

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

PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435)

____ Point of Diversion, ____ Point of Rediversion, ____ Place of Use, ____ Purpose of Use X Reduction to Minimum Bypass Flow Requirements
Application # 025186 Permit # 018225 License # _____ Statement or Other _____

I (we) Niebaum-Coppola Estate Winery L.P. hereby petition for a temporary urgency
(Water Right Holders Name)
change(s) noted above and shown on the accompanying map and described as follows: See Attached.

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 _____

Proposed _____

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present _____

Proposed _____

Purpose of Use

Present _____

Proposed _____

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)? Yes
(yes/no)

The temporary urgency change(s) is to be effective from March 1, 2008 to May 15, 2008
(Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? Yes
(yes/no)

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes
(yes/no)

State the "Urgent Need" (Water Code 1435(c)) which is the basis of this temporary urgency change petition:

Requested reduction is necessary for the winery to provide increased fish passage for steelhead. (See Enclosed Environmental Document.)

If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? N/A
(yes/no)

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

DEG > 2/22/08
\$ 850.00
DC

2/22/08
\$ 1,000.00
DC

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes
(yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Greg Martinelli: (707) 944-5570

California Department of Fish & Game was actively involved in the development of
the Bear Canyon Creek Operations Plan, and was consulted as part of the
environmental review process for and in preparation of project Initial Study/
ESA Compliance document. (See attached letter.)

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

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

Dated February 20, 2008 at Rutherford, California

Gordon Wg
Signature(s)

707-968-1100
Telephone No.

1991 St. Helena Hwy, Rutherford, CA 94573
(Address)

NOTE: A \$1000 filing fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany this petition for change.

ATTACHMENT

The Permittee is requesting that the minimum bypass flows contained in the permit be modified to provide for a minimum bypass flow of 0.5cfs from April 7 through May 15 of each year, to facilitate the operation of the existing reservoir in a manner consistent with a proposed fish passage project being constructed by the Permittee to facilitate passage of steelhead to upstream reaches of Bear Canyon Creek. The Permittee has developed the fish passage project and reservoir operations plan with the assistance of the California Department of Fish and Game and the National Marine Fisheries Service.