

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Licenses 3772  
and 4375 Issued Pursuant to  
Permits 7677 and 8549,  
Applications 12891 and 14143,  
CASSIUS C. EPPERSON et al.,  
LICENSEES.

Source: Wadsworth Canal  
County: Sutter

ORDER REVOKING LICENSES TO APPROPRIATE WATER

A hearing having been held pursuant to Section 1675 of the Water Code before the State Water Rights Board, on the 19th day of December, 1962, in the Board's hearing room, 4th floor, Kaiser Building, 1401 21st Street, Sacramento, California, for the purpose of allowing Cassius C. Epperson et al., hereinafter called the licensees, to show cause why Licenses 3772 and 4375 should not be revoked; due notice of the time, place, and nature of said hearing having been given by certified mail to said licensees; said licensees having appeared and evidence having been presented and received at said hearing; the matter having been submitted for decision upon such evidence, and the State Water Rights Board, having duly considered the same and now being fully informed in the premises, finds as follows:

5

1. Permit 7677 was issued in the matter of Application 12891 on January 30, 1950, to Elizabeth Kennedy for the appropriation of 3 cubic feet per second (cfs) from about April 1 to about November 1 of each year from Wadsworth Canal in Sutter County for irrigation purposes.

2. License 3772 was issued on July 17, 1953, pursuant to said permit, confirming in Elizabeth Kennedy the rights acquired by beneficial use to 3 cfs from about April 15 to about October 1 of each year. Said license was filed in the office of the Recorder of Sutter County on July 22, 1953.

3. Permit 8549 was issued in the matter of Application 14143 on April 30, 1951, to Elizabeth Kennedy for the appropriation of 3 cfs from about May 1 to about October 31 of each year from Wadsworth Canal, Sutter County, for irrigation purposes.

4. License 4375 was issued on May 21, 1951, pursuant to said permit, confirming in Elizabeth Kennedy the rights acquired by beneficial use to 3 cfs from about May 1 to about October 31 of each year. Said license was filed in the office of the County Recorder of Sutter County on June 7, 1956. Since November 30, 1961, both of said licenses have been held by Cassius C. Epperson, Emily F. Scribner, Elizabeth N. Witte, and Robert D. Padgett.

5. The licensees' pump has been removed, and the land has been dry farmed since 1955.

6. The licensees' reports for the years 1956 through 1958 and 1959 through 1961 show no use of water.

7. The land covered by the licenses has been under lease since 1949, and the lessee has had difficulty maintaining a ditch to the point of diversion which originally passed through the lands of one of the licensees. In order to continue diverting, a new pump installation was necessary at a different point on the source and neither the lessee or licensees were apparently willing to undertake the same. Also, there has been confusion as to the availability of "rice units" for the land designated in the licenses as the place of use.

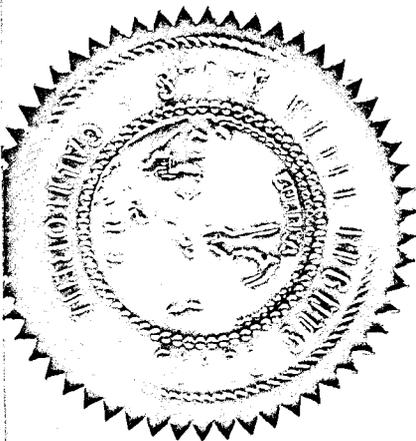
8. The foregoing circumstances are not sufficient cause for the Board to continue the licenses in good standing, particularly in view of the positive language of Water Code Sections 1241 and 1675.

9. Water has ceased to be appropriated and put to beneficial use within the terms and authority of said Licenses 3772 and 4375.

It is concluded from the foregoing findings that Licenses 3772 and 4375 should be revoked.

NOW, THEREFORE, IT IS ORDERED that Licenses 3772 and 4375 be, and the same are hereby, revoked and all rights thereunder are terminated forthwith.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, this 22nd day of MAY, 1963.



Kent Silverthorne  
Kent Silverthorne, Chairman

Ralph J. McGill  
Ralph J. McGill, Member

W. A. Alexander  
W. A. Alexander, Member

6



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

## License for Diversion and Use of Water

APPLICATION 14143

PERMIT 8549

LICENSE 4375

THIS IS TO CERTIFY, That

Elizabeth Kennedy  
Box 148

Notice of Assignment (Over)

Sutter, California made proof as of June 16, 1955,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Wadsworth Canal in Sutter County

tributary to Sutter By-pass

for the purpose of irrigation

under Permit 8549 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 January 30, 1951; 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 May 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 two hundred fourteen (214) feet and east one thousand three hundred thirty-three (1,333) feet from center of Section 21, T15N, R2E, MDB&M, being within NE1/4 of SE1/4 of said Section 21.

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

40.00 acres within NW1/4 of SW1/4 of Section 21, T15N, R2E, MDB&M  
40.00 acres within NE1/4 of SW1/4 of Section 21, T15N, R2E, MDB&M  
40.00 acres within SW1/4 of SW1/4 of Section 21, T15N, R2E, MDB&M  
21.86 acres within SE1/4 of SW1/4 of Section 21, T15N, R2E, MDB&M  
141.86 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 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of May, 1956

HARVEY O. BANKS, State Engineer

By *L. C. Jopson*  
L. C. JOPSON  
Assistant State Engineer



12/5/58 Name changed to Estate of  
RECEIVED NOTICE OF ASSIGNMENT TO  
*Elizabeth Kennedy*

5/22/59 RECEIVED NOTICE OF ASSIGNMENT TO  
*Cassius C. Esperson*  
*Emily J. Scribner, Elizabeth N. Witte, Harold*  
*D. Podgett, Jr. and Robert R. Podgett*

11-30-61- Name chgd from Robert R. Podgett to Robert D. Podgett

11-30-61 RECEIVED NOTICE OF ASSIGNMENT TO  
*of Int. of Harold D. Podgett, Jr.*  
to Robert D. Podgett

11-30-61. Name chgd from Elizabeth N. Witte to  
*Elizabeth M. Witte*

LICENSE  
4375  
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE  
TO APPROPRIATE WATER

ISSUED TO *Elizabeth Kennedy*  
DATED MAY 21 1956

2804 2-56 4M © SFO

2