

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

Application 13182A Permit 7859 License 4453A

**ORDER CORRECTING DESCRIPTION OF POINTS OF DIVERSION  
AND ISSUANCE OF SEPARATE LICENSES**

**WHEREAS:**

1. License 4453a was issued to Redwood Ranch and Vineyards, Inc., on June 15, 1973 and was recorded with the County Recorder of Sonoma County in Book 2774, Page 901 on June 21, 1973.
2. License 4453A was subsequently assigned to James W. Reed & Gayle D. Reed and Jeffrey S. Horowitz & Lynn R. Horowitz.
3. An examination of the project map dated October 1997 by the SWRCB staff determined in the description of the points of diversion for License 4453A should be corrected to agree with the project map and the (7.5') U.S. Geological Survey Map-Jimtown.
4. By letter dated January 26, 1998, a request has been made to divide License 4453A into separate licenses to reflect the individual ownership and places of use of James W. Reed & Gayle D. Reed and Jeffrey S. Horowitz & Lynn R. Horowitz.
5. The SWRCB has determined the division of License 4450A will not operate to the injury of another lawful user of water, and that good and sufficient cause has been shown for subsequent issuance of separate licenses.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780 (a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

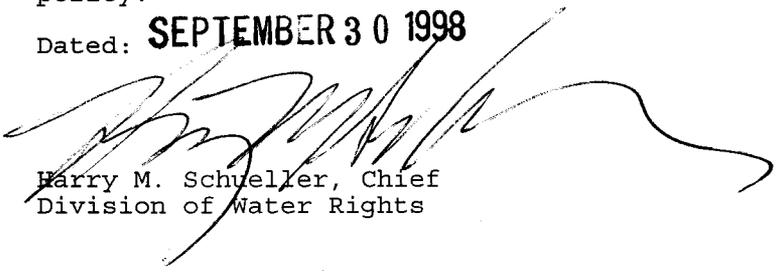
1. The descriptions for the points of diversion be corrected to read as follows:
  - (1) North 1,500 feet and West 1,100 feet from SW corner of projected Section 7, T9N, R8W, MDB&M, being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 7, also described by California Coordinate System, Zone 2, N 355,100 and E 1,773,500.
  - (2) South 460 feet and East 2,400 feet from NE corner of projected Section 18, T9N, R8W, MDB&M, within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 18 also described by California Coordinate System, Zone 2, N 356,700 and E 1,775,200.
2. License 4453A be replaced by License 4453A01 and assigned to James W. Reed and Gayle D. Reed and License 4453A02 assigned to Jeffrey S. Horowitz and Lynn R. Horowitz.
3. Superseded License 4453A is hereby revoked upon issuance of License 4453A01 and 4453A02.

4. Separate licenses be issued as follows:

- A. License: 4453A01 (Application 13182A01)  
Owner: James W. Reed and Gayle D. Reed  
999 Highway 128  
Healdsburg, CA 95448  
Source: Russian River tributary to Pacific Ocean  
in Sonoma County  
Use: Irrigation and Stockwatering uses  
Amount: 0.0425 cubic foot per second  
Season: May 15 to October 15  
Point of  
Diversion North 1,500 feet and East 1,100 feet from  
SW corner of projected Section 7, T9N,  
R8W, MDB&M, being within the NW $\frac{1}{4}$   
of SW $\frac{1}{4}$  of said Section 7, also described  
as California Coordinate System, Zone 2,  
N 355,100 and E 1,773,500.  
Place of  
Use: 1.8 acres within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected  
Section 7;  
5.6 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected  
Section 7;  
2.9 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected  
Section 18, all within T9N, R8W, MDB&M.  
10.3 acres total as shown on map dated  
October 1997 on file with the SWRCB.
- B. License 4453A02 (Application 13182A02)  
Owner: Jeffrey S. Horowitz and Lynn R. Horowitz  
138 The Uplands  
Berkeley, CA 94705  
Source: Russian River tributary to Pacific Ocean in  
Sonoma County  
Use: Irrigation and Stockwatering uses  
Amount: 0.0425 cubic foot per second  
Season: May 15, to October 15  
Point of  
Diversion: South 460 feet and East 2,400 feet from NE  
corner of projected Section 18, T9N, R8W,  
MDB&M, being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$   
of said Section 18, also described as  
California Coordinate System, Zone 2,  
N 360,000 and E 1,775,200.  
Place of  
Use: 3.6 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected  
Section 7;  
1.8 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected  
Section 7;  
0.9 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected  
Section 18, all within T9N, R8W, MDB&M.  
6.3 acres total as shown on map dated  
October 1997 on file with the SWRCB.

Licenses 4453A01 and 4453A02 shall contain all other terms and conditions presently in License 4453A or updated versions for compliance with the SWRCB's policy.

Dated: **SEPTEMBER 30 1998**

  
Harry M. Schueller, Chief  
Division of Water Rights



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

License for Diversion and Use of Water

APPLICATION 13182A02

PERMIT 7859

LICENSE 4453A02

Page 1 of 3

THIS IS TO CERTIFY, That

Jeffrey S. Horowitz  
and Lynn R. Horowitz  
138 The Uplands  
Berkeley, CA 94705

has made proof as of May 13, 1954 (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of Russian River in Sonoma County

tributary to Pacific Ocean

for the purpose of Stockwatering and Irrigation uses

under Permit 7859 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 June 29, 1949 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 twenty-five ten thousandths (0.0425) cubic foot per second to be diverted from May 15 to October 15 of each year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 460 feet and East 2,400 feet from NE corner of projected Section 18, T9N, R8W, MDB&M, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 18, also described as California Coordinate System, Zone 2, N 360.000 and E 1,775,200.

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

3.6 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;  
1.8 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;  
0.9 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18, all within T9N, R8W, MDB&M.

6.3 acres total as shown on map dated October 7, 1997 on file with the State Water Resources Control Board.

*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 requirement for the authorized project. No action will be taken pursuant to this 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, Section 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.

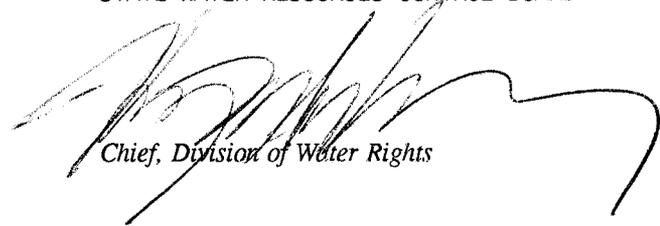
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the 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 30 1998**

STATE WATER RESOURCES CONTROL BOARD



*Chief, Division of Water Rights*



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

License for Diversion and Use of Water

APPLICATION 13182A01  
Page 1 of 3

PERMIT 7859

LICENSE 4453A01

THIS IS TO CERTIFY, That

James W. Reed  
and Gayle D. Reed  
9999 Highway 128  
Healdsburg, CA 95448

has made proof as of **May 13, 1954** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of **Russian River** in **Sonoma County**

tributary to **Pacific Ocean**

for the purpose of **Stockwatering and Irrigation uses**

under Permit **7859** 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 **June 29, 1949** 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 twenty-five ten thousandths (0.0425) cubic foot per second** to be diverted from **May 15 to October 15** of each year.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Spring--California Coordinate System, Zone 2, N 355.100 and E. 1,773.500 being within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 7, T9N, R8~~W~~<sup>W</sup>, MDB&M.

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

- 1.8 acre within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected Section 7;
- 5.6 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 7;
- 2.9 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 18, all within T9N, R8W, MDB&M.

10.3 acres total as shown on map dated October 7, 1997 on file with the State Water Resources Control Board.

*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 requirement for the authorized project. No action will be taken pursuant to this 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, Section 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 30 1998**

STATE WATER RESOURCES CONTROL BOARD



*Chief, Division of Water Rights*



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

## License for Diversion and Use of Water

APPLICATION 13182A

PERMIT 7859

LICENSE 4453A

*OVER*

**THIS IS TO CERTIFY, That**

REDWOOD RANCH AND VINEYARD, INC.  
9865 STATE HIGHWAY 128, HEALDSBURG, CALIFORNIA 95448

HAS *made proof as of* MAY 13, 1954 *(the date of inspection)*  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
RUSSIAN RIVER IN SONOMA COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION AND STOCKWATERING PURPOSES  
under Permit 7859 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 JUNE 29, 1949 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 EIGHTY-FIVE THOUSANDTHS (0.085) CUBIC FOOT PER SECOND,  
TO BE DIVERTED FROM APRIL 15 TO NOVEMBER 1 OF EACH YEAR. THE EQUIVALENT OF  
SUCH CONTINUOUS FLOW ALLOWANCE FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A  
SHORTER TIME IF THERE IS NO INTERFERENCE WITH OTHER VESTED RIGHTS.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) NORTH 1,200 FEET AND WEST 4,008 FEET FROM SE CORNER OF PROJECTED SECTION 7,  
T9N, R8W, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 7, AND
- (2) SOUTH 460 FEET AND WEST 2,690 FEET FROM NE CORNER OF PROJECTED SECTION 18,  
T9N, R8W, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 18.

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

16.6 ACRES TOTAL WITHIN PROJECTED SECTIONS 7 AND 18, T9N, R8W, MDB&M, BEING  
WITHIN A PORTION OF PARCEL 6 OF SONOMA COUNTY RECORDER'S MAP, AND BEING WITHIN  
A PORTION OF SOLOYOME RANCHO, AND AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES  
CONTROL BOARD.

6/27/96 Not. of asgd: APP#13182A Lic#4453A  
Val P. Peline

10/29/96 assigned to Val P. Peline,  
Lic 4453A James W. & Gayle D. Raul

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

*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 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 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: JUN 15 1973

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*  
Chief, Division of Water Rights