STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 241 PERMIT No. 38 APPLICATION No. 88

1/22/25 Assignment to Chas.Reuter and Fred Kline

This is to certify, *That* Samuel W. Gendreau,

Notice of Assignment (Over)

of Devore, Los Angeles County, *has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* two unnamed springs in San Bernardino County, *tributary of* no streams

for the purpose of irrigation and domestic uses

under Permit No. 38 *of the Division of Water Rights 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 Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* July 29, 1915, *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* a total of four hundredths (0.04) cubic foot per second or approximately twenty-five thousand nine hundred (25,900) gallons per day to be diverted from about March 1st to about September 30th and throughout the remainder of the year as required for domestic purposes

The point of diversion of such water is located as follows: Spring No. 1, fourteen hundred feet west and twelve hundred sixty feet south of the northeast corner of Section 5 T. 1 N. R. 5 W. S. B. M., being within the N.W.¼ of N.E.¼ of said Section 5; Spring No. 2, twelve hundred sixty feet west and nine hundred sixty feet south of the said northeast corner of Section 5, being within the N.E.¼ of N.E.¼ of the said Section 5.

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

~~7 acres within the S.W. ¼ of N. E. ¼ Section 5 T. 1 N. R. 5 W. S.B.M.~~

Amended by order of July 2 '26 MEC

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and 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 Chapter 586, Statutes 1913, 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 if, 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.** And 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 accept 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 regulations 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 subdivison 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 signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 5th *day of* April, *19* 25.

FFB. JH (SEAL)

H. A. KLUEGEL
Chief of Division of Water Rights, Department of Public Works of the State of California

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238

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

REVOKED

License for Diversion and Use of Water

LICENSE No. 242 PERMIT No. 417 APPLICATION No. 919

DATE REC'D 1/3/36 ASSIGNMENT TO W. L. Goding & Ind. of O. D. Annis

This is to certify, *That* Walter L. Goding ~~and Orrin D. Annis~~

of Mina, Mendocino County *have made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* Wilson Creek

in Trinity County *tributary of* Eel River

for the purpose of irrigation,

under Permit No. 417 *of the Division of Water Rights 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 Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* February 13, 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* seventy-five thousandths (0.075) cubic foot per second to be diverted from about May 1st to about November 1st of each season or its equivalent in case of rotation.

The point of diversion of such water is located five hundred feet west of the northeast corner of Section 33, T 5 S, R 7 E, H.M., being within the NE¼ of NE¼ of said Section 33.

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

5 acres within the NE¼ of NE¼ Section 33, T 5 S, R 7 E, H.M.
1 acre within the SE¼ of NE¼ Section 33, T 5 S, R 7 E, H.M.
or 6 acres total

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and 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 Chapter 586, Statutes 1913, 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 if, 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. And 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 accept 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 regulations 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 subdivison 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; *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 said 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 signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this sixth *day of* April, 28.

[illegible]:B (SEAL)

H. A. KLUEGEL
Chief of Division of Water Rights, Department of Public Works of the State of California

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FORM 100 42399 12-25 1M

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

ORDER

LICENSE No. 241 PERMIT No. 38 APPLICATION No. 88

ORDER GRANTING CHANGE IN PLACE OF USE

Chas. F. Reuter and Fred Klein, having established to the satisfaction of the Division of Water Rights that change as petitioned March 25th, 1926 in the place of use under Application No. 88, Permit No. 38 will not operate to the injury of any other appropriater or legal user of the waters of unnamed springs (2), the Division of Water Rights so finds, and permission is granted to make such change as follows:

From a place of use described as follows:

7 acres within the SW¼ of NE¼ of Section 5, T 1 N, R 5 W, S.B.B. & M.

To a place of use described as follows:

117 acres within the N½ of W½ and W½ of N½ of Section 4, T 1 N, R 5 W, S.B.B. & M.

WITNESS the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 2nd day of July, 1926.

(Edward Hyatt, Jr.)
CHIEF OF DIVISION OF WATER RIGHTS

2

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4/12/46 RECEIVED NOTICE OF ASSIGNMENT TO John B. & Frank Ellena
dba. Ellena Bros.

11/15/54 RECEIVED NOTICE OF ASSIGNMENT TO Ellena Vineyards Co.

10-28-60 RECEIVED NOTICE OF ASSIGNMENT TO John B. Ellena

12-4-72 RECEIVED NOTICE OF ASSIGNMENT TO Rancho Devore Co.,
a Partnership

4-29-76 Asgd. to Estate of John B. Ellena;
1-31-77 name chgs to Trust of John B. Ellena

3

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

ORDER

APPLICATION 919

PERMIT 417

LICENSE 242

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Licensee having established to the satisfaction of the State Engineer that the change in point of diversion under Application 919, Permit 417, License 242 for which petition was submitted on December 16, 1953 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 919, Permit 417, License 242 to point of diversion described as follows, to wit:

SOUTH 1200' AND WEST 620' FROM NE CORNER OF SECTION 33, T 5 S, R 7 E, HM, BEING WITHIN NE$\frac{1}{4}$ NE$\frac{1}{4}$ OF SAID SECTION 33.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 14th day of January, 1954.

A. D. EDMONSTON, STATE ENGINEER

By Harvey O. Banks
Harvey O. Banks
Assistant State Engineer

FORM 100

73995 1-53 5M SPO

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

LICENSE 242

PERMIT 417

APPLICATION 919

ORDER REVOKING LICENSE

On May 20, 1957, there was received from licensee a request that License 242 issued in the matter of Application 919, be revoked.

It is therefore ordered that said license be and the same is hereby revoked and canceled, without prejudice, upon the records of the State Water Rights Board.

Witness the hand and the seal of the State Water Rights Board this 20th day of September, 1957.

STATE WATER RIGHTS BOARD

By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer