STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Original filed Feb 20, 1926

Amended License for Diversion and Use of Water

APPLICATION 760 PERMIT 852 LICENSE 465

THIS IS TO CERTIFY, That

U.S. Fish and Wildlife Service
911 NE 11th Avenue
Portland, OR 97232-4181

has the right to the use of the waters of **Pine Creek** in **Modoc County**

tributary to **Pit River**

for the purpose of **Irrigation, Stockwatering, Recreational, and Wildlife Preservation and Enhancement uses.**

Amended License 465 supersedes the license originally issued on **February 5, 1926**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 852**. The priority of this right dates from **August 16, 1917**. Proof of maximum beneficial use of water under this license was made as of **April 23, 1924** and **September 7, 1995** (the dates of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2,709 acre-feet per annum to be collected from December 1 of each year to May 15 of the succeeding year.**

The maximum rate of diversion to offstream storage shall not exceed 250 cubic feet per second.

The total quantity of water collected to storage at Dorris Reservoir under this license and Licenses 466, 4822 and 13528 (Applications 1042, 12263 and 1321) shall not exceed 11,100 acre-feet per year.

The maximum withdrawal in any one year from Dorris Reservoir under this license and Licenses 466, 4822 and 13528 (Applications 1042, 12263 and 1321) shall not exceed 11,100 acre-feet per year.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

(1) Pine Creek Diversion Dam – North 2,300 feet and East 200 feet from SW corner of Section 12, T42N, R13E, MDB&M, being within NW¼ of SW¼ of said Section 12.

THE POINT OF REDIVERSION AND PLACE OF STORAGE OF SUCH WATER IS LOCATED:

(2) Dorris Reservoir Dam – North 400 feet and West 850 feet from SE corner of Section 8, T42N, R13E, MDB&M, being within SE¼ of SE¼ of said Section 8.

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED:

(3) Deer Pond Diversion Dam – North 1,100 feet and East 200 feet from the SW corner of Section 29, T42N, R13E, MDB&M, being within SW¼ of SW¼ of said Section 29;

(4) Pine Creek Overflow Dam – North 2,500 feet and East 100 feet from SW corner of Section 30, T42N, R13E, MDB&M, being within NW¼ of SW¼ of said Section 30; and

(5) South Fork Diversion Dam – South 1,600 feet and East 2,000 feet from NW corner of Section 1, T41N, R12E, MDB&M, being within SE¼ of NW¼ of said Section 1.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational and Wildlife Enhancement uses at Dorris Reservoir within Sections 8, 9, 10, 15, 16, 17, 21, and 22, T42N, R13E, MDB&M. Irrigation, Stockwatering, Recreational and Wildlife Preservation and Enhancement uses at 617.5 acres of wildlife ponds and 2,928.7 acres of habitat and fields, all within the Modoc National Wildlife Refuge as follows:

74.5 acres within Section 14, T42N, R12E, MDB&M
231.9 acres within Section 23, T42N, R12E, MDB&M
457.1 acres within Section 24, T42N, R12E, MDB&M
551.4 acres within Section 25, T42N, R12E, MDB&M
40.0 acres within Section 26, T42N, R12E, MDB&M
2.0 acres within Section 35, T42N, R12E, MDB&M
511.6 acres within Section 36, T42N, R12E, MDB&M
200.6 acres within Section 1, T41N, R12E, MDB&M
325.5 acres within Section 18, T42N, R13E, MDB&M
411.1 acres within Section 19, T42N, R13E, MDB&M
39.6 acres within Section 29, T42N, R13E, MDB&M
620.9 acres within Section 30, T42N, R13E, MDB&M
80.0 acres within Section 31, T42N, R13E, MDB&M

3,546.2 acres total as shown on map dated June 15, 1998, and filed with the SWRCB.

Licensee shall install and maintain the measuring devices identified in the Water Monitoring Plan for Dorris Reservoir, April 1995, satisfactory to the Chief of the Division of Water Rights to measure water diverted into Dorris Reservoir from Parker Creek and Pine Creek and water released from or flowing out of Dorris Reservoir. Licensee shall calculate the amount of water diverted into Dorris Reservoir from Stockdill Slough, as specified in the monitoring plan.

(0060046)

Licensee shall install and maintain the measuring devices identified in the Water Monitoring Plan for Dorris Reservoir, April 1995, satisfactory to the Chief of the Division of Water Rights to measure the water surface elevation of Dorris Reservoir. Using this measuring device and the stage capacity curve for Dorris Reservoir developed from a 1996 topographic survey, licensee shall maintain a daily record of the amount of water stored in the Dorris Reservoir.

(0070047)

Licensee shall implement the monitoring plan approved by the Chief of the Division of Water Rights with improvements recommended in the Report of Inspection dated September 7, 1995. The monitoring plan shall identify: (1) the amounts of water collected to storage at Dorris Reservoir from Pine Creek, Parker Creek, and Stockdill Slough; (2) the estimated amount of evaporation loss at Dorris Reservoir; (3) the amount of water directly diverted at Dorris Reservoir; and (4) the total amount of water withdrawn from Dorris Reservoir. Licensee shall submit an Annual Report identifying these amounts on a weekly schedule. The monitoring frequency can be adjusted at that time, if deemed necessary by the Chief of the Division of Water Rights.

(0100900)

Licensee shall participate in any areawide mosquito abatement program instituted by the City of Alturas, Modoc County, or State health officials, provided that licensee's participation in the program is conditioned upon the program conforming with State and Federal pesticide laws, the U.S. Fish and Wildlife Service's Pest Control Policy, and the Department of the Interior's Pesticide Use Policy. Licensee's participation in the program may be limited to controlling the refuge's contribution to the mosquito problem in the Alturas area.

(0400500)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so 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 license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. 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 the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

John O'Hagan, For

Victoria A. Whitney, Chief
Division of Water Rights

Dated: DEC 2 9 2003

FORM L-1925

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 465 PERMIT No. 852 APPLICATION No. 760

This is to Certify, *That* W. J. and P. S. Dorris of Alturas, California

Notice of Assignment (Over)

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 Pine Creek in Modoc County

tributary of Pit River

for the purpose of Agricultural use
under Permit No. 852 *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* August 16, 1917;

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 twenty-seven hundred nine (2709) acre feet per annum for storage to be collected from about December 1st to about May 15th of each season; maximum rate of diversion to storage two hundred fifty (250) cubic feet per second. In accordance with the provisions of Section 42 of the water Commission Act, nothing herein shall be construed as confirming the right to use more than two and one-half (2½) acre feet of water per acre in any one year in the irrigation of uncultivated areas of land not devoted to cultivated crops.

The point of diversion of such water from Pine Creek to storage in Dorris Reservoir on Stockdill Slough is located North seventy-three degrees fifty minutes West (N 73° 50' W) one thousand three hundred thirty (1330) feet from the one-quarter section corner common to Sections 34 and 35, T 42 N, R 13 E, M.D.M.; being within the SW¼ of NE¼ of said Section 34; the point of rediversion of stored waters in Dorris Reservoir is located North nine degrees, zero minutes West (N 9° 0' W), five thousand seven hundred (5700) feet from the Southeast corner of Section 17, T 42 N, R 13 E, M.D.M., being within the SE¼ of SE¼ of Section 8, T 42 N, R 13 E, M.D.M.

A description of the lands or the place where such water is put to beneficial use is as follows:
4170 acres located within Sections 18, 19, 30, 31, T 42 N, R 13 E, Sections 13, 14, 15, 22, 23, 24, 25, 26, 36, T 42 N, R 12 E; Section 1, T 41 N, R 12 E, M.D.M., all as outlined and shown on a map filed August 30, 1920, with the State Water Commission.

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 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 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* February, 1926.

Chief of Division of Water Rights, Department of Public Works of the State of California

12/17/48 RECEIVED NOTICE OF ASSIGNMENT ~~to~~ of int. of W. J. Dorris to G. B. Dorris, Int. of R. S. Dorris to A. D. & H. M. Dorris

11-21-60 - Name of H. M. Dorris Chgd. to Estate of H. M. Dorris

7-12-61 RECEIVED NOTICE OF ASSIGNMENT TO U. S. Fish & Wildlife Service

LICENSE NO. _____

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RIGHTS

LICENSE
TO APPROPRIATE WATER

ISSUED TO _____

DATED _____

40528 6-25 2M