Notice of Assignment (Over)

APPLICATION No. 1036 PERMIT No. 534 LICENSE No. 89

CALIFORNIA STATE WATER COMMISSION

THIS IS TO CERTIFY, That Helen E. Vernon H30/26 - Notice of change of name to Mrs. Mary A. Murphy

DATE REC'D 1/30/25 ASSIGNMENT TO Mary A Foley

of Lower Lake, State of California, has made proof to the satisfaction of the STATE WATER COMMISSION of California of a right to the use of the waters of An Unnamed Creek, a tributary of Copsey,

for the purpose of Irrigation under Permit No. 534 of the State Water Commission; and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the State Water Commission and the terms of said permit, and duly confirmed by order of the STATE WATER COMMISSION of California, made and entered of record in the minutes of said Commission, at San Francisco, in Volume_____, at page_____, on the_____day of_____;

that the priority of the right hereby confirmed dates from August 2nd, 1918; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes, and shall not exceed 7/40 cubic feet per second, to be used from about May 1st to about September 30th of each year.

A description of the lands or the place where such water is put to beneficial use is as follows:

14 acres of land located in W ½ of SE¼ Sec. 22, T. 12 N. R. 7 W. M.D.M.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of the Water Commission Act which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

WITNESS the seal and signature of the STATE WATER COMMISSION, affixed this 18th day of June, 1920.

STATE WATER COMMISSION.

By Charles H. Lee

Executive Member

(Seal)

APPLICATION No. 1037 PERMIT No. 535 LICENSE No. 99

CALIFORNIA STATE WATER COMMISSION

THIS IS TO CERTIFY, That Helen E. Vernon 1/30/26 - Notice of Chg. of name to Mrs. Mary G. Murphy by any a Body of Lower Lake 1/30/25, State of California, has made proof to the satisfaction of the STATE WATER COMMISSION of California of a right to the use of the waters of An Unnamed Creek, a tributary of Copsey, for the purpose of Generating power for domestic use under Permit No. 535 of the State Water Commission; and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the State Water Commission and the terms of said permit, and duly confirmed by order of the STATE WATER COMMISSION of California, made and entered of record in the minutes of said Commission, at San Francisco, in Volume____, at page____, on the____ day of____; that the priority of the right hereby confirmed dates from August 2nd, 1918.; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes, and shall not exceed 1 cubic feet per second, to be used from about January 1st to about December 31st of each year.

A description of the lands or the place where such water is put to beneficial use is as follows:

At power house located in SE¼ of SW¼ Sec. 22 T. 12 N. R. 7 W. M.D.M. The water diverted shall be returned to the unnamed stream on which the above mentioned power house is situated in the SE¼ of SW¼ of Sec. 22, T. 12 N. R. 7 W. M.D.M.

REVOKED

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of the Water Commission Act which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

WITNESS the seal and signature of the STATE WATER COMMISSION, affixed this 18th day of June, 1920.

STATE WATER COMMISSION.

By Charles H. Lee,
Executive Member

(Seal)

REVOKED

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1036 PERMIT 534 LICENSE 89

ORDER ALLOWING CHANGE IN OWNERSHIP
AND CHANGE IN PLACE OF USE

WHEREAS License 89 was issued to Helen E. Vernon and was filed with the County Recorder of Lake County on November 30, 1925, and

WHEREAS said license was subsequently assigned to Guenter Schmidt et al, and

WHEREAS a hearing to determine the ownership of the license was held on November 19, 1969, and

WHEREAS all parties known to be interested in the license were duly notified of the hearing, and

WHEREAS Guenter Schmidt was the only party to appear at the hearing, and

WHEREAS Guenter Schmidt submitted a petition on March 17, 1970, requesting that the place of use under License 89 be changed, and

WHEREAS the State Water Resources Control Board finds that ownership of the license is vested in Guenter and Edith Schmidt and that the change proposed by petition of March 17, 1970, will not operate to the injury of any other legal user of water, and

3

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the State Water Resources Control Board's ownership records under said License 89, and that said ownership records be amended to read as follows, to wit:

GUENTER AND EDITH SCHMIDT, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said license to a place of use described as follows, to wit:

14 ACRES OF MEADOW AND TREE LAND, ADJACENT TO UNNAMED CREEK (TRIBUTARY TO COPSEY CREEK) WITHIN THE S$\frac{1}{2}$ OF SECTION 22, T12N, R7W, MDB&M.

FEB 5 1971

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

7/26/57 RECEIVED NOTICE OF ASSIGNMENT TO Alfred + Agnes Hennessey and Frank E. Jr. + Mary H. Duhne, and John, and Karing Abramyan

7/30/57 RECEIVED NOTICE OF ASSIGNMENT ~~TO~~ of int of Frank E. Duhne, Jr. and Mary Duhne to Vernon L. + Virginia L. Prather

6-8-63 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of Alfred Hennessey to Agnes Hennessey

2-2-66 RECEIVED NOTICE OF ASSIGNMENT of Int. of John + Karing Abramyan to Guenter + Edith Schmidt.

2-5-71 Records Chge to show Guenter + Edith Schmidt as owners

2

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

REVOKED

ORDER

APPLICATION 1037 PERMIT 535 LICENSE 90

ORDER REVOKING LICENSE

On January 3, 1951 there was received from licensee a request that License 90 issued in the matter of Application 1037, be revoked.

IT IS THEREFORE ORDERED that said license be and the same is hereby revoked and cancelled upon the records of the Department.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 1st day of February, 1951.

A. D. Edmonston
State Engineer

2

FORM 100

6923 5-49 1M SPO

1.90

1/7/55 [illegible] of Int of Charles Kuhn Jr to Harold W & Bertha K. Kerrison

5/30/90 assigned to Kenneth L. and Dolores Fountain

3