

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

**ORDER**

APPLICATION 9868 PERMIT 5626 LICENSE 3621

ORDER ALLOWING CHANGE IN THE  
PLACE OF USE  
AND AMENDING THE LICENSE

**WHEREAS:**

1. License 3621 was issued to Margaret F. Dorst and was filed with the County Recorder of Lake County on August 4, 1952.
2. License 3621 was subsequently assigned to Mark Trione and Victor Trione.
3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. The Board 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.
5. The license condition pertaining to the Board's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.
6. A new condition is added to this license and requires the licensee to comply with the prior rights of Yolo County Flood Control and Water Conservation District to store water in Clear Lake.

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

1. The place of use under this license shall be as follows:  
243 acres described as follows:  
  
1 acre within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
17 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
25 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
25 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
31 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
8 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
16 acres within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
2 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
21 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 1, T13N, R11W, MDB&M,  
1 acre within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 2, T13N, R11W, MDB&M,  
27 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, T13N, R11W, MDB&M,  
8 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, T13N, R11W, MDB&M,  
11 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, T13N, R11W, MDB&M,  
21 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,

10 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,  
5 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,  
2 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,  
5 acres within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,  
6 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 12, T13N, R11W, MDB&M,  
1 acre within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 5, T13N, R10W, MDB&M,

as shown on map on file within the State Water Resources Control Board.

2. The following condition is added to this license and reads:

This license is subject to the prior rights of Yolo County Flood Control and Water Conservation District (District) to store water in Clear Lake as set forth in the Gopsevic Decree. During years that Clear Lake does not fill to GH 7.56 on the Rumsey Gage, no diversion is allowed unless licensee has an alternate source or purchases exchange water from the District.

3. The license condition pertaining to the Board's continuing authority is replaced with the following to conform with Section 780(a), Title 23 of the California Code of Regulations.

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit 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 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permittee 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: OCTOBER 07 1991

*Roger Johnson*  
for Edward C. Anon, Chief  
Division of Water Rights

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

## License for Diversion and Use of Water

APPLICATION 9868

PERMIT 5626

LICENSE 3621

THIS IS TO CERTIFY, That **Margaret F. Dorst**  
**P. O. Box 115**  
**Hopland, California**

Notice of Change (Over)

*has* made proof as of **July 26, 1951**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**an unnamed creek in Lake County**

tributary to **Ben Moore Creek thence Scott Creek and Clear Lake**

for the purpose of **irrigation use**  
under Permit **5626** of the Department of Public Works and that said right to the use of said water has  
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works  
and the terms of the said permit; that the priority of the right herein confirmed dates from **April 5, 1940**;  
and 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 hundred forty-two (142)**  
**acre-feet per annum to be collected from about December 1 of each year to about**  
**May 1 of the succeeding year.**

The point of diversion of such water is located **north one thousand four hundred seventy**  
**(1470) feet and west one thousand eighty (1080) feet from SW corner of Section 5,**  
**T 13 N, R 10 W, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, T 13 N, R 11 W,**  
**MDB&M.**

A description of the lands or the place where such water is put to beneficial use is as follows: **65 acres within**  
**Sections 1 and 12, T 13 N, R 11 W, MDB&M, as shown on map filed with State Engineer.**

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 Department acting through the State Engineer 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 State Engineer.

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.

This license is granted and 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 Department.

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 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 can not 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 31st day of July, 19 52



A. D. EDMONSTON, State Engineer

10/7/69 RECEIVED NOTICE OF ASSIGNMENT TO Barbara J. Tubert + Wayne C. Tubert

11-7-72 RECEIVED NOTICE OF ASSIGNMENT TO L. T. Ranch

4-16-82 Assign to Manuel Elias

6/7/90 assigned to Mark and Victor Trione

LICENSE 3621

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

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Margaret F. Dorst

DATED JUL 31 1952

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