

Exhibit D-2

Working Copy

MINIMUM FILING FEE: \$100.00
FILE ORIGINAL & ONE COPY
TYPE OR PRINT IN BLACK INK
(For explanation of entries required, see
booklet "How to File an Application to
Appropriate Water in California")

STATE OF CALIFORNIA
State Water Resources Control Board
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95812-2000

STATE WATER RESOURCES CONTROL BOARD
97 MAR -4 PM 1: 23
DIV. OF WATER RIGHTS
SACRAMENTO

☒ APPLICATION TO APPROPRIATE WATER BY PERMIT
or
☐ REGISTRATION OF SMALL DOMESTIC USE APPROPRIATION*

(If this form is used to register a small domestic use appropriation, the
terms "application" and "applicant" herein, and in related forms, shall
mean "registration" and "registrant".)

Application No. 30597
(Leave blank)

1. APPLICANT

MR. AND MRS. JEROME W. KOMES

(Name of applicant)

2006 WEST ZINFANDEL LANE

(415) 673 - 2210

(Telephone number where you may be reached
between 8 a. m. and 5 p. m. - include area code)

ST. HELENA

(Mailing address)

CA

(City or town)

94574

(State)

(Zip code)

2. SOURCE

a. The name of the source at the point of diversion is TWO UNNAMED STREAMS

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to BALE SLOUGH THENCE NAPA RIVER thence San Pablo Bay

b. In a normal year does the stream dry up at any point downstream from your project? YES ☒ NO ☐ If yes, during
what months is it usually dry? From MAY to OCTOBER

What alternate sources are available to your project should a portion of your requested direct diversion season be
excluded because of a dry stream or nonavailability of water?

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of NAPA

b.	List all points giving coordinate distances from section corner or other tie as allowed by Board regulations i. e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
	SEE SUPPLEMENT	1/4 of 1/4				
		1/4 of 1/4				
		1/4 of 1/4				

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken
to obtain right of access:

4. PURPOSE of USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose,
and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second
(approximately 16,000 gallons per day). Purpose must only be "Domestic" for registration of small domestic use.*

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
IRRIGATION					52	NOV 1	APRIL 15
RECREATIONAL							
FIRE PROTECT							
FROST PROTECT							
			TOTAL AMOUNT		52	TOTAL AMOUNT	

b. Total combined amount taken by direct diversion and storage during any one year will be _____ acre-feet.

* Not to exceed 4,500 gallons per day by direct diversion or 10 acre-feet per annum by storage.

12-23-96
#100.00
JC

5. JUSTIFICATION OF AMOUNT (For small domestic use registration, complete item b. only)

a. IRRIGATION: Maximum area to be irrigated in any one year is 120 ¹⁴⁵ acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date
GRAPES ¹⁴⁵	<u>120</u>	DRIP		3 / 15	8 / 15

b. DOMESTIC: Number of residences to be served is _____. Separately owned ? YES ☐ NO ☐
Total number of people to be served is _____. Estimated daily use per person is _____
Total area of domestic lawns and gardens is _____ square feet. (Gallons per day)
Incidental domestic uses are _____
(Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock _____ Maximum number _____
Describe type of operation: _____
(Feed lot, dairy, range, etc.)

d. RECREATIONAL: Type of recreation: Fishing ☒ Swimming ☐ Boating ☐ Other ☐

e. MUNICIPAL: (Estimated projected use)

POPULATION 5-Year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
PERIOD	POP.	Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre-feet
Present						

Month of maximum use during year is _____. Month of minimum use during year is _____

f. HEAT CONTROL: The total area to be heat protected is _____ net acres.
Type of crop protected is _____
Rate at which water is applied to use is _____ gpm per acre.
The heat protection season will begin about _____ and end about _____
(Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is _____ net acres.
Type of crop protected is GRAPES
Rate at which water is applied to use is 55 gpm per acre.
The frost protection season will begin about 3/15 and end about 5/15
(Date) (Date)

h. INDUSTRIAL: Type of industry is _____
Basis for determination of amount of water needed is _____

i. MINING: The name of the claim is _____. Patented ☐ Unpatented ☐
The nature of the mine is _____. Mineral to be mined is _____
Type of milling or processing is _____
After use, the water will be discharged into _____
(Name of stream)
in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B. & M.
(40-acre subdivision)

j. POWER: The total fall to be utilized is _____ feet. The maximum amount of water to be used through the penstock
is _____ cubic feet per second. The maximum theoretical horsepower capable of being generated by the
works is _____. Electrical capacity is _____ kilowatts at _____ % efficiency.
(Cubic feet per second x fall ÷ 8.8) (Hp x 0.746 x efficiency)
After use, the water will be discharged into _____
(Name of stream)
in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B. & M. FERC No. _____
(40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☐ NO ☐ If yes, list specific species
and habitat type that will be preserved or enhanced in item 17 of Environmental Information form WR 1-2.

l. OTHER: Describe use: _____. Basis for determination of amount of water needed is _____

6. PLACE OF USE

- a. Does applicant own the land where the water will be used? YES ☒ NO ☐ Is land in joint ownership? YES ☐ NO ☒
(All joint owners should include their names as applicants and sign the application.)
If applicant does not own land where the water will be used, give name and address of owner and state what arrangements have been made with the owner.

b.

USE IS WITHIN (40-acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4						
1/4 of 1/4		SEE SUPPLEMENT				
1/4 of 1/4						
1/4 of 1/4						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVERSION WORKS

- a. Diversion will be by gravity by means of DAM
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from RESERVOIR Pump discharge rate _____ Horsepower _____
(Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
PIPE	PVC	X 3"	2000	300	30	50 gpm
PIPE	PVC	X 6"	750	40	10	500 3 cfs

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to WR1, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)
1	ONSTREAM PIT				0.5	4	11
2	23.5	EARTH	23.5 22.5	2.5	2.5	40	22
3	PIT RESERVOIR				1	8	12

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
6"	300	30'	10	10
6"	750	40'	22	8
N/A	N/A			

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be 3 cfs. Diversion to offstream storage will be made by: ☐ Pumping ☒ Gravity

8. COMPLETION SCHEDULE

- a. Year work will start COMPLETED b. Year work will be completed _____
c. Year water will be used to the full extent intended _____ d. If completed, year of first use _____

9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is ST. HELENA
- b. Does any part of the place of use comprise a subdivision on file with the State Department of Real Estate? YES ☐ NO ☒
If yes, state name of the subdivision _____
If no, is subdivision of these lands contemplated? YES ☐ NO ☒
Is it planned to individually meter each service connection? YES ☐ NO ☒ If yes, When? _____
- c. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: SEE FILES OF SWRCB
- d. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☐ NO ☒ If yes, explain: _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☐ NO ☒
If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater.)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion

11. AUTHORIZED AGENT (Optional)

With respect to ☐ all matters concerning this water right application ☐ those matters designated as follows:

<u>PATRICK J. GARVEY</u>	<u>(707) 963 - 1659</u>
(Name of agent)	(Telephone number of agent between 8 a. m. and 5 p. m.)
<u>1889 W. ZINFANDEL LANE ST. HELENA CA 94574</u>	
(Mailing address)	(City or town) (State) (Zip code)

is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.
Dated 12/16 1996, at ST HELENA, California

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr. _____
Miss. Mrs. Patrick J. Garvey
(Signature of applicant)

Ms. Mr. _____
Miss. Mrs. _____
(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P. O. Box 2000, Sacramento, CA 95810, with \$100 minimum filing fee.

NOTE:
If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.
There is no additional fee for registration of small domestic use.

Supplement to Paragraph 3

POINT OF DIVERSION:

- (1) Reservoir 1 - South 1,550 and West 3,900 feet from NE corner of projected Section 7, T7N, R5W, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 7.

POINT OF DIVERSION AND REDIVERSION:

- (2) Reservoir 2 - South 1,550 and West 1,850 feet from NE corner of projected Section 7, T7N, R5W, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 7.

PLACE OF STORAGE;

At reservoir within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M.

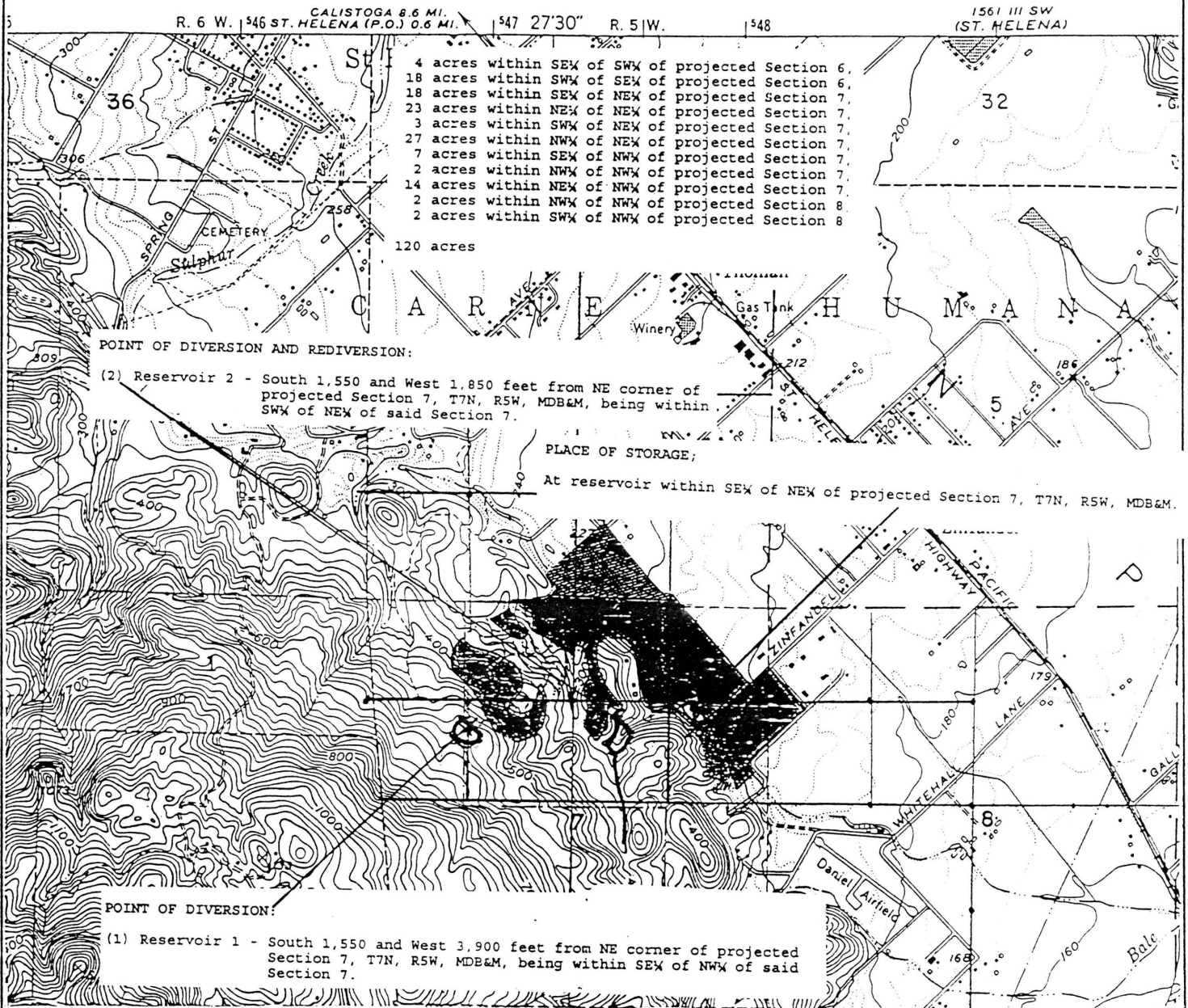
Supplement to Paragraph 6

4 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 6, T7N, R5W, MDB&M
18 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 6, T7N, R5W, MDB&M
18 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
23 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
3 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
27 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
7 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
2 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
14 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 7, T7N, R5W, MDB&M
2 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 8, T7N, R5W, MDB&M
2 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 8, T7N, R5W, MDB&M

120 acres

TERIOR
Y

STATE OF CALIFORNIA
REPRESENTED BY THE
DIRECTOR OF PUBLIC WORKS



OWNER

SOURCE 2 Unnamed Streams

POINT OF DIVERSION
(1) SE NW
WITHIN (2) SW 1/4 NE 1/4 OF projected
SECTION 7 T7N R5W MD B&M

COUNTY OF Napa

Rutherford PR1980 1:24000
U.S.G.S. QUAD DATE SCALE

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

APPLICATION NO. 30597
PERMIT NO.
LICENSE

DATE: DRAWN:

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
901 P Street, Sacramento
P. O. Box 2000, Sacramento, CA 95812-2000

APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 30587
(leave blank)

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETE, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application 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.

PROJECT DESCRIPTION

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

PROJECT CONSISTS OF TWO ONSTREAM RESERVOIRS AND AN OFFSTREAM

PIT RESERVOIR. ALL ARE CONSTRUCTED AND ARE USED TO IRRIGATE

AND FROST PROTECT GRAPE VINEYARDS. FROST PROTECTION IS BY

OVERHEAD SPRINKLERS AND IRRIGATION IS BY DRIP. ALL FACILITIES

ARE NOW IN OPERATION.

public agency, will be preparing the environmental document for your project:

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 water right application cannot proceed until such documents are submitted.

5. Will your project, 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? NO

If so, explain: _____

If you answered 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 project? _____

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? NO

Do you know of any archeological or historic sites located within the general project area? NO If so, explain: _____

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 construction and operation of your project. Consider all aspects of your project, including diversion structures, water distribution and use facilities, and changes in the places of use due to additional water development.

ALL ASPECTS OF THIS PROJECT ARE COMPLETE, AND NATURAL

REGROWTH HAS TAKEN PLACE AROUND RESERVOIRS

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 project (Note: See footnote denoted by * under Question 11 below):

NONE

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.

Date 12-18-86 Signature 