

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13005

PERMIT 7810

LICENSE 3635

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 3635 was issued to Frank E. Walker and was filed with the County Recorder of Humboldt County on August 26, 1952, and

WHEREAS said license was subsequently assigned to Thomas B. Stokesberry, Lillian E. Stokesberry, Kenneth Vassar Sylvies and Cecil Dean Sylvies, and

WHEREAS the State Water Resources Control Board has found that the change in point of diversion under said license for which petition was submitted on May 4, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said points of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said License 3635 to points of diversion described as follows, to wit:

SOUTH 1,960 FEET AND EAST 2,007 FEET FROM W $\frac{1}{4}$ CORNER OF SECTION 6, T10N, R6E, HB&M, BEING WITHIN SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 6.

SOUTH 2,390 FEET AND EAST 1,850 FEET FROM $W\frac{1}{4}$
CORNER OF SECTION 6, T10N, R6E, HB&M, BEING
WITHIN $SE\frac{1}{4}$ OF $SW\frac{1}{4}$ OF SAID SECTION 6.

SOUTH 3,366 FEET AND EAST 3,267 FEET FROM $W\frac{1}{4}$
CORNER OF SECTION 6, T10N, R6E, HB&M BEING
WITHIN $NW\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SECTION 7, T10N, R6E, HB&M.

IT IS FURTHER ORDERED that permission be and the
same is hereby granted to correct the name of the sources
under License 3635 to sources as follows, to wit:

(1), (3) WHITEYS CREEK, (2) AN UNNAMED SPRING,
BOTH IN HUMBOLDT COUNTY, TRIBUTARY TO (1),
(3) KLAMATH RIVER (2) WHITEYS CREEK

IT IS FURTHER ORDERED that License 3635 be amended
as follows, to wit:

DIVERSION OF WATER FROM THE UPPER POINT OF
DIVERSION SHALL BE LIMITED TO THE PERIOD FROM
ABOUT OCTOBER 1 OF EACH YEAR TO ABOUT APRIL 15
OF THE SUCCEEDING YEAR. 000005

THIS LICENSE IS EXPRESSLY SUBJECT TO THE TERMS
OF THAT CERTAIN MEMORANDUM OF AGREEMENT DATED
APRIL 24, 1970, BETWEEN THE PARTIES CONCERNED
AND PLACED ON RECORD IN THE OFFICE OF THE STATE
WATER RESOURCES CONTROL BOARD, IN CONNECTION
WITH LICENSE 8387 (APPLICATION 20656) AND
LICENSE 3635 (APPLICATION 13005), TO THE EXTENT
THAT THE PROVISIONS OF THE AGREEMENT RELATE TO
MATTERS WITHIN THE JURISDICTION OF THE BOARD. 0000024

Dated: FEB 5 1971.

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights



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

License for Diversion and Use of Water

APPLICATION 13005

PERMIT 7810

LICENSE 3635

Notice of Assignment (Over)

THIS IS TO CERTIFY, That Frank E. Walker
Orleans, California

has made proof as of September 10, 1951
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
(1) Whitie's Creek and (2) an unnamed spring, both in Humboldt County
tributary to (1) Klamath River, and (2) Whitie's Creek

for the purpose of irrigation and domestic uses
under Permit 7810 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 March 28, 1949;
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 fourteen thousand (14,000)
gallons per day to be diverted as follows: (a) from about February 15 to about
October 1 for irrigation purposes, and (b) throughout the year as required for
domestic purposes.

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.

0000027

The points of diversion of such water are located as follows: (1) south one thousand nine
hundred sixty (1960) feet and east two thousand seven (2007) feet from W $\frac{1}{2}$ corner of
Section 6, T 10 N, R 6 E, HB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6; and (2)
south two thousand three hundred ninety (2390) feet and east one thousand eight
hundred fifty (1850) feet from W $\frac{1}{2}$ corner of Section 6, T 10 N, R 6 E, HB&M, being
within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 6.

A description of the lands or the place where such water is put to beneficial use is as follows: Domestic use
and irrigation of 1 $\frac{1}{2}$ acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 6, T 10 N, R 6 E, HB&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 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.

1

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 25th day of August, 19 52

A. D. Edmonston
A. D. EDMONSTON, State Engineer

10-13-60 RECEIVED NOTICE OF ASSIGNMENT TO *partial Marguerite O. Walker*

5/8/61 RECEIVED NOTICE OF ASSIGNMENT TO *partial Thomas B. + Lillian E. Stokesberry*

11/10/67 Records Chgd to show Thomas B. + Lillian E. Stokesberry, Kenneth Vassar Sylvester and Cecil Dean Sylvester as owners

3-24-76 Out of Thomas + Lillian Stokesberry, 1960 TO WILFREN E. + ZONIA T. FERRIS

6-28-78 Out of Kenneth V. + Cecil Dean Sylvester asgd to Willard L. + Patricia Ann Johnson

8-24-93 ownership in names of Ferris, Thomas + Debra L. Wright

6/23/99 asgd to ZONA T. FERRIS

LICENSE 3635

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Frank E. Walker

DATED AUG 25 1952