



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

License for Diversion and Use of Water

APPLICATION 22241

PERMIT 15688

LICENSE 9438

THIS IS TO CERTIFY, That

JOHNSON STOCK COMPANY
C/O STANLEY JOHNSON, BOX 62, MALIN, OREGON 97632

HAS made proof as of SEPTEMBER 25, 1969 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
4 UNNAMED STREAMS IN MODOC COUNTY

tributary to TULE LAKE SUMP

for the purpose of STOCKWATERING USE
under Permit 15688 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 JULY 26, 1965 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 SEVEN (7) ACRE-FEET PER ANNUM, TO BE COLLECTED FROM ABOUT
OCTOBER 15 OF EACH YEAR TO ABOUT APRIL 15 OF THE SUCCEEDING YEAR AS FOLLOWS:

- (43) JIM HORN SE RESERVOIR - 5 ACRE-FEET PER ANNUM
- (44) JIM HORN NORTH RESERVOIR - 1 ACRE-FOOT PER ANNUM
- (45) NW HORN TAX 40 RESERVOIR - 0.5 ACRE-FOOT PER ANNUM
- (46) SOUTH END BARLEY RESERVOIR - 0.5 ACRE-FOOT PER ANNUM

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS
LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIRS FULL BY
REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE AND
TO REFILL, IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (43) SOUTH 2,450 FEET AND WEST 300 FEET FROM NE CORNER OF SECTION 10, T47N, R6E,
MDB&M, BEING WITHIN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 10,
- (44) SOUTH 3,860 FEET AND WEST 1,300 FEET FROM NE CORNER OF SECTION 3, T47N, R6E,
MDB&M, BEING WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 3,
- (45) SOUTH 1,400 FEET AND WEST 350 FEET FROM NE CORNER OF SECTION 4, T47N, R6E,
MDB&M, BEING WITHIN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 4 AND
- (46) NORTH 1,400 FEET AND WEST 1,500 FEET FROM SE CORNER OF SECTION 33, T48N, R6E,
MDB&M, BEING WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 33.

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

AT RESERVOIRS AS DESCRIBED IN POINTS OF DIVERSION.

LICENSEE SHALL NOT DIVERT WATER INTO RESERVOIR No. 43 FROM THE NORTHEAST WATERSHED UNTIL THE MICHAEL FAYNE RESERVOIR LOCATED IN THE NE1/4 OF SW1/4 OF SECTION 27, T47N, R6E, MDB&M, BEGINS TO SPILL. AS AN ALTERNATIVE, THE LICENSEE MAY INSTALL A WATER STAGE RECORDER ON THE UNNAMED STREAM NEAR THE SOUTHERLY BOUNDARY OF ITS PROPERTY AND DIVERT EACH SEASON AFTER 32 ACRE-FEET OF WATER, ALONG WITH LOSSES THROUGH CONVEYANCE OF THIS QUANTITY OF WATER TO THE MICHAEL FAYNE RESERVOIR, HAS PASSED THE RECORDING STATION.

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: JUL 6 1970

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward
Chief, Division of Water Rights