

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

DIVISION OF WATER RIGHTS

In the Matter of License 4096 (Application 10673)

Lone Tree Creek Vineyards LLC
ORDER REVOKING LICENSE

SOURCE: An Unnamed Creek

COUNTY: San Joaquin County

WHEREAS:

1. License 4096 was issued to Benedix Brothers on May 24, 1955, pursuant to Application 10673, and was filed by the County Recorder of San Joaquin County on May 25, 1959.
2. License 4096 was subsequently assigned to Lone Tree Creek Vineyards on March 8, 2004.
3. Lone Tree Creek Vineyards LLC requested on May 24, 2011, 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 4096 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: OCT 19 2011



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

License for Diversion and Use of Water

APPLICATION 10673

PERMIT 6343

LICENSE 4096

THIS IS TO CERTIFY, That **Benedix Brothers**
Box 66
Valley Home, California

Notice of Change (Over)

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 San Joaquin County

tributary to Lone Tree Creek, thence San Joaquin River

for the purpose of irrigation use
under Permit 6343 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 14, 1943;
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 to be diverted from about April 1 to about October 31 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 south sixty degrees six minutes west
(S60°06'W) one thousand one hundred ninety (1190) feet from NE corner of Section
9, T 1 S, R 8 E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 9.

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

39 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
40 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
40 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
39 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
39 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
30 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
2 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
8 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T 1 S, R 8 E, MDB&M
237 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 conferred 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 24th day of May, 1955

A. D. EDMONSTON, State Engineer

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



5-30-73 RECEIVED NOTICE OF ASSIGNMENT TO *Franklin Brothers*

Winery
1-24-85 Assign to Vineyard Properties of Calif.

LICENSE 4096

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO *Benedix Brothers*

DATED *MAY 24 1955*

68972-55 3M BPO

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