

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

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In the Matter of Permit 13861 (Application A016361)  
Hershey Land Company and Knaggs Farming Company, L.P.

**ORDER DIRECTING ISSUANCE OF SEPARATE PERMITS  
AND REVOCATION OF ORIGINAL PERMIT**

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**SOURCE:** Sacramento River and  
Colusa Basin Drainage Canal

**COUNTY:** Yolo

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**WHEREAS:**

1. Permit 13861 was issued to Davidella Hershey, et al, on February 15, 1963.
2. Permit 13861 was subsequently assigned to Hershey Land Company and Layton Knaggs on December 14, 1976. Layton Knaggs assigned his interest to Knaggs Farming Company, L.P., on October 21, 1998.
3. The State Water Resources Control Board (SWRCB) in Order 88-10 dated June 16, 1988, directed the issuance of separate permits to cover permittee's respective uses. The Order also requires modification and addition of conditions to the permits. With the inclusion of these conditions the SWRCB has determined that good cause for division of the permit has been shown.
3. The permit terms relating to the continuing authority and water quality objectives of the SWRCB should be updated to conform to section 780(a) and (b), title 23 of the California Code of Regulations.
4. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permits making the permittee aware of possible obligations resulting from these acts.

**THEREFORE, IT IS ORDERED THAT:**

1. The following condition shall be deleted from Permit 13861.

Permittee shall furnish to the SWRCB not later than December 1, 1971, a detailed plan and program, for measurement of water diverted and placed to beneficial use under the permit.

- 2. A condition pertaining to the program for measuring water shall be added to Permit 13861 and read as follows:

Permittee shall maintain records of water diverted and placed to beneficial use under the permit. The Permittee shall submit these records with the annual Progress Report by Permittee.

- 3. Permit 13861 is hereby replaced and superceded upon the issuance of Permit 13861A and Permit 13861B.

- 4. Separate Permits shall be issued as follows:

A. Permit 13861A (Application A016361A)

Owner: Hershey Land Company  
16 Toyon Drive  
Woodland, CA 95695

Source: 1) Sacramento River tributary to Suisun Bay  
2) Colusa Basin Drainage Canal tributary to Sacramento River thence Suisun Bay

Use: Irrigation

Direct Diversion: 17.51 cubic feet per second (cfs)

Maximum Annual Use: 4,195 acre-feet (af)

Season: April 1 to June 30 and  
September 1 to September 30 of each year

Point(s) of Diversion: (1) N 57° 49' E - 7,500 feet from the SE corner of Section 36, T11N, R2E, MDB&M, being within the SW¼ of NW¼ of projected Section 32, T11N, R3E, MDB&M, within the County of Yolo. Also described by California Coordinates of 1927, Zone 2, as North 398,086.26 feet and East 2,094,450.2 feet.

(2) N 20° E - 2,700 feet from the SW corner of Section 14, T11N, R2E, MDB&M, being within the SW¼ of NW¼ of Section 14, within the County of Yolo. Also described by California Coordinates of 1927, Zone 2, as North 412,636.56 feet and East 2,078,551.6 feet.

Point(s) of Rediversion: (1) Old Channel Sacramento River -- N 2° 20' W - 13,260 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of NE¼ of projected Section 6, T10N, R3E, MDB&M, within the County of Yolo.

Application 16361

Permit 13861

(2) Knights Landing Ridge Cut -- N 8° 06' W, - 9,140 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of NE¼ of projected Section 7, T10N, R3E, MDB&M, within the County of Yolo.

Place of Use: 701 acres; being within projected Sections 5, 6, 7, and 8, T10N, R3E, MDB&M, as shown on the map dated December 1994, on file with the SWRCB.

B. Permit 13861B (Application A016361B)

Owner: Knaggs Farming Company, L.P.  
P.O. Box 970  
Woodland, CA 95776

Source: Sacramento River tributary to Suisun Bay

Use: Irrigation

Direct Diversion: 47.85 cfs

Maximum Annual Use: 11,464 af

Season: April 1 to June 30, and  
September 1 to September 30 of each year.

Point of Diversion: N 20° E -- 2,700 feet from the SW corner of Section 14, T11N, R2E, MDB&M, being within the SW¼ of NW¼ of said Section 14, within the County of Yolo. Also described by California Coordinates of 1927, Zone 2, as North 412,636.56 feet and East 2,078,551.6 feet.

Point(s) of Rediversion: (1) Knights Landing Ridge Cut, -- N 6° 40' W -- 8,120 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of NE¼ of projected Section 7, T10N, R3E, MDB&M, within the County of Yolo.

(2) Knights Landing Ridge Cut, -- N 17° E -- 6,250 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of SW¼ of projected Section 8, T10N, R3E, MDB&M, within the County of Yolo.

(3) Knights Landing Ridge Cut, -- N 20° E, -6,100 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of SW¼ of projected Section 8, T10N, R3E, MDB&M, within the County of Yolo.

(4) Knights Landing Ridge Cut, -- N 21° E, - 6,600 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the SE¼ of SW¼ of projected Section 8, T10N, R3E, MDB&M, within the County of Yolo.

(5) Knights Landing Ridge Cut, -- N 29° E -- 8,700 feet from the NE corner of Section 19, T10N, R3E, MDB&M, being within the NE¼ of SE¼ of projected Section 8, T10N, R3E, MDB&M, within the County of Yolo.

Place of use: 1,915 acres; being within projected Sections 7, 8, 9, 10, 16, 17, 19, 20, and 21, T10N, R3E, MDB&M, as shown on the map dated March 1955, on file with the SWRCB.

5. Permit 13861B shall have a condition requiring measuring devices added. The condition shall read as follows:

Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the permittee and made available to interested parties upon reasonable request. A copy of the records shall be submitted to the State Water Resources Control Board with the annual "Progress Report by Permittee".

6. Permits 13861A and 13861B shall contain all other terms and conditions presently in Permit 13861.

7. The continuing authority condition in Permits 13861A and 13861B shall be updated and 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 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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)

8. The water quality objectives condition in Permits 13861A and 13861B shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

9. Permits 13861A and 13861B are amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

STATE WATER RESOURCES CONTROL BOARD



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

Dated

JUN 10 2002

STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
ROOM 1140, RESOURCES BUILDING  
1416 NINTH STREET • SACRAMENTO 95814



**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE**

**PERMIT 13861**

**APPLICATION 16361**

THE STATE WATER RESOURCES CONTROL BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 13861; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

PERMITTEES SHALL FURNISH TO THE BOARD NOT LATER THAN DECEMBER 1, 1971, A DETAILED PLAN AND PROGRAM FOR MEASUREMENT OF WATER DIVERTED AND PLACED TO BENEFICIAL USE UNDER THE PERMIT.

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1973

DATED: MAY 26 1971

*K. L. Woodward*  
K. L. WOODWARD, CHIEF  
DIVISION OF WATER RIGHTS

UNITED STATES DEPARTMENT OF JUSTICE

MEMORANDUM FOR THE DIRECTOR

DATE: 12/15/54

THE STATE WATER RESOURCES BOARD HAS REQUESTED THAT THE BUREAU OF REVENUE AND TAXATION BE ADVISED THAT THE PROCEEDS FROM THE SALE OF THE WATER RIGHTS IN THE STATE OF CALIFORNIA SHOULD BE USED TO REDEEM THE STATE DEBT. THE BUREAU OF REVENUE AND TAXATION HAS ADVISED THAT THE PROCEEDS FROM THE SALE OF THE WATER RIGHTS IN THE STATE OF CALIFORNIA SHOULD BE USED TO REDEEM THE STATE DEBT.

IT IS REQUESTED THAT YOU ADVISE THE BUREAU OF REVENUE AND TAXATION OF THE RESULTS OF YOUR INVESTIGATION OF THE MATTER.

THE BUREAU OF REVENUE AND TAXATION HAS ADVISED THAT THE PROCEEDS FROM THE SALE OF THE WATER RIGHTS IN THE STATE OF CALIFORNIA SHOULD BE USED TO REDEEM THE STATE DEBT.

YOUR COOPERATION IN THIS MATTER IS APPRECIATED.

Yours truly,

WALTER D. WAGNER, JR.  
DIRECTOR

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 16361

PERMIT 13861

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 13861; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1968

DATED: NOV 1 1966

*L. K. Hill*  
L. K. HILL  
EXECUTIVE OFFICER

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 16361 Filed May 5, 1955, at 4:02 P. M. (Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER AMENDED APPLICATION RECEIVED 8-22-55, 11-15-55

Notice of Assignment (Over)

I, Davidella Hershey, Grace H. Hershey and Florence F. Hershey Name of applicant or applicants of 223 Main Street Woodland, County of Yolo State of California, do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO VESTED RIGHTS:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is (1) Sacramento River (2) Colusa Basin Drainage Canal Sycamore Slough D1045 located in Yolo County, tributary to (1) Suisun Bay (2) Sacramento River

2. The amount of water which applicant desires to appropriate under this application is as follows: (a) For diversion to be directly applied to beneficial use 65.36 cubic feet per second, to be diverted from either or both points of diversion April 1 to June 30 and September 30 of each year. (b) For diversion to be stored and later applied to beneficial use acre-feet per annum, to be collected between and of each season.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is irrigation Domestic, irrigation, power, municipal, mining, industrial, recreational purposes.

4. The point of diversion is to be located See supplement to Paragraph 4 State bearing and distance or coordinate distances from section or quarter section corner

being within the State 40-acre subdivision of public land survey or projection thereof of Section, T., R., B. & M., in the County of

5. The main conduit terminates in as shown in map filed of Sec., T., R., B. & M. State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply) See supplement (a) Diversion will be made by pumping from See supplement Sump, offset well, unobstructed channel, etc. (b) Diversion will be by gravity, the diverting dam being feet in height (stream bed to level of overflow); feet long on top; and constructed of Concrete, earth, brush, etc. (c) The storage dam will be feet in height (stream bed to spillway level); feet long on top; have a freeboard of feet, and be constructed of Concrete, earth, etc.

7. Storage Reservoir Name The storage reservoir will flood lands in Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of acres, and a capacity of acre-feet. If reservoir has a capacity of 25 acre-feet or more fill in the following: Diameter of outlet pipe inches; length feet; difference in elevation from spillway level to highest point of outlet pipe feet; fall in pipe feet.



**IMPORTANT**  
**[Please Read Carefully]**

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.



15. Municipal Use. This application is made for the purpose of serving \_\_\_\_\_ having a present population of \_\_\_\_\_ The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is \_\_\_\_\_ and the nature of the mines is \_\_\_\_\_ Gold placers, quartz, etc.

The method of utilizing the water is \_\_\_\_\_ It is estimated that the ultimate water requirement for this project will be \_\_\_\_\_ cubic feet per second, gallons per minute. State basis of estimate

The water will not be polluted by chemicals or otherwise \_\_\_\_\_ Explain nature of pollution, if any

and it will not be returned to \_\_\_\_\_ Name stream \_\_\_\_\_ in \_\_\_\_\_ State 40-acre subdivision \_\_\_\_\_ Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_, B. & M. \_\_\_\_\_

17. Other Uses. The nature of the use proposed is \_\_\_\_\_ Industrial, recreational, domestic, stockwatering, fish culture, etc. State basis of determination of amount needed. \_\_\_\_\_ Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

Industrial use, and unit requirements

18. Are the maps as required by the Rules and Regulations filed with Application? \_\_\_\_\_ Yes \_\_\_\_\_ No. If not, state specifically the time required for filing same

19. Does the applicant own the land at the proposed point of diversion? \_\_\_\_\_ Yes and no/ \_\_\_\_\_ See supplement \_\_\_\_\_ If not, give name and address of owner and state what steps have been taken to secure right of access thereto. \_\_\_\_\_ See supplement

20. What is the name of the post office most used by those living near the proposed point of diversion? \_\_\_\_\_ Woodland \_\_\_\_\_ Yolo County \_\_\_\_\_ California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? \_\_\_\_\_ Lowell Edlison \_\_\_\_\_ Woodland, California \_\_\_\_\_ Earl Wallace \_\_\_\_\_ Woodland, California \_\_\_\_\_ W. Crawford \_\_\_\_\_ Pebble Beach, California

[SIGNATURE OF APPLICANT]

/s/ Davidella Hershey  
Grace H. Hershey  
Florence F. Hershey

Supplement to Paragraph 4

Points of diversion to be located:

(1) N 57° 49' E - 7,500 feet from the SE corner of Section 36, T 11 N, R 2 E, MDB&M, being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 32, T 11 N, R 3 E, MDB&M, in the County of Yolo.

(2) N 20° E - 2,700 feet from the SW corner of Section 14, T 11 N, R 2 E, MDB&M, being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 14, in the County of Yolo.

Points of redirection to be located:

(1) From Old Channel Sacramento River, <sup>N 2° 20' W, 13,260</sup> ~~S 71° 26' E - 5,960~~ feet from the SE<sup>NE</sup> corner of Section 36, T 11 N, R 3 E, MDB&M, being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 6, T 10 N, R 3 E, MDB&M, in the County of Yolo. See map  
11/22/55  
W.C.G.

(2) From Knights Landing Ridge Cut, N 8° 06' W, - 9,140 feet from the NE corner of Section 19, T 10 N, R 3 E, MDB&M, being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 7, T 10 N, R 3 E, MDB&M, in the County of Yolo.

(3) From Knights Landing Ridge Cut, N 6° 40' W - 8,120 feet from the NE corner of said Section 19 being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said projected Section 7 in the County of Yolo.

(4) From Yolo By-pass, N 25° 35' E, - 8,400 feet from NE corner of said Section 19 being within the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 8, T 10 N, R 3 E, MDB&M, in the County of Yolo.

(5) From Knights Landing Ridge Cut, N 24° 12' E, - 6,640 feet from the NE corner of said Section 19 being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said projected Section 8 in the County of Yolo.

(6) From Knights Landing Ridge Cut, N 21° 40' E - 5,920 feet from the NE corner of said Section 19 being within the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said projected Section 8 in the County of Yolo.

Supplement to Paragraph 6 - Diversion Works

Diversion will be made by (1) a pumping plant of approximately 20 cfs, (2) Knights Landing Outfall Gate being 35 feet in height, 80 feet long and constructed of concrete with two 42-inch gated inlets and eight 66-inch gated inlets.

Supplement to Paragraphs 8 and 9

(1) Twenty thousand gallons per minute will be taken at point of diversion No. 1 and redirected by pump of 20,000 gpm capacity at point of redirection No. 1.

(2) The outfall gates at point of diversion No. 2 are closed during the irrigation season and the water in Sycamore Slough, Knights Landing Ridge Cut, Borrow Pit of Reclamation District 108 and Reclamation District 787 back levee are raised to approximate elevation 24.50 feet. Points of redirection No. 2 and No. 3 will have pumps of 5,000 gpm capacity each. The balance of the water sought for appropriation will be redirected to existing gravity canals ~~xxxx~~ at points of redirection (4), (5), and (6). The canals each average 8 feet bottom width, 16 feet wide at water line, 3 feet depth of flow and an average grade of 30 feet per 1,000 feet, and are constructed of earth.

Supplement to Paragraph 20

For the past 20 years it has been the custom of the Sacramento and San Joaquin Drainage Districts, who have the easement rights for the outfall gates and the River Farms Co. of California to allow the water users of the back cut of Districts 108 and 787 and the Knights Landing Ridge Cut to control the water in these cuts at these outfall gates. Owner: River Farms Co., Knights Landing, California - Attention: Miss Holland.

P-13861

8-3-66 Int. of Florence Hershey Chgd to Estate  
of Florence Hershey

3-11-71 Records changed to show ownership  
in names of T. St. of Marietta  
Hershey deceased & the conservatorship  
of Florence T. Hershey

12-14-76 Asgd to Hershey Land Company & Layton Knagg

10/21/98 Asgd. to KNAGGS LAND COMPANY, L.P. & HERSEY LAND COMPANY