

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

DIVISION OF WATER RIGHTS

In the Matter of Applications 30448 and 30449 and License 7284 (Application 18052)

JACKSON FAMILY INVESTMENTS

**ORDER CANCELING PROTESTS, REVOKING A WATER RIGHT, AND
ISSUING WATER RIGHTS**

SOURCE: Navarro River and Unnamed Stream Tributary to Navarro River
COUNTY: Mendocino

WHEREAS:

1. License 7284 (Application 18052) was issued to Donald Edmeades, Florence Edmeades and Oliver Winkler on May 5, 1965. License 7284 authorizes the direct diversion of water for irrigation not to exceed 0.46 cubic feet per second from the Navarro River from May 15 to October 15. The current points of diversion for License 7284 are as follows: POD 1 at North 2,161,787 feet and East 6,139,047 feet by California Coordinate System 1983, Zone 1, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T14N, R15W, MDB&M; and, POD 2 at North 2,163,100 feet and East 6,138,500 feet by California Coordinate System 1983, Zone 1, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T14N, R15W, MDB&M. On September 15, 1994, Robert Corby was added as a non-primary owner of License 7284. On January 4, 2012, the primary owner of License 7284 was changed to Jackson Family Investments, LLC (right holder).
2. Mr. Jess S. Jackson filed water right Applications 30448 and 30449 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on May 19, 1995. Application 30448 requests the diversion to storage of water for irrigation, frost protection and heat control not to exceed 70 acre-feet from the Navarro River and an Unnamed Stream tributary to the Navarro River. Application 30449 requests the direct diversion of water not to exceed 3 cubic feet per second for frost protection from the Navarro River and an Unnamed Stream tributary to the Navarro River. On December 14, 2012, the ownership of Applications 30448 and 30449 was changed to right holder.
3. Applications 30448 and 30449 were noticed on April 14, 2000. The protests filed by Mr. Daniel Myers, Mr. Douglas Hendricks, Friends of the Navarro Watershed, National Marine Fisheries Service, and Sierra Club Mendocino Group are unresolved. The protests were based on environmental issues concerning low flow levels in the Navarro River and the potentially adverse effect the project would have on fisheries.
4. The State Water Board has determined that there is unappropriated water available to serve Applications 30448 and 30449. Right holder's consultant prepared and submitted a water availability analysis that was reviewed and approved by Division staff. Based on the water availability analysis, water is available to serve this application without injury to prior rights.

5. Right holder has demonstrated that the intended use for Applications 30448 and 30449 is beneficial. Right holder currently exercises License 7284 for irrigation of portions of the same place of use as requested in Applications 30448 and 30449. In order to approve Applications 30448 and 30449, right holder has agreed to limit the total diversion of water under License 7284 to no more than 60 acre-feet per year.
6. Diversion of water under License 7284 is currently exercised by both right holder and Robert Corby. Each party diverts water from one of the two authorized points of diversion authorized by License 7284. On January 31, 2013, the Division of Water Rights received a Petition for Change from right holder and Robert Corby for Water Right License 7284 to split the license into two separate licenses. Simultaneously, both parties have requested to include new places of use for the two separate licenses to correctly reflect the current place of use exercised under the license. No change to either of the two points of diversion is requested.
7. License 7284 contains a term requiring a minimum bypass flow. Division staff prorated the bypass flow at the points of diversion against the United States Geological Survey Stream Gage No. 11468000 – Navarro River near Navarro, California. The term requiring a minimum bypass flow has been updated to allow for compliance with the bypass flow requirement by referencing the current flow at the gage to determine whether flows are adequate to divert water.
8. The Deputy Director for Water Rights has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. The Deputy Director for Water Rights has also determined that good cause for such change has been shown.
9. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program. The Deputy Director for Water Rights has redelegated this authority pursuant to redelegation order dated July 6, 2012.
10. The project and change are exempt from the California Environmental Quality Act under California Code of Regulations, title 14, section 15061, subdivision (b). The Division of Water Rights (Division) will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this Order.
11. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the project and change on public trust resources and to protect those resources where feasible. (National Audubon Society v. Superior Court (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) Potential impacts of the proposed project and change were evaluated and conditions were developed to address those impacts in a public trust resources assessment that is located in the water right files and is incorporated in this Order by reference. The conditions will be included in any rights issued pursuant to Application 30448, Application 30449 and License 7248. There is no evidence that approval of Applications 30448 and 30449 and the split of License 7248 will have any adverse impacts on public trust resources.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The protests filed on Applications 30448 and 30449 are canceled.
2. Permits 21335 and 21336 are issued for Applications 30448 and 30449, respectively, subject to the conditions included therein.
3. License 7284 (Application 18052) is revoked.
4. Licenses 7284A and 7284B are issued for Applications 18052A and 18052B, respectively, subject to the conditions included therein.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
JAMES W. KASSEL FOR

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: OCT 01 2013

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

ORDER

APPLICATION 18052

PERMIT 11746

LICENSE 7284

**ORDER ALLOWING CHANGE IN POINT OF DIVERSION
AND PLACE OF USE**

WHEREAS:

1. LICENSE 7284 WAS ISSUED TO DONALD T. EDMEADES AND FLORENCE M. EDMEADES AND OLIVER W. WINKLER AND WAS RECORDED WITH THE COUNTY RECORDER OF MENDOCINO ON MAY 6, 1965, VOLUME 688, PAGE 497 OF THE OFFICIAL RECORDS.
2. LICENSE 7284 WAS SUBSEQUENTLY ASSIGNED TO OLIVER W. WINKLER AND EDMEADES, INC.
3. A PETITION FOR A CHANGE IN POINT OF DIVERSION AND PLACE OF USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD, AND SAID BOARD HAS DETERMINED THAT GOOD CAUSE FOR SUCH CHANGES HAS BEEN SHOWN.
4. THE BOARD HAS DETERMINED THAT SUCH CHANGE IN POINT OF DIVERSION AND PLACE OF USE WILL NOT OPERATE TO THE INJURY OF ANY OTHER LEGAL USER OF WATER.

NOW, THEREFORE, IT IS ORDERED THAT:

1. PERMISSION IS HEREBY GRANTED TO CHANGE THE POINT OF DIVERSION UNDER SAID LICENSE 7284 TO THE POINTS OF DIVERSION DESCRIBED AS FOLLOWS:
 - (1) SOUTH 2,190 FEET AND EAST 1,100 FEET FROM NW CORNER OF SECTION 11, T14N, R15W, MDB&M, BEING WITHIN SW1/4 OF NW1/4 OF SAID SECTION 11, AND
 - (2) SOUTH 800 FEET AND EAST 650 FEET FROM NW CORNER OF SECTION 11, T14N, R15W, MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 11.
2. PERMISSION IS HEREBY GRANTED TO CHANGE THE PLACE OF USE UNDER SAID LICENSE 7284 TO THE PLACE OF USE DESCRIBED AS FOLLOWS:

5 ACRES WITHIN SE1/4 OF SW1/4 SECTION 2, T14N, R15W, MDB&M
2 ACRES WITHIN SW1/4 OF SW1/4 SECTION 2, T14N, R15W, MDB&M
1 ACRE WITHIN NW1/4 OF NE1/4 SECTION 11, T14N, R15W, MDB&M
19 ACRES WITHIN NE1/4 OF NW1/4 SECTION 11, T14N, R15W, MDB&M
10 ACRES WITHIN NW1/4 OF NW1/4 SECTION 11, T14N, R15W, MDB&M
22 ACRES WITHIN SE1/4 OF NW1/4 SECTION 11, T14N, R15W, MDB&M
2 ACRES WITHIN SW1/4 OF NW1/4 SECTION 11, T14N, R15W, MDB&M

61 ACRES TOTAL.



CLINT WHITNEY, EXECUTIVE DIRECTOR
WATER RIGHTS AND ADMINISTRATION

DATED: OCTOBER 27 1978



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 18052

PERMIT 11746

LICENSE 7284

THIS IS TO CERTIFY, That

Donald T. Edmeades and Florence M. Edmeades and
Oliver W. Winkler
Philo, California

Notice of Change (Over)

have made proof as of August 13, 1964,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Navarro River in Mendocino County
tributary to Pacific Ocean

for the purpose of irrigation use
under Permit 11746 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from March 17, 1958,
and 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 forty-six hundredths (0.46)
cubic foot per second to be diverted from about May 15 to about October 15 of
each year.

The equivalent of such continuous flow allowance for any thirty-day period may be
diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located:

South two thousand one hundred ninety (2,190) feet and east one thousand one
hundred (1,100) feet from NW corner of Section 11, T14N, R15W, MDB&M, being
within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11.

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

1 acre	within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11, T14N, R15W, MDB&M
22 acres	within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T14N, R15W, MDB&M
30 acres	within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T14N, R15W, MDB&M
<u>3</u> acres	within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, T14N, R15W, MDB&M
56 acres	total

Licensee shall during the period from May 15 through May 31 of each year bypass
a minimum flow of 20 cubic feet per second or the natural flow of the stream
whenever it is less than 20 cubic feet per second; and shall during the period
from June 1 through October 15 of each year bypass a minimum flow of 8 cubic feet
per second or the natural flow of the stream whenever it is less than 8 cubic
feet per second at the point of diversion to maintain fishlife.

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 State Water Rights 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 State Water Rights 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.

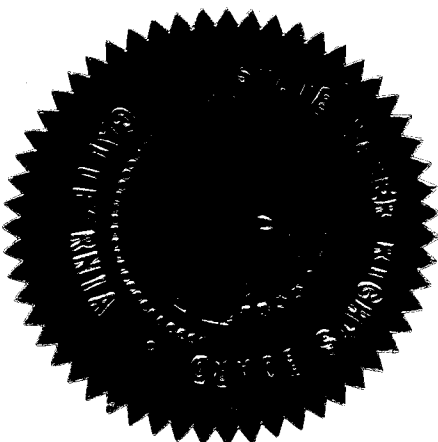
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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: MAY 5 1965



L. K. Hill
L. K. Hill
Executive Officer

3/10/77 RECEIVED NOTICE OF ASSIGNMENT TO Oliver W. Win Klesch
Edmeades Inc.
1-22-86 Ownership Chgd to Robert Corby + Edmeades, Inc.
9/9/88 Notice of Asgtd Robert Corby and Jess S. Jackson

LICENSE 7284
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Donald T. Edmeades and Florence M.
ISSUED TO Edmeades and Oliver W.
Winkler

MAY 5 1965

DATED

JAN 26 '65 G.A.P.

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