



Cal/EPA

State Water
Resources
Control Board

Division of
Water Rights

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Pete Wilson
Governor

ORDER REVOKING LICENSE

LICENSE 2099 (APPLICATION 190)

Licensee: J. T. Griffin, Mariette B. Hollins, and
Richard C. Steidlmayer, et al.

SOURCE: SACRAMENTO RIVER TRIBUTARY TO SUISUN BAY IN COLUSA
COUNTY

It is ordered that a portion of this license is hereby revoked and canceled upon the records of the State Water Resources Control Board (SWRCB) because Licensee Steidlmayer, et al. has failed to commence, prosecute and complete use of water as required by this license.

This partial revocation removing the name and acreage of licensee Richard C. Steidlmayer from License 2099 was recommended by SWRCB staff upon inspection for the project area conducted on May 9, 1990. The removal of name and Place of Use (POU) recommended for partial revocation is to bring the existing ownership and POU into compliance with the actual farming operations served by J. T. Griffin and Mariette B. Hollins under License 2099.

Delete the name of Richard C. Steidlmayer, et al. (includes names of Kael Steidlmayer, James Martin Steidlmayer and Betty Geragioli) from License 2099. Also, delete the 100.61 acres of Richard C. Steidlmayer, et al. property within Sections 31, 32 and 33, T17N, R1W, MDB&M, and Section 3, 4 and 5, T16N, R1W, MDB&M from License 2099.


for Edward C. Anton, Chief
Division of Water Rights

Dated: JULY 7 1997

cc: County Recorder

Recording of this order is prescribed by Water Code Section 1651 and under the provisions of Government Code Section 27383 it is exempt from payment of recording fee.

The above-listed license was issued to Catherine McConnell and Mary Ann Putman and was filed with the County Recorder of Colusa County on September 27, 1940.

WR 26g (8/92)



Our mission is to preserve and enhance the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

MAILING LIST

CERTIFIED

Richard C. Steidlmayer
P.O. Box 526
Colusa, CA 95923

REGULAR

County Recorder
County of Colusa
546 Jay Street
Colusa, CA 95932

J. T. Griffin
P.O. Box 2393
Turlock, CA 95381

Ms. Mariette B. Hollins
10375 Fimple Road
Chico, CA 95926

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STATE OF CALIFORNIA.
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 190 Permit 198 License 2099

**ORDER ADDING POINT OF DIVERSION AND CHANGE
IN PLACE OF USE; ADDITION OF LICENSE TERM AND
AMENDING THE LICENSE**

WHEREAS:

1. License 2099 was issued to Catherine McConnell-Griffin and Mary Ann Putam and was filed with the County Recorder of Colusa County on July 2, 1957.
2. License 2099 was subsequently assigned to J.T. Griffin and Marietta B. Hollins.
3. A petition for change in the point of diversion and place of use (POU) was filed with the State Water Resources Control Board (SWRCB) on August 14, 1992. The licensee has petitioned for a change to add a third point of diversion at a location upstream of Hamilton Bend and a change in the description of the POU. The change in the POU excludes 100.67 acres from the 1,166.5 acres of the licensed POU located within Sections 31, 32, and 33, T17N, R1W, MDB&M, which was facilitated by the SWRCB in a previous action dated November 6, 1996.
4. The California Department of Fish and Game (DFG) conditionally protested the change petition by letter dated April 5, 1995. The protest required the licensee to address the issue on the installation of a fish screen on the pumping facility used to deliver water to the licensee's POU and/or participation in a post area-wide program addressing fish entrainment in the Sacramento River. A dismissal agreement to DFG's protest terms was received from the licensee's legal counsel in a letter dated April 12, 1995.
5. The SWRCB has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 - (1) South 1° 45' East 6,093 feet from the NW corner of Section 32, T17N, R1W, MDB&M, being within the NW¼ of NW¼ of Section 5, T16N, R1W, MDB&M;

- (2) South 26° 30' East 1,609 feet from the NW corner of Section 5, T16N, R1W, MDB&M, being within the SW¼ of NW¼ of said Section 5 and
- (3) South 1,700 feet and of West 3,134 feet from the NE corner of Section 31, T17N, R1W, MDB&M, being within the SE¼ of NW¼ of said Section 31.

2. The place of use under this license shall be as follows:

Irrigation of 1,065.88 acres within Sections 31, 32, and 33, T17N, R1W, MDB&M, as shown on a map on file with the SWRCB.

3. License 2099 shall be conditioned to include the following fish screening issue relative to fish entrainment in the Sacramento River:

"The State Water Resources Control Board (SWRCB) shall maintain continuing jurisdiction for Licenses 2099 and 4666 (Applications 190 and 12120) for a period of five (5) years from the date of issuance of any Order Approving Change Petitions (Order) associated with the August 18, 1992 Petitions to Change the Point of Diversion for Licenses 2099 and 4666. Continuing jurisdiction shall be maintained to require participation in an area-wide program which addresses fish entrainment in the Sacramento River. If no such area-program exists in five (5) years, the Department of Fish and Game (DFG) shall inform the SWRCB whether continuing jurisdiction shall be maintained for an additional period of time, and shall specify the length of time required, for development of the area-wide program. If, at the end of the five year period described above, DFG does not request an extension of time to develop the area-wide program, the fish screen issue may be referred to the SWRCB for resolution.

The continuing jurisdiction will terminate when the licensee participates in an area-wide program or a new Order regarding fish screening is an issue by the SWRCB."

4. The existing continuing authority condition under this license be amended as follows:

Pursuant to California 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 Resources Control 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 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 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 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. (0000012)

Dated: **AUGUST 11 1997**

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2009

PERMIT 198

APPLICATION 190

THIS IS TO CERTIFY, That **Catherine McConnell Griffin and Mary Ann Patman of Colusa, California,**

Notice of Assignment (Over)

have made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Sacramento River in Colusa County**

tributary of **Suisun Bay**

for the purpose of **Irrigation use**

under Permit **198** 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

November 26, 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 **eight and seventy five hundredths (8.75) cubic feet per second from either or both points described below from about April 1 to about October 1 of each season.**

In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point ^s of diversion of such water ~~are~~ located

- (1) S. 1° 45' E. 6095 FEET FROM THE NORTHWEST CORNER OF SECTION 32, T 17 N, R 1 W, M.D.B. & M., BEING WITHIN THE NW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 5, T 16 N, R 1 W, M.D.B. & M.
- (2) S. 26° 30' E. 1609 FEET FROM THE NORTHWEST CORNER OF SECTION 5, T 16 N, R 1 W, M.D.B. & M., BEING WITHIN THE SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 5.

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

1166.55 ACRES IN SECTIONS 31, 32 and 33, T 17 N, R 1 W, AND SECTIONS 3, 4, 5 and 6, T 16 N, R 1 W, M.D.B. & M. AS SHOWN ON MAP ENTITLED "MAP OF LANDS UNDER THE BRIDGET GRAHAM RANCH IRRIGATION SYSTEM", FILED WITH THE DIVISION OF WATER RESOURCES, JUNE 17, 1916, AND AMENDED MARCH 14, 1958.

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 any permit or license, 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 my hand and the seal of the Department of Public Works of the State of California, this 20th day of SEPTEMBER, 1940

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



8/7/40 RECEIVED NOTICE OF ASSIGNMENT TO Catherine Mc Connell, Griffin, Mary Ann Putnam, Winifred Graham, Frances Marie Graham Moody, Genevieve Glenn Graham, Josephine Angela Graham & Catherine Mary Graham

5/26/59 RECEIVED NOTICE OF ASSIGNMENT TO Robert Hunter and A. T. Scott

7/9/59 RECEIVED NOTICE OF ASSIGNMENT TO Eulalia O'Brien and O. D. Putman

LICENSE 2099
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE TO APPROPRIATE WATER
ISSUED TO CATHERINE MC CONNELL GRIFFIN AND MARY ANN PUTMAN
DATED SEPTEMBER 20, 1940

4-22-63 RECEIVED NOTICE OF ASSIGNMENT TO Int of Catherine M^c Conne
Griffin to J. Glenn Griffin

1-27-64 RECEIVED NOTICE OF ASSIGNMENT TO Int of O.A. Putnam to Eulalia
O'Sullivan, Virgil O'Sullivan, Jerry H. O'Sullivan
and Angela Vann

5-2-64 Int of A. L. Scott to Virginia C.
Scott. 9-12-68 Records changed to show Estate of Robert
Hunter & Margaret M. Gray Hunter, J. Glenn Griffin, Eulalia,
Virgil & Jerry H. O'Sullivan & Angela Vann of int. of J. Glenn Griffin

11-13-68 RECEIVED NOTICE OF ASSIGNMENT TO J. I. Griffin & Sharon Griffin
12-21-70 Names of Virginia C. Scott and Estate
of Robert Hunter changed

7-24-78 Records chgd to show Hunter Neve Rancho
Company as owner

9-20-78 Int of Margaret McKrew Hunter aspt to
Hunter Neve Rancho Co.

6-19-79 Name chgd from Sharon Griffin to Sharon 3
Lorraine Prater