

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

ORDER

APPLICATION 2383

PERMIT 1170

LICENSE 2169

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINT OF  
DIVERSION, CHANGE IN PLACE OF USE AND INCLUSION OF  
POINTS OF REDIVERSION

Licensee having established to the satisfaction of the State Engineer that the correction of description of point of diversion, change in place of use and inclusion of points of rediversion under Application 2383, Permit 1170, License 2169, for which petitions were submitted on December 29, 1950 and February 20, 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 correct the description of point of diversion under said Application 2383, Permit 1170, License 2169 to read as follows, to wit:

NORTH SIXTY-THREE DEGREES NO MINUTES WEST (N 63° 00' W) TWO THOUSAND FOUR HUNDRED (2400) FEET FROM SE CORNER OF SECTION 10, T 40 N, R 13 E, M.D.B.&M., BEING WITHIN SW $\frac{1}{4}$  OF SE $\frac{1}{4}$  OF SAID SECTION 10, and

IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 2383, Permit 1170, License 2169 to a place of use described as follows, to wit:

14 ACRES WITHIN SECTION 1, T 40 N, R 12 E, M.D.B.&M.  
583 ACRES WITHIN SECTIONS 6 AND 7, T 40 N, R 13 E, M.D.B.&M.  
150.7 ACRES WITHIN SECTIONS 25 AND 36, T 41 N, R 12 E, M.D.B.&M.  
157.6 ACRES WITHIN SECTIONS 30 AND 31, T 41 N, R 13 E, M.D.B.&M.  
905.3 ACRES TOTAL, ALL AS SHOWN ON MAP FILED WITH STATE ENGINEER,  
and

IT IS ORDERED that permission be and the same is hereby granted to include under said Application 2383, Permit 1170, License 2169 points of rediversion described as follows, to wit:

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

ORDER

APPLICATION 2383

PERMIT 1170

LICENSE 2169

(1) SOUTH FORTY-FIVE DEGREES THIRTY MINUTES EAST (S 45° 30' E)  
EIGHT HUNDRED NINETY (890) FEET FROM N $\frac{1}{4}$  CORNER OF SECTION 4,  
T 40 N, R 13 E, M.D.B.&M., BEING WITHIN LOT 4 OF SAID SECTION 4.

(2) SOUTH FIFTY-ONE DEGREES FORTY-FIVE MINUTES WEST (S 51° 45' W)  
TWO THOUSAND SEVEN HUNDRED FIFTY (2750) FEET FROM NE CORNER OF  
SECTION 8, T 40 N, R 13 E, M.D.B.&M., BEING WITHIN SW $\frac{1}{4}$  OF NE $\frac{1}{4}$  OF  
SAID SECTION 8.

WITNESS my hand and the seal of the Department of Public Works of the  
State of California this 27th day of March, 1951.

  
\_\_\_\_\_  
A. D. Edmonston  
State Engineer





STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2169 PERMIT 1170 APPLICATION 2383

THIS IS TO CERTIFY, That G. M. Clark and J. E. Clark Notice of Assignment (Over)  
Alturas, California

of Water Resources of California of a right to the use of the waters of <sup>has</sup> made proof to the satisfaction of the Division  
Juniper Gulch in Modoc County

tributary of South Fork of Pit River

for the purpose of irrigation use  
under Permit 1170 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  
June 7, 1921;

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 nine hundred (900) acre-  
feet per annum to be collected from about November 1st to about May 1st of each  
season. Maximum rate of diversion to storage is twenty five (25) cubic feet  
per second.

The point of diversion of such water is located North four degrees, no minutes West,  
(N. 4° 00' W.) sixteen hundred fifty (1650) feet from the south one-quarter  
corner of Section 10, T. 40 N., R. 13 E., M.D.B. & M. being within the NE¼ of  
SW¼ of said Section 10. Amended by order of MAR 27 1951

A description of the lands or the place where such water is put to beneficial use is as follows: Amended by order of MAR 27 1951

10 acres within	NE¼	of	SE¼	of	Section 25, T. 41 N., R. 12 E., M.D.B. & M.
17 "	"	"	SW¼	of	" 25, " " "
40 "	"	"	SE¼	of	" 25, " " "
17 "	"	"	NW¼	of	" 36, " " "
17 "	"	"	SW¼	of	" 36, " " "
40 "	"	"	NE¼	of	" 36, " " "
19.7 "	"	"	SE¼	of	" 36, " " "
9 "	"	"	NW¼	of	" 30, T. 41 N., R. 13 E.,
12 "	"	"	NE¼	of	" 30, " " "
40 "	"	"	SW¼	of	" 30, " " "
38.5 "	"	"	SE¼	of	" 30, " " "
3.5 "	"	"	NW¼	of	" 30, " " "
6.8 "	"	"	SW¼	of	" 30, " " "
31.4 "	"	"	NW¼	of	" 31, " " "
20.1 "	"	"	NE¼	of	" 31, " " "
<u>322.0 acres - Total</u>					

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 herein 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 be 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 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 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 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 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 4th day of February, 1941.

EDWARD HYATT  
State Engineer

By Harold Carlsberg  
Deputy



6/26/50 RECEIVED NOTICE OF ASSIGNMENT TO Fitzhugh Creek Ranch Co.

1/23/61 ASSIGNMENT to Fitzhugh Creek Ranch

8/5/94 Assign to Edward & Helen Mc Paoli

5/4/98 Assign to Alturas Ranches, LLC

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LICENSE

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO E. M. Clark and J. E. Clark

DATED February 4, 1941

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 2383 Permit 1170 License 2169

**ORDER CORRECTING PLACE OF USE  
AND AMENDING THE LICENSE**

**WHEREAS:**

1. License 2169 was issued to G.M. Clark and J.E. Clark on February 4, 1941, pursuant to Application 2383 and was filed with the Modoc County Recorder on March 18, 1941.
2. An amending order dated March 27, 1951 was filed with the Modoc County Recorder on March 30, 1951.
3. License 2169 was subsequently assigned to Edward DePaoli and Helen DePaoli.
4. Licensee, by petition dated July 26, 1994, desired to consolidate the place of use by deleting the "upper area" under this license, and License 9579 (Application 21557).
5. The State Water Resources Control Board (SWRCB) has determined that said correction will not initiate a new right nor operate to the injury any legal user of the water.
6. The SWRCB's continuing authority condition should be amended to conform to Section 780(a) of Title 23, California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The license condition regarding the place of use be amended to read:

The "lower area," comprised of 597 acres, described as follows:

14 acres, within Section 1, T40N, R12E, MDB&M; and  
583 acres, within Sections 6 and 7, T40N, R13E, MDB&M.

(0000004)

2. The condition regarding the SWRCB's continuing authority be amended to read:

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 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 uses against reasonable water requirements 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.

(0000012)

Dated: APRIL 10 1995

  
Edward C. Anton, Chief  
Division of Water Rights

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