

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

ORDER

APPLICATION 3971

PERMIT 1783

LICENSE 1193

ORDER ALLOWING CHANGE IN PLACE OF USE

Licensees having established to the satisfaction of the State Engineer that the change in place of use under Application 3971, Permit 1783, License 1193 for which petition was submitted on May 22, 1951, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

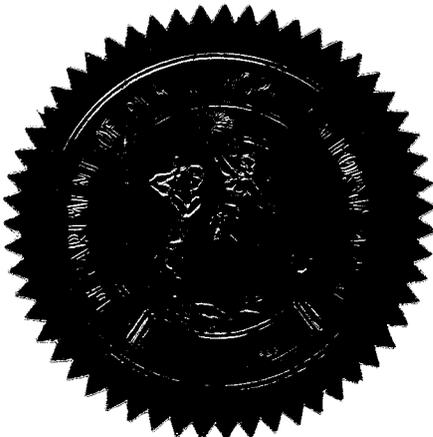
IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 3971, Permit 1783, License 1193 to a place of use described as follows, to wit:

10 ACRES IN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$   
20 ACRES IN SE $\frac{1}{4}$  OF NW $\frac{1}{4}$   
5 ACRES IN NW $\frac{1}{4}$  OF SW $\frac{1}{4}$   
35 ACRES TOTAL, ALL IN PROJECTED SECTION 12,  
T 5 S, R 6 W, M.D.B.&M., AS SHOWN ON MAP FILED  
WITH STATE ENGINEER.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 8th day of August, 1951.

*A. D. Edmonston*

A. D. Edmonston  
State Engineer



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

ORDER

APPLICATION 3971

PERMIT 1783

LICENSE 1193

ORDER REVOKING PORTION OF LICENSE

WHEREAS on April 25, 1932 License 1193 was issued confirming the right initiated under Application 3971 to six tenths (0.6) cubic foot per second from an unnamed creek, sometimes called Skelly Creek, and thirty-seven hundredths (0.37) cubic foot per second from McMahon Creek or a total of ninety-seven hundredths (0.97) cubic foot per second by direct diversion from about June 1 to about October 1 of each year and nine (9) acre-feet per annum by storage from said unnamed creek to be collected from about September 1 of each year to about May 31 of the succeeding year for use for irrigation purposes upon the following described land, to wit:

50 ACRES WITHIN BLOCKS 47, 48, 49, 50, 63, 64, 65, 66, 67, 68  
AND 79 OF GRANADA SUBDIVISION, AND  
100 ACRES LYING BETWEEN THE RIGHT OF WAY OF OCEAN SHORE RAILWAY  
AND THE PACIFIC OCEAN, AND BETWEEN THE SOUTHERLY PROLONGA-  
TION OF THE EASTERLY AND WESTERLY LIMITS OF GRANADA SUBDIVI-  
SION, BEING  
150 ACRES TOTAL, BEING WITHIN PROJECTED SECTIONS 11, 13 AND 14,  
T 5 S, R 6 W, M.D.B.&M, and

WHEREAS, on May 14, 1951 a field investigation of the use of water under the appropriation confirmed by said License 1193 was made by an engineer of the Department, accompanied by August Santos, one of the licensees, and

WHEREAS it was found that the diversion and use of water from said unnamed creek, sometimes called Skelly Creek, had been abandoned,

NOW THEREFORE IT IS ORDERED that so much of said License 1193 as pertains to diversion and use of water from said unnamed creek, sometimes called Skelly Creek be and the same is hereby revoked and cancelled upon the records of the Department, and that said License 1193 be amended by striking therefrom all reference to (1) an unnamed creek, sometimes called Skelly Creek, (2) the amounts of water specified for



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
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STATE ENGINEER

ORDER

APPLICATION 3971

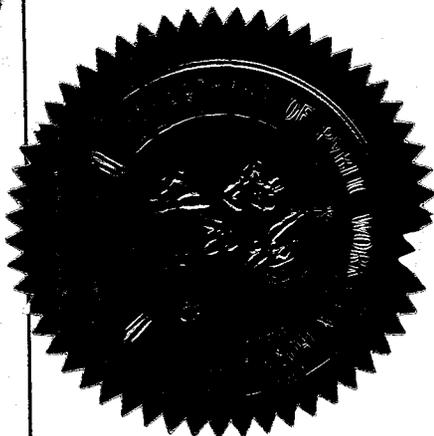
PERMIT 1783

LICENSE 1193

diversion from that stream, and (3) the description of the point of diversion from said stream.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 7th day of August, 1951.

  
A. D. Edmonston  
State Engineer





STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Amended by order of AUG 8 1951  
LICENSE 1193

PERMIT 1783

APPLICATION 3971

THIS IS TO CERTIFY, That Dante Dianda and John Patroni of Half Moon Bay, California *has* made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of an unnamed creek, sometimes called Skelly Creek and McMahon Creek in San Mateo County

tributary of Pacific Ocean

for the purpose of irrigation use

under Permit 1783 of the Division of Water Resources 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 Resources and the terms of the said permit; that the priority of the right herein confirmed dates from April 30, 1924;

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 six tenths (0.6) cubic foot per second from said unnamed creek and thirty-seven hundredths (0.37) cubic foot per second from McMahon Creek or a total of ninety-seven hundredths (0.97) cubic foot per second by direct diversion from about June 1st to October 1st of each season and nine (9) acre feet per annum by storage from said unnamed creek to be collected from about September 1st to about May 31st of each season.

The points of diversion of such water <sup>are</sup> located (unnamed creek, sometimes called Skelly Creek,) North two degrees thirty minutes East (N 2° 30' E) twenty-five hundred (2500) feet from the mouth of McMahon Creek and being within the NW<sub>4</sub> of SE<sub>4</sub> of projected Section 11, T 5 S, R 6 W, M.D.B.& M. and (McMahon Creek,) North thirty-six degrees forty-five minutes East (N 36° 45' E) thirty-eight hundred (3800) feet from the mouth of McMahon Creek and being within the NW<sub>4</sub> of SW<sub>4</sub> of projected Section 12, T 5 S, R 6 W, M.D.B.& M.

Amended by order of AUG 8 1951

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

50 acres within Blocks 47, 48, 49, 50, 63, 64, 65, 66, 67, 68 and 79 Granada Subdivision, and  
100 " lying between the right of way of Ocean Shore Railway and the Pacific Ocean, and between the southerly prolongation of the easterly and westerly limits of Granada Subdivision, being  
150 acres total, being within projected Sections 11, 13 and 14, T 5 S, R 6 W, M.D.B.& 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 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 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 providing, further*, that when such municipality shall desire to use the additional waters 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 my hand and the seal of the Department of Public Works of the State of California, this 25th day of April, 1932

EDWARD HYATT  
State Engineer

By Harold Cokking  
Deputy



5/7/51 RECEIVED NOTICE OF ASSIGNMENT TO August & Sara Santos

11/23/58 RECEIVED NOTICE OF ASSIGNMENT TO Mr. & Mrs. Howard A. Hazen

3-26-36

ASGD TO PENNSYLVANIA POLICE ASSOCIATION  
2-19-81 ASGD to Jerome Street

LICENSE 1193

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Dante Dianda & John Patroni

DATED APR 11 25, 1932