

APPLICATION No. 486 PERMIT No. 302 LICENSE No. 53

### CALIFORNIA STATE WATER COMMISSION

THIS IS TO CERTIFY, That Alden P. White Notice of Assignment (Over)

of Alturas State of California, has made proof to the satisfaction of the STATE WATER COMMISSION of California of a right to the use of the waters of

Ralston Creek (flood area), a tributary of Pit River,

for the purpose of agriculture under Permit No. 302 of the State Water Commission; and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the State Water Commission and the terms of said permit, and duly confirmed by order of the STATE WATER COMMISSION of California, made and entered of record in the minutes

of said Commission, at San Francisco, in Volume 2, at page 181, on the 3rd day of July, 1919;

that the priority of the right hereby confirmed dates from September 27, 1916; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount

actually beneficially used for said purposes, and shall not exceed 146 acre feet ~~XXXXXX XXXXXX~~ per annum

used from about May 1st to about September 1st of each year.

A description of the lands or the place where such water is put to beneficial use is as follows:

8/28/19

35 acres NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; 30 acres NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; 25 acres SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 25 acres SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 10; 30 acres SE $\frac{1}{4}$  SW $\frac{1}{4}$  and 35 acres SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 3; 10 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 4, all in T. 41 N., R. 10 E., M.D.M.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of the Water Appropriation Act which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same 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 permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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, county and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in priority, irrespective of whether they are first in time; provided, however, that such application for a permit for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

WITNESS the seal and signature of the STATE WATER COMMISSION, affixed this

3rd day of July, 1919

STATE WATER COMMISSION.

By A. E. CHANDLER  
W. A. JOHNSTONE.

(SEAL)



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
**ORDER**

APPLICATION 486

PERMIT 202

LICENSE 53

**ORDER ALLOWING CORRECTION OF DESCRIPTION OF  
POINT OF DIVERSION**

Licensee having established to the satisfaction of the State Engineer that the correction of description of point of diversion under Application 486, Permit 202, License 53, for which petition was submitted on July 7, 1944, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of point of diversion under said Application 486, Permit 202, License 53, to read as follows to-wit:

THE POINT OF DIVERSION TO STORAGE IS LOCATED NORTH THIRTY-EIGHT DEGREES, FIVE MINUTES EAST, (N38° 05' E) EIGHTEEN HUNDRED FIFTY (1850) FEET FROM THE S½ CORNER OF SECTION 23, T 41 N, R 10 E, M. D. B. & M., BEING WITHIN THE NW¼ OF SE¼ OF SAID SECTION 23.

POINT OF RE-DIVERSION OF STORED WATERS FROM RALSTON GULCH IS LOCATED NORTH SIXTY-TWO DEGREES, THIRTY MINUTES EAST (N62° 30' E) TWENTY-SIX HUNDRED FIFTY (2650) FEET FROM THE SW CORNER OF SECTION 10, T 41 N, R 10 E, M.D.B.&M., BEING WITHIN THE SE¼ OF SW¼ OF SAID SECTION 10.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 28th day of August, 1944.

EDWARD HYATT, STATE ENGINEER

By Harold Conkling  
Deputy State Engineer



- 12-30-40 Asgd to Mike & Jerry Seaney  
1-15-50 Asgd to R.R. & Dorothy Every  
1-12-55 Asgd to Donald S. Brown  
12-4-56 Asgd to Norman Quegley  
7-21-65 Asgd to Walter L. & Agnes L. Stewart  
3-28-83 asgd to Oakley Porter  
10-22-84 asgd to Bank of America, NT & SA  
6-29-88 Asgd to Joe Kroesen  
12-16-92 asgd to John Moon-Edams  
6-1-94 asgd to Richard L. Jennings