



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

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 7108B
Page 1 of 3

PERMIT 4329B

LICENSE 2052B

THIS IS TO CERTIFY, That

Frank Jones
P.O. Box 726
Lakeport, CA 95453

has the right to the use of the waters of an **Unnamed Spring** in **Lake County**
tributary to an **Unnamed Stream thence Clear Lake**
for the purpose of **Domestic use**.

Amended License 2052B supersedes the license originally issued on **August 5, 1940**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 4329**. The priority of this right dates from **October 30, 1931**. Proof of maximum beneficial use of water under this license was made as of **May 26, 1938** (the date 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 **three thousand two hundred thirty one (3,231) gallons per day to be diverted from January 1 through December 31 of each year. The maximum amount diverted under this license shall not exceed 3.6 acre-feet per year.**

The equivalent of the authorized continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

(000027)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 2, North 2,164,063 feet and East 6,343,117 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T15N, R8W, MDB&M.

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

At residence within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5, T14N, R8W, MDB&M, as shown on map on file with the State Water Board.

This license shall not be construed as conferring upon the licensee right of access to the point of diversion.

(000022)

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 State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, 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 State Water Board 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 State Water Board 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 State Water Board 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 State Water Board 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 State Water Board 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 State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board 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 State Water Board 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 State Water Board.

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.

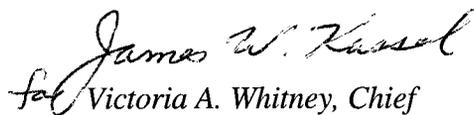
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 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 therefore 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


for Victoria A. Whitney, Chief
Division of Water Rights

Dated: **NOV 26 2008**

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

DIVISION OF WATER RIGHTS

In the Matter of License 2052 (Application 7108)

Charles G. Phillips & Frank Jones

**ORDER APPROVING CHANGE PETITION,
DIRECTING ISSUANCE OF SEPARATE LICENSES, AND
REVOCAION OF ORIGINAL LICENSE**

SOURCE: Unnamed Spring tributary to Unnamed Stream thence Clear Lake

COUNTY: Lake

WHEREAS:

1. License 2052 was issued to Edmund Robinson on August 5, 1940 pursuant to Application 7108 and was recorded with the County Recorder on August 26, 1940.
2. License 2052 was subsequently assigned to Ernest V. Baldwin on March 5, 1946. The license was reassigned to: (a) Walter H. and Mavis L. Ramage on October 16, 1952; (b) Edith V. Phillips on September 11, 1956; and Charles G. Phillips on January 8, 1988.
3. A change petition to add Domestic use within the parcel owned by Frank Jones to the license and request for issuance of separate licenses dated April 8, 2006 was filed with the State Water Resources Control Board (State Water Board). The petition was noticed and no protests were received.
4. The State Water Board has determined that good cause for such change has been shown.
5. The license term relating to the continuing authority of the State Water Board should be added or updated to conform to section 780(a), title 23 of the California Code of Regulations.
6. The license term relating to the water quality objectives of the State Water Board should be added or updated to conform to section 780(b), title 23 of the California Code of Regulations.
7. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term is placed in the license making the licensee aware of possible obligations resulting from these acts.
8. Environmental review began on April 8, 2006. Approval of this project would result in installation of a "T" from the existing water diversion pipeline and installation of about 2,000 feet of 2-inch diameter pipe in a 4-inch wide trench on existing fire trails. Lake County has determined that the project does not require a grading permit. Pursuant to the provisions of the California Environmental Quality Act, the State Water Board issued a Notice of Exemption based on an Existing Facilities Exemption, pursuant to title 14, California Code of Regulations, section 15304(f), Class 4.

- (1) The project will not result in removal of healthy, mature, scenic trees.
- (2) The project will not result in significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
- (3) There are no protests.
- (4) The Department of Fish and Game did not identify any public trust impacts associated with serving the additional parcel of land.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 2052 is hereby replaced and superseded upon the issuance of License 2052A to Charles G. Phillips and License 2052B to Frank Jones.
2. Separate Licenses be issued as follows:
 - A. License: 2052A (Application 7108)
Owner: Charles G. Phillips
Source: Unnamed Spring tributary to Unnamed Stream thence Clear Lake
Use: Domestic
Direct Diversion: 3,231 gallons per day
Maximum Amount: 3.6 acre-feet per annum
Season: January 1 to December 31
Point(s) of Diversion: By California Coordinate System of 1983, Zone 2, North 2,164,063 feet and East 6,343,117 feet, being within SW¼ of SE¼ of Section 32, T15N, R8W, MDB&M.
Place of Use: NE¼ of NE¼ of Section 6, T14N, R8W, MDB&M (APN: 006-003-11)
 - B. License: 2052B (Application 7108)
Owner: Frank Jones
Source: Unnamed Spring tributary to Unnamed Stream thence Clear Lake
Use: Domestic
Direct Diversion: 3,231 gallons per day
Maximum Amount: 3.6 acre-feet per annum
Season: January 1 to December 31
Point(s) of Diversion: By California Coordinate System of 1983, Zone 2, North 2,164,063 feet and East 6,343,117 feet, being within SW¼ of SE¼ of Section 32, T15N, R8W, MDB&M.
Place of Use: SW¼ of NW¼ of Section 5, T14N, R8W, MDB&M (APN: 006-003-11)
3. Licenses 2052A and 2052B shall contain all other terms and conditions presently in License 2052 or updated terms to reflect compliance with the State Water Board's policy.
4. The continuing authority condition, shall be added and read as follows:

Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit/license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee/licensee without unreasonable draft on the source. Permittee/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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board 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 Board 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 Board 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.

5. The water quality objectives condition, shall be updated to read as follows:

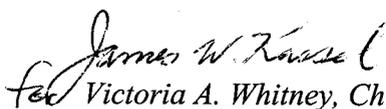
The quantity of water diverted under this permit is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or 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 Board 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.

6. The addition of a condition to the license that reads as follows:

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.

(0000014)

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **NOV 26 2008**



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2052

PERMIT 4329

APPLICATION 7105

THIS IS TO CERTIFY, That **Edmund Robinson, Lucerne, California,**

Notice of Assignment (Over)

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 spring in Lake County** tributary of **Clear Lake via an unnamed stream**

for the purpose of **domestic use** under Permit **4329** 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 **October 30, 1931;**

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 **one hundredth (0.01) cubic feet per second or approximately 6500 gallons per day from January 1st to December 31st of each season.**

The point of diversion of such water is located **North fifteen and seventy-two hundredths (15.72) chains and East fifty-three and twelve hundredths (53.12) chains from the southwest corner of Section 32, T 15 N, R 8 W, M.D.B.&M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 32.**

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

Lot 1 of Section 6, T 14 N, R 8 W, M.D.B.&M.

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 Division of Water Resources in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

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

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 of 1913, as amended, 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 providing, 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 water, 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 fifth day of August 1940.

EDWARD HYATT
State Engineer.

By Harold Conkling
Deputy



3/4/26

RECEIVED NOTICE OF ASSIGNMENT TO

Ernest V. Baldwin

10/8/52

RECEIVED NOTICE OF ASSIGNMENT TO

Mrs & Mrs Walter N. Ramage

9/4/52

RECEIVED NOTICE OF ASSIGNMENT TO

Edith V. Phillips

1-8-88

agrd to

Charles S. Phillips

LICENSE

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Ernest Baldwin

DATED August 5, 1940