STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

NORTH COAST WATERSHED
RESERVOIR INVESTIGATION

Reservoir ID UN000139

Date of Inspection: October 16, 2013

Investigation by: Kevin Porzio
Accompanied by: Aaron Miller
Persons Interviewed: Newton Dal Poggetto

Owner Information:
Name: Newton Dal Poggetto Successor Trust
Address: 555 Crest Way, Sonoma, CA 95476-3465

Property Information:
Location: Carneros Highway across from Haire Lane
County: Napa
Assessor's Parcel No: 047-070-018

FIELD FINDINGS

General: On August 18, 2011 property owners within the Napa River Watershed, including Newton Dal Poggetto Successor Trust, were sent a Notice of Potential Unauthorized Diversion and Use of Water, and Failure to File a Statement of Water Diversion and Use for Diversion of Water in Napa County. On February 24, 2012 an in office inspection found an onstream diversion of the Unnamed Stream tributary to Huichica Creek on property owned by Newton Dal Poggetto Successor Trust. On March 16, 2012 the Division mailed Newton Dal Poggetto Successor Trust an Administrative Civil Liability Complaint and Notice of Proposed Cease and Desist Order Regarding Unauthorized Diversion of Water within the Napa Watershed in Napa County. By letter dated April 4, 2012 the Division received notice of request for hearing regarding the Administrative Civil Liability Complaint and Proposed Cease and Desist Order. This site inspection was requested by the Division to make observations and collect field measurements to determine if the reservoir is onstream and collecting water subject to the jurisdiction of the State Water Resources Control Board.

Source: Unnamed Stream tributary to Huichica Creek thence Napa Slough thence Napa River thence San Pablo Bay.

Estimated Flow: There was no flow at the time of inspection.

Reservoir Location: The point of diversion by California Coordinate System 1983, Zone 2,

AM
11/6/13

North 1,854,618 feet and East 6,452,771 feet being within the SW ¼ of NE ¼ projected Section 26, Township 5 North, Range 5 West, MDB&M. Section projected using data layer obtained from the Division of Oil, Gas, and Geothermal Resources (DOGGR).

Storage Facility: Single axis earthen dam. The water surface was 4.1 feet below the top of the concrete spillway.

Dam Height: The dam height was determined using a laser range finder. The height from the toe of the dam to the crest measured 18.5 feet. The height from the toe of the dam to the top of the concrete spillway measured 17.3 feet. There are two rectangle holes cut in the cement below the top of the spillway which appear to have been the original spillway. Sedimentation at the spillway wall has backfilled over the two spillway holes. The bottom of the two spillway holes measured 15.4 feet from the toe of the dam.

Reservoir Area: The surface area of the reservoir was measured by GPS. The reservoir area measured 2.0 surface-acres as taken from the high water line.

Estimated Reservoir Volume: The method used to estimate the reservoir volume is detailed in the State Water Resources Control Board's, How to File an Application to Appropriate Water (September 2004) p. 9.

(depth) X (surface acres) X (0.7 a statistical factor to account for slope of submersed reservoir banks) = capacity in acre-feet

From the toe of the dam to the top of the concrete spillway, a volume estimate of the reservoir is 24.2 acre-feet (17.3 ft x 2.0 ac x 0.7 = 24.2 ac-ft).

Use of Water at Reservoir: Mr. Dal Poggetto said the land is leased for dry milk cows and calves. There were numerous troughs near two large hay facilities and one near a water well located to the west of the reservoir. The troughs were empty and Mr. Dal Poggetto was not aware if the water well is used to fill them or if the well is even operational. Cattle tracks and dung was observed from the fence at Highway 12 all the way to the furthest measured upstream channels and along the hillsides to the east and west of the reservoir. Cattle tracks and dung were also observed below the high water line around the reservoir and in the Unnamed Stream above and below the dam.

Place of Use: It appears as shown by cattle hoof marks around the reservoir that the place of use is at the reservoir. The reservoir has a vegetative surface cover with clumps of grass grown approximately 10 feet to 15 feet from the water's edge. A rock was thrown near one of the grass clumps to determine if there was water or mud under the grass clump growing in the vegetative cover. The rock made a low thumping sound as it passed through the vegetative cover and sank to the bottom. Additionally the clumps of grass appear to be growing on top of the thick vegetative cover. A hole in the vegetative cover remained after tossing the rock, and the splashing sound confirms the reservoir seasonally stores water. The vegetative cover completely blankets the reservoir. While taking GPS measurements downstream of the reservoir, the vegetative cover was seen dried on rocks and snags in the stream channel.

Other Water Rights: There are no other water rights associated with the parcel. It appears the parcel is riparian to the Unnamed Stream.

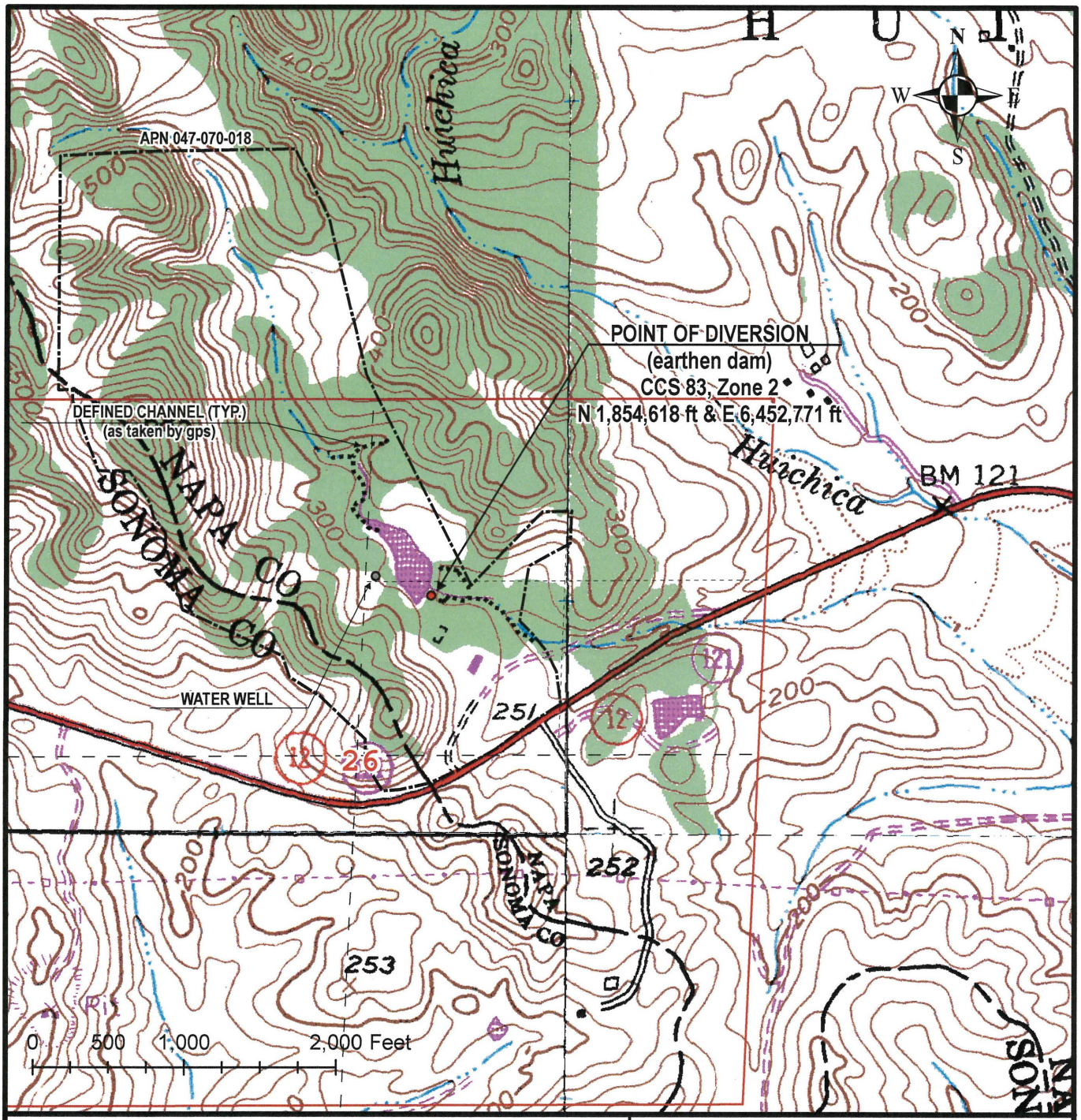
Alternative Supply Available: There is a water well approximately 150 feet to the west of the reservoir. There is PVC and metal piping near the water well and damaged electrical conduit. Mr. Dal Poggetto did not know if the water well is functional.

Visible Upstream Channel with Bed and Banks: (Y/N), explain. Yes. There is a well-defined channel with bed and banks above the reservoir. The channel was followed uphill approximately 850 feet as measured by GPS. A smaller channel tributary to the Unnamed Stream was also measured by GPS.

Visible Downstream Channel with Bed and Banks: (Y/N), explain. Yes. There is a well-defined channel with bed and banks below the dam. The spillway channel stretches approximately 350 feet before flowing into Unnamed Stream. The downstream channel was followed approximately 900 feet from near the toe of the dam to the property line as measured by GPS.

Is Storage Facility Subject to SWRCB Permitting Authority? : (Y/N), explain. Yes. Defined channels exist above the reservoir and below the dam. In addition the United State Geological Survey (USGS) 7.5 minute quadrangle map for the Sonoma quadrangle shows blue line streams above and below the reservoir. The quadrangle map was originally compiled in 1951 and photo revised in 1980. The reservoir was not in the original map but included in the photo revision.

CONCLUSION AND RECOMMENDATIONS: Jurisdictional.
The Division should notify Newton Dal Poggetto Successor Trust of the findings of this reservoir inspection and actions that can be taken to either pursue a water right or render the reservoir incapable of storing water. The Division might also want to inform the San Francisco Bay Regional Water Quality Control Board of the reservoir surface cover and its presence downstream as it could potentially be a water quality issue or an invasive species. The San Francisco Bay Regional Water Quality Control Board should also be informed of the presents of cow dung and cattle trails in the Unnamed Stream.



OWNER **NEWTON DAL POGGETTO SUCCESSOR TRUST**

SOURCE **UNNAMED STREAM TRIBUTARY TO HUICHICA CREEK**

POINT OF DIVERSION

WITHIN **SW 1/4 OF NE 1/4** OF PROJECTED

SECTION **26, T5N, R5W, MDB&M**

COUNTY OF **NAPA**

U.S.G.S. QUAD: **SONOMA** PROJECTION: **DOGGR** SCALE: **1:12,000**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

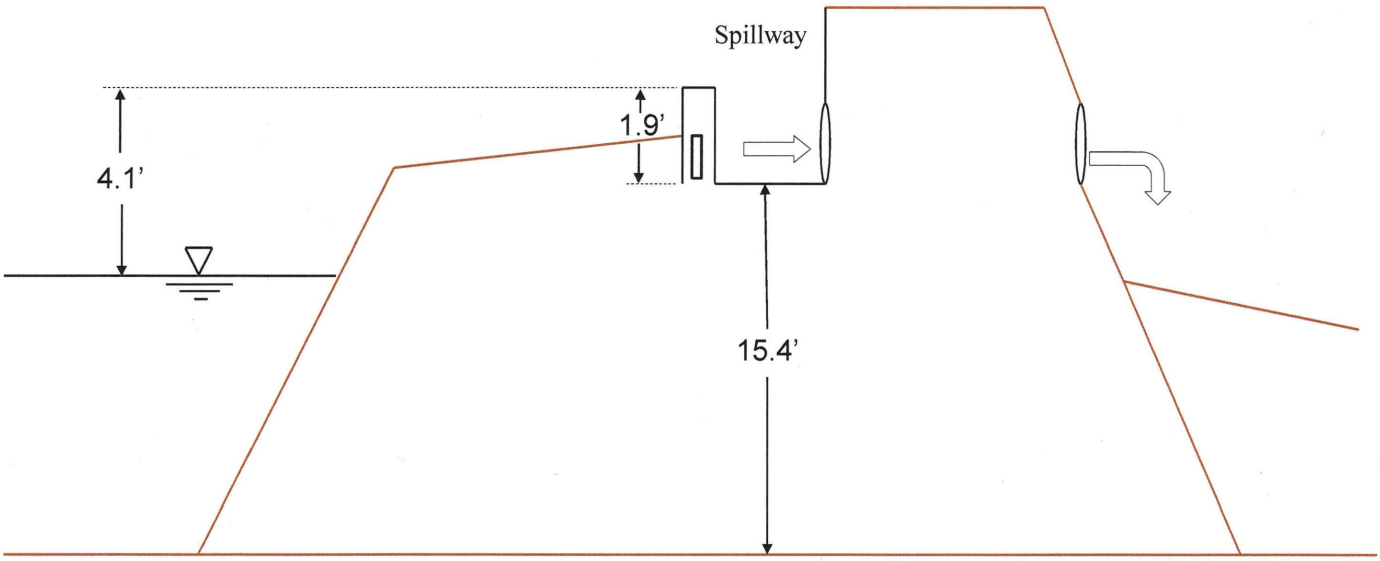
APPLICATION NO. **UN000139**

NON-PERMITTED RESERVOIR MAP

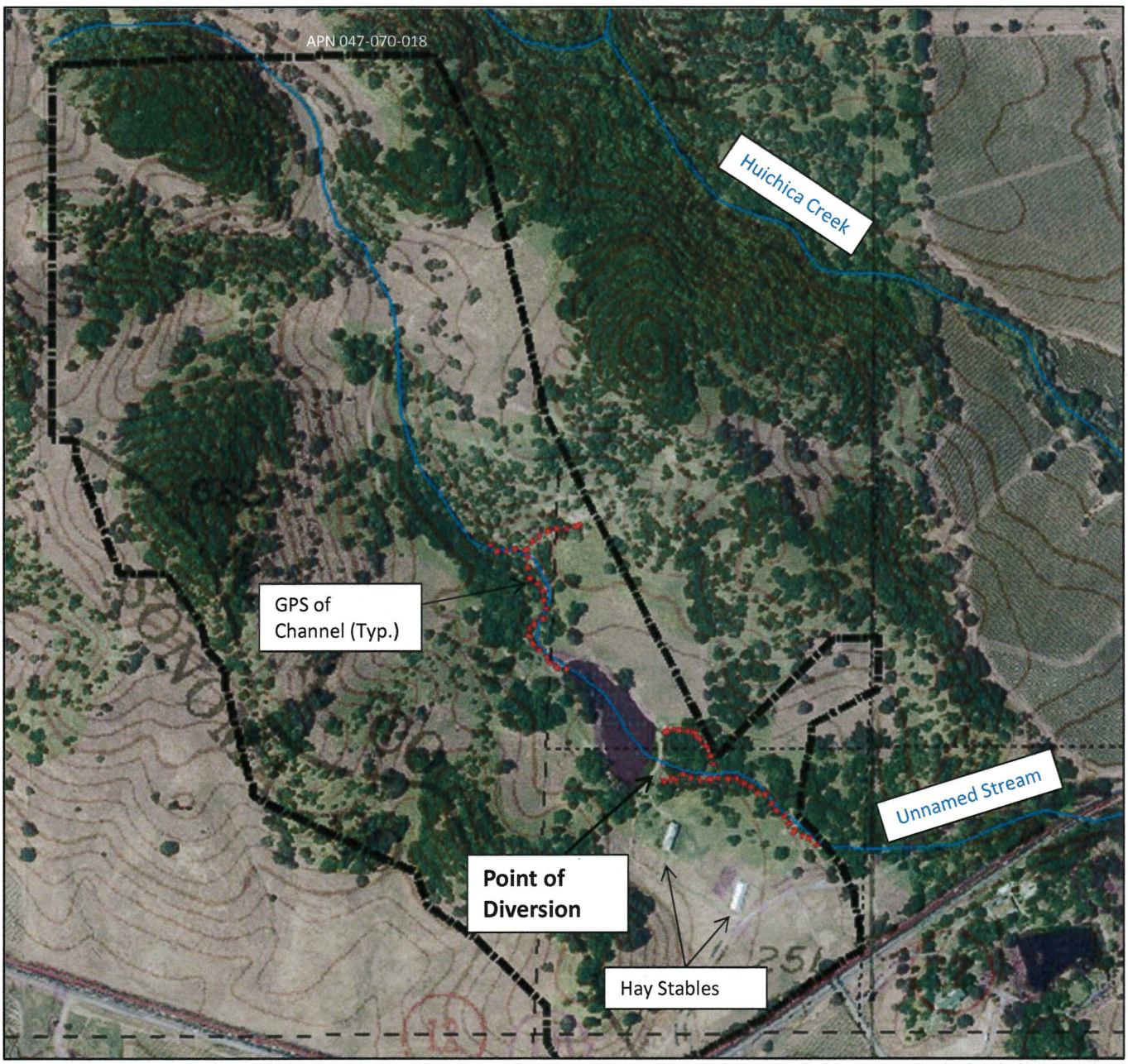
DATE:	DRAWN:	CHECKED:
10-31-2013	KPORZIO	AM

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.

Newton Dal Poggetto Successor Trust
UN000139
Cross-Sectional View of Earthen Dam and Spillway Structure



Newton Dal Poggetto Successor Trust
UN000139
Inspection Photos



Note: This map does not constitute a public land survey as defined by California Businesses & Professions Code section 8726. It has been prepared for descriptive purposes only. The orthophoto is a 2010 NAIP layer viewed in ArcMap.

UN000139
Inspection Photos
Channel Tributary to Unnamed Stream

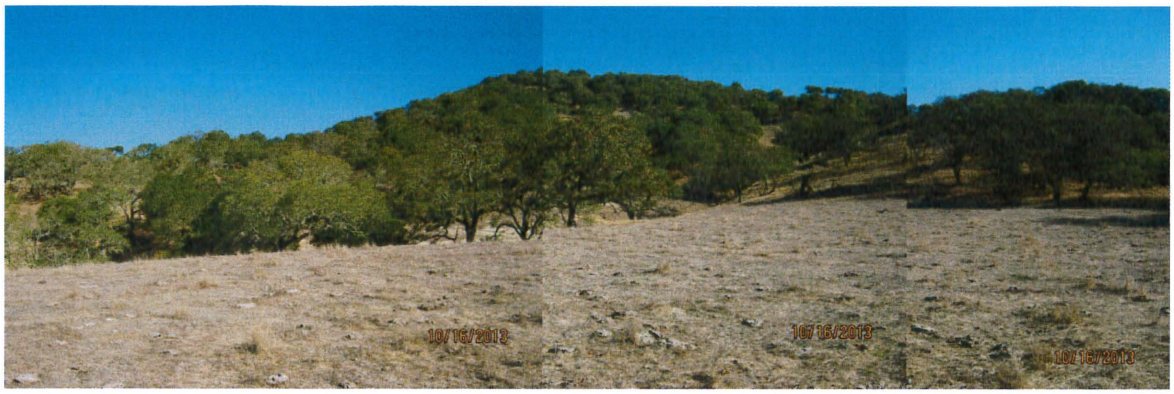


Figure 1: Defined channel above the reservoir tributary to the Unnamed Stream as seen from the pasture on the northeastern side of the reservoir.

Figure 2: Defined channel as seen looking east.

Figure 3: Defined channel as seen looking west towards the Unnamed Stream. Signs of cattle crossing seen on both sides of the channel.

Figure 4: Defined channel as seen looking west from the cattle crossing in Figure 3.

Figure 5: Defined channel as seen looking west downstream of Figure 4.

UN000139
Inspection Photos
Channel Tributary to Unnamed Stream (Cont.)

Figure 6: Defined channel as seen looking west downstream of Figure 5..

Figure 7: Defined channel as seen looking west downstream of Figure 6.

Figure 8: Defined channel as seen looking west downstream of Figure 7. Unnamed Stream seen in the background.

Figure 9: Defined channel as seen looking west. In the center of the photo the channel drains to the Unnamed Stream which flows from the northwest to the southeast.

Figure 10: At the confluence looking upstream, northwest, along the Unnamed Stream.

Figure 11: At the confluence looking downstream, southeast, along the Unnamed Stream.

UN000139
Inspection Photos
Unnamed Stream Above the Point of Diversion

Figure 12: Looking upstream, northeast, along the Unnamed Stream approximately two hundred feet above the confluence.

Figure 13: Unnamed Stream as seen looking southeast above the confluence.

Figure 14: Unnamed Stream as seen looking southeast downstream of Figure 13.

Figure 15: Unnamed Stream as seen looking southeast downstream of Figure 14.

Figure 16: Unnamed Stream as seen looking southeast at the confluence with the defined channel.

Figure 17: Unnamed Stream as seen looking south at the confluence.

UN000139
Inspection Photos
Unnamed Stream Above the Point of Diversion (Cont.)

Figure 18: Unnamed Stream as seen looking south downstream of Figure 19.

Figure 19: Unnamed Stream as seen looking south downstream of Figure 18.

Figure 20: Unnamed Stream as seen looking southeast downstream of Figure19. Cattle trail along the channel and up the hill as seen to the left of the photo center.

Figure 21: Unnamed Stream as seen looking southeast downstream of Figure 20. Cattle trail out of the channel shown on the left. Flashboard dam top seen in the channel at the tree on the right.

Figure 22: Unnamed Stream as seen looking southeast. Flashboard dam silted over in the channel and cattle trail to the right.

Figure 23: Unnamed Stream as seen looking northwest, upstream, at the flashboard dam.

UN000139
Inspection Photos
Unnamed Stream Above the Point of Diversion (Cont.)

Figure 24: Unnamed Stream as seen looking southeast downstream of Figure 23.

Figure 25: Unnamed Stream as seen looking southwest downstream of Figure 24.

Figure 26: Unnamed Stream as seen looking southwest at a bend in the channel downstream of Figure 25.

Figure 27: Unnamed Stream as seen looking south downstream of Figure 26.

Figure 28: Unnamed Stream as seen looking south downstream of Figure27.

Figure 29: Unnamed Stream as seen looking southeast. Reservoir in the distant left corner of the photo.

UN000139
Inspection Photos
Point of Diversion

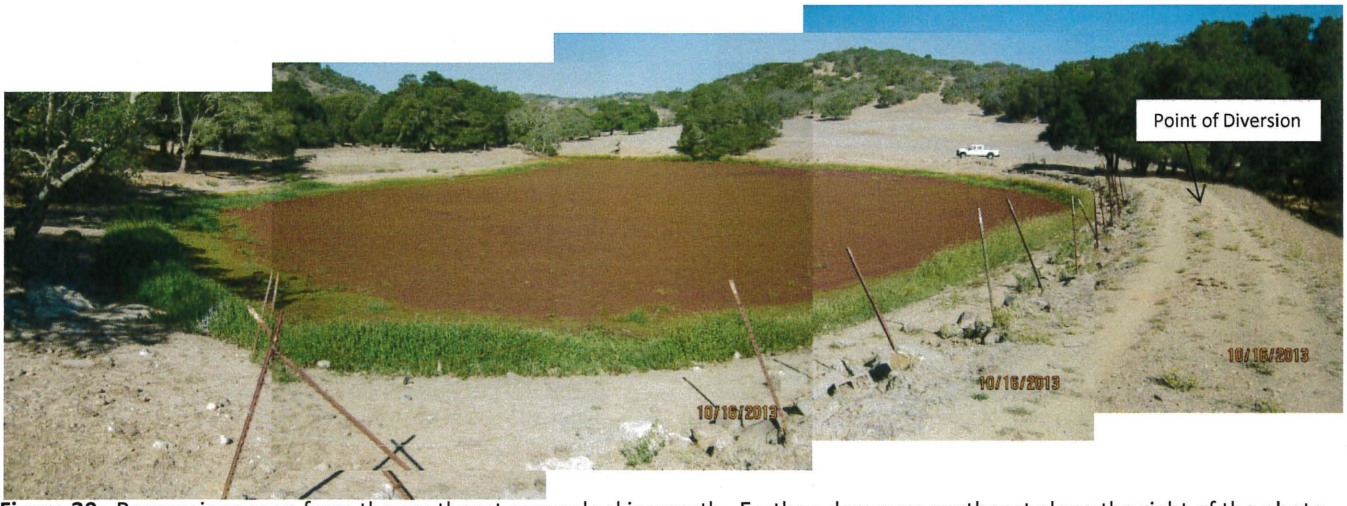


Figure 30: Reservoir as seen from the southeast corner looking north. Earthen dam runs northeast along the right of the photo.

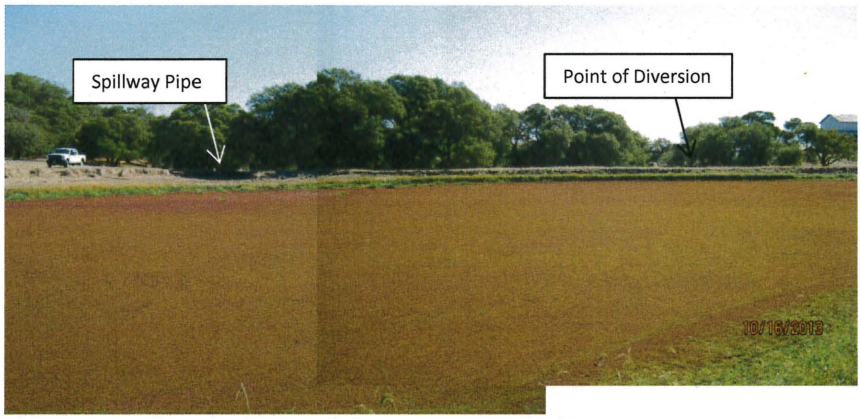


Figure 31: Spillway and point of diversion as seen looking southeast from the western bank of the reservoir.

Figure 32: Reservoir as seen looking south from the northeastern bank of the reservoir.

Figure 33: Close up of the reservoir surface cover. Rock hole in the upper portion of the photo.

UN000139
Inspection Photos
Point of Diversion (Cont.)

Figure 34: Western side of the reservoir as seen looking south.

Figure 35: Western side of the reservoir as seen looking south.

Figure 36: Southern point of the reservoir looking northeast along the dam.

Figure 37: Eastern bank of the reservoir looking northwest as seen from spillway.

Figure 38: From the spillway looking northwest across the reservoir. It appears the grassy vegetation in the foreground is growing on top of the reservoir surface cover.

Figure 39: From the northeasterly bank looking south across the reservoir.

UN000139
Inspection Photos
Point of Diversion (Cont.)

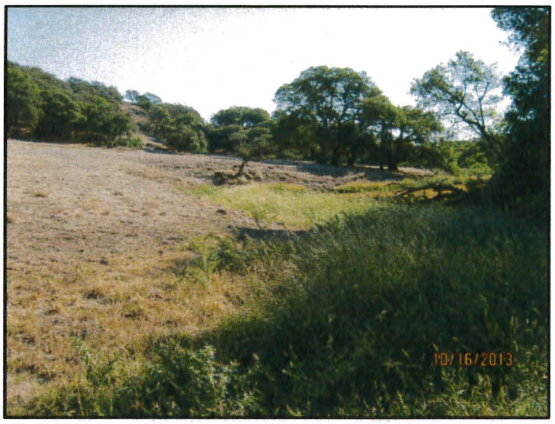


Figure 40: High waterline at the northern end of the reservoir as seen from the Unnamed Stream.

Figure 41: Signs of cattle below the high waterline in the northern part of the reservoir.

Figure 42: A second defined channel to the west tributary to the Unnamed Stream near the reservoir high waterline.

Figure 43: High waterline along the northwestern bank of the reservoir.

Figure 44: From the northwestern bank looking east across the reservoir.

Figure 45: From the western bank looking at cattle pastures on the east side of the reservoir.

UN000139
Inspection Photos
Reservoir Spillway

Figure 46: Spillway at the northern end of the earthen dam. Cement wall in front of the spillway pipe is backfilled with sediment.

Figure 47: Cemented area between the cement wall and the spillway.

Figure 48: Screened holes in the cement wall now covered by sediment. Dried reservoir surface cover tangled in the wires above the cement wall.

Figure 49: Survey rod in front of the cement wall for perspective.

Figure 50: Reservoir spillway and cement wall.

Figure 51: The spillway outlet as seen from the downstream channel.

UN000139
Inspection Photos
Water Well

Figure 52: Water well approximately 170 feet from the western bank of the reservoir. A third defined channel can be seen in the background.

Figure 53: Cattle trough and water well as shown looking east with the reservoir in the background.

Figure 54: Water well platform and connections.

Figure 55: Water well piping.

Figure 56: Third defined channel to the south of the water well as seen looking southwest.

Figure 57: Third defined channel is directed though a culvert under the access road as seen looking northeast towards the reservoir.

UN000139
Inspection Photos
Spillway Channel to Unnamed Stream

Figure 58: Channel downstream of the spillway as seen from dam directly over the spillway. Channel flows east then curves south to the Unnamed Stream below the dam.

Figure 59: Dried reservoir vegetation cover that has been washed downstream. Photo approximately 100 feet below the spillway.

Figure 60: Defined spillway channel looking southeast.

Figure 61: Defined spillway channel looking south.

Figure 62: Defined spillway channel looking south.

Figure 63: Defined spillway channel at the Unnamed Stream. Unnamed Stream below the dam flows southeast to the property line.

UN000139
Inspection Photos
Unnamed Stream Below the Point of Diversion

Figure 64: Unnamed Stream as seen looking east at the property line.

Figure 65: Unnamed Stream as seen looking northwest, upstream, from the property line.

Figure 66: Unnamed Stream looking northwest.

Figure 67: Unnamed Stream looking northwest.

Figure 68: Unnamed Stream looking northwest.

Figure 69: Unnamed Stream looking northwest.

UN000139
Inspection Photos
Unnamed Stream Below the Point of Diversion (Cont.)

Figure 70: Unnamed Stream looking northwest.

Figure 71: Unnamed Stream looking northwest.

Figure 72: Unnamed Stream looking northwest.

Figure 73: Unnamed Stream looking northwest.

Figure 74: Unnamed Stream looking northwest.

Figure 75: Unnamed Stream looking northwest.

UN000139
Inspection Photos
Unnamed Stream Below the Point of Diversion (Cont.)

Figure 76: Unnamed Stream looking northwest as it bends to the west. Confluence with the defined spillway channel to the right of the photo.

Figure 77: From the Unnamed Stream looking north up the defined reservoir spillway channel.

Figure 78: Unnamed Stream looking west from the confluence with the defined spillway channel.

Figure 79: Unnamed Stream looking west.

Figure 80: Unnamed Stream looking northwest.

Figure 81: Unnamed Stream looking northwest.

UN000139
Inspection Photos
Unnamed Stream Below the Point of Diversion (Cont.)

Figure 82: Unnamed Stream looking northwest. Earthen dam in the background.

Figure 83: Cattle droppings and abandoned battery in the Unnamed Stream near the base of the earthen dam.

Figure 84: Battery in the Unnamed Steam near the base of the dam.

Figure 85: Unnamed Stream looking northwest towards the base of the earthen dam.

Figure 86: Unnamed Stream at the base of the earthen dam.

Figure 87: Earthen dam as seen looking north from the Unnamed Stream.

UN000139
Inspection Photos
Hay Facilities

Figure 88: There are two hay facilities approximately 1,000 feet to the north of the Highway.

Figure 89: Close up of one of the facilities. Hay was scattered around the facility and stored inside as well.

Figure 90: PVC piping running along the fence line as seen looking east.

Figure 91: PVC pipe running along the fence line as seen looking east. Hay facilities and water troughs pictured in the background.

Figure 92: The PVC pipe is buried along the fence line running north to the water well.

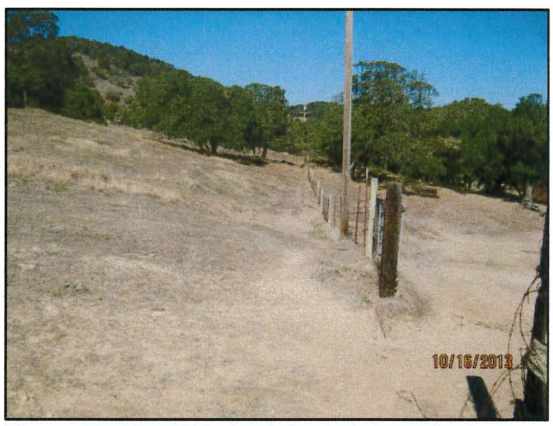


Figure 93: The PVC pipe is buried along the fence line running north to the water well.