

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

DIVISION OF WATER RIGHTS

In the Matter of Licenses 3975A and 3975B (Applications 12138A and 12138B)

Paula Sweatt and Daniel and Lori Jarrett

**ORDER DIRECTING ISSUANCE OF SEPARATE LICENSES,
AND REVOCATION OF ORIGINAL LICENSE**

SOURCE: Cow Creek tributary to Sacramento River

COUNTY: Shasta

WHEREAS:

1. License 3975 was issued to A.F. Hufford on July 15, 1954 pursuant to Application 12138 and was recorded with the County Recorder of Shasta County on July 27, 1954.
2. License 3975 was subsequently assigned to (a) Paula Sweatt, (b) Daniel and Lori Jarrett, (c) Donald and Lavera Costello, and (d) James and Lyla Wickstrum on December 20, 2004.
3. Donald and Lavera Costello filed a request for revocation form dated March 29, 2005. James Wickstrum signed the March 29, 2005 revocation request form on April 29, 2005 on behalf of himself and his wife.
4. The Division of Water Rights' (Division) letter dated June 1, 2005 advised the remaining licensees that the Division would issue amended licenses for one-fourth of the original license each. The Division has subsequently determined that the quantity of water assigned to the amended licenses should be based on the percentage of the original 40-acre place of use held by Sweatt and Jarrett. Each party holds 5 acres of the 40-acre place of use. Therefore, each party will receive a license to divert 0.06 cubic foot per second (cfs) [5 acres/40 acres x 0.5 cfs = 0.06 cfs].
5. The license term relating to the continuing authority of the State Water Resources Control Board (State Water Board) should be updated to conform to section 780(a), title 23 of the California Code of Regulations.
6. A license term relating to the water quality objectives of the State Water Board should be added to conform to section 780(b), title 23 of the California Code of Regulations.
7. Fish, wildlife and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 3975 is hereby split by the issuance of License 3975A to Paula Sweatt, and License 3975B to Daniel and Lori Jarrett, and the original License 3975 is revoked.
2. Separate Licenses be issued as follows:
 - A. License: 3975A (Application 12138A)
Owner: Paula Sweatt
Source: Cow Creek tributary to Sacramento River
Use: Irrigation
Direct Diversion: 0.06 cfs
Season: May 1 to November 1 of each year
Point of Diversion: By California Coordinate System of 1983, Zone 1, North 2,072,680 feet and East 6,497,909 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T31N, R3W, MDB&M.
Place of Use: 5 acres net within a gross of 9.6 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T31N, R3W, MDB&M (APN 058-130-013)
 - B. License: 3975B (Application 12138B)
Owner: Daniel and Lori Jarrett
Source: Cow Creek tributary to Sacramento River
Use: Irrigation
Direct Diversion: 0.06 cfs
Season: May 1 to November 1 each year
Point of Diversion: By California Coordinate System of 1983, Zone 1, North 2,072,680 feet and East 6,497,909 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T31N, R3W, MDB&M.
Place of Use: 5 acres net within a gross of 10 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T31N, R3W, MDB&M (APN 058-130-014)

Both licenses shall contain the following terms:

3. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit/license 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 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.
4. The continuing authority of the State Water 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/licensee without unreasonable draft on the source. Permittee/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 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 State Water 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.

5. 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, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.
6. The quantity of water diverted under this permit is subject to modification by the State Water 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.
7. This license does not authorize any act which results in the taking of a threatened or endangered species, or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

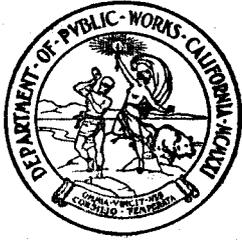
If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

8. Licenses 3975A and 3975B shall contain all other terms and conditions presently in License 3975 or updated terms to reflect compliance with the State Water Board's policy.

STATE WATER RESOURCES CONTROL BOARD


Barbara Evoy, Deputy Director
Division of Water Rights

Dated: **DEC 26 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 12138

PERMIT 7134

LICENSE 3975

THIS IS TO CERTIFY, That A. F. Hufford

Box 25

Millville, California

has made proof as of June 16, 1953

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Cow Creek in Shasta County

tributary to Sacramento River

for the purpose of irrigation use

under Permit 7134 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 October 29, 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 five tenths (0.5) cubic foot per second to be diverted from about May 1 to about November 1 of each year.

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 due south twenty-five (25) feet from NW corner of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T 31 N, R 3 W, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 29.

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

30 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T 31 N, R 3 W, MDB&M
10 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, T 31 N, R 3 W, MDB&M
40 acres total

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 15th day of July, 19 54

A. D. EDMONSTON, State Engineer

By *Harvey O. Banks*
HARVEY O. BANKS
Assistant State Engineer

6/30/65 RECEIVED NOTICE OF ASSIGNMENT TO H. Martin Carter

4-1-75 RECEIVED NOTICE OF ASSIGNMENT TO Leland E. + Patricia J. Finley

8-10-84 asgd to Ralph + Mary Hoffman, Frederick + Claire Hoffman, Donald + Laura Costello

7/31/97 assigned to Stonewall Canyon Vineyards, a Calif. General Partnership

LICENSE 3975

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO A. F. Hufford

DATED

80387 8-53 3M SPO