

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

DIVISION OF WATER RIGHTS

In the Matter of License 7328 (Application 18595)

INFINITE LEISURE, LLC.

ORDER APPROVING PETITION FOR CHANGE OF PLACE OF USE

SOURCES: Three Unnamed Streams

COUNTY: Napa

WHEREAS:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Water Right License 7328 to Carter and Perlie Camp on June 14, 1965, pursuant to Permit 12096.
2. License 7328 was assigned to Nicholas and Pauline Tsiplakos, and George Pappas on September 17, 1996, and subsequently to Nicholas and Pauline Tsiplakos on March 8, 1999.
3. On May 18, 2018, licensee submitted a petition for change to increase the place of use for License 7328 under Water Code section 1701. Licensee requested to add 31 acres of previously cultivated and non-cultivated land within Sections 16, 17, 20, and 21 of Township 5 North, Range 4 West, Mount Diablo Base and Meridian (MDB&M). Domestic and Stockwatering uses would remain on the license, unchanged.
4. The petition was noticed to the public on February 26, 2019, and no comments were received.
5. On July 18, 2022, the Division was notified that ownership of License 7328 was transferred to Infinite Leisure, LLC (Licensee).
6. On March 16, 2023, Licensee resubmitted a petition map clarifying the proposed expanded place of use. The overall acreage was reduced from 33 acres to 31 acres and the quarter-quarter description of the place of use varied from the

original petition map. A final map was submitted on September 29, 2026, and final acreages are reflected on the amended license issued pursuant to this order.

7. Remarks from the July 20 and 21, 1964 Division inspection report indicate water is moved between the three reservoirs to facilitate irrigation, domestic, and stockwatering uses. License 7328 is amended to show that all three points of diversion and places of storage are also points of rediversion.
8. In June 2022 and April 2023, Biological Resource Reconnaissance Surveys of the project site were conducted by the Licensee's consultant. On August 3, 2023, an Archaeological Resource Management Report was prepared, drawing in part on the findings of the Biological Survey.
9. The State Water Board is the lead agency for the purposes of California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) compliance for the requested change to License 7328. On August 6, 2026, the State Water Board released for public review and comment a draft initial study and mitigated negative declaration (collectively draft IS/MND) under State Clearinghouse Identification Number 2026080124. The public review and comment period ended on September 8, 2026, and comments were received from the California Department of Fish and Wildlife (CDFW).

This order is informed by the environmental information and analysis contained in the final IS/MND, public comments on the draft IS/MND, and other information in the record. The final IS/MND is available at the State Water Board's office (1001 I Street, Sacramento, California) and on the Division's Petition CEQA webpage.

10. Regarding the petition for change, the IS/MND noted that the project will avoid or minimize impacts to environmental resources. It was also noted that a Lake and Streambed Alteration Agreement (LSAA) from CDFW and Erosion Control Plan (ECP) from Napa County will require separate, responsible agency CEQA determinations.
11. Regarding the proposed modifications to the place of use, on July 15, 2026, Napa County posted a Notice of Exemption to the State Clearinghouse (SCH No. 2026070559) for the conversion to vineyard of approximately 0.8 gross acres (0.6 net acres) including earthmoving activities and installation and maintenance of erosion control measures within the petitioned place of use of License 7328. The project also includes legalization of 3 acres of vineyard installed without benefit of a permit, located within the licensed place of use.
12. As the lead agency for CEQA purposes, the State Water Board is required to adopt a Mitigation Monitoring and Reporting Program (MMRP) for measures it

has imposed to mitigate or avoid significant environmental effects. (Cal. Code Regs., title 14, § 15097.) The MMRP sets forth procedures to be followed by the Licensee for compliance with the terms of the license, and for collection of information needed to accurately complete annual Reports of Licensee to the State Water Board.

13. The State Water Board adopts the final IS/MND and has determined it is adequate to support approval of the change petition, with incorporation of the MMRP (Attachment A). In accordance with CEQA Guidelines section 15090, the State Water Board further certifies that: the final IS/MND has been completed in compliance with CEQA; the final IS/MND was presented to, reviewed by, and considered by the State Water Board prior to approving the project; and the final IS/MND represents the State Water Board's independent judgment and analysis.
14. The Division will file a Notice of Determination with the Office of Land Use and Climate Innovation within five business days of issuance of this Order. (Cal. Code Regs., title 14, § 15075.)
15. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed change 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].) With the inclusion of standard terms and conditions, and mitigation measures identified in the IS/MND and attached in the MMRP, there is no evidence that the change of the place of use requested in the petition will have any adverse impact on public trust resources.
16. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director for Water Rights (Deputy Director) to administer the duties required under CEQA and act on change petitions. By memorandum dated April 20, 2023, the Deputy Director has redelegated the authority.

THEREFORE, THE PETITION FOR CHANGE TO THE PLACE OF USE FOR LICENSE 7328 IS APPROVED. AMENDED WATER RIGHT LICENSES 7328 IS ISSUED AS FOLLOWS:

1. The place of use of **Irrigation** for Amended License 7328 shall be as follows:

31 acres of **Irrigation** as follows:

- 2 acres within Southwest quarter of Southwest quarter of Projected Section 16.
- 3 acres within Southeast quarter of Southwest quarter of Projected Section 16.
- 2 acres within Southeast quarter of Southeast quarter of Projected Section 17.
- 6 acres within Northeast quarter of Northeast quarter of Projected Section 20.

10 acres within Northwest quarter of Northwest quarter of Projected Section 21.
8 acres within Northeast quarter of Northwest quarter of Projected Section 21.

All within Township 5 North, Range 4 West, Mount Diablo Base and Meridian (MDB&M).

2. The points of diversion, points of rediversion, and places of storage of Amended License 7328 shall be as follows:

POND #1: By California Coordinate System of 1983, Zone 2, North 1,861,658 feet and East 6,472,091 feet, being within Southeast quarter of Southwest quarter of Projected Section 16, Township 5 North, Range 4 West, Mount Diablo Base and Meridian.

POND #2: By California Coordinate System of 1983, Zone 2, North 1,861,643 feet and East 6,470,057 feet, being within Southeast quarter of Southeast quarter of Projected Section 17, Township 5 North, Range 4 West, Mount Diablo Base and Meridian.

POND #3: By California Coordinate System of 1983, Zone 2, North 1,860,658 feet and East 6,470,035 feet, being within Northeast quarter of Northeast quarter of Projected Section 20, Township 5 North, Range 4 West, Mount Diablo Base and Meridian.

3. Amended License 7328 shall include the following additional and revised terms:

Standard Licensing Term 5D: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed forty-three (43.0) acre-feet by storage, to be diverted from December 1 to April 1 of the succeeding year as follows: 17 acre-feet per year in Pond #1, 8 acre-feet per year in Pond #2, and 18 acre-feet in Pond #3. The maximum withdrawal in any one year shall not exceed 39 acre-feet: 14 acre-feet from Pond #1, 8 acre-feet from Pond #2, and 17 acre-feet from Pond #3.

Special Term 0400500: Prior to the start of construction or development within the place of use, Licensee shall consult with Napa County to determine whether either a grading permit or approval of an Erosion Control Plan prepared in accordance with Napa County's Conservation Regulations (Napa County Code of Ordinances, title 18, chapter 18.108) will be required for the work. For projects that the County determines will require either a grading permit or an Erosion Control Plan (or similar requirement), copies of the required permits and/or approvals shall be submitted to the Division of Water Rights prior to starting any work. If neither an Erosion Control Plan nor a grading permit (nor a similar permit or approval) is required, Permittee shall provide the Division a copy of a waiver (or waivers) from Napa County for those elements prior to any construction

activity in the place of use.

Standard License Term 63: No work shall commence and no water shall be diverted, stored or used under this License until a copy of a stream or lake alteration agreement between the California Department of Fish and Wildlife (CDFW) and the Licensee is filed with the Division of Water Rights (Division). Compliance with the terms and conditions of the agreement is the responsibility of the Licensee. If a stream or lake agreement is not necessary for this licensed project, the Licensee shall provide the Division a copy of a waiver signed by CDFW.

Standard Term 120: No water shall be diverted or used under this right for commercial and applicable personal medical use cannabis cultivation unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation*, which is available online at:
https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf

4. Amended License 7328 shall include all the current Division standard terms and conditions A through Q as applicable.
5. This Order incorporates the mitigation measures of the final IS/MND, attached to the Order as Attachment A: Final IS/MND Mitigation Monitoring and Reporting Plan (MMRP). Licensee shall implement all measures to mitigate impacts to biological resources and conduct the required monitoring and reporting as required by the MMRP. The State Water Board reserves authority to require any reasonable amendments to these measures and requirements to ensure that the measures will accomplish the stated goal, or as appropriate, to take into account any modifications to the final IS/MND as a result of litigation or otherwise.

STATE WATER RESOURCES CONTROL BOARD

Original Signed By:
Derek Wadsworth for

*Juliet Christian-Smith, Deputy Director
Division of Water Rights*

Dated: October 28, 2026

Attachment A: Final IS/MND Mitigation Monitoring and Reporting Plan

Mitigation Monitoring and Reporting Plan

Introduction

The State Water Resources Control Board (State Water Board) Division of Water Rights (Division) circulated a draft Initial Study / Mitigated Negative Declaration (IS/MND) for the Water Right Petition for Change of License 7328 (A018595) project (Proposed Project) for a minimum 30-day review period in accordance with Section 15070 et seq. of the California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines). CEQA requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Program (MMRP) is designed to ensure that the mitigation measures identified in the IS/MND for the Proposed Project (State Clearinghouse No. 2026080124) are fully implemented.

The MMRP below describes the implementation and timing of mitigation responsibilities and standards, and verification of compliance for the mitigation measures identified in this environmental document. Monitoring responsibilities are maintained primarily by the Division under this MMRP, as well as other applicable resource agencies. The implementation of all measures, once completed, would be reported (in writing) to the Division, who would maintain mitigation monitoring records for the Proposed Project.

The components of the MMRP table are described below.

- Mitigation Measure: The mitigation measures are taken verbatim from the IS/MND and retain the same numbering used in the IS/MND.
- Implementation and Timing: Identifies the timing for the implementation of each action.
- Responsibility for Implementation: Identifies the authority responsible for implementing the mitigation measure.
- Responsibility for Monitoring: Identifies the authority responsible for monitoring implementation of the mitigation measure.

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
Biological Resources			
BIO-1: Worker Environmental Awareness Training If positive indications of site use by American badger, Swainson's hawk, or northwestern pond turtle are observed during preconstruction surveys, a biological education program shall also be provided by the qualified biologist to be presented to all personnel that will be present at the site during ground disturbance. Personnel shall complete the training prior to working on-site. The worker education program shall include information regarding the identification of these species (including photographs), the potential for occurrence within work areas, the purpose of impact avoidance measures such as the exclusion fencing and importance of maintaining it, and specific measures being implemented to avoid impacts. Personnel will be instructed to halt all ground disturbance and immediately alert the qualified biologist if any of these species are observed in work areas over the course of the work.	Prior to construction, if needed, based on results of Mitigation Measure BIO-2 through BIO-5	Qualified Biologist, Division Project Applicant	
BIO-2: American Badger A pre-construction survey for badger and badger burrows/dens shall be performed by a qualified biologist on and within approximately 150 feet of the vineyard conversion area no more than 10 days prior to the initiation of ground disturbance or other disruptive activities associated with construction of the Proposed Project. If no badgers or sign of badgers are observed, no further action is necessary. If survey results indicate that this species is present during the general breeding period (roughly spring through summer), the biologist should assess if young are present in any identified dens, e.g., using track plates or motion cameras. If young are	Within 10 days prior to construction (preconstruction survey) During construction (if active dens are present that require buffering and monitoring)	Qualified Biologist If present: CDFW, Construction Contractor	CDFW, Division of Water Rights

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
<p>deemed present, an exclusionary buffer should be placed around each occupied den until all young are independent; the size (radius) of the buffer should be determined by the biologist and should be at least 200 feet in the context of mechanized equipment use. Once young are independent or if badgers are found to be present during the nonbreeding period, use of the site should be discouraged using passive relocation techniques (e.g., placing one-way doors across den entrances) to remove badgers from areas to be impacted prior to the initiation of ground disturbance. Passive relocation methods shall be approved by CDFW. A report summarizing the results of the surveys and any measures taken to avoid or minimize impacts to American badgers will be provided to the State Water Board Deputy Director of the Division of Water Rights within 60 days of completing of construction activities on this project.</p>			
<p>BIO-3: Swainson's Hawk Initial ground disturbance shall occur from September 1 to February 28, outside of the local Swainson's hawk nesting season. If adhering to this work window is not feasible, a pre-construction nesting survey for Swainson's hawk shall be performed by a qualified biologist. Surveys should follow the protocol outlined in "Recommended Timing and Methodology for Swainson's Hawk Nesting in California's Central Valley." Each survey shall cover the impact area and accessible/visible areas within approximately 0.5 mile of the impact area. Active Swainson's hawk nests shall be protected by a work exclusion buffer. The size of each buffer shall be determined by the qualified biologist. The buffer shall remain in place until all young in the nest have fledged and are independent of the nest, or it is confirmed as inactive by the biologist. A report</p>	<p>Prior to construction, if construction begins March 1 through August 31</p> <p>During construction (if active nests are present that require buffering and monitoring)</p>	<p>If present: Construction Contractor</p>	<p>Division</p>

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
<p>summarizing the results of the surveys and any measures taken to avoid or minimize impacts to nesting Swainson's hawks will be provided to the Deputy Director for Water Rights within 60 days of completing project construction activities.</p>			
<p>BIO-4: Northwestern Pond Turtle A qualified biologist shall perform a presence/absence survey during the wet season, prior to April 1. Following a confirmation of absence of northwestern pond turtle from the proposed vineyard conversion area, exclusionary fencing shall be installed around the proposed vineyard conversion area. If northwestern pond turtle is observed, it shall be allowed to leave the proposed vineyard conversion area on its own. Exclusion fencing shall be installed in such a manner as to preclude turtles from entering the proposed vineyard conversion area. The fencing shall have a minimum height above ground of 24 inches, and the bottom of the fence buried to a minimum depth of 4 inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. Specific location(s) of the fencing should be approved by a qualified biologist prior to installation, and inspected by the biologist following installation to ensure that it is effective. The fencing should remain installed until on-site mechanized ground disturbance is completed. Fencing shall be inspected by the biologist either in-person, or via photographs provided by the property owner prior to ground disturbance and bi-weekly during initial ground clearance. If the biologist determines the integrity of the fence is compromised, work shall halt until the biologist performs an additional clearance survey and the fence is repaired. A report summarizing the results of the surveys and any measures taken to avoid or</p>	<p>Conduct survey prior to April 1 and establish and maintain exclusionary fencing during construction</p>	<p>Qualified Biologist, Division Project Applicant, Construction Contractor</p>	

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
<p>minimize impacts to Northwestern Pond turtles will be provided to the Deputy Director for Water Rights within 60 days of completing construction activities on this project.</p>			
<p>BIO-5: Nesting Birds Initial ground disturbance shall occur from September 1 to January 31, outside of the general bird nesting season. If adherence to this work window is not feasible, a pre-construction nesting bird survey shall be performed by a qualified biologist no more than 5 days prior to the initiation of ground disturbance. The survey shall cover the impact area and surrounding areas within 500 feet. If active bird nests are found during the survey, an appropriate no-disturbance buffer shall be established by the qualified biologist. Buffer sizes may vary dependent on bird species, location and setting of the nest, levels of ambient disturbance near the nest, and other factors. The buffer shall be maintained until the biologist determines that the young have fledged and are independent of the nest, or the nest otherwise becomes inactive. A report summarizing the results of the surveys and any measures taken to avoid or minimize impacts to nesting birds will be provided to the Deputy Director for Water Rights within 60 days of completing construction activities on this project.</p>	<p>Prior to construction, if construction begins February 1 through August 31</p> <p>During construction (if active nests are present that require buffering and monitoring)</p>	<p>Qualified Biologist, Division Construction Contractor</p>	
Cultural Resources			
<p>CULT-1: To protect the previously recorded archaeological sites (05-012-01 and 05-012-02) from potential disturbance due to the Proposed Project activities, the following measures shall be implemented: Prior to construction, a qualified archaeologist shall flag the general area of the recorded site, establishing a 10-foot buffer around the recorded boundaries.</p>	<p>Prior to and during construction</p>	<p>Construction Contractor, Qualified Archaeologist</p>	<p>Division</p>

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
<p>After flagging, a cautionary boundary using orange fencing shall be installed around the flagged area to clearly delineate the area of sensitivity, ensuring that construction activities do not encroach on the site.</p> <p>Prior to working on the site, construction personnel shall complete cultural resource sensitivity training. This training shall acknowledge the presence of culturally sensitive resources on the site, identify the location and purpose of the fencing, and instruct personnel to avoid activity within these areas.</p> <p>Upon completion of construction activities, the boundaries and flagging should be removed to restore the site. Periodic spot checks, especially during any heavy machinery usage near the site, may be necessary to ensure that no inadvertent disturbance occurs.</p> <p>A photographic record shall be maintained that documents the pre-construction condition, protective fencing, and post-construction condition of each resource.</p> <p>If it is determined that the project encroaches into the site boundaries, the project plans shall be revised to exclude the site from any disturbance.</p>			
<p>CULT-2 If archaeological resources are inadvertently discovered, all finds would be subject to CEQA Guidelines 15064.5 and PRC 21083.2. Procedures for inadvertent discovery include the following:</p> <p>All work within 50 feet of the find shall be halted until the significance of the find can be evaluated in accordance with NRHP and CRHR criteria by an archaeologist.</p> <p>If any find is determined to be significant, then representatives of Napa County shall meet with the archaeologist to determine</p>	<p>As needed during construction</p>	<p>Napa County, Qualified Archaeologist</p>	<p>Napa County, Division</p>

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
<p>the appropriate course of action. If necessary, a Treatment Plan shall be prepared by an archaeologist which outlines the recovery of the resource, analysis and reporting of the find. The Treatment Plan shall be submitted to Napa County for review and approval prior to resuming construction.</p> <p>All significant cultural materials recovered shall be subject to scientific analysis, professional curation, and a report prepared by the professional archaeologist, or paleontologist, according to the current professional standards.</p> <p>Copies of all documentation related to the find shall be provided to the Deputy Director for Water Rights within 60 days of completion of documentation.</p>			
<p>CULT-3 If human remains are encountered during construction activities, Napa County shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and PRC Section 5097.98. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner and a qualified archeologist have been notified. If the remains are determined to be Native American, the coroner/archeologist will notify the NAHC to identify the most likely descendants of the deceased Native Americans. Project-related ground disturbance in the vicinity of the find shall not resume until the process detailed in Section 15064.5 (e) has been completed. Copies of all documentation related to the human remains shall be provided to the Deputy Director for Water Rights within 60 days of completion of documentation.</p>	As needed during construction	Napa County, County Coroner, Qualified Archaeologist	Napa County, Division
Geology and Soils			

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
GEO-1: Paleontological Resource Discovery If vertebrae fossils (e.g., teeth, bones etc.) are unearthed by the construction crew anywhere on the Project Site, the finds should be set aside and all excavation activity shall cease at the specific place of discovery until a paleontologist has assessed the find and, if deemed significant, salvaged the find in a timely manner. The decision to conduct paleontological salvage operations will be determined by the paleontologist. Finds determined significant by the paleontologist shall be deposited with a recognized repository such as the University of California Museum of Paleontology.	As needed during construction	Paleontologist, Construction Contractor	Division
Hydrology and Water Quality			
HYD-1: Prior to the start of construction of the Proposed Project, right holder shall consult with Napa County to determine whether either a grading permit or approval of an ECP prepared in accordance with Napa County's Conservation Regulations will be required for the POU expansion. Based on preliminary discussions with Napa County, approximately 0.8 acre within the vineyard conversion area may exceed the County's five percent slope threshold and may require preparation and approval of an ECP. The ECP shall be consistent with the Napa County use requirements in areas with slopes greater than five percent. For any project elements for which either an approved grading permit and/or an ECP from the County of Napa are required, copies of the required permits and/or approvals shall be submitted to the Deputy Director for Water Rights for review and consideration of approval prior to starting construction. If either an ECP or a grading permit is not required, right holder shall provide the Division a copy of a waiver (or waivers) from Napa County for those elements prior	Prior to construction on slopes greater than 5%	Project Applicant,	Division

Mitigation Measure	Implementation and Schedule	Responsible for Implementing	Responsibility for Monitoring
to any project construction activity within the place of use.			