

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

ORDER

APPLICATION 9734

PERMIT 5826

LICENSE 3747

ORDER DIRECTING THE ISSUANCE OF
AN AMENDED LICENSE WITH CHANGES
IN THE PURPOSE OF USE AND CORRECTION IN THE
DESCRIPTION OF THE POINT OF DIVERSION

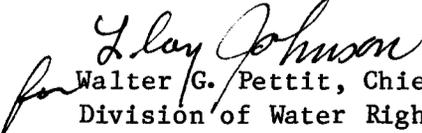
WHEREAS:

1. License 3747 was issued to Paul Ziegelmaier and was filed with the County Recorder of Plumas County on June 2, 1953.
2. License 3747 was subsequently assigned to U.S. Plumas National Forest.
3. A petition for change in purpose 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 licensee has stated that the only point of diversion that will be used will be at the reservoir, Point of Diversion No. 2, therefore, Point of Diversion No. 1 and the direct diversion amount of 3 cubic feet per second should be deleted from this license.
5. The USGS 7.5 Quadraugle map Haskins Valley 1980 shows the point of diversion as being North 850 feet and West 850 feet from S $\frac{1}{2}$ corner of Section 15, T23N, R7E, MDB&M. License 3747 describes the same point of diversion as being North 900 feet and West 1,200 feet from S $\frac{1}{2}$ corner Section 15, T23N, R7E, MDB&M.
6. 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.
7. The paragraph pertaining to the continuing authority of the Board needs to be updated to conform to the standard term as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Amended License 3747 be issued.

Dated: **SEPTEMBER 19 1988**


Walter G. Pettit, Chief
Division of Water Rights

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

ORDER

APPLICATION 9734

PERMIT 5826

LICENSE 3747

ORDER CORRECTING THE DESCRIPTION OF THE
POINT OF DIVERSION IN THE AMENDING LICENSE
ISSUED SEPTEMBER 19, 1988

WHEREAS:

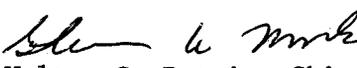
1. License 3747 was issued to U. S. Plumas National Forest and recorded with the County Recorder of Plumas County.
2. An Amended License 3747 was issued on September 19, 1988 and has been recorded with the County Recorder of Plumas County on September 28, 1988 in Volume 488, Page 544. There was an error in the description of the point of diversion.

NOW, THEREFORE, IT IS ORDERED THAT:

The description of the Point of Diversion under Amended License 3747 be described as follows:

Faggs Reservoir: North 850 feet and West 850 feet from S $\frac{1}{4}$ corner of Section 15, T23N, R7E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 15. Also described as California Coordinate System, Zone 1, N 186,400 and E 2,228,700

Dated: FEBRUARY 07 1989

for 
Walter G. Pettit, Chief
Division of Water Rights

6



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

AMENDED License for Diversion and Use of Water

APPLICATION 9734
Page 1 of 2

PERMIT 5826

LICENSE 3747

THIS IS TO CERTIFY, That U.S. Plumas National Forest
P.O. Box 1500
Quincy, California 95971

has made proof as of October 7, 1952 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
an Unnamed Stream in Plumas County

tributary to Willow Creek thence Middle Fork Feather River

for the purpose of Stockwatering and Wildlife Enhancement uses

under Permit 5826 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from September 22, 1939 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed four and five-tenths (4.5) acre-feet per annum by
storage to be collected from November 1 of each year to May 15 of the
succeeding year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Faggs Reservoir: North 850 feet and West 850 feet from $S\frac{1}{2}$ corner of Section
15, T23N, R7E, MDB&M, being within $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of said Section 15. Also
described as California Coordinate System, Zone 3, N 186,400 and E 2,228,700

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

At Faggs Reservoir located within $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 15, T23N, R7E, MDB&M.

3

Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

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 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.

This 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 license 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, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

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 Board.

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 cannot 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.

Dated: **SEPTEMBER 19 1988**

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson
for Chief, Division of Water Rights

4



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

License for Diversion and Use of Water

APPLICATION 9734

PERMIT 5826

LICENSE 3747

THIS IS TO CERTIFY, That Paul Ziegelmaier
Quincy, California

has made proof as of October 7, 1952

(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 stream in Plumas County

tributary to Willow Creek thence Middle Fork Feather River

for the purpose of mining and domestic uses

under Permit 5826 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 September 22, 1939; 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 three (3) cubic feet per second by direct diversion to be diverted from about March 1 to about October 1 of each year, and four and five tenths (4.5) acre-feet per annum by storage to be collected from about November 1 of each year to about May 15 of the succeeding year.

The points of diversion of such water are located as follows:

- (1) North nine hundred (900) feet and west one thousand two hundred (1200) feet from S $\frac{1}{4}$ corner of Section 15, T 23 N, R 7 E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 15.
- (2) North one thousand four hundred (1400) feet and west two hundred (200) feet from S $\frac{1}{4}$ corner of Section 15, T 23 N, R 7 E, MDB&M, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 15.

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

within Happy Camp Mining Company claim being within E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15, T 23 N, R 7 E, MDB&M.

The water used for mining purposes is released into Willow Creek at a point within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T 23 N, R 7 E, MIB&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.

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).

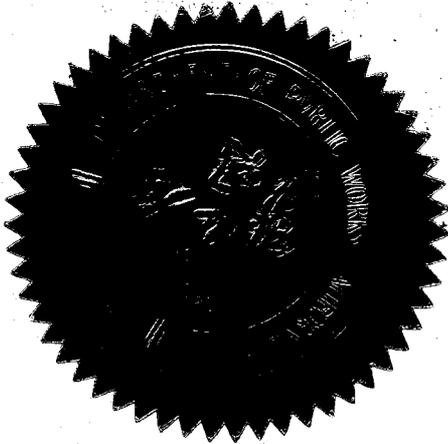
Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

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 1st day of June, 1953

A. D. EDMONSTON, State Engineer

8/11/54 RECEIVED NOTICE OF ASSIGNMENT TO Justin C. & Freda Hensley
10/19/67 Interest of Freda Hensley chgd to Estate of Freda Hensley
11/20/67 RECEIVED NOTICE OF ASSIGNMENT TO Justin C. Hensley
6-13-86 asq to U.S. Phumanail Forest

LICENSE 3747

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

LICENSE TO APPROPRIATE WATER

ISSUED TO Paul Ziegelmaier

DATED

4807 7-51 5H STATE PRINTING OFFICE

2