STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 11705 Permit 6819 License 5067

ORDER APPROVING CHANGE IN PURPOSE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 5067, was issued to Earl B. Fiock on April 16, 1958, pursuant to Application 11705.

2. License 5067 was filed with the County Recorder of Siskiyou County on April 18, 1958.

3. License 5067 was subsequently assigned to the Department of Fish and Game.

4. A Petition for Change has been filed with the State Water Resources Control Board (SWRCB).

5. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

6. Compliance with California Environmental Quality Act Public Trust Consideration requires implementation of Wildlife Area Management Plan and protection of cultural resources.

7. Licensee has submitted the Shasta Valley Wildlife Area Management Plan.

8. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the purpose of use be amended to read:

   Irrigation and Wildlife Enhancement. (0000003)

2. A condition be added to the license to read as follows:

   Licensee shall implement the Shasta Valley Wildlife Area Management Plan as adopted June 30, 1992, by the Department of Fish and Game, including any amendments thereto. (0390500)

3. A condition be added to the license to read as follows:

   Licensee shall construct and operate all wildlife enhancement facilities so as not to impact any of the known cultural resource locations within the Shasta Valley Wildlife Area (SVWA). All proposed water conveyance and impoundment facilities and project place of use (irrigated agriculture and wetland areas) shall be designed to avoid any disturbances to the known cultural resources. Any areas of proposed development that have not been subject to cultural resource survey shall have such survey work completed prior to the commencement of any construction activities. All mitigation/avoidance recommendations resulting from these cultural resource surveys shall be implemented prior to the initiation of construction activities. Previous cultural resource surveys completed within the SVWA shall be amended by completing documentation (i.e., formal site records) of all of those cultural resources identified that meet the minimal standards for site designation set by the State Office of Historic Preservation.

   If any previously unrecorded cultural resources are discovered during the project activities, such activities shall cease within 100 ft. of the discovery until the State Water Resources Control Board, Division of Water Rights, has been notified and the find can be evaluated by a professional archeologist. Any mitigation measures deemed necessary shall be submitted to the Chief of the Division of Water Rights for review and approval. Approved mitigation measures shall be implemented prior to continuation of construction activities. (0380500)

4. The SWRCB's continuing authority condition be amended to read:

   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 SWRCB 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.

   The continuing authority of the SWRCB 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 useas against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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. (0000012)

Dated: JANUARY 22 1996

David L. Bunger
for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11705 PERMIT 6819 LICENSE 5067

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. A petition for change in place of use under License 5067 has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.

2. License 5067 was issued to Earl B. Fiock and was filed with the County Recorder of Siskiyou County on April 18, 1958.

3. Said license was subsequently assigned to Frank C. Belcher Jr.

4. The Board has determined that this change in place of use will not operate to the injury of any other legal user of water involved.

NOW, THEREFORE, IT IS ORDERED:

That permission is hereby granted to change the place of use under said License 5067 to a place of use as follows:

322.6 acres within Section 36, T45N, R6W, MDB&M
129.6 acres within Section 35, T45N, R6W, MDB&M
10.0 acres within Section 25, T45N, R6W, MDB&M
15.0 acres within Section 26, T45N, R6W, MDB&M
477.2 acres total as shown on map filed with State Water Resources Control Board.

R. L. Rosenberger
R. L. Rosenberger, Chief
Division of Water Rights

Dated: MAR 24 1975

5

152.2 ACRES WITHIN SECTION 32, T45N, R5W, MDB&M
314.3 ACRES WITHIN SECTION 36, T45N, R6W, MDB&M
1,748.3 ACRES TOTAL AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD

Dated: AUG 11 1971

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

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

ORDER

APPLICATION 11705 PERMIT 6819 LICENSE 5067

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS License 5067 was issued to Earl B. Fiock and was filed with the County Recorder of Siskiyou County on April 18, 1958, and

WHEREAS said license was subsequently assigned to Frank G. Belcher, Jr., and

WHEREAS the State Water Resources Control Board has found that the change in place of use under said license for which petition was submitted on February 19, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said License 5067 to a place of use described as follows, to wit:

420.3 ACRES WITHIN SECTION 1, T44N, R6W, MDB&M
244.4 ACRES WITHIN SECTION 5, T44N, R5W, MDB&M
217.7 ACRES WITHIN SECTION 6, T44N, R5W, MDB&M
399.4 ACRES WITHIN SECTION 31, T45N, R5W, MDB&M

3

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11705 PERMIT 6819 LICENSE 5067

Notice of Assignment (Over)

THIS IS TO CERTIFY, *That* Earl B. Fiock
Montague, California

has made proof as of September 27, 1956
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of Little Shasta River in Siskiyou County

tributary to Shasta River

for the purpose of irrigation use
under Permit 6819 *of the State Water Rights Board 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 State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from* January 23, 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 one thousand (1000) acre-feet per annum to be collected to storage from about December 1 of each year to about March 1 of the succeeding year.
Maximum rate of diversion to offstream storage has been twenty-five (25) cubic feet per second.

The point of diversion of such water is *located:*
South one degree fifty-one minutes west (S1°51'W) one thousand six hundred eighty-eight and nine tenths (1688.9) feet from NE corner of Section 32, T45N, R5W, MDB&M, being within SE¼ of NE¼ of said Section 32.

A description of the lands or the place where such water is put to beneficial use is as follows:
322.6 acres within Section 36, T45N, R6W, MDB&M
129.6 acres within Section 35, T45N, R6W, MDB&M
10.0 acres within Section 25, T45N, R6W, MDB&M
15.0 acres within Section 26, T45N, R6W, MDB&M
477.2 acres total as shown on map filed with State Water Rights Board.

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 State Water Rights 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 State Water Rights 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.

1

FORM 64

13

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: APR 16 '58

STATE WATER RIGHTS BOARD

By Leslie C. Johson
LESLIE C. JOHSON
Chief Engineer

12/23/60 RECEIVED NOTICE OF ASSIGNMENT TO Frank G. Belcher, Jr.
12.23.75 asgd to Howard J. Finn
7-16-79 asgd to Fort Bakey Ranch Company
5-2-81 Asgd to RBR Ranch, A General Partnership
2-11-85 Asgd to Whiskey Lakes Ranch, A Gen. Partnership

4/15/91 Notice of asgd:Lic#5067
To California Department of Fish & Game

LICENSE 5067

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Earl B. Flock

DATED APR 16 1958

84170 4-57 5M (1) SPO

2

14