

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

**ORDER**

APPLICATION 21521 PERMIT 14362 LICENSE 8824

**ORDER CORRECTING POINT OF DIVERSION  
AND AMENDING LICENSE**

**WHEREAS:**

1. License 8824 was issued to Klamath Valley Grange No. 712 and recorded with the County Recorder of Del Norte County on January 13, 1969 in Document 1725, Book 138, and Page 693.
2. License 8824 was subsequently assigned to Bill and Maxine Mouser.
3. The project was inspected on January 30, 1992 by State Water Resources Control Board (State Water Board) staff and it was determined the description of the point of diversion should be corrected.
4. The State Water Board has determined the above correction will not initiate a new right nor will operate to the injury of any other lawful user of water and the good and sufficient cause has been shown for said correction.
5. The license condition pertaining to the continuing authority of the State Water Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The description of the point of diversion under this license be corrected to read:  
  
South 450 feet and East 150 feet from the NW corner of Section 34, T14N, R1E, HB&M, being within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section, also described as California Coordinate System, Zone 1, N 820,350 and E 1,436,950.
2. The continuing authority provisions in License 8824 be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit 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 permittee 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.

(0000012)

Dated: **APRIL 30 1992**

*Ed C. Anton*  
Edward C. Anton, Chief  
Division of Water Rights



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

## License for Diversion and Use of Water

APPLICATION 21521

PERMIT 14362

LICENSE 8824

**THIS IS TO CERTIFY, That**

KLAMATH VALLEY GRANGE NO. 712 *(over)*  
C/O MARGIE KIRBY, BOX 324, KLAMATH, CALIFORNIA 95548

HAS made proof as of JULY 23, 1968 *(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 DEL NORTE COUNTY

tributary to HUNTER CREEK THENCE KLAMATH RIVER

for the purpose of DOMESTIC USE  
under Permit 14362 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 NOVEMBER 1, 1963 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 SIXTY (60) 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 250 FEET AND EAST 110 FEET FROM NW CORNER OF SECTION 34, T14N, R1E,  
HB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 34.

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 34, T14N, R1E, HB&M.

1-30 92 asgt to Bill & Maxine Mouser;

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: JAN 3 1969

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*  
Chief, Division of Water Rights

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