediversion	
		License	Map Points
8512A	-	5064A	1 2, 3, 4, 5
		5061A	2 3, 4
		5061A	5 2, 3
8801A	-	5061A	1 2, 3, 4, 5
		5061A	2 3, 4, 5
11275	-	5062	0 2, 3, 4, 5
14006	-	9421	1 2, 3, 4, 5
14490	-	7843	2 -
18055	11570	-	7 1, 2, 3, 4, 5

NICHOLAS F. BONSIGNORE OF 3151 RIVER PLAZA DRIVE, SUITE 100, SACRAMENTO, CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY DIRECT SUPERVISION FOR UNITED STATES GEOLOGICAL SURVEY TOPOGRAPHIC QUADRANGLE 7.5 MINUTE SERIES FOR ST. HELENA AND CALISTOGA, CALIFORNIA COUNTY. I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF CALIFORNIA, LICENSE NO. 5064A, AND I HAVE PREPARED THIS MAP IN ACCORDANCE WITH THE BOARD AND THAT IT CORRECTLY REPRESENTS THE WORKS DESCRIBED IN THE ACCOMPANYING PETITIONS, THE LOCATION OF STREAMS AND DITCHES IN THE IMMEDIATE VICINITY AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



ORIGINAL SIGNED JUNE 14, 2013  
 NICHOLAS F. BONSIGNORE  
 R.C.E. NO. 9422  
 EXPIRES 12/31/13

Map to Accompany  
 Amended Petitions for Change in Place of Use  
 and  
 Showing Points of Diversion and Rediversion  
 for  
 Licenses 5064A, 5063A, 5062, 9421, and 7843  
 (Applications 8512A, 8801A, 11275, 14006, 14490 and;  
 and Permit 11570 (Application 18055), Respectively)

Napa County, California  
 Engineer: Nicholas F. Bonsignore



### Places of Use for Irrigation\*

Place of Use	Application 8512A	Section	Township	Range	E.&M.	Acres
Use Within	5(P), 6(P), 7(P)	31	T9N	R3W	M.D.	-
NE/4		36	T9N	R3W	M.D.	-
						<b>Total</b>
						280

Place of Use	Applications 8801A & 11275	Section	Township	Range	E.&M.	Acres
Use Within		36	T9N	R3W	M.D.	50
NE/4		31	T9N	R3W	M.D.	15
SW/4						65
						<b>Total</b>
						130

Place of Use	Applications 14006 & 14490	Section	Township	Range	E.&M.	Acres
Use Within		36	T9N	R3W	M.D.	38
NE/4 of NE/4						2
SE/4 of NE/4						0
NW/4 of SW/4						15
SE/4 of SW/4						5
SW/4 of SE/4						5
						<b>Total</b>
						75

Place of Use	Application 18055	Section	Township	Range	E.&M.	Acres
Use Within		36	T9	R3W	M.D.	50
NE/4						50
						<b>Total</b>
						50

\*This table summarizes information set forth in or interpreted from the following documents on file with the State Water Resources Control Board, Division of Water Rights:  
 License 3064A (Application 8512A), May 28, 1997  
 License 5062 (Application 11275), April 10, 1988  
 License 9421 (Application 14006), July 3, 1970  
 License 7843 (Application 14490), August 4, 1966  
 Permit 11570 (Application 18055), October 7, 1958  
 The subject petitions are for change in the place of use for municipal purposes. The places of use for irrigation are not being changed.

Map to Accompany  
 Amended Petitions for Change in Place of Use  
 and  
 Showing Points of Diversion and Rediversion  
 for Licenses 5064A, 5063A, 5062, 9421, and 7843  
 (Applications 8512A, 8801A, 11275, 14006, 14490 and  
 Permit 11570 (Application 18055), Respectively

Napa County, California  
Walter Branstetter

