

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

**ORDER**

APPLICATION 19422

PERMIT 13107

LICENSE 8084

ORDER ALLOWING CHANGE IN DESCRIPTION OF THE PLACE OF USE

WHEREAS:

1. License 8084 was issued to W. Barry Hill and Ursula C. Hill and was recorded with the County Recorder of Sonoma County on May 22, 1967 in Book 2269, Page 781.
2. A petition for change in description of the 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.
3. The Board has determined that the petitioned change does 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 place of use under this license shall be as follows:

Stockwatering and recreational uses at reservoir within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 23 and SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 14, T7N, R7W, MDB&M and irrigation of 65 acres with a gross area of 625 acres within projected Sections 13, 14, 23 and 24 of T7N, R7W, MDB&M, comprising the Hill and Skylark properties.

2. The continuing authority conditions in the license is replaced by the current version as follows:

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 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 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 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:      MAY      12 1987

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

# License for Diversion and Use of Water

APPLICATION 19422

PERMIT 13107

LICENSE 8084

THIS IS TO CERTIFY, That

W. Barry Hill and Ursula C. Hill  
7045 Sonoma Highway  
Santa Rosa, California 95401

have made proof as of May 24, 1966,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
an unnamed stream in Sonoma County

tributary to Santa Rosa Creek thence Laguna De Santa Rosa thence Mark West Creek  
thence Russian River

for the purpose of irrigation, stockwatering and recreational uses  
under Permit 13107 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 May 6, 1960 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 forty-two (42) acre-feet per annum to be collected from about September 30  
of each year to about May 1 of the succeeding year, and a maximum withdrawal of 40  
acre-feet in any one year under this right.

#### THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 200 feet and west 1,000 feet from NE corner of projected Section 23, T7N, R7W,  
MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 23.

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

Stockwatering and recreational uses at reservoir within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 23 and  
SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 14, T7N, R7W, MDB&M, and irrigation of:

16 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 23, T7N, R7W, MDB&M  
18 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 23, T7N, R7W, MDB&M  
5 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 24, T7N, R7W, MDB&M  
22 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 24, T7N, R7W, MDB&M  
4 acres within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 24, T7N, R7W, MDB&M  
65 acres total as shown on map filed with the State Water Rights Board.

Licensee shall maintain an outlet pipe of adequate capacity in his dam as near as  
practicable to the bottom of the natural stream channel, or provide other means  
satisfactory to the State Water Rights Board, in order that water entering the  
reservoir or collected in the reservoir during and after the current storage season  
may be released into the downstream channel to the extent necessary to satisfy the  
downstream prior rights and/or to the extent that appropriation of said water is not  
authorized under this right.

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*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: MAY 19 1967

*L. K. Hill*  
Executive Officer

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