



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

License for Diversion and Use of Water

APPLICATION 20682

PERMIT 13738

LICENSE 8309

THIS IS TO CERTIFY, That

WILLARD P. CHAMBERLAIN AND MARION A. CHAMBERLAIN
P. O. BOX 156, ORLEANS, CALIFORNIA (over)

HAVE *made proof as of* OCTOBER 17, 1967 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING IN HUMBOLDT COUNTY

tributary to AN UNNAMED STREAM THENCE ROSALENO CREEK THENCE KLAMATH RIVER

for the purpose of DOMESTIC USE
under Permit 13738 *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 MARCH 28, 1962 *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 SIX HUNDRED (600) GALLONS PER DAY TO BE DIVERTED FROM JANUARY 1 TO
DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 45° EAST 600 FEET FROM NW CORNER OF SECTION 9, T11N, R6E, HB&M, BEING WITHIN
NW1/4 OF NW1/4 OF SAID SECTION 9.

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

WITHIN NW1/4 OF NW1/4 OF SECTION 9, T11N, R6E, HB&M.

1-14-93 *agmt to Donald R + Lauren v. Zwick;*

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: FEB 1 1968

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights

JAN 16 '68 J.R.H.

8309

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

ORDER

APPLICATION 20682

PERMIT 13738

LICENSE 8309

ORDER CORRECTING POINT OF DIVERSION
AND PLACE OF USE

WHEREAS:

1. License 8309 was issued to William P. and Marion A. Chamberlain (H & W) and recorded with the County Recorder of Humboldt County on Volume 950, Page 236 on February 8, 1968.
2. An inspection was made on September 23, 1980 and it was determined that the description of the point of diversion and place of use should be corrected. This correction is needed to show the project as it actually exists.
3. The State Water Resources Control Board has determined that said correction in the description of point of diversion and place of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

The point of diversion and place of use under License 8309 be described as follows:

Point of Diversion: North 600 feet and East 1,400 feet from SW corner of Section 4, T11N, R6E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 4.

Place of Use: Within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 4, T11N, R6E, ~~MDB&M~~ *ADB&M*

Dated: NOVEMBER 5 1980

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights

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

ORDER

APPLICATION 20682

PERMIT 13738

LICENSE 8309

ORDER CORRECTING THE DESCRIPTION OF THE SOURCE,
POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 8309 was issued to William P. and Marion A. Chamberlain and was recorded with the County Recorder of Humboldt County on February 8, 1968 in Volume 950, Page 236.
2. License 8309 was subsequently assigned to Marvin D. Mullen.
3. Errors in the description of the source, point of diversion and place of use were subsequently identified.
4. A correction in the description of the source under said license is needed to conform the description with the location on the USGS 7½ Quadrangle Map - Orleans. Also, corrections in the base and meridian for the descriptions of the point of diversion and place of use are needed to correct the order dated November 5, 1980.
5. The license paragraph pertaining to the continuing authority of the Board does not conform to the current, common law public trust doctrine as contained in Title 23 California Administrative Code Section 780(a).
6. The State Water Resources Control Board determined that said corrections in the description of the source, point of diversion and place of use will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said corrections.

NOW, THEREFORE, IT IS ORDERED THAT:

The source, point of diversion and place of use under License 8309 be described as follows:

Unnamed Spring tributary to an Unnamed Stream (AKA Nelson Creek) thence Donahue Flat Creek thence Klamath River

Point of Diversion: North 600 feet and East 1,400 feet from SW corner of Section 4, T11N, R6E, HB&M, being within SE¼ of SW¼ of said Section 4 and also described as California Coordinates Zone 1, N 745,000 and E, 1,587,500.

Place of Use: Within SE¼ of SW¼ of Section 4, T11N, R6E, HB&M.

The paragraph concerning continuing authority is amended to read 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 26 1987**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights