

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

ORDER

APPLICATION 17924 PERMIT 11412 LICENSE 7736

ORDER ALLOWING ADDITION TO THE PURPOSE OF USE, POINT OF REDIVERSION,
CHANGE IN THE PLACE OF USE, CORRECTION OF THE ORIGINAL
POINTS OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 7736 was issued to James C. Warren, Margaret J. Warren, Albert W. Jessee, Robert Warren and Carolyn M. Warren and was recorded with the County Recorder of Napa County on April 7, 1966 in Volume 743, Book 685.
2. License 7736 was subsequently assigned to Elizabeth C. Williamson.
3. A petition to add to the purpose of use and point of rediversion, change the place of use and correct the description of the original points of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes have 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 purposes of use under this license shall be as follows:
Irrigation, frost protection, heat control and recreational use.
2. The points of diversion and rediversions under this license shall be as follows:

Point of Diversion to Offstream Storage:

- 1) South 2,250 feet and West 500 feet from NE corner of projected Section 12, T8N, R5W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12,

Point of Diversion and Rediversion:

- 2) North 2,050 feet and West 500 feet from SE corner of projected Section 12, T8N, R5W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.
- 3) North 1,500 feet and West 600 feet from SE corner of projected Section 12, T8N, R5W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

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

1. For Irrigation, frost protection and heat control use:

- 1 acre within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M
- 7 acre within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M
- 6 acre within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M
- 32 acre within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M
- 2 acre within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 13, T8N, R5W, MDB&M
- 13 acre within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 7, T8N, R4W, MDB&M
- 17 acre within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 18, T8N, R4W, MDB&M

78 acres total, as shown on map on file with State Water Resources Control Board.

2. Recreational use at the upper reservoir located within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 7, T8N, R4W, MDB&M.

4. The continuing authority provision in this license shall be amended to contain Section 761(a), Title 23, CAC which reads as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license are subject to the continuing authority of the State Water Resources Control 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.

The 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 permittee 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 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.

Dated: JANUARY 14 1987

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 17924

PERMIT 11412

LICENSE 7736

THIS IS TO CERTIFY, That

James C. Warren, Margaret J. Warren, Albert W. Jessee,
Robert Warren and Carolyn M. Warren
c/o James C. Warren, Conn Valley Road
St. Helena, California 94574

have made proof as of May 3, 1965,

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of two unnamed streams in Napa County

tributary to Chiles Creek thence Lake Hennessey thence Conn Creek

for the purpose of irrigation and recreational uses under Permit 11412 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 December 20, 1957, 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-one (31) acre-feet to be collected from about November 1 of each year to about June 1 of the succeeding year.

The maximum withdrawal in any one year has been 21 acre-feet under License 6201 and 28 acre-feet under this right for a combined withdrawal of 49 acre-feet.

The points of diversion of such water are located:

1. Point of diversion and/or redirection:
North one thousand eight hundred seventy (1870) feet and west three hundred seventy-five (375) feet from SE corner of projected Section 12, T8N, R5W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.
2. Point of diversion to offstream storage:
North two thousand five hundred (2500) feet and west nine hundred seventy-five (975) feet from SE corner of projected Section 12, T8N, R5W, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

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

Recreational use at reservoir within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M, and irrigation of 25 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 12, T8N, R5W, MDB&M.

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: APR 6 1966



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

JAN 8 1971

RECEIVED NOTICE OF ASSIGNMENT TO

David A. Williamson

1-26-82 name chgd to Est of David A. Williamson
2-4-82 aspd to Elizabeth C. Williamson

LICENSE 7736

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

James C. Warren, Margaret J. Warren,
ISSUED TO Albert W. Jessee, Robert
Warren and Carolyn M. Warren

DATED APR 6 1966

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FEB 2 '66 A.L.S.

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