REVOKED

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 329 PERMIT No. 284 APPLICATION No. 530

This is to certify, *That* Mrs. Catherine O. Cramer

of Susanville, California, *has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* natural runoff (no stream)

in Lassen County, *tributary of* Horse Lake

for the purpose of agricultural use

under Permit No. 284 *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* December 11th, 1916; *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* three hundred (300) acre feet per annum to be collected for storage from about October 1st to about June 1st of each season.

The point of diversion of such water is located North twenty-five (25) degrees East sixty-two (62) chains from the Southwest corner Section 14, T 32 N, R 13 E, M. D. M., being within the SE¼ NW¼ said Section 14.

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

15 acres within the SE¼ SW¼ Section 11,
10 " " " NE¼ NW¼
20 " " " NW¼ NW¼
15 " " " SW¼ NW¼, and
10 " " " NW¼ SW¼ Section 14, a total of
70 " all in T 32 N, R 13 E, M. D. M.

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 26th *day of* January, *19* 24.

MSE/MY
(SEAL)

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

16835 2-22 250

326

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 330 PERMIT No. 428 APPLICATION No. 930

DATE REC. 3/17/33 ASSIGNMENT IN Geo. L. Dewey & inf of Wm. Griener

This is to certify, That Lawrence McHugh and ~~William Griener~~

of Alturas, Modoc County, California, ha-ve made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of North Fork Drainage Area in Modoc County tributary of North Fork Pit River

for the purpose of agricultural use

under Permit No. 428 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 18th, 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 two hundred eighty-four (284) acre feet per annum to be collected for storage from February 1st to March 31st of each season.

The points of diversion to storage of such water are located (1) Within the SE¼ SE¼ Section 17; (2) Within the NE¼ NE¼ Section 20 and NW¼ NW¼ Section 21, T 43 N, R 13 E, M. D. M. The point of rediversion of stored waters is located North seventy degrees fourteen minutes (70° 14') East one thousand six hundred eighty (1680) feet from the South one-quarter corner Section 17, T 43 N, R 13 E, M.D.M., being within the SE¼ SE¼ said Section 17.

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

Lands of Lawrence McHugh:	Lands of William Griener
25 acres within the SE¼ SW¼ Sec. 24 and	30 acres within Lot 1,
35 " " " NE¼ NW¼ Sec. 25,	35 " " Lot 2,
all in T. 43 N, R 12 E, M. D. M.	10 " " Lot 3 and
	10 " " Lot 4 of Section 31,
	All in T. 43 N, R 13 E, M. D. M.

145 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 effect such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for whic water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shal 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 t me subject to such conditions as therein expressed; *provided,* that if, at any time after the expiration of twenty years after the granting of a licens ate, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have t to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights gran nder said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political sion 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 ined 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 y 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 o censee, 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, o at 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 therea r 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 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 so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken 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 30th *day of* January *, 19* 24 .

MSE/MY
(SEAL)

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

16835 2-22 250

FORM 100. 59613 5-29-31M

REVOKED

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

ORDER

APPLICATION No. 530 PERMIT No. 284 LICENSE No. 329

ORDER REVOKING LICENSE

WHEREAS upon an investigation by the Division of Water Rights it appears that the licensee has ceased to put to beneficial use the water allowed her under License Number 329, and

WHEREAS after due notice and a hearing therein, licensee has failed to show cause why the said license should not be revoked

IT IS HEREBY ORDERED that license Number 329 be and the same is hereby revoked and cancelled upon the records of the Division of Water Rights without prejudice.

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 6th day of August, 1928.

Harold Conkling
(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS

Reg.

2

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 330, Issued Pursuant to Permit 428, Application 930, EARL and BETTY STULL and ZDC DEVELOPMENT COMPANY Licensees.	Source: North Fork Drainage Area County: Modoc

ORDER REVOKING IN PART LICENSE TO APPROPRIATE WATER

A hearing having been held pursuant to Section 1675 of the Water Code before the State Water Rights Board (predecessor of the State Water Resources Control Board) on the 15th day of June, 1966, in the Courthouse, Alturas, California, for the purpose of allowing Earl and Betty Stull, ZDC Development Company, and Modoc Recreational Estates, hereinafter called the licensees, to show cause why License 330 should not be partially revoked; due notice of the time, place, and nature of said hearing having been given by certified mail to said licensees; said notice having been received, as is evidenced by signed return receipts; Earl Stull, representing himself and Betty Stull, and Bruce Fox, representing ZDC Development Company and Modoc Recreational Estates, having appeared at said hearing; evidence having been presented and received at said hearing and having been duly considered, the Board finds as follows:

1. Permit 428 was issued in the matter of Application 930 on May 1, 1919, to J. B. Kelley and William Griener for the appropriation of 284 acre-feet per annum (afa) to be stored in Kelley-Griener Reservoir during February and March of each year from North Fork Drainage Area in Modoc County, tributary of North Fork Pit River, for agricultural use.

2. License 330 was issued on January 30, 1924, pursuant to said permit, confirming in Lawrence McHugh (successor to J. B. Kelley) and William Griener the rights acquired by beneficial use to 284 afa to be collected to storage from February 1 to March 31 of each season for agricultural use on 60 acres of land in Sections 24 and 25, T43N, R12E, MDB&M, owned by Lawrence McHugh, and on 85 acres of land in Section 31, T43N, R13E, MDB&M, owned by William Griener. Said license was filed in the office of the Recorder of Modoc County on December 7, 1925. Since December 5, 1963, the former interest of Lawrence McHugh in said license, by assignment, has been held by ZDC Development Company and Modoc Recreational Estates; and since on or about September 18, 1948, the former interest of William Griener in said license, by assignment, has been held by Earl Stull and Betty Stull, his wife.

3. A decree was entered on December 14, 1939, by the Superior Court of Modoc County in Action No. 4074 entitled "In the Matter of the Determination of the Rights of the Vario Claimants to the Water of North Fork Pit River and All Its Trib utaries Except Franklin Creek in Modoc County" which provides

that Lawrence McHugh, and George L. Dewey and Elizabeth Dewey (successors in interest to William Griener), were each entitled to store up to 142 afa in the Kelley-Griener Reservoir for use on their respective parcels of land described the same as the McHugh and Griener parcels in License 330.

4. Since 1949, or before, no more than 142 acre-feet of water has been stored annually in the Kelley-Griener Reservoir, no water from the reservoir has been used by successors of Lawrence McHugh, and all water stored in said reservoir has been used by and on the lands of Earl Stull and Betty Stull, his wife, the successors of William Griener and George L. Dewey and Elizabeth Dewey.

5. The successors to Lawrence McHugh have failed to beneficially use any part of the water to which a right vested in said Lawrence McHugh, as confirmed by License 330 and defined by the court, for the period from 1949 to the present.

It is concluded from the foregoing findings that License 330 should be revoked to the extent that it authorizes the storage of water for use by and on the lands of Lawrence McHugh and his successors, including ZDC Development Company and Modoc Recreational Estates.

NOW, THEREFORE, IT IS ORDERED that License 330 be, and the same is hereby, revoked to the extent that it authorizes the storage of water for use by and on the lands of Lawrence McHugh and his successors, including ZDC Development Company and Modoc Recreational Estates. The remaining right

under License 330 extends only to the amount of water actually beneficially used and shall not exceed 142 acre-feet of water to be stored annually in the Kelley-Griener Reservoir by and for the use of Earl Stull and Betty Stull, his wife, on their lands described as follows:

30 acres within Lot 1,
35 acres within Lot 2,
10 acres within Lot 3, and
10 acres within Lot 4 of Section 31,
all in T43N, R13E, MDB&M.

In all other respects, the provisions of License 330 remain in full force and effect.

Adopted as the order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: March 20, 1968

George B. Maul, Chairman

W. A. Alexander, Vice Chairman

Ralph J. McGill, Member

Norman B. Hume, Member

E. F. Dibble, Member

5

10/9/41 = of interest of George L. De[illegible] to Samuel Crueger & Helen Harlow

8/15/49 RECEIVED NOTICE OF ASSIGNMENT TO of int of Samuel Crueger and Helen Harlow to Earl & Betty Stull

L330

2/14/50 RECEIVED NOTICE OF ASSIGNMENT TO of int of Laurence McHugh to Francis C. Ballard.

8/26 & 30/60 RECEIVED NOTICE OF ASSIGNMENT TO of Int of ~~Francis~~ C. Ballard to North Fork Cattle Co.

5-23-61 RECEIVED NOTICE OF ASSIGNMENT TO of Int of ~~North~~ Fork Cattle Co. to William H. & Virginia G. Shipman

10-25-65 RECEIVED NOTICE OF ASSIGNMENT TO of Int of William & Virginia G. Shipman to ZDC Development Co.

9-17-73 RECEIVED NOTICE OF ASSIGNMENT TO Diamond Twelve Ranch Company, LTD

6

A 931

4-3-80 Cesga to Theodore F. & Gloria J. Richardson

1-26-81 Int of Theodore F. Richardson cesgd to Gloria J. Richardson

L 330

7