

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES CONTROL BOARD
2004 JUN 24 PM 3:26
DIVISION OF WATER RIGHTS
SACRAMENTO

MINOR
PETITION FOR CHANGE
(WATER CODE 1700)

Application 29351 Point of Diversion, Permit 20428 Point of Rediversion, License Place of Use, Statement or Other N/A Purpose of Use

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)
Present See attached.
Proposed See attached.

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)
Present Shown on map on file with the State Water Resources Control Board.
Proposed No Change.

Purpose of Use
Present Recreational and irrigation and frost protection.
Proposed Irrigation only.

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? See attached.
(yes/no)

- GIVE REASON FOR PROPOSED CHANGE: See attached.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? yes
(yes/no)
- WATER WILL BE USED FOR Agricultural Purposes (vineyard) PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership
(ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No
(yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Attach additional pages if needed.
N/A

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.
Unknown.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated June 22, 20 04 at Napa, California
By: Premier Vineyard Associates, G.P.; By: Premier Pacific Vineyards, L.P., G.P.; By: Premier Pacific Vineyards, Inc., G.P.; By: William Hill (707) 224-6565
Signature(s) William Hill, President Telephone No.

6/24/04
\$1000
JCH

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

Attachment to Accompany
MINOR
PETITION FOR CHANGE
(WATER CODE 1700)

(Application No._29351 Permit No._20428)

Point of Rediversion

Present: See Attached Map for full description.

Permit dated February 26, 1990 authorizes the following Points of Diversion/Rediversion/Storage:

- 1) Onstream storage and diversion to offstream storage – South 1,100 feet and west 1,700 feet from NE corner of projected Section 13. (Source = Kreuse Creek).
- 3) Diversion to Offstream Storage – South 100 feet and west 800 feet from NE corner of projected Section 13. (Source = Unnamed Stream).
- 4) Offstream storage and point of rediversion – south 200 feet and west 1,320 feet from NE corner of projected section 13.

Proposed: See attached map for full description.

- 1) Onstream storage removed - point of diversion to offstream storage retained.
- 3) No changes proposed.
- 4) Offstream storage and point of rediversion relocated to a new offstream storage site approximately 1000 feet to the west of the currently authorized offstream storage site. New location is south 300 feet and west 2,300 feet from NE corner of projected section 13, being within the NW 1/4 of the NW 1/4 of Sec. 13, T.5N., R.4W., MDB&M.

GIVE REASON FOR PROPOSED CHANGE:

To conform with Condition 18 of Permit 20428, discussions were initiated between permittee and CDFG regarding potential fishery issues. CDFG strongly suggested that their favored approach to minimizing potential impacts to fish on Kreuse Creek and downstream was to change the on-stream reservoir to an off-stream reservoir, thereby avoiding potential fishery impacts. As a result, permittee has decided to remove the on-stream reservoir altogether and to relocate the off-stream reservoir to avoid potential fishery impacts. The diversion structure remains in the same location. The construction

of this structure will slightly improve conditions surrounding the existing streambed and reduce sedimentation into the stream. Additionally, as part of the project, an eroded portion of the Kreuse Creek streambed will be repaired, thereby improving conditions for riparian habitat and associated fish and wildlife resources.

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STATE WATER RESOURCES
CONTROL BOARD

2004 JUN 24 PM 3:29

PETITION FOR EXTENSION OF TIME

DIV. OF WATER RIGHTS
SACRAMENTO

WATER USERS:

Application 29351 Permit 20428

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

- The project has been abandoned and I request revocation of the permit.

Signature
- Full use of water has been made, both as to amount and season, and I request license be issued.

Signature
- The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME
If START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

2. Estimate date construction work will begin. _____
3. Reasons why construction work was not begun within the time allowed by the permit.

6/24/04
#1000
DC

PETITION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A 3 (three) - year extension of time is requested to complete construction work and/or beneficial use of water (Indicate number of years).
5. How much water has been used? See Attachment acre-feet/year N/A cfs
6. How many acres have been irrigated? Approx 75
7. How many houses or people have been served water? N/A
8. Extent of past use of water for any other purpose. N/A.
9. What construction work has been completed during the last extension? See Attachment
10. Approximate amount spent on project during last extension period. \$ 92,000 (approximately)
11. Estimate date construction work will be completed. Fall 2006
12. Estimated year in which water will be fully used. 2007
13. Reasons why construction and/or use of water were not completed within time previously allowed. See Attachment.

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

14. What water conservation measures are in effect or feasible within the place of use?
N/A
15. How much water is being conserved or is it feasible to conserve using these conservation measures?
N/A acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? N/A gpd.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: June 22, 2004, at Napa, California
By: Premier Vineyard Associates, G.P.; By: Premier Pacific Vineyards, L.P., G.P.; By: Premier Pacific Vineyards, Inc., G.P.; By: William Hill (707) 224-6565
Signature(s) William Hill, President Telephone No.

NOTE: A \$50 FEE MADE PAYABLE TO THE State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.

**Attachment to Accompany
PETITION FOR EXTENSION OF TIME
Application No. 29351; Permit No. 20428**

5. How much water has been used?

The permittee has developed the place of use. Approximately 75 acres of vineyard have been planted, which have been irrigated from groundwater wells.

9. What construction work has been completed during last extension?

Significant construction-related activities have occurred including water availability/cumulative flow studies required by the California Department of Fish and Game, site evaluation including geotechnical studies required for the engineering of the offstream reservoir and environmental studies including wildlife and vegetation surveys. To date, the cost of performing this construction-related work has been approximately \$92,000.

13. Reasons why construction and/or use of water were not completed within time previously allowed?

Permit No. 20428 was issued on February 26, 1990, and specified that construction must be completed by December 31, 1993. Complete application of the water to the authorized use was required by December 31, 1994. Permittee filed a Petition for Extension of Time on April 21, 1995, and requested a 10-year extension of time to complete construction and beneficial use of the water. By Order dated September 5, 1995, the SWRCB Division of Water Rights approved the petition, and modified Condition 8 of the permit to require completion of construction by December 31, 2000, and modified Condition 9 of the permit to require complete application of the water to the proposed use by December 31, 2005.

When the prior petition for extension was submitted, the use of groundwater was a more economical source of water. It was understood at that time, however, that due to development pressures, the use of groundwater could become less economical and reliable, and the permittee would eventually fully utilize the surface water rights under the permit. In 1999, the Napa County Board of Supervisors passed a groundwater management ordinance (Napa County Ordinance No. 1230) regulating the extraction and use of groundwater in the county and requiring the issuance of a groundwater permit before development may occur. A groundwater permit cannot be issued if evidence exists showing that the proposed agricultural, commercial or residential development will increase the existing water use or take more than its fair share of groundwater if there is no pre-existing use. Exemptions from this requirement exist for common uses that normally do not use excessive amounts of groundwater, such as constructing a single-family residence, for parcels not located in groundwater deficient basins. In groundwater deficient basins (i.e. where the groundwater level is dropping from year to year), such as the

Milliken-Sarco-Tulucay basin, permits are required for virtually any new system or improvement to an existing system that might involve an increased use of groundwater. The proposed place of use is located in the groundwater deficient Milliken-Sarco-Tulucay basin and is subject to the requirements of the groundwater ordinance.

With passage of Ordinance No. 1230 in 1999 the permittee increased its efforts to develop its Kreuse Creek surface water rights. In accordance with condition 18 of Permit 20428, permittee submitted to CDFG an application for Streambed Alteration Agreement to proceed with the construction of an on-stream reservoir in compliance with the existing water right permit. In response, CDFG stated that the application was incomplete and that CEQA compliance was required. Additionally, discussions were initiated with CDFG regarding potential fishery issues. CDFG strongly suggested that their favored approach to minimizing potential impacts to fish on Kreuse Creek and downstream was to change the on-stream reservoir to an off-stream reservoir, thereby avoiding potential fishery impacts. As a result, the permittee decided to relocate the on-stream reservoir to an off-stream reservoir site to avoid potential impacts to the fishery. Several months were required to study the relocation of the on-stream reservoir to an appropriate off-stream location. As a result, this second extension of time is requested.

As demonstrated under Item 9, above, the permittee has exercised due diligence and has incurred significant expenses in complying with its permit. In addition, any failure to comply with the completion of construction requirements has been occasioned solely by the necessity to complete discussions and negotiations with CDFG regarding the required Streambed Alteration Agreement, which could not reasonably be avoided. Finally, the permittee commits to making satisfactory progress if the requested extension of time is granted.



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STATE OF CALIFORNIA
DIVISION OF WATER RIGHTS
SACRAMENTO

2004 JUN 24 PM 3: 28

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

STATE OF CALIFORNIA
DIVISION OF WATER RIGHTS
SACRAMENTO

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 29351

PERMIT NO. 20428

LICENSE NO.

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. Provide a description of the proposed changes to your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, changes in land use, and project operational changes, including changes in how the water will be used.

See Attachment.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
- a. Person contacted Brian Bordona Date of contact August 2003
Department Planning Telephone (707) 253-4417
 - b. Assessor's Parcel No. 046-351-016
 - c. County Zoning Designation Agricultural Watershed
 - d. Are any county permits required for your proposed changes? Yes
If yes, check appropriate space below:
 Grading Permit, _____ Use Permit, _____ Watercourse
Obstruction Permit, _____ Change of Zoning, _____ General Plan
Change, Other (explain):

 - e. Have you obtained any of the required permits described above? No
If yes, provide a complete copy of each permit obtained.
3. Are any additional state or federal permits required for your proposed changes? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:
- Permit type 1603 Streambed Alteration Agreement
- Person (s) contacted Greg Martinelli Agency CDFG
- Date of contact September 2003 Telephone (707) 944-5520
4. Has any public agency prepared an environmental document for any aspect of your proposed changes? NO

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Petitioner is a private entity, and therefore understands that the SWRCB will be preparing and adopting any necessary environmental documentation.

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes If so, explain: See attached.

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? _____

Person contacted Keith Lichten Date of contact May 10, 2004

What method of treatment and disposal will be used? Best Management Practices for erosion control will be implemented.

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? See attached.

Do you know of any archeological or historic sites located within the general project area?

No. _____ If so, explain: _____

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

- a. Along the stream channel immediately downstream from the proposed point(s) of diversion
- b. Along the stream channel immediately upstream from the proposed point(s) of diversion
- c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
 - Sierran Mixed Conifer
 - White Fir
 - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
 - Blue Oak Woodland
 - Valley Oak Woodland
 - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
 - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities

- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities

- Annual Grassland
- Perennial Grassland
- Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities

- Riverine
- Lacustrine
- Estuarine
- Marine

Developed Communities

- Cropland
- Orchard-Vineyard
- Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees or shrubs would be damaged or removed as part of the proposed project. The water diversion structure will be sited in annual grassland immediately adjacent to an existing gravel road, and the conveyance pipeline will be located on annual grassland and existing vineyard. The proposed reservoir site will also be located on existing vineyard and annual grassland.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

See Attachment.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

See attached.

***Note:** The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain: The construction of the diversion would temporarily alter the bed of Kreuse Creek as it crosses over the existing dirt roadway on the site. After completion of construction of the diversion structure the bed and bank would be improved from its preconstruction condition with the placement of gravels surrounding the bed to prevent silt migration into the streambed and diversion structures.

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

By: Premier Vineyard Associates, G.P.
By: Premier Pacific Vineyards, L.P., G.P.
By: Premier Pacific Vineyards, Inc., G.P.

Date June 22, 2004

Signature By: *William Hill*
William Hill, President

**Attachment to Accompany
ENVIRONMENTAL INFORMATION
FOR PETITIONS**

(THIS IS NOT A CEQA DOCUMENT)
APPLICATION NO. 29351 PERMIT NO. 20428

Item 1:

This project involves an existing water rights permit (Permit 20428; Application 29351) to divert from Kreuse Creek and a nearby Unnamed Stream in Napa County to storage, and rediversion for application to approximately 75 acres of vineyards. Permittee has filed concurrently herewith a Minor Petition for Change to remove the previously authorized on-stream reservoir from the permit, and change the location of the off-stream storage reservoir and the corresponding point of rediversion authorized under the permit. In order to provide adequate time for processing the petition for change, complete any necessary regulatory compliance and environmental review, and complete construction of the relocated off-stream reservoir, permittee has also filed concurrently herewith a petition for extension of time to extend the deadline for the completion of construction to October 31, 2006, and to extend the deadline to December 2007 for completing the application of the water for the authorized purposes of use. The new proposed off-stream storage reservoir site is located approximately 1000 feet to the west of the currently authorized off-stream storage site. The off-stream storage reservoir to be constructed is depicted in the Water Storage Reservoir Grading Plan, which is attached hereto as Exhibit 1. There are no other proposed changes in how the water will be used under the permit.

Item 5:

Construction of the offstream reservoir and diversion facility could cause short-term erosion, turbidity or sedimentation. To comply with Napa County requirements for a grading permit an erosion control plan will be prepared which will include detailed erosion and sediment control measures such as the use of cover crops, silt fences and straw bale waterbars. Implementation of these measures is intended to avoid or minimize erosion, turbidity or sedimentation.

Item 6:

A report will be prepared to satisfy CEQA requirements.

Item 7:

Please see digital photos attached hereto as Exhibit 2, which were taken by Gary Santolo during a site visit on March 24, 2004.

Item 10:

A dead rainbow trout (*Oncorhynchus mykiss*) (approx. six inches in length) was observed downstream of the proposed diversion site on Kreuse Creek during a March 24, 2004 field survey by CH2M HILL biologist Gary Santolo. Information provided by Friends of the Napa River also documents the occurrence of juvenile steelhead (*Oncorhynchus mykiss irideus*) in Kreuse Creek. Data on steelhead use of the Napa River watershed is being collected as part of a multi-year study led by Dr. Charley Dewberry and coordinated through Friends of the Napa River. Additional data on steelhead abundance and distribution in Kreuse Creek has been requested for this project.

The proposed water diversion structure and offstream storage reservoir are not anticipated to adversely affect steelhead and resident rainbow trout that may be using the stream corridor upstream and downstream of the project area, nor adversely affect fish passage through the project area. The water intake structure would consist of an infiltration gallery located along a cut bank adjacent to an existing road on the creekbed margins. (See photo attached hereto as Exhibit 3.) The area proposed for the infiltration gallery currently consists of annual grassland and does not support shrubs or riparian vegetation. Anecdotal information suggests that the surface of the creekbed is dry at this location for most of the spring and summer. At the time of the March 2004 survey, the creek was flowing subsurface at the proposed intake location, however, surface flows were observed both upstream and downstream of the proposed intake site. The lack of spring and summer water at the intake location precludes the use of the area for juvenile steelhead rearing. Diversion from the creek would only occur during high winter flows, and the water velocity at the infiltration gallery would be within CDFG and NOAA Fisheries standards and guidelines to prevent fish entrainment. Because the diversion site lacks spring and summer aquatic habitat and riparian vegetation, and because the project would incorporate measures protective of aquatic resources to avoid entrainment and provide adequate passage flows for adult and juvenile fish during winter months, the project is not expected to result in any adverse effects to fish resources.

Item 11: During a reconnaissance-level biological survey of the project area on March 24, 2004, by Gary Santolo of CH2M HILL, a variety of avian and terrestrial wildlife species were observed and are presented in Table 1.

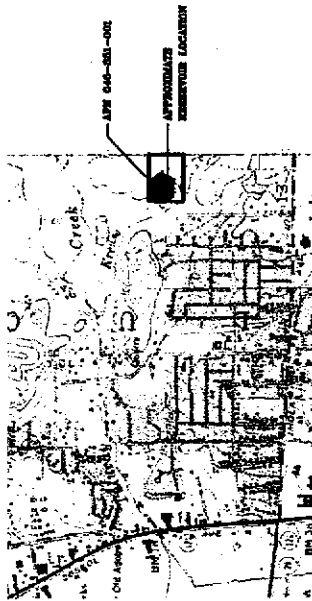
Table 1. Wildlife Observed at Kreuse Creek Vineyard March 24, 2004	
Common Name	Scientific Name
Red-tailed hawk	<i>Buteo jamaicensis</i>
Turkey vulture	<i>Cathartes aura</i>
Anna's hummingbird	<i>Calypte anna</i>
Northern flicker	<i>Colaptes auratus</i>
Black phoebe	<i>Sayornis nigricans</i>
Common raven	<i>Corvus corax</i>
Western scrub-jay	<i>Aphelocoma californica</i>
Western bluebird	<i>Sialia mexicana</i>

Northern mockingbird	<i>Mimus polyglottos</i>
Yellow-rumped warbler	<i>Dendroica coronata</i>
White-crowned sparrow	<i>Zonotrichia leucophrys</i>
House finch	<i>Carpodacus mexicanus</i>
Botta's pocket gopher	<i>Thomomys botta</i>
California ground squirrel	<i>Spermophilus beecheyi</i>
Black-tailed jackrabbit	<i>Lepus californicus</i>

In addition to the field survey, a special-status species list was generated using the California Natural Diversity Database (CNDDDB) on March 29, 2004, for the "Napa" U.S. Geological Survey 7.5-minute quadrangle (quad), which includes the project site. A special-status species list for the "Napa" quad was also obtained through the U.S. Fish and Wildlife Service on March 29, 2004 (see database printouts attached). Listed species with potential for occurrences on or near the project site include the federally threatened steelhead (central California coast Ecologically Significant Unit [ESU]) and the northwestern pond turtle (*Clemmys marmorata marmorata*), a federal species of concern. The nearest recorded sighting of northwestern pond turtle was on September 24, 2003 on Tulucay Creek at the Soscol Avenue Bridge Overcrossing in Napa, California (Observed by Michael Galloway of Caltrans as reported in the CNDDDB).

No observations of California red-legged frog or foothill yellow-legged frog have been recorded within the project vicinity (CNDDDB query on March 29, 2004). No amphibians were observed during the field survey, however, this site visit occurred before the breeding season for many amphibians. The stream corridor at the water intake location is not optimal habitat for either species due to its lack of vegetative cover and seasonal absence of spring and summer water. The pool has some potential for California red-legged frog use based on its depth, although there is very little vegetative cover present. The area of the water intake has some potential for foothill yellow-legged frog use upstream based on its gradient (0 to 4 percent), low water velocity, and limited riparian and overhanging canopy cover. However, the temperature in the stream was approximately 60° Fahrenheit, which is the upper temperature limit for foothill yellow-legged frogs. If the creek is used by frogs, it would likely be upstream in more shaded portions of the creek.

No riparian vegetation is present at the location of the proposed water intake, conveyance pipeline, or storage reservoir. The proposed reservoir would be sited completely within the existing vineyard area, and project water would be used to support existing vineyard. The proposed project would not result in any changes in land use nor result in adverse impacts to natural habitats. For these reasons, no adverse impacts to riparian and terrestrial wildlife are anticipated as a result of the proposed project.



LOCATION MAP

APPROXIMATE EXISTING FACILITY

LEGEND

1. 10' WIDE SIDEWALK

2. 10' WIDE DRIVEWAY

3. 10' WIDE DRIVEWAY

4. 10' WIDE DRIVEWAY

5. 10' WIDE DRIVEWAY

6. 10' WIDE DRIVEWAY

7. 10' WIDE DRIVEWAY

8. 10' WIDE DRIVEWAY

9. 10' WIDE DRIVEWAY

10. 10' WIDE DRIVEWAY

1. 10' WIDE SIDEWALK

2. 10' WIDE DRIVEWAY

3. 10' WIDE DRIVEWAY

4. 10' WIDE DRIVEWAY

5. 10' WIDE DRIVEWAY

6. 10' WIDE DRIVEWAY

7. 10' WIDE DRIVEWAY

8. 10' WIDE DRIVEWAY

9. 10' WIDE DRIVEWAY

10. 10' WIDE DRIVEWAY

1. 10' WIDE SIDEWALK

2. 10' WIDE DRIVEWAY

3. 10' WIDE DRIVEWAY

4. 10' WIDE DRIVEWAY

5. 10' WIDE DRIVEWAY

6. 10' WIDE DRIVEWAY

7. 10' WIDE DRIVEWAY

8. 10' WIDE DRIVEWAY

9. 10' WIDE DRIVEWAY

10. 10' WIDE DRIVEWAY

1. 10' WIDE SIDEWALK

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4. 10' WIDE DRIVEWAY

5. 10' WIDE DRIVEWAY

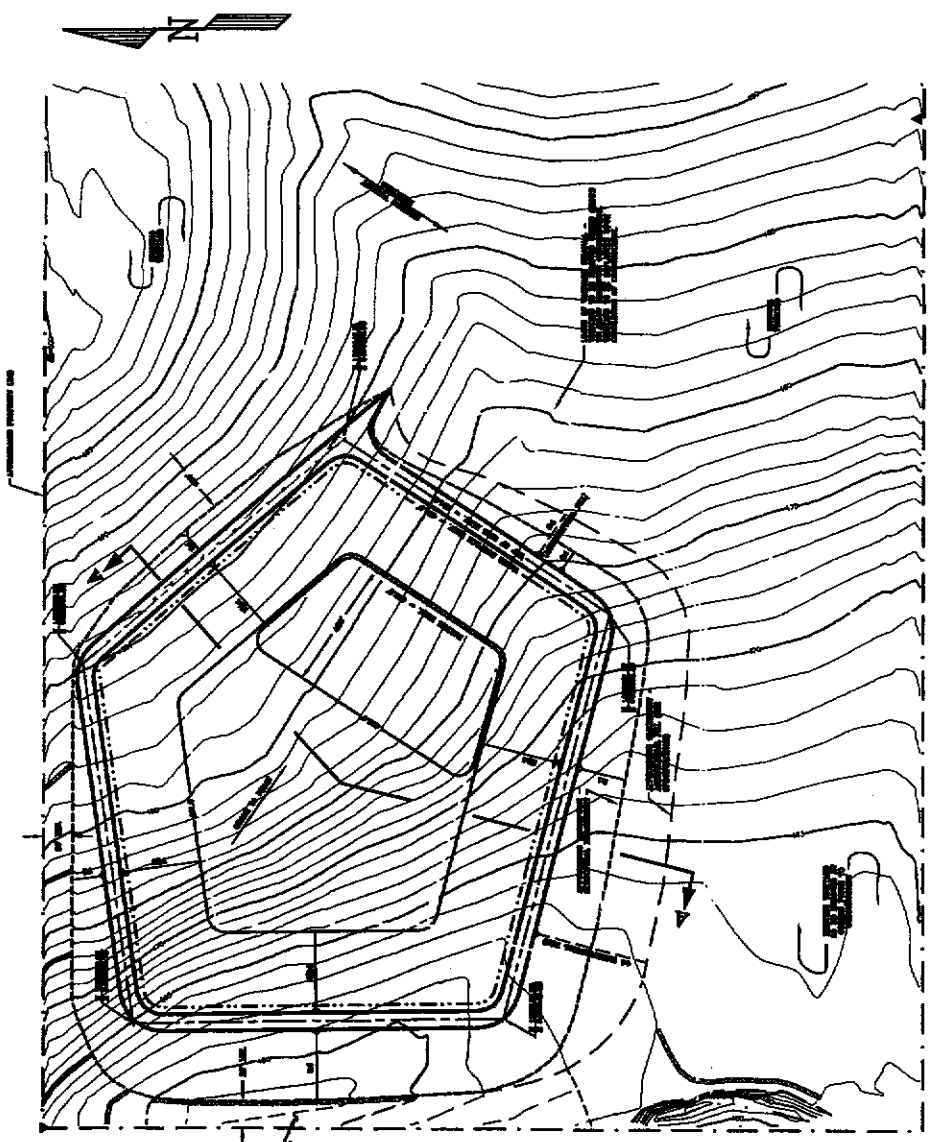
6. 10' WIDE DRIVEWAY

7. 10' WIDE DRIVEWAY

8. 10' WIDE DRIVEWAY

9. 10' WIDE DRIVEWAY

10. 10' WIDE DRIVEWAY



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KROUSE CREEK FARMER VICTARIOS
 2104 EAST MOLLA AVENUE
 KAPA, CALIFORNIA

**WATER STORAGE RESERVOIR
 GRADING PLAN**

**EDWARDS
 ENGINEERING**
 1001 N. 10TH STREET, SUITE 100
 KAPA, CALIFORNIA 93546
 (805) 842-4877

PLAN
 1-1

NO.	DATE	REVISION

EXHIBIT 1