

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 21540 PERMIT 14353 LICENSE 8740

ORDER CORRECTING POINT OF DIVERSION,
PLACE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 8740 was issued to Herman C. Hummel and Else T. Hummel and recorded with the County Recorder of Napa County in Volume 795, Page 109 on October 3, 1968.
2. License 8740 was subsequently assigned to York Creek Vineyards.
3. A request to correct the descriptions of point of diversion and place of use under said license has been filed with the State Water Resources Control Board (SWRCB).
4. The corrections are needed to correct the descriptions to comply with the updated U.S. Geological Survey map for the area.
5. The SWRCB has determined that said corrections will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
6. The license condition pertaining to the continuing authority of the SWRCB should be updated to conform to Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

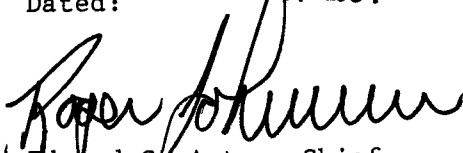
1. The description of the point of diversion be corrected as follows:
Reservoir #2 - North 307,300 and East 1,848,550, Zone 2, being within NW¼ of NE¼ of Section 33, T8N, R6W, MDB&M. (0000002)
2. The description of the place of use be corrected as follows:
At Reservoir #2 within NW¼ of NE¼ of Section 33, T8N, R6W, MDB&M. (0000004)
3. The continuing authority condition under this license be amended to read:
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: NOVEMBER 17 1994


Edward C. Anton, Chief
Division of Water Rights

4



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 21540

PERMIT 14353

LICENSE 8740

THIS IS TO CERTIFY, That

HERMAN C. HUMMEL AND ELSE T. HUMMEL
1120 VALLEYVIEW STREET, SAINT HELENA, CALIFORNIA 94574
Notice of Change (Over)

HAVE made proof as of MAY 1, 1968 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
YORK CREEK IN NAPA COUNTY

tributary to NAPA RIVER THENCE SAN PABLO BAY

for the purpose of RECREATIONAL AND FIRE PROTECTION USES
under Permit 14353 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from NOVEMBER 14, 1963 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed TWENTY-FOUR (24) ACRE-Feet PER ANNUM TO BE COLLECTED FROM ABOUT
NOVEMBER 1 OF EACH YEAR TO ABOUT JUNE 1 OF THE SUCCEEDING YEAR.

LICENSEE'S RIGHT HEREUNDER EXTENDS ONLY TO WATER NECESSARY TO KEEP THE
RESERVOIR FULL BY REPLACING WATER BENEFICIALLY USED OR LOST THROUGH EVAPORATION
AND SEEPAGE, AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 900 FEET AND EAST 2,635 FEET FROM NW CORNER OF SECTION 33, T8N, R6W,
MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 33.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT RESERVOIR WITHIN NE1/4 OF NW1/4 OF SECTION 33, T8N, R6W, MDB&M.

6-15-77 RECEIVED NOTICE OF ASSIGNMENT TO

Frederick L. Maytag III

6-2-77 assigned to Larry Reges
Frederick L. Maytag III
10-2-92 Int of Larry Reges reverts to Frederick Maytag III

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every licensee shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, 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 license 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 licensee 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: SEP 26 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

2