

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

**DIVISION OF WATER RIGHTS**

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In the Matter of License 3700 (Application 12004)

**Chiappe Farms Inc.**

**ORDER REVOKING LICENSE**

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SOURCE: Duck Creek

COUNTY: San Joaquin

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**WHEREAS:**

1. License 3700 was issued to A. J. Batteate, Irene Batteate, Patricia Batteate, and Earl W. Batteate on April 6, 1953, pursuant to Application 12004 and was filed with the County Recorder of San Joaquin County on April 7, 1953.
2. License 3700 was subsequently assigned to Chiappe Farms Inc. on July 30, 2007.
3. Tony Chiappe requested on March 12, 2012, that the license be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
4. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.1.

**Therefore, it is ordered** that License 3700 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
John O'Hagan For:

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: AUGUST 2 2012



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

Notice of Assignment (Over)

License for Diversion and Use of Water

APPLICATION 12004

PERMIT 7036

LICENSE 3700

THIS IS TO CERTIFY, That

A. J. Batteate, Irene Batteate, Patricia Batteate, and  
Earl W. Batteate  
P. O. Box 47

Farmington, California

have made proof as of May 14, 1952

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
Duck Creek in San Joaquin County

tributary to San Joaquin River

for the purpose of irrigation and stock-watering uses  
under Permit 7036 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 July 23, 1947;  
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 (1) cubic foot per  
second to be diverted as follows: (a) from about April 1 to about October 31  
of each year for irrigation purposes, and (b) throughout the year as required  
for stock-watering 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.

The point of diversion of such water is located north nine hundred ninety (990) feet  
and east six hundred sixty-five (665) feet from SW corner of Section 17, T 1 N,  
R 9 E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 17.

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

80 acres within E $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 18, T 1 N, R 9 E, MDB&M  
40 acres within W $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 17, T 1 N, R 9 E, MDB&M  
30 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, T 1 N, R 9 E, MDB&M  
20 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 17, T 1 N, R 9 E, MDB&M  
6 acres within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 17, T 1 N, R 9 E, MDB&M  
2 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 18, T 1 N, R 9 E, MDB&M

178 acres total, 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).

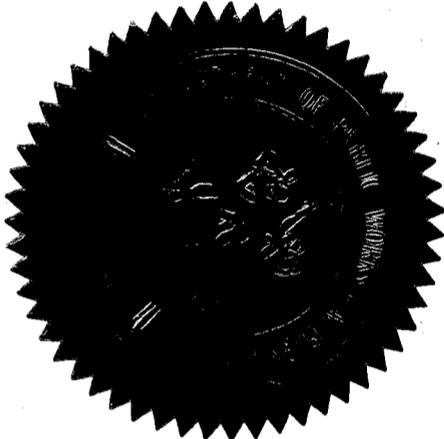
Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

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 6th day of April, 1953

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

2/11/53

RECEIVED NOTICE OF ASSIGNMENT

9/1/88 Notice of Assign Estate of William Schlange

LICENSE 3700

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

LICENSE  
TO APPROPRIATE WATER

ISSUED TO A. J. Batteate, et al.

DATED

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