

PUBLIC NOTICE
Special Meeting of the:
Honey Lake Valley Resource Conservation District
Attachments available 10/25/19 at
www.honeylakevalleyrcd.us

Date: Monday, November 4, 2019

Location: USDA Service Center
170 Russell Avenue, Suite C
Susanville, Ca. 96130
(530) 257-7271 x100

Time: 10:00 am

AGENDA

NOTE: THE HONEY LAKE VALLEY RESOURCE CONSERVATION DISTRICT MAY ADVISE ACTION ON ANY OF THE AGENDA ITEMS SHOWN BELOW.

NOTE: IF YOU NEED A DISABILITY-RELATED MODIFICATION OR ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE DISTRICT OFFICE AT THE TELEPHONE NUMBER AND ADDRESS LISTED ABOVE PRIOR TO THE MEETING.

I. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

II. APPROVAL OF AGENDA

III. PUBLIC COMMENT

Per RCD Board Policy No. 5030.4.1, during this portion of the meeting any member of the public is permitted to make a brief statement, express his/her viewpoint, or ask a question regarding matters related to the District. Five (5) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

IV. ITEMS FOR BOARD ACTION AND/OR DISCUSSION – RCD

A. MOTION TO OPEN PUBLIC HEARING ON JAY DOW COMPLAINT (Water Transfer) APPEAL FILED 8/15/19 (Attachments) – Adams/Meyer

B. MOTION TO CLOSE PUBLIC HEARING ON JAY DOW COMPLAINT (Water Transfer) APPEAL FILED 8/15/19 – Adams/Meyer

C. CONSIDERATION AND APPROVAL TO UPHOLD, MODIFY, OR REVERSE WATERMASTER'S DECISION

V. ADJOURNMENT

The next Honey Lake Valley RCD meeting will be **November 4, 2019 at 12:00 pm.** The location is the USDA Service Center, 170 Russell Avenue, Suite C, Susanville, CA.

I certify that on Wednesday October 25, 2019, agendas were posted as required by Government Code Section 54956 and any other applicable law.

Carrie Adams

Carrie Adams
Susan River Service Area, Deputy Watermaster
Honey Lake Valley RCD

August 15, 2019

Bradley J. Herrema
Attorney at Law
805.882.1493 tel
805.965.4333 fax
bherrema@bhfs.com

Honey Lake Valley Resource Conservation District, Susan River Watermaster
Watermaster Board
170 Russell Ave
Susanville, CA 96130

RE: Notice of Appeal in re Dow-Bonomini Family 2013 Trust July 26, 2019 Complaint re Paragraph 17
and Schedule 4 and Schedule 5, Priority 2 Rights

To the Susan River Watermaster:

This letter is sent on behalf of our client Jay Dow and the Dow-Bonomini Family 2013 Trust ("Dow"). Pursuant to Rule 6.3 of the Honey Lake Valley Resource Conservation District Susan River Watermaster Rules and Regulations (the "Rules and Regulations"), Dow hereby appeals the decision of the Watermaster Advisory Committee¹ ("WAC") regarding Dow's July 26, 2019 Complaint² ("Complaint") concerning Dow's requested transfer of the exercise of certain Schedule 4 and Schedule 5, Priority 2 rights consistent with paragraph 17 of the Susan River Decree.

This Notice of Appeal is timely filed, pursuant to Rule 6.3 of the Rules and Regulations, which provides that a complainant must file a written notice of appeal with the Watermaster within seven days of receipt of the final decision of the WAC following a public hearing on the complaint. Dow received the WAC's final decision on August 9, 2019 by email.³

On August 12, 2019, the Deputy Watermaster informed Dow that the Watermaster has previously allowed water right transfers similar to that requested by Dow.⁴ The Deputy Watermaster stated that she would be "happy to work" with Dow to resolve the Complaint. On August 14, 2019, Dow informed the Deputy Watermaster that he would file a Notice of Appeal of the WAC's determination to preserve his rights under the Rules and Regulations, but that he would be interested in discussing and attempting to resolve the matter directly with the Deputy Watermaster.⁵ As a result, we request that the Watermaster Board recognize the timely filing of this Notice to Appeal, but postpone scheduling a public hearing regarding the matter so that Dow and the Deputy Watermaster may work towards a mutually agreeable resolution of Dow's Complaint regarding the transfer of certain of his Schedule 4 and Schedule 5, Priority 2 water rights.

¹ The final decision of the WAC is attached hereto as Attachment 1.

² Dow's July 26, 2019 Complaint is attached hereto as Attachment 2.

³ See Attachment 1.

⁴ The August 12, 2019 email from the Deputy Watermaster, including its attachments, is attached hereto as Attachment 3.

⁵ Dow's August 14, 2019 email to the Deputy Watermaster is attached hereto as Attachment 4.

In the event that Dow and the Deputy Watermaster are unable to arrive at a mutually agreeable solution to Dow's Complaint, Dow will wish to proceed with the Watermaster's complaint process, specifically, the holding of a public hearing before the Watermaster Board as prescribed by 6.4 of the Rules and Regulations.

On behalf of Mr. Dow and the Dow-Bonomini Family 2013 Trust, we respectfully request that the Watermaster Board recognize the timely filing of this Notice of Appeal, but postpone the immediate scheduling of a public hearing regarding the matter so that Dow and the Deputy Watermaster may work towards a mutually agreeable resolution of Dow's Complaint regarding the transfer of certain of his Schedule 4 and Schedule 5, Priority 2 water rights. We believe that Dow and the Deputy Watermaster may be able to resolve the matter within the ninety-day period in which the Watermaster Board must hold a public hearing on this matter. In the event that a mutually agreeable solution to Dow's Complaint cannot be reached, we will wish to move forward with the complaint process prescribed in Article VI of the Rules and Regulations.

Sincerely,



Bradley J. Herrema

19639867

ATTACHMENT 1

From: Carrie Adams <watermaster@honeylakevalleyrcd.us>
Sent: Friday, August 09, 2019 5:35 PM
To: Jay Dow; Herrema, Brad
Subject: 07/26/19 Water Transfer Complaint, WAC Decision

Jay,

The WAC Special Meeting scheduled to hear your Complaint filed on 07/26/2019, regarding the Transfer of Water Rights held on August 8, 2019 at 5:30pm, resulted in a 3-to-2 vote of the present Committee members to uphold the previous decision made by the Watermaster, not allowing the transfer of your Schedule 4 and 5 1st and 2nd priority rights.

Per the Honey Lake Valley Resource Conservation District Susan River Watermaster Rules and Regulations, "If the Complainant is not satisfied with the WAC decision and wishes to proceed with the process, he or she shall file a written notice of appeal with the Watermaster within seven (7) days of receipt of the WAC decision."

Best,

Carrie Adams
Deputy Watermaster
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



Honey Lake Valley
Resource Conservation District

Water Rights Dispute/Complaint Form

It is the Policy of the Watermaster Board that every dispute results in the appropriate response consistent with the relative significance of each complaint to ensure the most efficient and effective use of available resources.

- 1. Have you attempted, to the best of your ability, to resolve this dispute/complaint with the Deputy Watermaster?

YES (please explain)

Yes, I have met with the Deputy Watermaster regarding this matter multiple times and we have exchanged many emails regarding the matter, as seen in Attachment A.

NO (please explain)

- 2. Have you contacted your Watermaster Advisory Committee (WAC) representative for assistance with resolving this dispute/complaint?

YES (please explain)

NO (please explain)

No, the Deputy Watermaster has indicated that her decision is final.

- 3. Have you previously submitted this complaint? If so, please indicate the date, the organization(s) or local government entity you contacted, including the HLV RCD and the outcome.

Yes. On July 23, 2019, I submitted one complaint to the Deputy Watermaster containing two separate issues related to my water rights. On July 25, 2019, the Deputy Watermaster requested that I resubmit the complaint as "two separate E5100 complaints: one addressing the transfer issue, and one addressing the Barham Kelley. This will allow the committee to evaluate each independent of the other, should the opportunity for separate outcomes be an option."

After taking the preceding steps you were unable to resolve your dispute/complaint, complete the second half of this form and return to the HLV RCD. Provide as much specific information as you can. Forms that are not filled out completely will be returned to the complainant.

Within five business days following the date a complete Water Rights Dispute/Complaint Form is received and reviewed, it will be: (1) Dismissed without further action and an explanation will be sent to the complainant via USPS return receipt, or (2) Forwarded to the WAC Board Chairperson to be considered by the WAC, at a public hearing, within ten business days from the date the complete Water Rights Dispute/Complaint Form was received. Refer to the HLV RCD **Susan River Watermaster Service Area Rules and Regulations** for more information about Water Right Disputes/Complaints.

Name: Jay Dow Today's Date: July 26, 2019

Address: 726-200 Mapes Lane, Wendel, CA 96136

Phone Number: (530)260-6267 E-mail: dowranch@gmail.com

Date dispute/complaint originated on: July 1, 2019

Location dispute/complaint originated at: _____
Diversions 82, 83, 89, 92, 98, 99, 100, 101, and 102

4. Describe the action(s), omission, or decision that you are disputing/complaining about and by whom they were made (Deputy Watermaster, staff, another water user, etc.). _____
See Attachment B, at #1.

5. Provide the grounds or basis for this dispute/complaint. _____
See Attachment B, at #2.

6. Describe your suggested solution. _____
See Attachment B, at #3.

(Attach any supporting documents as needed)

Date Received: _____ Received By: _____ Action Taken: _____

ATTACHMENT A

From: Carrie Adams <watermaster@honeylakevalleyrcd.us>
Sent: Monday, July 01, 2019 2:20 PM
To: Jay Dow; Kayla Meyer
Cc: Herrema, Brad
Subject: Re: water transfer and Barham Kelley

Jay,

Working closely with my District Manager and the RCD Board, these are the conclusions we have reached in order to properly implement the Decree (full explanation in 6/25/2019 email). The transfer of your Sched. 4 or Sched 5 rights to the Lower Susan River, below the confluence of the Susan River and Willow Creek, interferes with other users' rights. A user agreement or a transfer of your rights, are options we could explore if you so choose.

For the Barham Kelley, there is not enough material to support that the 3037 Decree are stand alone water rights and thus we cannot allow you to divert an additional 740af of water.

After extensive discussion and research, these are the RCD's final decisions on these matters and how we will be implementing the Decree moving forward. If these issues are still of concern, I invite you to our WAC Meeting July 11, 2019.

Respectfully,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



On Thu, Jun 27, 2019 at 8:15 PM Jay Dow <dowranch@gmail.com> wrote:

Carrie:

Why has the Honey Lake Valley RCD changed their opinion on allowing me to transfer and use the water rights I hold on my properties to other properties I own in the Susan River Water Master area? RCD has previously allowed me to temporarily transfer my water rights from one property to another for beneficial use. What has changed in 2019?

Likewise, RCD has not interfered with my use of water rights, granted in the Barham Kelley decree, on my property in past irrigation seasons. What has changed? The Barham Kelley decree was not superseded by the

Susan River Decree as stated in paragraph 55 of the Susan River Decree. Barham Kelley grants water rights independent of the rights granted under the Susan River Decree. The effect of the Watermaster decision is that other parties are able to divert the water to which my properties are entitled. Again, what is the reason for the RCD's change in the manner in which it administering the Susan River Decree in regard to respecting the earlier Barham Kelley decree?

Jay Dow

----- Forwarded message -----

From: **Carrie Adams** <watermaster@honeylakevalleyrcd.us>

Date: Tue, Jun 25, 2019, 4:24 PM

Subject: Re: Response to your 6-21-19 email

To: Jay Dow <dowranch@gmail.com>

Cc: Herrema, Brad <bherrema@bhfs.com>

Jay,

Upon closer review of pages 29 and 30 of the 2013 Appellate decision, Rubio describes that Schedule 4, and Schedule 5 1st and 2nd priorities are not mentioned in paragraph 21, simply because they are irrelevant due to their locations, compared to where LIC diverts:

Sched. 4, pg. 30 "...can have no direct effect on those water users entitled to divert under schedule 4, because those users take their water from the system before it ever reaches the Susan River."

Sched. 5 1st, 2nd, pg. 30 "except for those with points of diversion above the confluence with Willow Creek"

The matter we are discussing is a unique situation, not clearly discussed in the decree, where you are wanting to transfer your rights to the Lower Susan River. Again, the decree never clearly states that LIC cannot divert these rights once they are left in the system. If not used, they become a part of the "natural flow of the Susan River," which LIC is entitled to divert. It seems that this is a matter that needs to be agreed upon by the other parties, as it "obstruct[s] or interfere[s] with any other right in this decree" (paragraph 58). Another option is that there is a way to officially transfer your rights. Both procedures I can inquire more about if you would like to move in that direction.

Also, currently, LIC is not diverting to storage, however I realize the July 1st change to 5cfs is quickly coming.

As for the Barham Kelly, I really am working hard to try to see what you are saying; however, I am still confused on how you say the Barham Kelly 3037 rights are in addition to the 4573 rights while:

1) the diversions- 46, 47, are **only** described within the 4573 Decree, and not within the Barham Kelly 3037

2) the amounts of water that can be diverted under the 3037 are only described in the 3037, and not the 4573; yet there are some rights for these acres described in the 4573

I'm trying to decipher these partial overlaps; because the 3037 simply cannot stand alone with such little information held in its pages (no POD, no acreage). If you see my missing link, please do clarify.

I will gladly continue reviewing the decree and any highlights or additional material you wish to provide/point out to me. For additional input- from fellow water users, you are also welcome to bring these issues to our next WAC meeting July 11, 2019 at 17:30.

Best Regards,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



On Sun, Jun 23, 2019 at 8:46 PM Jay Dow <dowranch@gmail.com> wrote:

Carrie:

The exception found in paragraph 21 of the Susan River Decree, which deals with LIC's water rights, states the only water rights affected by the exception are those in schedule 3, schedule 5 priority 3, and schedule 6. Rights in schedule 4 and schedule 5, priorities 1 & 2, are not included in paragraph 21 and LIC cannot claim a superior right to those, either under paragraph 21 or any other circumstance. The 2013 appellate decision confirms this throughout the decision and specifically addresses schedule 4 on pages 29 and 30 (attached). For this reason, exercising my ability to transfer my schedule 4 and schedule 5 priority 2 water rights to other property I own is not "obstructing or interfering" with LIC's water rights.

Paragraph 55 of the Susan River Decree states that it "shall supersede all former judgments and decrees as to the water rights involved, except the decrees of the above entitled court in the cases of Barham vs. Kelley...". This statement in paragraph 55 makes certain the water rights granted in the Barham Kelley Decree are separate from and unaffected by the rights granted in the Susan River decree 4573. As for more documentation, the Barham Kelley Decree itself is the document granting the water rights and there is no further documentation necessary. The Barham and Kelley properties are clearly delineated on sheet #3 of the irrigated lands map for the Susan River Decree (attached) and, as we discussed when I met with you and Jesse Claypool this past Friday, I am the current owner of these properties. The points of diversions for the Barham Kelley decree are the same as diversions #46 and #47 described in schedule 2 of the Susan River Decree. Diversion #47 is no longer in use and all diversions for the Barham Kelley decree are presently made at diversion #46 (Barham Dam).

While the rights granted by the Barham Kelly Decree are not under the authority of the RCD acting as Water Master for the Susan River Decree, your actions administering the Susan River Decree cannot impair my water rights granted in the Barham Kelley Decree. Therefore, we must have a coordinated effort to assure I receive my full rights under the Barham Kelley decree.

Respectfully,

Jay Dow

----- Forwarded message -----

From: **Carrie Adams** <watermaster@honeylakevalleyrcd.us>

Date: Fri, Jun 21, 2019 at 5:58 PM

Subject: 4573 and 3037 interpretation review

To: Jay Dow <dowranch@gmail.com>

Jay,

I have been closely combing through the 4573 Decree, and the 3037 Decree. After careful inspection, there is more documentation that I need in order to administer the Decrees in the manner which you have interpreted and brought forward.

First, there is no language about Schedule 4 when describing LICs right to divert to storage as long as Colony Dam is at 20cfs. It does not state they can, nor does it state that they cannot. Thus, if we [from here, 'we' refers to the Susan River Watermaster Service, administered by the Honey Lake Valley Resource Conservation District], were to enforce your Sched. 4 rights to not be diverted by LIC and reach Colony Dam, putting it over 20 cfs, we would be opposing the decree and "obstructing or interfering with any other right" by not allowing them to divert their full allotted amount (paragraph 59, Decree 4573).

As for the Barham Kelly 3037 decision and the 740 total acre feet of water described in said judgment, there is no Point of Diversion described, nor are there specific irrigated lands (township, range, qtr-qtr. or of the like) in this decision. Thus, with this judgement document alone, I cannot accept this as its own separate set of water rights that are in addition to the ones described in the 4573 Decree. I am requesting more documentation, fully describing these said additional rights, as I cannot even identify where these said rights are located, with the current information.

I understand the time constrictions we are currently facing, and will review the information you provide promptly. I am happy to review your issues and interpretations with the area's decrees, in order to successfully administer them per my duties of the Water Master Service.

Until I receive, and then review, more substantial documentation, it is not within the decree to allow you to divert 740af in addition to your cfs clearly described in the 4573 Decree.

Best,

Carrie Adams
Deputy Water Master
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



ATTACHMENT B

1. The Watermaster has determined to administer the Susan River Decree (“Decree”) in a manner that obstructs and interferes with my water rights. Specifically, the Watermaster has determined not to allow me to divert water arising under my Schedule 4 and Schedule 5 rights for use on my other properties that are situated below the confluence of the Susan River and Willow Creek.
2. Paragraph 17 of the Decree provides that:

Nothing herein contained shall, or shall be construed to...or from preventing any party hereto, who has allotment to two or more ditches, from using all or any portion of his allotment through each or any number of his ditches on all or any portion of this land, so long as the maximum quantity of water diverted shall not exceed the aggregate of all allotments to all of his ditches.

I am the owner of water rights listed in Decree Schedule 4 and Schedule 5, priority 2. During the most recent irrigation season, I requested that the Watermaster administer the Decree in order that I might divert water pursuant to these rights at Diversions 82, 83, 89, 92, 98, 99, 100, 101, and 102 for a ranch that I own (attached hereto as “Exhibit 1”). While the Watermaster has previously allowed this, in this year it did not, which is contrary to Paragraph 17 of the Decree. As a result, I was unable to divert 10 cubic feet per second (“cfs”) for thirteen days, or 260 acre-feet (“AF”) of water, pursuant to my Schedule 4 and Schedule 5, priority 2 rights.

As a result of the Watermaster’s determination described above, during the most recently concluded irrigation season, I have been denied 260 AF of my water rights. This has resulted in the Lassen Irrigation Company (“LIC”) storing water that I should have been allowed to divert.

3. The Watermaster is obligated to administer the decree in accordance with its terms and additional Court orders interpreting it. The Watermaster must allow me to divert water associated with one ditch through another of my ditches, so long as the maximum quantity of water diverted does not exceed the aggregate of all allotments to my ditches.

The Watermaster’s determinations have resulted in LIC diverting water in Leavitt Lake, and McCoy Flat and Hog Flat Reservoirs that I should have been able to divert my Schedule 4 and Schedule 5, priority 2 rights pursuant to Paragraph 17 of the Susan River Decree. Under the Watermaster’s supervision and direction, LIC should release into the Susan River an amount of water equal to that which was improperly diverted by LIC in June 2019 for my diversion of 260 AF at Diversions 82, 99, and 100. This remedy has historical precedent, as when DWR served as Watermaster, it required LIC to release

water that it had improperly diverted for use by those right holders whose rights had been obstructed or interfered with.

2014-04402

Recorded at the request of:
REESE SMALLEY WISEMAN & SCHWEITZER
10/08/2014 10:54 AM
Fee: \$14.00 Pgs: 1 of 3 D
OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA



RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Lawrence R. Smalley
REESE, SMALLEY, WISEMAN & SCHWEITZER, LLP
1265 Willis Street
Redding, CA 96001

MAIL TAX STATEMENTS TO:
Jay S. Dow and Susan A. Bonomini, Trustees
726-200 Mapes Road
Wendel, California 96136

Documentary Transfer Tax: -0-
 Transfer to revocable living trust for
the benefit of grantor (R&T 11930)
The undersigned hereby declares

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JAY S. DOW and SUSAN A. BONOMINI, husband and wife,

hereby GRANT to:

JAY S. DOW and SUSAN A. BONOMINI, Trustees of THE DOW-BONOMINI FAMILY 2013 TRUST

the following real property in the County of Lassen, California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.
APN: 119-380-18; 119-380-19; 119-380-20; 119-380-03; 119-380-04; 119-380-09; 119-380-14;
119-370-33

SUSAN A. BONOMINI executes this deed to transfer her marital and/or community property interest,
if any, to the above-named Grantees.

Dated: 10/8, 2014

JAY S. DOW

SUSAN A. BONOMINI

STATE OF CALIFORNIA)
COUNTY OF Lassen) ss.

On 10/8, 2014, before me, R. Fink, a Notary
Public, personally appeared JAY S. DOW and SUSAN A. BONOMINI, who proved to me on the basis of satisfactory evidence
to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same
in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the
persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal.

NOTARY PUBLIC

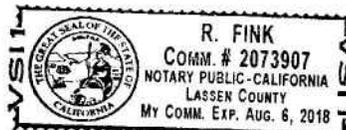


EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA , COUNTY OF LASSEN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel 1:

In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Section 28: All that portion of the SW 1/4 thereof described as follows:

Beginning at a point on the West line of said SW 1/4, distant thereon South 1338 feet from the Northwest corner of said SW 1/4; thence South 89°32' East 1716 feet; thence South 0° 13' West to the South line of said SW 1/4; thence West along said South line 1716 feet to the Southwest corner of said SW 1/4; and thence North along said West line of said SW 1/4 to the point of beginning.

Excepting therefrom all that portion described as follows:

The South 15 feet (measured at right angles to the South line thereof) of the West 1716 feet of the SW 1/4.

Section 29: The S 1/2 of the NE 1/4 ; and all of the SE 1/4 thereof, except the East 396 feet of the North 1338 feet of said SE 1/4.

Excepting therefrom all that portion described as follows:

The South 15 feet (measured at right angles to the South line thereof) of the SE 1/4.

In Township 29 North, Range 14 East, Mount Diablo Meridian, according to the official plat thereof.

Section 25: The SE 1/4 of the NE 1/4.

Parcel 2:

In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Section 19: The SE 1/4 of the SE 1/4.

Section 30: The S 1/2 of the N 1/2; the NE 1/4 of the NE 1/4; and the N 1/2 of the SW 1/4.

Parcel 3:

In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Section 30: The S 1/2 of the SW 1/4; and the SE 1/4

Section 31: The N 1/2 of the N 1/2

Section 32: The N 1/2; the SE 1/4; and the E 1/2 of the SW 1/4

Section 33: The NW 1/4; and the W 1/2 of the W 1/2 of the SW 1/4

Together with all oil, gas, petroleum, other hydrocarbon substances and minerals including steam or any products or profits that may accrue from any geothermal power within or underlying said land or that may be produced or saved therefrom as excepted in the deed to Dean Beckett, et al, recorded December 7, 1973 in Book 273 of Official Records,

at Page 202.

Parcel 4:

In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Section 28: The South 15 feet of the West 1716 feet of the SW 1/4

Excepting therefrom an undivided 1/2 interest in and to all mineral rights as reserved in the deed from John H. Theodore and Deesse Theodore, husband and wife to Jay S. Dow, Jr. and Susan J. Dow, husband and wife; said deed provides, however that grantees may develop and use for their own personal use upon said property, and not for sale in any form, minerals upon said property without payment to grantors.

Section 29: The SW 1/4; and the South 15 feet of the SE 1/4

Excepting therefrom the undivided 1/2 interest in and to all mineral rights, as reserved in the deed from John H. Theodore and Deesse Theodore, husband and wife to Jay S. Dow Jr. and Susan J. Dow, husband and wife; said deed provides, however, that grantees may develop and use for their own personal use upon said property and not for sale in any form, minerals upon said property without payment to grantors.

Parcel 5:

In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof.

Section 28: The W 1/2 of the SE 1/4, and the SW 1/4.

Excepting therefrom, beginning at a point on the West line of said SW 1/4, distant thereon South, 1338 feet from the Northwest corner of said SW 1/4; thence S 89°32' E , 1716 feet; thence S 0°13' W to the South line of said SW 1/4; thence West along said South line, 1716 feet to the Southwest corner of said SW 1/4; thence North along said West line of said SW 1/4 to the point of beginning.

Section 29: The East 396.0 feet of the North 1338.0 feet of the SE 1/4

Parcel 6:

In Township 29 North, Range 14 East, Mount Diablo Meridian, according to the official plat thereof.

Section 36: The SE 1/4

Excepting therefrom all that portion thereof described as follows:

Beginning at a point on the East line of the SE 1/4 of said Section 36 distant thereon Southerly 500 feet from the East 1/4 corner of said Section 36: thence along said East line Northerly 500 feet to said E 1/4 corner; thence along the North line of said SE 1/4, West 500 feet; thence along a direct line Southeasterly to the point of beginning.

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:
Lawrence R. Smalley
REESE, SMALLEY, WISEMAN & SCHWEITZER, LLP
1265 Willis Street
Redding, CA 96001

2014-04400

Recorded at the request of:
REESE SMALLEY WISEMAN & SCHWEITZER
10/08/2014 10:54 AM
Fee: \$17.00 Pgs: 1 of 4 D
OFFICIAL RECORDS
Julie M. Bustamante - Clerk-Recorder
Lassen County, CA



MAIL TAX STATEMENTS TO:
Jay S. Dow and Susan A. Bonomini, Trustees
726-200 Mapes Road
Wendel, California 96136

Documentary Transfer Tax: -0-
 Transfer to revocable living trust for
the benefit of grantor (R&T 11930)
The undersigned hereby declares

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

JAY S. DOW and SUSAN A. BONOMINI, husband and wife,

hereby GRANT to:

JAY S. DOW and SUSAN A. BONOMINI, Trustees of THE DOW-BONOMINI FAMILY 2013 TRUST

the following real property in the County of Lassen, California, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.
APN: 119-380-17; 119-380-02; 119-370-11; 119-340-21

SUSAN A. BONOMINI executes this deed to transfer her marital and/or community property interest,
if any, to the above-named Grantees.

Dated: 10/8/14, 2014

[Signature]
JAY S. DOW

[Signature]
SUSAN A. BONOMINI

STATE OF CALIFORNIA)
COUNTY OF Lassen) ss.

On 10/8, 2014, before me, R. Fink, a Notary Public,
personally appeared JAY S. DOW and SUSAN A. BONOMINI, who proved to me on the basis of satisfactory evidence to
be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in
their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the
persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is
true and correct.

WITNESS my hand and official seal.

[Signature]
NOTARY PUBLIC

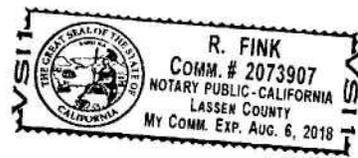


EXHIBIT "A"

All that real property situated in the County of Lassen, State of California, described as follows:

1) In Township 29 North, Range 14 East, Mt. Diablo Meridian according to the official plat thereof:
Section 36: The SE $\frac{1}{4}$ excepting therefrom the following: Beginning at a point on the east line of said Section 36, distant thereon South 500 feet from the east $\frac{1}{4}$ corner of said Section 36; thence north 500 feet to said $\frac{1}{4}$ corner, thence along the east-west $\frac{1}{4}$ line of said section 36 west 500 feet, thence S 45° 00' E 707 feet more or less to the point of beginning.

APN: 119-370-33

2) Parcel No 1

IN TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF:

SECTION 30: THE S $\frac{1}{2}$ OF THE SW $\frac{1}{4}$; AND THE SE $\frac{1}{4}$

SECTION 31: THE N $\frac{1}{2}$ OF THE N $\frac{1}{2}$

SECTION 32: THE N $\frac{1}{2}$; THE SE $\frac{1}{4}$; AND THE E $\frac{1}{2}$ OF THE SW $\frac{1}{4}$

SECTION 33: THE NW $\frac{1}{4}$; AND THE W $\frac{1}{2}$ OF THE W $\frac{1}{2}$ OF THE SW $\frac{1}{4}$

EXCEPTING THEREFROM AN UNDIVIDED $\frac{1}{2}$ INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, OTHER HYDROCARBON SUBSTANCES AND MINERALS INCLUDING STEAM OR ANY OTHER PRODUCTS OR PROFITS THAT MAY ACCRUE FROM ANY GEOTHERMAL POWER WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED OR SAVED THEREFROM AS EXCEPTED IN THE DEED TO DEAN BECKETT, ET AL, RECORDED DECEMBER 7, 1973 IN BOOK 273 OF OFFICIAL RECORDS, AT PAGE 202.

APN's: 119-380-03; 119-380-14, 119-380-19; and 119-380-20

3) In Township 29 North, Range 15 East, Mount Diablo Meridian, according to the official plat thereof:

Section 28: The South 15 feet of the West 1716 feet of the SW $\frac{1}{4}$

Section 29: The SW $\frac{1}{4}$; and the South 15 feet of the SE $\frac{1}{4}$

APNs: 119-380-04 and 119-380-18

4) IN TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

SECTION 28: THE W $\frac{1}{2}$ OF THE SE $\frac{1}{4}$; AND THE SW $\frac{1}{4}$

EXCEPTING THEREFROM, BEGINNING AT A POINT OF THE WEST LINE OF SAID SW $\frac{1}{4}$, DISTANT THEREON SOUTH, 1338 FEET FROM THE NORTHWEST CORNER OF SAID SW $\frac{1}{4}$; THENCE S 89° 2' E, 1716 FEET; THENCE S 0° 13' W TO THE SOUTH LINE OF SAID SW $\frac{1}{4}$;

THENCE WEST ALONG SAID SOUTH LINE, 1716 FEET TO THE SOUTHWEST CORNER OF SAID SW ¼;
THENCE NORTH ALONG SAID WEST LINE OF SAID SW ¼ TO THE POINT OF BEGINNING.

SECTION 29: THE EAST 396.0 FEET OF THE NORTH 1338.0 FEET OF THE SE ¼

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD AND DITCH PURPOSES OVER AND ACROSS
THE S ½ OF THE NE ¼ AND THE N ½ OF THE SE ¼ OF SECTION 29, TOWNSHIP 29, NORTH RANGE 15 EAST,
MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF AS RESERVED IN THE DEED
FROM JOHN CAPEZZOLI, ET UX, TO JOSEPHINE C. DEWITT RECORDED MARCH 5, 1952 IN BOOK 76 OF
OFFICIAL RECORDS, AT PAGE 175.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD AND IRRIGATION DITCH PURPOSES
AND MAINTENANCE THEREOF, OVER AND ACROSS THE EXISTING ROAD AND DITCH WITHIN THE nw ¼
OF SECTION 29, TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO
THE OFFICIAL PLAT THEREOF; SAID EXISTING ROAD AND DITCH COMMENCES ON THE WEST LINE OF
SAID NW ¼ AND RUNS SOUTHEASTERLY TO THE EAST LINE OF SAID NW ¼, BEING THE SAME EXISTING
ROAD AND DITCH AS RESERVED IN THE DEED FROM JOSEPHINE C. DEWITT TO JOHN CAPEZZOLI, ET UX,
RECORDED MARCH 5, 1952 IN BOOK 76 OF OFFICIAL RECORDS AT PAGE 174.

APN: 119-380-09

5) PARCEL 1

IN TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL
PLAT THEREOF.

SECTION 28: ALL THAT PORTION OF THE SW ¼ THEREOF DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SW ¼, DISTANT THEREON SOUTH
1338 FEET FROM THE NORTHWEST CORNER OF SAID SW ¼; THENCE SOUTH 89° 32' EAST
1716 FEET, THENCE SOUTH 0° 13' WEST TO THE SOUTH LINE OF SAID SW ¼, THENCE WEST ALONG SAID
SOUTH LINE 1716 FEET TO THE SOUTHWEST CORNER OF SAID SW ¼; AND THENCE NORTH ALONG SAID
WEST LINE OF SAID SW ¼ TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

THE SOUTH 15 FEET (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF) OF THE SE ¼.

SECTION 29: THE S ½ OF THE NE ¼; AND ALL OF THE SE ¼ THEREOF, EXCEPT THE EAST 396 FEET
OF THE NORTH 1338 FEET OF SAID SE ¼.

EXCEPTING THEREFROM ALL THAT PORTION DESCRIBED AS FOLLOWS:

THE SOUTH 15 FEET (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF) OF THE SE ¼.

IN TOWNSHIP 29 NORTH, RANGE 14 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL
PLAT THEREOF.

SECTION 25: THE SE ¼ OF THE NE ¼.

PARCEL 2:

IN TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

SECTION 19: THE SE ¼ OF THE SE ¼

SECTION 30: THE S ½ OF THE N ½; THE NE ¼ OF THE NE ¼; AND THE N ½ OF THE SW ¼.

APNs: 119-340-21; 119-370-11; 119-380-02 and 119-380-17

6) ALL DEPOSITS OF MINERALS, INCLUDING OIL AND GAS, TOGETHER WITH THE RIGHT TO PROSPECT AND REMOVE SUCH DEPOSITIS THEREFROM AS RESERVED IN THE DEED EXECUTED BY TULE LAND & CATTLE CO., A GENERAL PARTNERSHIP TO THE STATE OF CALIFORNIA RECORDED MARCH 18, 1987 IN BOOK 471 AT PAGE 71, LASSEN COUNTY RECORDS LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

PARCEL NO. L

IN TOWNSHIP 28 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

SECTION 4: THE NW ¼; THE FRACTIONAL W ½ OF THE NE ¼.

SECTION 5: THE E ½ OF THE NE ¼

PARCEL NO. 2

IN TOWNSHIP 29 NORTH, RANGE 15 EAST, MOUNT DIABLO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

SECTION 33: THE SW ¼ OF THE SE ¼; THE E ½ OF THE SW ¼; AND THE E ½ OF THE W ½ OF THE SW ¼.

ATTACHMENT 3

From: Carrie Adams <watermaster@honeylakevalleyrcd.us>
Sent: Monday, August 12, 2019 5:56 PM
To: Jay Dow; Herrema, Brad
Subject: Recent Right Transfers
Attachments: Gorbet - Mallery Notice of Change of Diversion Points.pdf; LIC Water Transfer.pdf

Jay,

Attached are the right transfers that took place since the RCD has housed the Watermaster Service. I also provided the link to the California Water Code section that describes changes to a right. I am currently trying to get in contact with a CA Water Board representative to ensure, that although our area is ruled under the Decrees, this part of the Water Code does apply to us...it seems that it has indeed been applicable in the past.

Let me know what y'all think, I am happy to work together.

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=2.&title=&part=2.&chapter=10.&article=

Best,

Carrie Adams
Deputy Watermaster
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>



CORRESPONDENCE
REC'D Feb 29, 2016
EMailed to Jesse,
TIM & THAN ON
Next DATE.

1 Eugene B. Chittock, SBN 214532
2 LAW OFFICES OF EUGENE B. CHITTOCK
3 100 South Lassen Street
4 Susanville, CA 96130
5 Telephone: (530) 257-9351
6 Facsimile: (530) 257-9359

7 Attorney for Terry Mallery

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LASSEN

11 J.J. FLEMING, et al.,
12 *Plaintiffs,*

13 v.

14 J.B. BENNETT, et al.,
15 *Defendants.*

Case No.: 4573

NOTICE OF PURCHASE AND SALE OF
WATER RIGHTS; AND NOTICE OF CHANGE
OF DIVERSION POINTS

17
18 TO ALL INTERESTED PARTIES:

19 PLEASE TAKE NOTICE that, the Gorbet Family Trust ("GFT"), transferred[†] (Document
20 No. 2016-00099 in the official records of Lassen County) to Terry Mallery ("Mallery") the right
21 to extract .03 cfs of water allocated to the GFT (or their predecessors in interest) pursuant to the
22 Judgment and Decree entered in the above-captioned action on or about April 19, 1940 (the
23 "Decree"). The existing diversion point, 36, is depicted on the map attached hereto as Exhibit A
24 and incorporated by reference.
25
26

27 [†] *North Kern Water Storage Dist. v. Kern Delta Water Dist.* (2007) 147 Cal.App.4th 555, 559
28 [common-law appropriative water rights freely transferable].

LAW OFFICES OF EUGENE B. CHITTOCK
100 South Lassen Street
Susanville, CA 96130

1 PLEASE TAKE FURTHER NOTICE that, the John E. and Linda D. Hay Revocable
2 Trust (“HRT”), transferred (Document No. 2016-00098 in the official records of Lassen County)
3 to Mallery the right to extract .04 cfs of water allocated to the HRT (or their predecessors in
4 interest) pursuant to the Decree. The existing diversion point, 36, is depicted on the map
5 attached hereto as Exhibit A and incorporated by reference.
6

7 PLEASE TAKE FURTHER NOTICE that, Ernest Gorbet and Donna L. Gorbet (the
8 “Gorbets”), transferred (Document No. 2016-00097 in the official records of Lassen County) to
9 Mallery the right to extract .03 cfs of water allocated to the Gorbets (or their predecessors in
10 interest) pursuant to the Decree. The existing diversion point, 36, is depicted on the map attached
11 hereto as Exhibit A and incorporated by reference.
12

13 PLEASE TAKE FURTHER NOTICE that, pursuant to Water Code section 1706 and
14 *Barnes v. Hussa* (2006) 136 Cal.App.4th 1358, Mallery has, changed the diversion point of the
15 Susan River water he receives according to the Decree. The existing diversion points, 37 and 38,
16 are depicted on the map attached hereto as Exhibit A and incorporated by reference. The new
17 diversion point is depicted on the same map and is entitled “PROPOSED DIVERSION POINT.”
18 In changing these diversion points, Mallery has not increased the quantity of water he diverts or
19 stores beyond amounts as stated in the Decree. Additionally, Mallery has not increased the
20 amount of acreage to which he delivers water beyond the total acreage listed in the Decree.
21
22

23 PLEASE TAKE FURTHER NOTICE that, pursuant to Water Code section 1706 and
24 *Barnes v. Hussa* (2006) 136 Cal.App.4th 1358, Mallery has, changed the diversion point of the
25 Susan River water he receives from the transfers of GFT, HRT and the Gorbets set forth *supra*.
26 The new diversion point is depicted on the aforesaid map and is entitled “PROPOSED
27 DIVERSION POINT.” In changing these diversion points, Mallery has not increased the
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quantity of water diverted or stored beyond amounts as stated in the Decree. Additionally,
Mallery has not increased the amount of acreage to which he delivers water beyond the total
acreage listed in the Decree. Thus, the transfers to Mallery and Mallery's diversion point
changes have not resulted in any negative impact to any party.

Date: February 25th, 2016

LAW OFFICES OF EUGENE B. CHITTOCK



Eugene B. Chittock
Attorney for Terry Mallery

EXHIBIT A
MAP AND LEGAL DESCRIPTION

Legal Description of Actions Taken

- I. Move source of water rights of 1.65 cfs (742 gpm) as listed in HCD records, from Decree designated Diversion Points 37 and 38, serving 112 acres of Mallery lands in Sections 10 and 11 (APNs 116-070-68, 116-070-85), to “proposed diversion point” lying S 6 ° W 850 feet from the NE corner of Section 10, T29N R12E, MDM.
- II. Obtain water rights of GFT, HRT and the Gorbets equaling 0.100 cfs (45 gpm) as listed in HCD records, 9.65 acres in Section 3, T29N R12E (APNs 116-060-35, 116-060-37, 116-060-41), served by Decree designated Diversion Point 36, relocate to the same “proposed diversion point” to serve same 112 acres of Mallery lands.

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PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Lassen, State of California. I am over the age of 18 years and not a party to the within action. My business address is 100 South Lassen Street, Susanville, California 96130. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date indicated below, the following document was served as follows:

**NOTICE OF PURCHASE AND SALE OF WATER RIGHTS; AND
NOTICE OF CHANGE OF DIVERSION POINTS**

BY MAIL. By placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid, and deposited in accordance with this firm's practice in a United States Post Office Box after the close of the day's business, addressed as follows:

Honey Lake Valley RCD
170 Russell Avenue, Suite C
Susanville, CA 96130

Jesse Claypool, Watermaster
Honey Lake Valley RCD
170 Russell Avenue, Suite C
Susanville, CA 96130

BY PERSONAL SERVICE. By personal delivery to the addressee(s) designated as follows:

BY EXPRESS MAIL. By express mail, with all fees prepaid, to the addressee(s) designated as follows:

BY OVERNIGHT MAIL. By overnight mail pursuant to C.C.P. § 1013, with all fees prepaid, addressed to the addressee(s) designated as follows:

BY FACSIMILE. By facsimile transmission, reported as complete and without error, to the person(s) and number(s) set forth below; and a transmission report properly issued by the transmitting machine as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of February, 2016, at Susanville, California.



LINDA STEWART

REC'D 1/5/15
CORRESPONDENCE

ENDORSED FILED

DEC 19 2014

S. MOSS
A. BARONE, COURT EXEC. OFFICER
LASSEN SUPERIOR COURT
By _____, Deputy

1 SCOTT A. MORRIS, State Bar No. 172071
smorris@kmtg.com
2 WILLIAM T. CHISUM, State Bar No. 142580
wchisum@kmtg.com
3 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation
4 400 Capitol Mall, 27th Floor
Sacramento, California 95814
5 Telephone: 916.321.4500
Facsimile: 916.321.4555

6 Attorneys for Lassen Irrigation Company

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LASSEN

11 J.J. FLEMING, et al.,
12 Plaintiffs,
13 v.
14 J.B. BENNETT, et al.,
15 Defendants.

CASE NO. 4573
LASSEN IRRIGATION COMPANY'S
NOTICE RE CHANGE IN PLACE OF USE
[Water Code section 1706]

18 TO ALL INTERESTED PARTIES:

19 PLEASE TAKE NOTICE that, pursuant to Water Code section 1706¹, Lassen Irrigation
20 Company has, in part, changed the place of use of the Susan River water it receives according to
21 the Judgment and Decree entered in the above captioned action on or about April 18, 1940 ("1940
22 Decree"). The current place of use for such water is depicted on the map which is attached hereto
23 at Exhibit A and is incorporated herein by reference. In making this change in place of use,
24 Lassen Irrigation Company has not increased the quantity of water it diverts or stores beyond
25 such amounts as stated in the 1940 Decree, Lassen Irrigation Company continues to divert water
26 only at the points of diversion as listed in the 1940 Decree, and Lassen Irrigation Company has

27 ¹ See also *Barnes v. Hussa* (2006) 136 Cal.App.4th 1358.
28 1165076.2 11411-004 -1-

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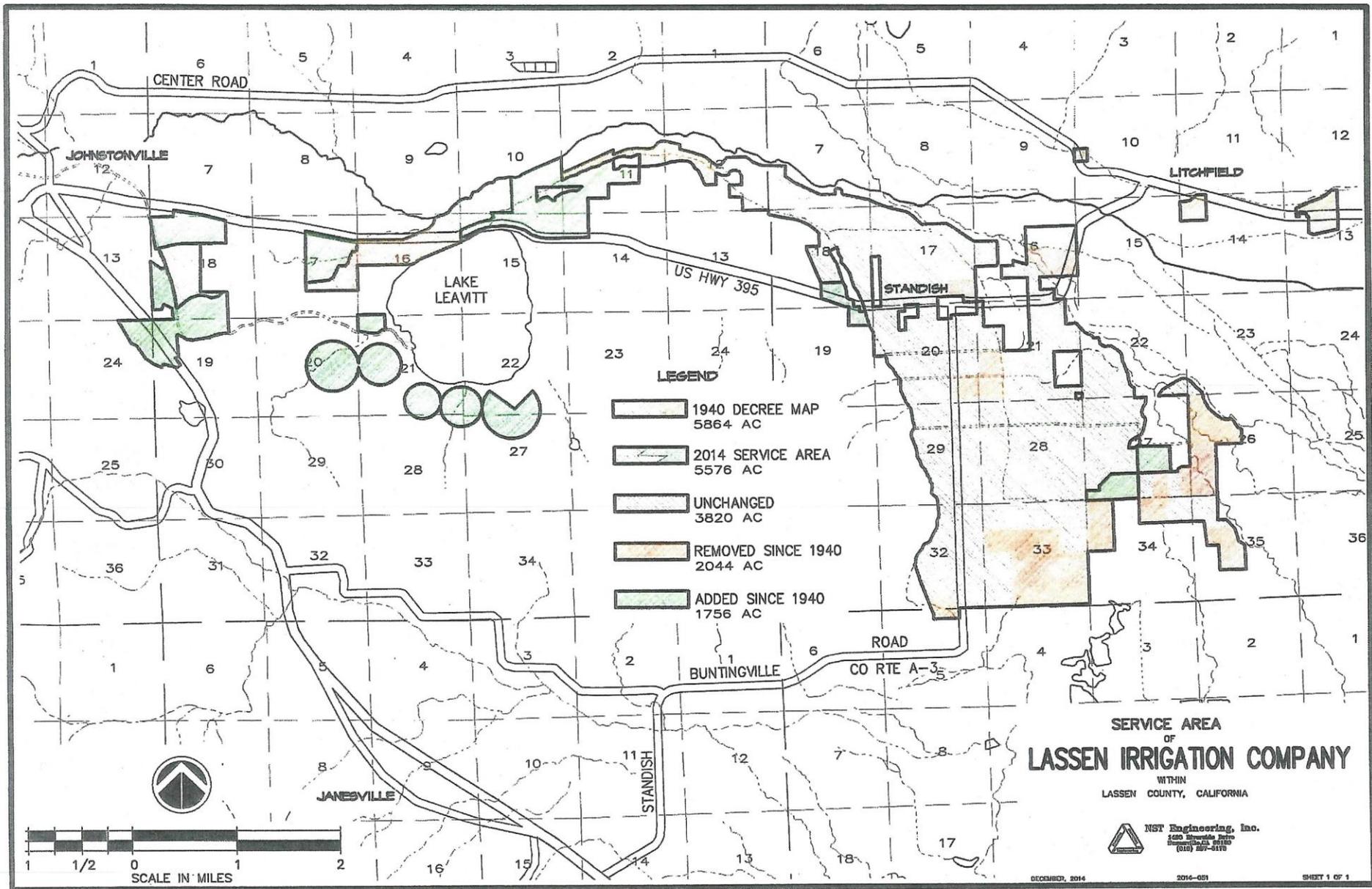
not increased the amount of acreage to which it delivers water beyond the total acreage listed in the 1940 Decree. Thus, Lassen Irrigation Company's change in place of use has not resulted in any negative impact to any party.

Dated: December 19, 2014

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

By: 
William T. Chisum
Attorneys for Lassen Irrigation Company

EXHIBIT A



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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

On December 18, 2014, I served true copies of the following document described as **Lassen Irrigation Company's Notice Re Change In Place of Use** on the interested parties in this action as follows:

Honey Lake Valley RCD
170 Russell Avenue, Suite C
Susanville, CA 96130

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Kronick, Moskovitz, Tiedemann & Girard for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 18, 2014, at Sacramento, California.


MECIA L. GILL

ATTACHMENT 4

From: Jay Dow <dowranch@gmail.com>
Sent: Wednesday, August 14, 2019 1:44 PM
To: Carrie Adams; Herrema, Brad; Wangsgard, Brooke M.
Subject: Re: Recent Right Transfers

Carrie,

Thank you for forwarding this information.

In order to preserve my rights under the Watermaster Rules and Regulations, I intend to file a Notice of Appeal of the WAC's determination within the required timeframe.

At the same time, the Rules and Regulations provide that the Watermaster Board has 90 days within which to hold a hearing on the appeal. I will not push to have that hearing held immediately, as it seems the opportunity to continue to discuss and attempt to resolve this matter directly with you might lead to a mutually agreeable resolution. Can you please let me know what you would need to see in order to feel comfortable on allowing my requested actions to proceed?

Thank you,

Jay

On Mon, Aug 12, 2019 at 5:56 PM Carrie Adams <watermaster@honeylakevalleyrcd.us> wrote:

Jay,

Attached are the right transfers that took place since the RCD has housed the Watermaster Service. I also provided the link to the California Water Code section that describes changes to a right. I am currently trying to get in contact with a CA Water Board representative to ensure, that although our area is ruled under the Decrees, this part of the Water Code does apply to us...it seems that it has indeed been applicable in the past.

Let me know what y'all think, I am happy to work together.

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WAT&division=2.&title=&part=2.&chapter=10.&article=

Best,

Carrie Adams
Deputy Watermaster
Honey Lake Valley RCD
170 Russell Ave., Suite C.
Susanville, CA 96130
(530)-260-1690
<http://honeylakevalleyrcd.org/>

