STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 16593 PERMIT 10413 LICENSE 7517

ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. License 7517 was issued to James P. and Flora Biaggi and was recorded with the County Recorder of Mendocino County on November 5, 1965, Book 702, Page 198.

2. License 7517 was subsequently assigned to Louis J. and Russell Biaggi.

3. A petition for change in point of diversion and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.

4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion is a moveable point located between the following described limits:

   (a) North four hundred fifty (450) feet and east two thousand six hundred forty (2,640) feet from SW corner of Section 24, T13N, R17W, MDB&M, being within SE¼ of SW¼ of said Section 24.

   (b) North two thousand (2,000) feet and west one thousand (1,000) feet from SE corner of Section 23, T13N, R17W, MDB&M, being within NE¼ of SE¼ of said Section 23.

2. The place of use under this license shall be as follows:

   Stockwatering within NE¼ of SE¼ of Section 23; NW¼, SW¼, and SE¼ of SW¼ of Section 24, T13N, R17W, MDB&M and irrigation of 187.8 acres consisting of:

   82.5 acres within SE¼ of Section 23, T13N, R17W, MDB&M
   58.9 acres within SW¼ of Section 24, T13N, R17W, MDB&M
   13.4 acres within NW¼ of Section 25, T13N, R17W, MDB&M
   33.0 acres within NE¼ of Section 26, T13N, R17W, MDB&M

Dated: NOVEMBER 29 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16593 PERMIT 10413 LICENSE 7517

THIS IS TO CERTIFY, *That* James P. Biaggi and Flora Biaggi
P. O. Box 27
Manchester, California

over

ha ve *made proof as of* September 22, 1964, *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Brush Creek in Mendocino County

tributary to Pacific Ocean

for the purpose of irrigation and stockwatering uses *under Permit* 10413 *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* September 8, 1955, *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* thirty-six hundredths (0.36) cubic foot per second to be diverted from May 1 to November 1 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 a moveable point along Brush Creek between limits as follows:

(a) South three thousand nine hundred (3900) feet and east one thousand (1000) feet from NW corner of Section 24, T13N, R17W, MDB&M, being within NW¼ of SW¼ of said Section 24.

(b) South three thousand two hundred (3200) feet and west one thousand five hundred (1500) feet from NE corner of Section 23, T13N, R17W, MDB&M, being within NW¼ of SE¼ of said Section 23.

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

Stockwatering within NE¼ of SE¼ of Section 23; NW¼ of SW¼ and SW¼ of SW¼ of Section 24, T13N, R17W, MDB&M and irrigation of:

20 acres	within NE¼ of SE¼ of Section 23, T13N, R17W, MDB&M
25 acres	within SE¼ of SE¼ of Section 23, T13N, R17W, MDB&M
10 acres	within NW¼ of SW¼ of Section 24, T13N, R17W, MDB&M
25 acres	within SW¼ of SW¼ of Section 24, T13N, R17W, MDB&M
20 acres	within NW¼ of NW¼ of Section 25, T13N, R17W, MDB&M
15 acres	within NE¼ of NE¼ of Section 26, T13N, R17W, MDB&M
115 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: NOV 4 1965

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

11-19-76 Name chgd from James P. Biaggi to Estate of James P. Biaggi
3-11-83 Asgd to Louis J. + Russell Biaggi

7517- 6-9-94 assign to Arena Runa c/o Theodore M. Jones

LICENSE 7517

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE TO APPROPRIATE WATER

ISSUED TO James P. Biaggi and Flora Biaggi

DATED NOV 4 1965

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MAY 26 '65 M.J.B.

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