

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Water Right License 5182 (Application 12336)

**Clinton Folger**

**ORDER REVOKING WATER RIGHT**

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SOURCE: Felta Creek tributary to Mill Creek

COUNTY: Sonoma

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**WHEREAS:**

1. Clinton Folger (Right Holder) is the right holder of Water Right License 5182.
2. On March 9, 2012, the right holder requested that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), revoke Water Right License 5182.
3. The Division interprets the right holder's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 et seq.
4. The State Water Board has delegated the authority to revoke water rights to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2012-0029. The Deputy Director has redelegated this authority to the Unit Seniors, pursuant to redelegation order dated July 6, 2012.

**THEREFORE, IT IS ORDERED THAT WATER RIGHT LICENSE 5182 IS HEREBY REVOKED, 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.

It is right holder's responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. Right holder is hereby put on notice that unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the point of diversion identified in this water right license may be subject to Administrative Civil Liability of up to \$500 per day without further notice. The State Water Board also may issue a Cease and Desist Order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

Before initiating any work in a stream channel, right holder should consult with the Department of Fish and Wildlife and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. Right holder

must also consult with the Department of Water Resources, Division of Safety of Dams, if a jurisdictional size dam will be removed or breached (dam height 25 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

Right holder shall document any diversions made under claim of right independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of \$1,000, plus \$500 per day for each additional day on which the violation continues if the person fails to file a statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:  
KATHERINE MROWKA FOR

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: JUN 20 2014



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

(over)

APPLICATION 12336

PERMIT 7301

LICENSE 5182

THIS IS TO CERTIFY, That

Arthur Folger and Ruth Folger  
1470 Felta Road  
Healdsburg, California

have made proof as of October 19, 1956  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Felta Creek in Sonoma County

tributary to Mill Creek; thence Dry Creek; thence Russian River

for the purpose of irrigation use  
under Permit 7301 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 February 17, 1948  
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 nine thousand (9000)  
gallons per day 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:

North two hundred eighty-two (282) feet and west ninety (90) feet from center of  
NE $\frac{1}{4}$  of Section 6, T8N, R9W, MDB&M, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 6.

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

1 acre within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6, T8N, R9W, MDB&M.  
6 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6, T8N, R9W, MDB&M.  
7 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 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.

*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.

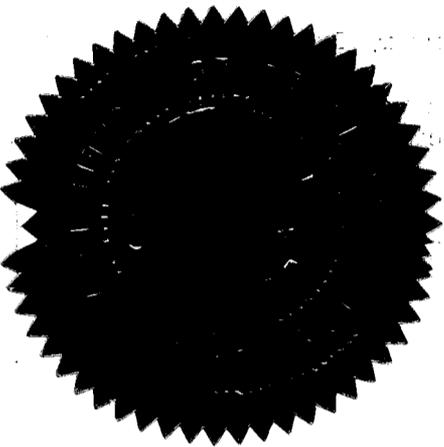
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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 9 1958

*L. K. Hill*  
L. K. Hill  
Executive Officer



*9-8-76 Int of Ruth Folger Folger transferred to  
Arthur H. Folger  
1-18-85 Aspd to Clinton Folger*

LICENSE 5182  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Arthur Folger and  
Ruth Folger  
DATED JUN 9 1958