

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

DIVISION OF WATER RIGHTS

In the Matter of License 714 (Application 3553)

Stanley Press & Ada Merle Press Trust

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring

COUNTY: Napa

WHEREAS:

1. License 714 was issued to James W. and Mary Loftus on April 21, 1928, pursuant to Application 3553, and was filed with the County Recorder of Napa County on June 19, 1928.
2. License 714 was subsequently assigned to Stanley Press & Ada Merle Press Trust on December 26, 2003.
3. Stanley Press and Ada Merle Press requested on April 4, 2016, that the license be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
4. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in California Water Code sections 1675 through 1675.1.
5. The State Water Board has delegated the authority to revoke water rights to the Deputy Director for the Division, pursuant to Resolution No. 2012-0029. The Deputy Director has redelegated this authority to the Assistant Deputy Directors, Program Managers, and Unit Seniors, pursuant to redelegation Order dated July 6, 2012.

Therefore, it is ordered that License 714 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
BRIAN COATS (FOR)

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: APRIL 27 2016



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE No. 714

PERMIT No. 1595

APPLICATION No. 3553

This is to Certify, That **James W. and Mary Loftus of St. Helena, California,**

ha ve *made proof to the satisfaction of the Division*
of Water Rights of California of a right to the use of the waters of **two unnamed springs in Napa County**

tributary of **Napa River Watershed**

for the purpose of **domestic and irrigation use**
under Permit No. **1595** of the Division of Water Rights 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 Division of Water Rights
and the terms of the said permit; that the priority of the right herein confirmed dates from **July 27, 1923;**

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 **fifteen thousandths (0.015)**
cubic foot per second or approximately ninety-seven hundred (9700) gallons per
day from January 1st to December 31st, inclusive, of each year.

The point of diversion of such water is located **North one hundred fifty (150) feet and**
East three hundred (300) feet from the Southwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 18, T 7 N, R 5 W, M.D.B. & M. and being within the said NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of
Section 18.

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

10 acres total within Rancho Carne Humana and being also within projected
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T 7 N, R 5 W, M.D.B. & M.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and 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 Chapter 586, Statutes 1913, 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 if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, county 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 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 and 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. And 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 regulations 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 right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water 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 thereof, 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 signature of the Chief of the Division of WATER RIGHTS, Department of Public Works of the State of California, and the seal of said department

this 21st day of April, 1928

Harold Conkling
Chief of Division of Water Rights, Department of Public Works of the State of California



12/8/42 RECEIVED NOTICE OF ASSIGNMENT TO *of Int. of James W. Loftus to Mary Loftus*

10/9/59 RECEIVED NOTICE OF ASSIGNMENT TO *Partial James J. Walter*

11-14-60 RECEIVED NOTICE OF ASSIGNMENT TO *of Int. of Mary Loftus to Mary J. Walter*
7-10-85 *Assign to Douglas W. Briggs*

License 714 Ownership changed to Stanley Press and Ada M. Press 12/19/95

LICENSE NO. 714

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RIGHTS

LICENSE TO APPROPRIATE WATER

ISSUED TO James W. and Mary Loftus

DATED April 21, 1928

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

ORDER

APPLICATION 3553

PERMIT 1595

LICENSE 714

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. License 714 was issued to James W. and Mary Ioftus and was filed with the County Recorder of Napa County on June 19, 1928.
2. License 714 was subsequently assigned to Douglas W. Grigg.
3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
4. 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 place of use under this license shall be as follows:
Lot 5 (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) projected Section 18, T7N, R5W, MDB&M.

Dated: **MARCH 11 1986**

Lloyd Johnson
Lloyd Johnson, Chief
Division of Water Rights