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7 SUPERIOR COURT OF CALIFORNIA

8 COUNTY OF LASSEN

9
10 IN THE MATTER OF SUSAN RIVER
WATERMASTER SERVICE AREA AND
WATER RIGHTS DECREES:

11 *In the Matter of Rights to Water of Baxter Creek,*

12
13
14 JACK HANSON, *et al.*,

15 Petitioners.

Decree Case No. 8174

~~PROPOSED~~ ORDER GRANTING
PETITION FOR SUBSTITUTION OF
SUSAN RIVER WATERMASTER AND
MODIFYING DECREE CASE NO. 8174

General Civil Case
Hearing Date: Monday, July 30, 2007
Time: 1:30 p.m.
Dept.: 1

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17 The Petition for Substitution of Susan River Watermaster came on regularly for hearing
18 on June 25, 2007, July 23, 2007, and July 30, 2007. The Court, having considered the Petition
19 and heard arguments of counsel,

20 FINDS that:

- 21 1. The parties to *In the Matter of Rights to Water of Baxter Creek*, Decree Case No.
22 8174, received adequate notice of the Petition for Substitution of Susan River Watermaster.
23 2. No parties opposed the Petition for Substitution of Susan River Watermaster.
24 3. The proposed Watermaster, the Honey Lake Valley Resource Conservation
25 District, adopted a budget for the watermaster program and selected a contractor to provide it
26 with watermaster consulting services at its continued regular meeting on July 26, 2007.
27 4. The Honey Lake Valley Resource Conservation District will be ready to assume
28 the role of Watermaster of the Susan River Watermaster Service area effective January 1, 2008.

1 The Court having considered the foregoing findings and good cause appearing therefore,
2 ORDERS that the Petition be, and hereby is, GRANTED, and that *In the Matter of Rights to*
3 *Water of Baxter Creek*, Decree 8174 be MODIFIED as follows:

4 1. Appointment of Honey Lake Valley Resource Conservation District as
5 Watermaster. The Honey Lake Valley Resource Conservation District is appointed Watermaster
6 for the Susan River Watermaster Service Area to replace the California Department of Water
7 Resources effective January 1, 2008.

8 2. Vesting of Water Code Watermaster Authorities. The Honey Lake Valley
9 Resource Conservation District is vested with all authorities granted by Part 4 of Division 2 of
10 the Water Code, section 4000 *et seq.*, with the exception of sections 4025-4026, 4050,
11 subdivision (a), 4051, 4279 and 4351-4358.

12 3. Existing Authorities and Obligations Not Affected. This appointment does not
13 limit the authorities granted to the Honey Lake Valley Resource Conservation District under any
14 other provision of law or relieve the Honey Lake Valley Resource Conservation District of any
15 obligations imposed by any other provision of law.

16 4. Regulations. The Honey Lake Valley Resource Conservation District may adopt
17 reasonable regulations to secure distribution of water in accordance with determined rights as
18 may be needed, and any such regulations shall be lodged with this Court.

19 5. Annual Reports. The Honey Lake Valley Resource Conservation District shall
20 prepare and lodge with this Court by January 1 of each year an annual report of watermaster
21 service for the prior fiscal year.

22 6. Employment of Deputy Watermaster. The Honey Lake Valley Resource
23 Conservation District may contract with or employ one or more persons or firms to assist with
24 the watermaster functions and to serve as deputy watermaster(s).

25 7. Notice of Appointment of Deputy Watermaster. The Honey Lake Valley
26 Resource Conservation District shall lodge with this Court notice of appointment of any deputy
27 watermaster the Honey Lake Valley Resource Conservation District may contract with or
28 employ.

1 8. Adoption of Annual Budget and Proposed Apportionment Beginning in Fiscal
2 Year 2008/2009. For fiscal year 2008/2009 and thereafter, the Honey Lake Valley Resource
3 Conservation District shall, before June 15 of each year, adopt a proposed budget showing the
4 amount of money estimated to be necessary to pay the costs of administration of the Susan River
5 Watermaster Service Area and the distribution of water therein for the ensuing fiscal year, and
6 shall propose an apportionment of the budgeted amount of money among the water right holders
7 within the Susan River Watermaster Service Area.

8 (a) The proposed budget shall include everything listed in Water Code section
9 4226 and may include a reasonable estimate of the amount of money needed to establish a
10 working capital reserve. In adopting a budget, the Honey Lake Valley Resource Conservation
11 District shall use the methodology set forth in Water Code sections 4225 to 4228.

12 (b) In proposing an apportionment of the budgeted amount of money among
13 the water right holders within the Susan River Watermaster Service Area, the Honey Lake
14 Valley Resource Conservation District shall use the methodology set forth in Water Code
15 sections 4251 to 4254.

16 (c) The proposed budget and apportionment shall be served by mail on the
17 water right holders within the Susan River Watermaster Service Area and filed with the Court
18 before June 15. Objections to the budget and apportionment shall be filed with the Court within
19 15 days of service by mail on the water rights holders. The time to object or otherwise respond
20 shall not be extended by the provisions of Code of Civil Procedure section 1013. In the absence
21 of objections filed with the Court, the budget will be deemed approved by the Court without
22 further hearing. Objections to the apportionment shall be (1) limited to whether the
23 apportionment is consistent with the methodology set forth in Water Code sections 4251 to 4254,
24 and (2) set for hearing in the manner provided for a noticed motion with notice to be given to the
25 watermaster, Honey Lake Valley Resource Conservation District, and to each other water right
26 holder who may be affected in any manner by such objection. So that the Honey Lake Valley
27 Resource Conservation District may comply with Water Code section 4275, requiring that the
28 watermaster certify apportionments to the Lassen County Auditor by August 15 for inclusion on

1 the property tax bills, such objections are to be heard and decided by August 10 in order to affect
2 the current fiscal year. If an objection is not heard and decided by August 10, the current fiscal
3 year budget and apportionment shall be unaffected, and the results of the objections, if any, shall
4 be reflected in the next fiscal year budget and apportionment.

5 9. Certification and Collection of Apportionment Beginning in Fiscal Year
6 2008/2009. For fiscal year 2008/2009 and thereafter, the apportionment shall be certified and
7 collected as follows:

8 (a) The Honey Lake Valley Resource Conservation District shall, on or before
9 August 15 of each year, certify to the Lassen County Auditor and the Lassen County Board of
10 Supervisors the amount required in order to pay the apportionments for the ensuing fiscal year, to
11 be levied on the land used in the storage or diversion, conveyance or distribution of water stored
12 or diverted under the right and the land on which the water is, or is entitled to be, used. The
13 certification ordered herein shall have the same legal effect as though it were a certification
14 pursuant to Water Code section 4275.

15 (b) As to any owner of water rights that is a county, municipality, district,
16 political subdivision, public corporation, or state agency, or is a public utility as defined in the
17 Public Utilities Code, the Honey Lake Valley Resource Conservation District shall, on or before
18 the 15th day of June of each year, serve on each such owner named in the budget and
19 apportionment prepared pursuant to paragraph 8 above a true copy thereof. A copy so served
20 shall have the same effect as to such owners as though it were a copy of the statement referenced
21 in Water Code section 4300.

22 10. Adoption of Annual Budget and Proposed Apportionment and Certification of
23 Apportionment for Fiscal Year 2007/2008. The Department of Water Resources and Honey
24 Lake Valley Resource Conservation District shall adopt budgets, propose apportionments, and
25 certify the apportionments for Fiscal Year 2007/2008 as follows:

26 (a) The Department of Water Resources shall prepare and submit to Lassen
27 County a budget and apportionment for the Susan River Watermaster Service Area in the same
28 manner it has done in previous years except that the budget period shall be July 1, 2007 through

1 December 31, 2007. Further court approval shall not be necessary to reduce or withdraw any
2 certification prior to the deadline provided by the Lassen County Auditor.

3 (b) The Honey Lake Valley Resource Conservation District shall adopt a
4 budget and propose an apportionment to the Lassen County Auditor for the amount necessary to
5 fund watermaster operations in the Susan River Watermaster Service from January 1 through
6 June 30, 2008 not later than August 1, 2007, and certified according to deadlines established by
7 the Lassen County Auditor. The proposed budget and apportionment shall be served by mail on
8 the water right holders within the Susan River Watermaster Service Area and filed with the
9 Court before August 1, 2007. Objections to the budget and apportionment shall be filed with the
10 Court on or before the hearing on August 13, 2007, at 1:30 p.m. in Department 1 of this Court.
11 The time to object or otherwise respond shall not be extended by the provisions of Code of Civil
12 Procedure section 1013. Objections to the apportionment shall be limited to whether the
13 apportionment is consistent with the methodology set forth in Water Code sections 4251 to 4254.

14 11. Transfer of Waterflow Measuring Devices. Fixed waterflow measuring devices
15 and fixed distribution structures installed by the Department of Water Resources shall be
16 transferred to the Honey Lake Valley Resource Conservation District watermaster as follows.

17 (a) The Department of Water Resources has installed the following fixed
18 waterflow measurement devices within the Susan River Watermaster Service Area:

19 (i) Staff Gauges. The Department of Water Resources has installed
20 numerous staff gauges, which are vertical strips of metal with painted lines that are used to
21 quickly identify flow or water level, throughout the waterways in the Susan River Watermaster
22 Service Area.

23 (ii) Electronic Gauging Stations. The Department of Water Resources
24 has installed three electronic gauging stations within the watermaster service area. Two of these
25 stations consists of a four foot square metal box containing a "GOES" communication device
26 with antenna, a data recorder, a battery with a solar panel on the outside of the box, and an
27 external metal pipe which connects to a monitoring device submerged in a nearby waterway.
28 The third station consists of a wooden three foot square box and contains the same type of

1 electronic equipment as the other two stations.

2 (iii) Mechanical Stage Recorders. The Department of Water Resources
3 has installed, on an as-needed basis, portable mechanical chart recorders that consist of a steel
4 box containing a roll with chart paper, and a wheel on the side connected by chain to a float on
5 the water surface.

6 (b) Pursuant to Water Code section 4050, subdivision (d)(2), upon the
7 effective date of the transfer of Susan River Watermaster Service Area watermaster duties to the
8 Honey Lake Valley Resource Conservation District, all Department of Water Resources staff
9 gauges and electronic gauging stations, and the components thereof, and any other Department
10 of Water Resources water flow measuring devices that may exist in the Susan River Watermaster
11 Service Area but are not set forth herein, shall be transferred to the Honey Lake Valley Resource
12 Conservation District, with the exception of the GOES communication devices in each of the
13 three electronic gauging stations and any mechanical stage recorders that may be in place in the
14 watermaster service area. The Department of Water Resources shall remove the GOES devices
15 and the mechanical stage recorders prior to the transfer of watermaster functions, and these
16 devices shall remain Department of Water Resources property.

17 (c) Pursuant to Water Code section 4050, subdivision (d)(2), the Honey Lake
18 Valley Resource Conservation District shall hold the Department of Water Resources harmless
19 for any and all claims or causes of action relative to the items transferred above that arise
20 subsequent to the transfer.

21 12. No Other Modifications to Decree No. 8174. This Order does not modify any
22 water right or entitlement or change any substantive interests or rights of parties or successors in
23 interest to rights adjudicated by Decree No. 8174. This Order shall not be deemed to modify any
24 provisions of water right Decree No. 8174 or amendments, supplements or orders thereto, except
25 as necessary to effectuate the appointment of the Honey Lake Valley Resource Conservation
26 District as Watermaster as provided in this Order.

27 DATED: JUL 30 2007

Stephen D. Bradbury

28 Judge of the Superior Court of Lassen County

1 PROPOSED ORDER GRANTING PETITION FOR SUBSTITUTION OF SUSAN RIVER
2 WATERMASTER AND AMENDING DECREE NO. 8174

3 APPROVED AS TO FORM:

4 Dated: July 27, 2007

CALIFORNIA DEPARTMENT OF WATER
RESOURCES

5
6 By: Cathy Crothers
Cathy Crothers
Assistant Chief Counsel

7
8 Dated: JUL 27 2007

HONEY LAKE VALLEY RESOURCE
CONSERVATION DISTRICT

9
10 By: R. Craig Settlemyre
R. Craig Settlemyre
Lassen County Counsel

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12
13 Dated: July 26, 2007

ELLISON, SCHNEIDER & HARRIS

14 By: Peter J. Kiel
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