

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

DIVISION OF WATER RIGHTS

In the Matter of License 12902 (Application 25630)

Beckstoffer Vineyards

**ORDER APPROVING MITIGATION MONITORING AND REPORTING PLAN
CHANGES IN PLACE OF USE AND POINTS OF DIVERSION, AND
ISSUING AMENDED LICENSE**

SOURCES: Unnamed Stream tributary to Napa Slough, thence Sonoma Creek, thence San Pablo Bay and Huichica Creek tributary to Hudeman Slough, thence Second Napa Slough, thence Sonoma Creek, thence San Pablo Bay

COUNTY: Napa

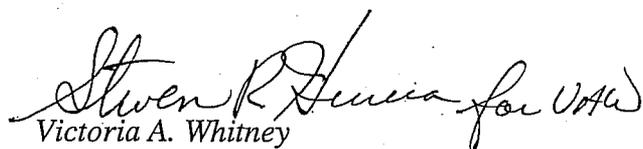
WHEREAS:

1. License 12902 was issued pursuant to permitted Application 25630 on May 7, 1992, and was recorded with the County Recorder of Napa County on June 5, 1992. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) record of ownership for License 12902 shows the current holder of the license as Beckstoffer Vineyards.
3. Beckstoffer Vineyards submitted a Petition for Change on February 26, 1993 to the Division requesting authorization to expand the place of use to 296 acres.
4. The Petition for Change was publicly noticed on April 9, 1993. No protests were received.
5. Beckstoffer Vineyards submitted a second Petition for Change on June 30, 1997 requesting authorization to move Cabral Reservoir No. 2 offshore and change Cabral Reservoir No. 1 to a point of diversion and point of re-diversion.
6. The Division issued a Public Notice of the Petition for Change of License 12902 on February 23, 1998. The California Sportfishing Protection Alliance and the California Department of Fish and Game (DFG) filed protests on the basis of potential impacts to the environment. The California Sportfishing Protection Alliance protest was dismissed on December 31, 1998 subject to terms for a mandatory minimum streamflow requirement and measuring device requirements. DFG submitted protest dismissal terms in a letter dated June 17, 2009 requiring a bypass flow of 15.5 cubic-feet per second (cfs) as measured at the Napa County Resource Conservation Gage at the DFG Huichica Creek Unit, a restoration plan for a minimum of 1,000 linear feet of stream bank in Napa Slough, Mud Slough, or Huichica Creek, and a Lake and Streambed Alteration Agreement. The DFG protest was dismissed on September 17, 2009 subject to the identified protest dismissal terms.

7. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director for Water Rights (Deputy Director) to administer the duties required under the California Environmental Quality Act (CEQA) (Resolution No. 2007-0057, section 4.10). The Deputy Director has redelegated this authority to the Manager of the Permitting Section.
8. Pursuant to the provisions of CEQA, the State Water Board adopted a Mitigated Negative Declaration (MND) pursuant to the California Code of Regulations, Title 14, section 15074. The MND determined that the above-proposed project will have a less than significant effect on the environment and will not result in significant cumulative impacts based on the reasons specified in the Initial Study (IS). The potential adverse impacts of the project were found to be less than significant and mitigated for with the inclusion of specific license terms and revision of the existing flow bypass requirement term.
9. A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared in conformance with CEQA (Public Resources Code § 21081.6). The MMRP has been developed based on the information and mitigation measures contained in the IS/MND. The MMRP lists mitigation measures recommended in the IS/MND for the proposed project and specifies implementation and monitoring responsibilities. Pursuant to Public Resources Code section 21081.6(b), each of the applicable mitigation measures identified in the MMRP will be substantially included as enforceable terms in any amended license authorizing construction, diversion, or use of water pursuant to License 12902.
10. The State Water Board will file a Notice of Determination for this project with the Governor's Office of Planning and Research within five days from the issuance of this Order, in accordance with the California Code of Regulations, Title 14, section 15096.
11. The State Water Board currently places standard terms in all new permits and licenses and, when acting on a Petition for Change, adds these standard terms to existing permits and licenses.
12. The State Water Board has determined that the amended license does not constitute an initiation of a new right and does not injure prior water rights or the public trust resources of the State.
13. The State Water Board has delegated the authority to act on petitions for change to the Deputy Director pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.9) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.

THEREFORE, IT IS ORDERED THAT the Mitigation Monitoring and Reporting Plan is adopted and the attached Amended License 12902 is issued, superseding former License 12902 issued on May 7, 1992. The priority of Amended License 12902 is January 3, 1978.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney
Deputy Director for Water Rights

Dated: **JUN 30 2010**

Attachment - Amended License 12902