The Vineyard Club, Inc.
c/o Bert Sandell
3348 Paradise Drive
Tiburon, CA 94920
(415) 435-9828

February 1, 2007

Victoria A. Whitney
Division Chief
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Compliance Documentation
Cease and Desist Order No. 262.31-14

Dear Victoria A. Whitney, Division Chief:

The Vineyard Club, located in Geyserville, CA, received a letter from you on or about December 15, 2006. The letter included an Administrative Civil Liability Complaint No. 262.5-44, and a Cease and Desist Order No. 262.31-14 (the "CDO"). This letter is written on behalf of The Vineyard Club, pursuant to the authorization provided in a letter sent to you on December 23, 2006 by Jan Drayer, The Vineyard Club President. The purpose of this letter is to provide the necessary compliance documentation to satisfy the CDO.

The CDO requires that "Within 90 days of the date of this order, The Vineyard Club shall:

> Submit documentation that a contract has been signed with a registered engineer to design and install a measuring device in Oak Flat Creek that will meet the approval of the State Water Board. The documentation shall also include a time schedule for installation of the device, including consideration of time to secure appropriate Sonoma County and Department of Fish and Game approvals ..."

The Vineyard Club contracted with Kurt T. Kelder, P.E., Kelder Engineering, to help design a measuring device / bypass system intended to meet with the approval of the State Water Board. Attached please find an original stamped letter from P.E. Kelder, a Compliance Plan signed by The Vineyard Club, and an Exhibit A attached to the

Compliance Plan (titled Measuring Device / Bypass Opening System Design & Calculations). Please note that Exhibit A has also been stamped by P.E. Kelder.

In addition to conforming to the attached Compliance Plan, and the installation schedule described therein, The Vineyard Club intends to independently secure the appropriate Sonoma County and Department of Fish and Game approvals before installing the seasonal diversion system.

Assuming the attached materials meet with the approval of the CDO, then The Vineyard Club would like to withdraw its December 23, 2006 request for a hearing on whether to adopt the Draft CDO. However, we ask that the hearing scheduled for April 4, 2007 related to the Administrative Civil Liability Complaint No. 262.5-44 remain on the schedule.

Thank you for your consideration of this matter. Please contact me at (415) 435-9828 should you have any questions.

Sincerely,

Bert Sandell
Authorized Agent – The Vineyard Club, Inc.

Attachments

KELDER ENGINEERING
CIVIL ENGINEERING – LAND PLANNING

January 25, 2007
07-06

Mr. Bert Sandell
The Vineyard Club, Inc.
3348 Paradise Drive
Tiburon, CA 94920

Re: Flow Measuring Device/Bypass System
The Vineyard Club, Geyserville

Dear Mr. Sandell:

It was a pleasure speaking with you about your Flow Measuring Device/Bypass System. Based on our conversation, it is my understanding that:

- The Vineyard Club currently uses a flashboard dam and pipe type of diversion at Oak Flat Creek to fill The Vineyard Club's pond.
- The flashboard dam and diversion pipe have been successfully installed and used by The Vineyard Club for a number of years.
- The flashboard dam and diversion pipe and corresponding impoundment of water have been permitted by the appropriate governmental agencies (i.e. California Dept. of Fish and Game, the State Water Resources Control Board, Sonoma County, etc.).
- The State Water Resources Control Board requires a bypass device that will allow bypass of a minimum 0.4 cubic feet per second, or the natural flow, whichever is less.
- Any and all future permits that are or will be required by the various local, State, and Federal agencies shall be obtained by The Vineyard Club, Inc.

You contacted me solely to review your flow measuring and bypass plan and to provide comments of such plan. As such, my review of your plan consists solely of reviewing the bypass opening and corresponding calculations.

My review of your bypass plan does not include any review of the structural integrity of the flashboard dam, or its corresponding supports. My stamp on the "Measuring Device / Bypass Opening System Design and Calculations" shall be construed solely as my review and approval of said bypass system and the corresponding calculations.

Please call me at (707) 894-0862 if you have any questions or comments.

Thank you.

Sincerely,

REGISTERED PROFESSIONAL ENGINEER
KURT T. KELDER
No. C 58353
EXP. 9/30/08
CIVIL
STATE OF CALIFORNIA

Kurt T. Kelder, P.E.

Enclosures

Cc: File

132 S. CLOVERDALE BLVD., CLOVERDALE, CA 95425
PHONE: (707) 894-0862, FAX: (707) 894-0863, E-MAIL: KELDERCE@SONIC.NET

Compliance Plan
Draft Cease and Desist Order No. 262.31-14

The Vineyard Club, Inc.
P.O. Box 347
Geyserville, CA 95441

It is the intent of the Vineyard Club to meet the requirements of License No. 12831 by designing and installing a measuring device / bypass opening system for the seasonal dam installed to divert water as described in the License. The purpose of this Compliance Plan is to provide sufficient details on the proposed system to obtain approval from the State Water Resources Control Board for continued operation under the License.

License No. 12831 (Application 26224), issued to The Vineyard Club on March 26, 1992, states that:

"For the protection of fish and wildlife, the licensee shall bypass at the Oak Flat Creek diversion a minimum of 0.4 cubic foot per second, or the natural flow, whichever is less."

"No water shall be diverted under this license unless licensee has installed a device in Oak Flat Creek, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this license. The measuring device shall be properly maintained."

Therefore, the following shall apply:

1. The measuring device / bypass opening, as described in the attached EXHIBIT A, shall be installed each season as part of the temporary dam installation. At the time of installation, and whenever requested by a State Water Resources Control Board representative, a physical flow test will be performed by a Vineyard Club representative using a hand held flow meter to demonstrate that the Bypass Opening is allowing a minimum of .4 cubic feet per second (or the natural flow, whichever is less) of bypass flow when water is being diverted.
2. The dam shall be inspected and flow tested with a hand held flow meter at least monthly during all periods of operation to ensure that the Bypass Opening remains clear of debris and is fully operational. All such inspections shall be noted in a log maintained by representatives of The Vineyard Club. This log will be presented to a State Water Resources Control Board representative upon request.

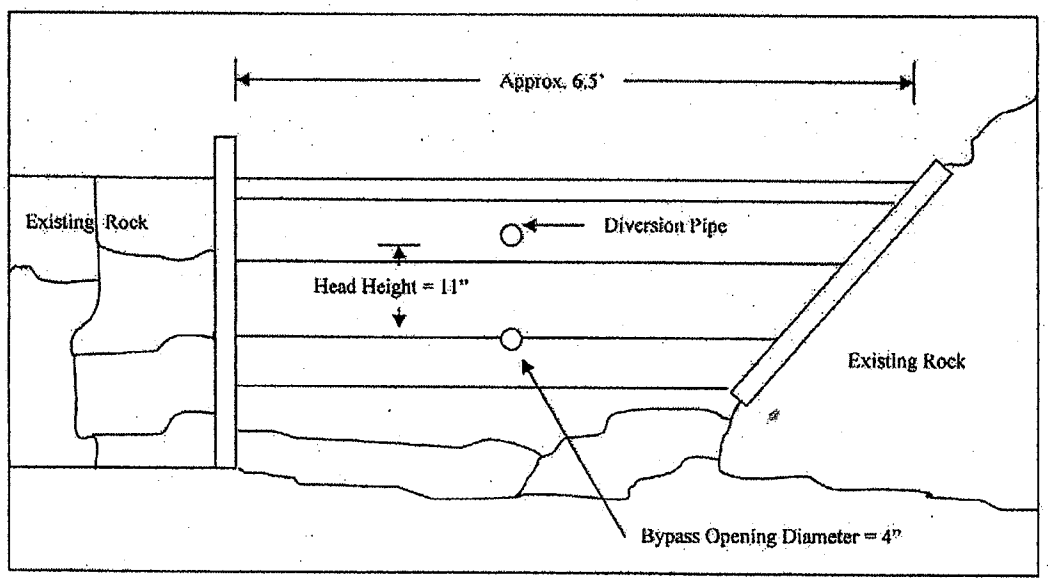
APPROVED & ACCEPTED

The Vineyard Club - Authorized Agent 2-1-07
Date

State Water Resources Control Board Date

EXHIBIT A
Measuring Device / Bypass Opening System Design & Calculations

Seasonal Dam Design – Not To Scale



Calculations:

Bypass Opening Flow is calculated using a simplified version of Bernoulli's equation which yields the following:

$Q = A \times V \times SC$; $A = pi \times r^2$; $V = sqrt\ (2gh)$

Where:

Q = Flow
A = Bypass Opening Area
V = Velocity
SC = Shear Coefficient = .60
g = Gravitation Acceleration = 385.83 in./sec.^{2}
h = Head Height (measured from the center of the Bypass Opening to the bottom of the Diversion Pipe)

Therefore:

Bypass Opening Diameter = 4 inches
Head Height = 11 inches

$Q = (pi \times r^2) \times sqrt\ (2gh) \times SC$
$= (3.14 \times 4) \times sqrt\ (2 \times 385.83 \times 11) \times .60$
$= 12.56 \times 92.13 \times .60$
$= 702.15$ cu. inches / second
$= .402$ cu. ft. / second

A flow of .402 cu. ft. / second exceeds the bypass requirement of License No. 12831