

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

**ORDER**

APPLICATION 13359

PERMIT \_\_\_\_\_

LICENSE 10505

ORDER APPROVING THE ADDITION OF A POINT OF REDIVERSION  
AND A CHANGE IN THE GROSS AREA OF USE

WHEREAS:

1. A petition to add a point of rediversion and to show net place of use within the gross place of use of project has been filed with the State Water Resources Control Board.
2. 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 point of rediversion under this license shall be as follows:

South 75° West 3,930 feet from NW corner of Section 5, T9N, R8W, MDB&M being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Projected Section 6, T9N, R8W, MDB&M.

2. Place of Use shall be described as follows:

72 acres within a gross area of use of 275.7 acres being within projected Sections 6 and 7, T9N, R8W, MDB&M, and Section 31, T10N, R8W, MDB&M as follows:

10 acres within the SW $\frac{1}{4}$  of Section 31, T10N, R8W, MDB&M  
83 acres within the NW $\frac{1}{4}$  of Projected Section 6, T9N, R8W, MDB&M  
13 acres within the NE $\frac{1}{4}$  of Projected Section 6, T9N, R8W, MDB&M  
122.1 acres within the SW $\frac{1}{4}$  of Projected Section 6, T9N, R8W, MDB&M  
46 acres within the SE $\frac{1}{4}$  of Projected Section 6, T9N, R8W, MDB&M  
1.6 acres within the NW $\frac{1}{4}$  of Projected Section 2, T9N, R8W, MDB&M  
275.7 acres total as shown on maps filed in licensed A. 13359, permitted A 23212 and Applications 27941, 27942 and 27943

The proposed change to show the gross area, will not result in any additional use of water. Net acres of place of use is unchanged.

Dated: JULY 20 1984

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

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L. 10505

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

ORDER

APPLICATION 13359

PERMIT 7892

LICENSE 10505

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS:

1. License 10505 was issued to Russell H. Green, Jr., Betty Jean Green, and Harry Wetzel, Jr., and was recorded with the County Recorder of Sonoma County on August 13, 1975, in book 2987, page 715.
2. A petition for change in point of diversion 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 this change does not initiate any new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted to change the point of diversion under said License 10505 (Application 13359) to the point of diversion described as follows:

SOUTH 48° 57' WEST 8,466 FEET FROM NW CORNER OF SECTION 5, T9N, R8W, MDB&M, BEING WITHIN THE SE¼ OF SE¼ OF PROJECTED SECTION 1, T9N, R9W, MDB&M.

Dated: **1 MAY 5 1980**

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

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

**ORDER**

APPLICATION 13359 PERMIT 7892 LICENSE 10505

ORDER TO CORRECT DESCRIPTION OF POINT OF DIVERSION,  
PLACE OF USE AND AMEND LICENSE

**WHEREAS:**

1. License 10505 was issued to Russell H. Green, Jr., Betty Jean Green, and Harry Wetzel, Jr. and was filed with the County Recorder of Sonoma County on August 13, 1975 in Book 2987, Page 715.
2. License 10505 was subsequently assigned to Russel H. Green, Jr., Betty Green and A.V.V. Inc.
3. The project was inspected on August 17, 1993 by State Water Resources Control Board (State Water Board) staff and it was determined that the description of the point of diversion and place of use should be corrected.
4. The State Water Board has determined that the corrections do not constitute the initiation of 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.
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 5,200 feet and West 150 feet from the NE corner of projected Section 1, T9N, R9W, MDB&M, being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 1, also described as California Coordinate System, Zone 2, North 359,000 and East 1,723,150.

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2. The description of the place of use under this license be corrected to reflect 72 net acres within a gross of 275.7 acres as follows:

7 acres within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 31, T10N, R8W, MDB&M  
95 acres within the NW $\frac{1}{4}$  of projected Section 6, T9N, R8W, MDB&M  
35 acres within the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of projected Section 6, T9N, R8W, MDB&M  
40 acres within the SE $\frac{1}{4}$  of projected Section 6, T9N, R8W, MDB&M  
84.7 acres within the SW $\frac{1}{4}$  of projected Section 6, T9N, R8W, MDB&M  
12 acres within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 1, T9N, R9W, MDB&M  
2 acres within the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 12, T9N, R9W, MDB&M

275.7 acres gross

3. The license condition pertaining to the continuing authority of the State Water Board is amended to read:

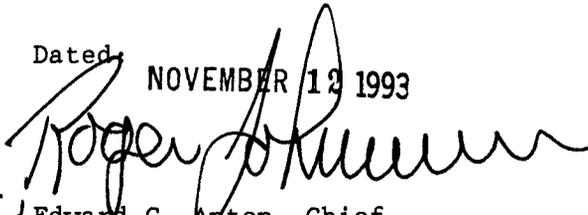
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority 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.

(000012)

Dated: NOVEMBER 12 1993

  
Edward C. Anton, Chief  
Division of Water Rights

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

## License for Diversion and Use of Water

APPLICATION 13359

PERMIT 7892

LICENSE 10505

**THIS IS TO CERTIFY, That**

RUSSELL H. GREEN, JR., BETTY JEAN GREEN AND  
HARRY WETZEL, JR.  
C/O HARRY WETZEL, JR., P. O. BOX 862,  
HEALDSBURG, CALIFORNIA 95448

HAVE made proof as of AUGUST 7, 1973 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
RUSSIAN RIVER IN SONOMA COUNTY

tributary to PACIFIC OCEAN

for the purpose of IRRIGATION AND FROST PROTECTION USES  
under Permit 7892 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 SEPTEMBER 20, 1949 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 NINE-TENTHS (0.9) CUBIC FOOT PER SECOND, TO BE DIVERTED  
FROM APRIL 1 TO SEPTEMBER 15 OF EACH YEAR. SO LONG AS THERE IS NO INTERFERENCE  
WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE OF  
DIVERSION TO A MAXIMUM OF 0.97 CUBIC FOOT PER SECOND; PROVIDED THAT THE TOTAL  
QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 53 ACRE-FEET. THE MAXIMUM  
AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 166 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 1,143 FEET AND EAST 530 FEET FROM NW CORNER OF PROJECTED SECTION 7, T9N,  
R8W, MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 7.

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

0.5 ACRE WITHIN SW1/4 OF NE1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
10.3 ACRES WITHIN NE1/4 OF SW1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
36.4 ACRES WITHIN NW1/4 OF SE1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
1 ACRE WITHIN NE1/4 OF SE1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
8.6 ACRES WITHIN SW1/4 OF SE1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
13.1 ACRES WITHIN SE1/4 OF SW1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
0.5 ACRE WITHIN SW1/4 OF SW1/4 OF PROJECTED SECTION 6, T9N, R8W, MDB&M  
1.6 ACRES WITHIN NW1/4 OF NW1/4 OF PROJECTED SECTION 7, T9N, R8W, MDB&M

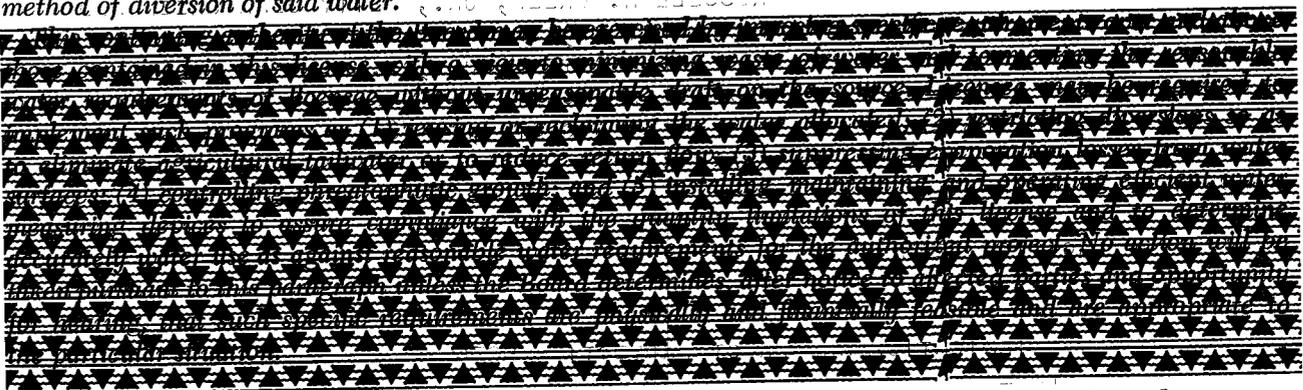
72 ACRES TOTAL

4-6-88 assigned to Dale R. Serle

12/12/95 Asgd Russell H. Green Jr. & Betty Jean Green & A.V.V, INC Lic. 10505

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: AUG 11 1975

STATE WATER RESOURCES CONTROL BOARD

*R. J. Rosenberger*  
Chief, Division of Water Rights