



WATER-RIGHT DOCKET

Point Reyes National Seashore

Docket No: 30

OLEMA CREEK

State Water Rights Documentation

09-01-1965: License for Diversion and Use of Water



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 18862

PERMIT 12306

LICENSE 7411

THIS IS TO CERTIFY, That

Mike Contos and Lona Contos
Box 252
Point Reyes Station, California

have made proof as of June 9, 1964,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Olema Creek in Marin County

tributary to Lagunitas Creek thence Tomales Bay

for the purpose of irrigation and fish culture uses
under Permit 12306 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 July 20, 1959,
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 five-hundredths (0.05) cubic
foot per second by direct diversion to be diverted from about May 1 to about September 30
of each year and two and two-tenths (2.2) acre-feet per annum by storage to be
collected from about October 1 of each year to about April 30 of the succeeding year.

The equivalent of such continuous flow allowance for any 30-day period may be
diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are located:

- (1) North seven hundred ninety (790) feet and east sixty-six (66) feet from SW corner of projected Section 36, T3N, R9W, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 36.
- (2) Due north one thousand (1000) feet from SW corner of projected Section 36, T3N, R9W, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 36.

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

Fish culture at ponds and irrigation of 4 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 36, T3N, R9W, MDB&M.

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 1621. 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.

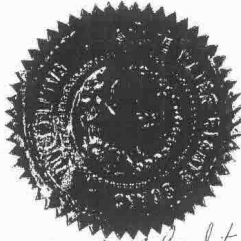
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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 service 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: SEP 1 1965



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

3-24-84 Reg'd to E. C. Garfield
5/10/90 Assigned to Fred and Karen Rodoni

LICENSE 7411
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Mike Contos and
Lona Contos

DATED SEP 1 1965



United States Department of the

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

11425 (WR) OL

AREA: PORE

OWNER: J. Hermann, et ux

TRACT: 12-130

Civil # 79-2717 WWS

August 18, 1980

Hermann is
= to RadoniRadoni tenant of
Hermann - SUP terminated
by RPS 6/97

Memorandum

To: Superintendent, Point Reyes

From: Chief, Division of Land Acquisition, Western Region

Subject: NOTIFICATION OF CLOSING - Declaration of Taking

Title to the following parcel of land passed to the United States:

a. Name and Address of Vendor Mr. & Mrs. Jack Hermann
30 Bayview Road
Kentfield, Calif. 94904b. Location of Property N/Ac. Probable Date Vendor to Vacate Premises N/Ad. Improvements: Yes X Noe. Acreage 31.75f. Date Title Passed 9/19/79g. Keys to Property N/ANeed to set
dead from
Hermann to
U.S.Right never assigned
to NPS from
Radoni (1/2 cfs)A11. 18862
.5 cfs
2.2 afy
Per Bd protocol

2

h. Consideration:

Residence -0-

Garage -0-

Shed -0-

Other -0-

A. E. Hannhall

Land 84,000.00
84,000.00 *

Total Consideration:

*Possession and Consideration subject
to court settlement.

Enclosures: ~~Final Title Opinion~~ or Condemnation action with amendments and ~~Declaration of Taking~~
Final Title Opinion (to follow)
~~Description and photographs of improvements~~

cc: Regional Chief, Division of Contracting and Property Management

#2070

1 G. WILLIAM HUNTER
2 United States Attorney
3 RODNEY H. HAMBLIN
4 PAUL E. LOCKE
5 Assistant United States Attorneys

6 P. O. Box 36055
7 450 Golden Gate Avenue
8 San Francisco, California 94102
9 Telephone: (415) 556-5134

10 Attorneys for the Plaintiff

ORIGINAL
FILED

SEP 19 1979

WILLIAM L. WHITTAKER
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 IN THE UNITED STATES DISTRICT COURT FOR THE
12 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 31.75 Acres of land, more or
17 less, situate in the County of
18 Marin, State of California, and
19 Jack Hermann and Winifred Hermann,
20 husband and wife, and unknown
21 owners,

22 Defendants.

CIVIL NO.

89 2717 WWS

LAND CONDEMNATION

23 COMPLAINT IN CONDEMNATION

24 1. This is an action of a civil nature brought by the
25 United States of America for the taking of property, under its
26 power of eminent domain, to be included in the Point Reyes National
27 Seashore, administered by the National Park Service, Department of
28 Interior, and for the ascertainment and award of just compensation
29 to the parties in interest.

30 2. The uses for which the property is to be taken and the
31 authority for the taking are set forth in Schedule "A" annexed
32 hereto and made a part hereof.

33 3. The property to be taken, the estates to be taken and
34 the names and addresses of the persons having or claiming an
35 interest in said property are described in Schedule "B" annexed
36 hereto and made a part hereof.

DNM 080 93
SEP 77

DOJ

1 4. Marin County may have or claim an interest in the
2 property by reason of taxes and assessments due and exigible.

3 5. There are or may be others who have or may claim some
4 interest in the property to be taken, whose names are unknown to
5 plaintiff, and such persons are made parties to this action under
6 the designation "Unknown Owners."

7 WHEREFORE plaintiff demands judgment that the property be
8 condemned, and that just compensation for the taking be ascertained
9 and awarded, and such other relief as may be lawful and proper.

10
11 Dated: Sept 18, 1979

G. William Hunter
G. WILLIAM HUNTER
United States Attorney

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.

ATTEST:

WILLIAM L. WHITTAKER
Clerk, U. S. District Court
Northern District of California

By *Deborah A. Jay*
Deputy Clerk

Dated *9-21-79*

SCHEDULE "A"

POINT REYES NATIONAL SEASHORE

CALIFORNIA

AUTHORITY FOR THE TAKING:

The authority for the taking of the land is under and in accordance with the Act of Congress approved August 1, 1888, 25 Stat. 357, as amended, 40 U.S.C., sec. 257; Act of Congress approved February 26, 1931, 46 Stat. 1421, as amended, 40 U.S.C., sec. 258a; the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, as amended, 16 U.S.C., sec. 4601-4, et seq.; and under the further authority of the Act of Congress approved September 13, 1962, 76 Stat. 538, as amended; the Act of Congress approved December 26, 1974, 88 Stat. 1744; the Act of Congress approved November 10, 1978, 92 Stat. 3467, sec. 318, et seq.; and under the authority of the Department of the Interior and Related Agencies Appropriation Act of 1979, 92 Stat. 1281, which Act appropriated funds for such purposes.

PUBLIC USES:

The public uses for which said land is taken are as follows:

The land is required for the proper administration, preservation and development of Point Reyes National Seashore for the use, benefit and enjoyment of the public. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

POINT REYES NATIONAL SEASHORE

MARIN COUNTY

CALIFORNIA

TRACT 12-130

DESCRIPTION:

That certain real property situated in the County of Marin, State of California, described as follows:

Beginning at the Southerly line of the County Road running from Point Reyes Station to Inverness, at a point distant North 11°55' East 341.6 feet from a Redwood post set to mark Station 491 of the final and official survey of the Rancho Punta de los Reyes Sobrante; thence along the Southerly line of said County Road North 83°51' West 9.3 feet, North 83°35' West 339.8 feet, South 70° 55' West 182.6 feet, South 61°59' West 375.4 feet, South 20°07' West 234.6 feet and South 71°57' West 433.9 feet to the Easterly line of a private road 40 feet wide; following the Easterly line of said private road, South 21°54' East 403.0 feet, South 44°54' East 293.9 feet and South 40°33' East 310.7 feet; thence leaving said private road North 64°12' East 1275.4 feet, North 30°16' West 544.5 feet and North 14°33' West 354.9 feet to the place of beginning; being a portion of the Rancho Punta de los Reyes Sobrante and of the Rancho Tomales y Bollinas (Garcia).

containing 31.75 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above described property: Eighty-Four Thousand and No/100 Dollars (\$84,000.00).

ESTATE TAKEN:

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines and also subject to:

1. Possible easement for water course over the portion of this property within the lines of Olema Creek.
2. Easement, 30 feet wide, granted to the County of Marin

FOR : Public Highway Purposes
RECORDED : May 15, 1929
BOOK : 176 of Official Records at page 98
AFFECTS : Northern boundary line

3. Easement granted to Pacific Gas and Electric Company

FOR : Single line of poles
RECORDED : July 21, 1943
BOOK : 450 of Official Records at page 91
AFFECTS : Portion

NAMES AND ADDRESSES OF PURPORTED OWNERS:

Jack Hermann and
Winifred Hermann, his wife
30 Bayview Road
Kentfield, CA 94904

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN
THE LAND:

Marin County
Civic Center
San Rafael, CA 94903

Unknown owners

#20

G. WILLIAM HUNTER
United States Attorney
RODNEY H. HAMBLIN
PAUL E. LOCKE
Assistant United States Attorneys

P. O. Box 36055
450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415) 556-5134

Attorneys for the Plaintiff

ORIGINAL
FILED

SEP 19 1979

WILLIAM L. WHITTAKER
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

31.75 Acres of land, more or
less, situate in the County of
Marin, State of California, and
Jack Hermann and Winifred Hermann,
husband and wife, and unknown
owners,

Defendants.

CIVIL NO.

10 79 2717 WWS

LAND CONDEMNATION

NOTICE OF CONDEMNATION

TO: JACK HERMANN; WINIFRED HERMANN; COUNTY OF MARIN; AND
UNKNOWN OWNERS.

You are hereby notified that a Complaint in Condemnation
has heretofore been filed in the Office of the Clerk of the above-
named Court in an action to condemn certain estates for public uses
in the property described in Schedule "B" annexed hereto, which is
to be acquired for inclusion in the Point Reyes National Seashore,
administered by the National Park Service, Department of the
Interior. The uses for which the property is to be taken and the
authority for the taking are set forth in Schedule "A" annexed
hereto. The estates to be taken are set forth in said Schedule "B".

You are further notified that if you have any objection or
defense to the taking of your property, you are required to serve

1 upon plaintiff's attorney at the address herein designated within
2 twenty (20) days after personal service of this notice upon you,
3 exclusive of the date of service, an answer identifying the property
4 in which you claim to have an interest, stating the nature and
5 extent of the interest claimed and stating all your objections or
6 defenses to the taking of your property. A failure so to serve an
7 answer shall constitute a consent to the taking and to the authority
8 of the Court to proceed to hear the action and to fix just compensa-
9 tion, and shall constitute a waiver of all defenses and objections
10 not so presented.

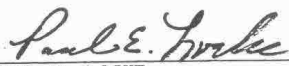
11 You are further notified that if you have no objection or
12 defense to the taking you may serve upon plaintiff's attorney a
13 notice of appearance designating the property in which you claim
14 to be interested, and thereafter you shall receive notice of all
15 proceedings affecting the said property.

16 You are further notified that at the trial of the issue of
17 just compensation, whether or not you have answered or served a
18 notice of appearance, you may present evidence as to the amount of
19 the compensation to be paid for the property acquired herein, and
20 you may share in the distribution of the award of compensation.

21 Dated: September 19, 1979.

22 G. WILLIAM HUNTER
23 United States Attorney

24 By:

25 
26 PAUL E. LOCKE
27 Assistant United States Attorney
28
29
30
31
32

SCHEDULE "A"

POINT REYES NATIONAL SEASHORE

CALIFORNIA

AUTHORITY FOR THE TAKING:

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PUBLIC USES:

The public uses for which said land is taken are as follows:

The land is required for the proper administration, preservation and development of Point Reyes National Seashore for the use, benefit and enjoyment of the public. The said land has been selected for acquisition by the United States of America for said purposes, and for such other uses as may be authorized by Congress or by Executive Order.

SCHEDULE "B"

POINT REYES NATIONAL SEASHORE

MARIN COUNTY

CALIFORNIA

TRACT 12-130

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containing 31.75 acres, more or less.

Estimated compensation deposited in the Registry of the Court for the above described property: Eighty-Four Thousand and No/100 Dollars (\$84,000.00).

ESTATE TAKEN:

The fee simple title to the land, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines and also subject to:

1. Possible easement for water course over the portion of this property within the lines of Olema Creek.

2. Easement, 30 feet wide, granted to the County of Marin

FOR : Public Highway Purposes
RECORDED : May 15, 1929
BOOK : 176 of Official Records at page 98
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NAMES AND ADDRESSES OF PURPORTED OWNERS:

Jack Hermann and
Winifred Hermann, his wife
30 Bayview Road
Kentfield, CA 94904

NAMES AND ADDRESSES OF OTHER PARTIES WHO MAY HAVE OR CLAIM AN INTEREST IN
THE LAND:

Marin County
Civic Center
San Rafael, CA 94903

Unknown owners

RETURN TO

1 G. WILLIAM HUNTER
United States Attorney

2 RODNEY H. HAMBLIN
3 PAUL E. LOCKE
Assistant United States Attorneys

4 P. O. Box 36055
5 450 Golden Gate Avenue
6 San Francisco, California 94102
Telephone: (415) 556-5134

7 Attorneys for the Plaintiff

ORIGINAL
FILED
SEP 19 1979
WILLIAM L. WHITTAKER
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11
12 UNITED STATES OF AMERICA,

13 Plaintiff

2717 WWS

14 v.

CIVIL NO.

15 31.75 Acres of land, more or
16 less, situate in the County of
Marin, State of California, and
17 Jack Hermann and Winifred Hermann,
husband and wife, and unknown
18 owners,

19 Defendants.

20
21 DECLARATION OF TAKING

BOOK 3617 PAGE 81

22
23 I hereby certify that the annexed
24 instrument is a true and correct copy
of the original on file in my office.

25 ATTEST:

26 WILLIAM L. WHITTAKER
27 Clerk, U. S. District Court
Northern District of California

28 By: ROBERT MONNETT

29 Deputy Clerk
30 SEP 19 1979

31 Dated: _____

32 FORM 880-82
SEP 77

48679

RECORDED AT REQUEST OF

U.S. Attorney
AT 45 MIN. PAST 11A M.

SEP 27 1979

Official Recorder of Marin County, Calif.

N.J. Liscomini

FEE \$ 11.00 RECORDER

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.

ATTEST:

WILLIAM L. WHITTAKER
Clerk, U. S. District Court
Northern District of California

By: _____
Deputy Clerk

Dated: Sept. 27 1979

DOJ

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Plaintiff,

vs.

31.75 ACRES OF LAND, MORE OR
LESS, SITUATE IN THE COUNTY OF
MARIN, STATE OF CALIFORNIA, AND
JACK HERMANN AND WINIFRED HERMANN,
HUSBAND AND WIFE, AND UNKNOWN
OWNERS

Defendants.

CIVIL NO. _____

DECLARATION OF TAKING

TO THE HONORABLE, THE UNITED STATES DISTRICT COURT:

Pursuant to the authority delegated by the Secretary of the Interior to the Solicitor of the Department of the Interior on February 17, 1959, under subparagraphs (6) and (7) of 210.2.2, Departmental Manual of the Department of the Interior, 24 F.R. 1348, as renumbered (5) and (6) 209.3.2A in the Departmental Manual, and redelegated by the Solicitor, I do hereby make and cause to be filed this Declaration of Taking and declare that:

1. The land hereinafter described is taken under and in accordance with the authority set forth in Schedule "A" annexed hereto and made a part hereof.

2. The public uses for which said land is taken are also set forth in said Schedule "A."

3. A description of the tract of land taken, the estimated just compensation therefor, and the estate taken for said public uses are set forth in Schedule "B" annexed hereto and made a part hereof.

4. A plat showing the land taken is annexed hereto as Schedule "C" and made a part hereof.

5. The gross sum estimated as just compensation for said land which aggregates 31.75 acres, more or less, including any and all interests taken in said land, is EIGHTY-FOUR THOUSAND AND NO/100 DOLLARS (\$84,000.00),

(Ck. #12,977,631)
which sum I cause to be deposited in the registry of the court/for the
use and benefit of the persons entitled thereto. I am of the opinion
that the ultimate award for said land probably will be within any limits
prescribed by law on the price to be paid therefor.

IN WITNESS WHEREOF, I have signed this Declaration of
Taking in the City of San Francisco, State of California, this 18 day
of September, 1979.



Ralph G. Mihan
Field Solicitor
Department of The Interior
San Francisco

SCHEDULE "A"
POINT REYES NATIONAL SEASHORE
CALIFORNIA

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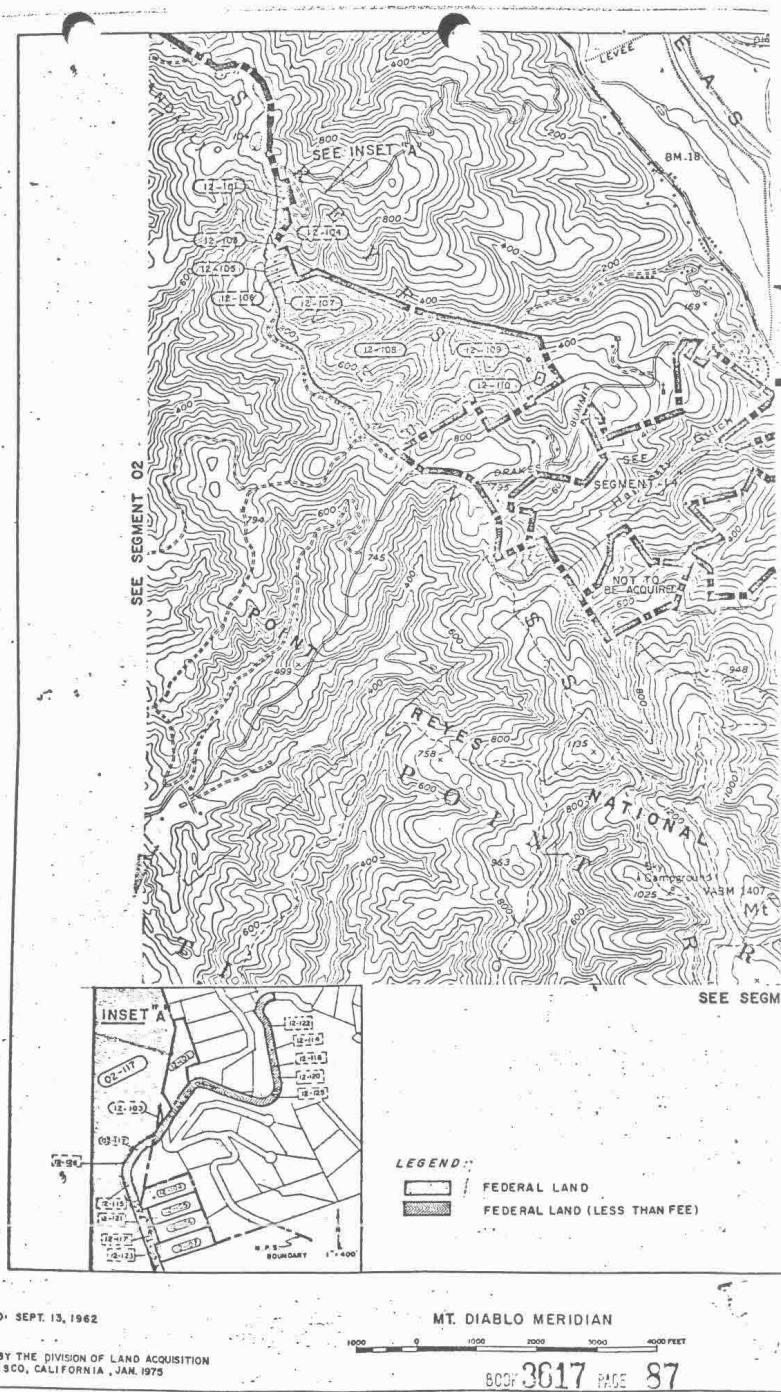
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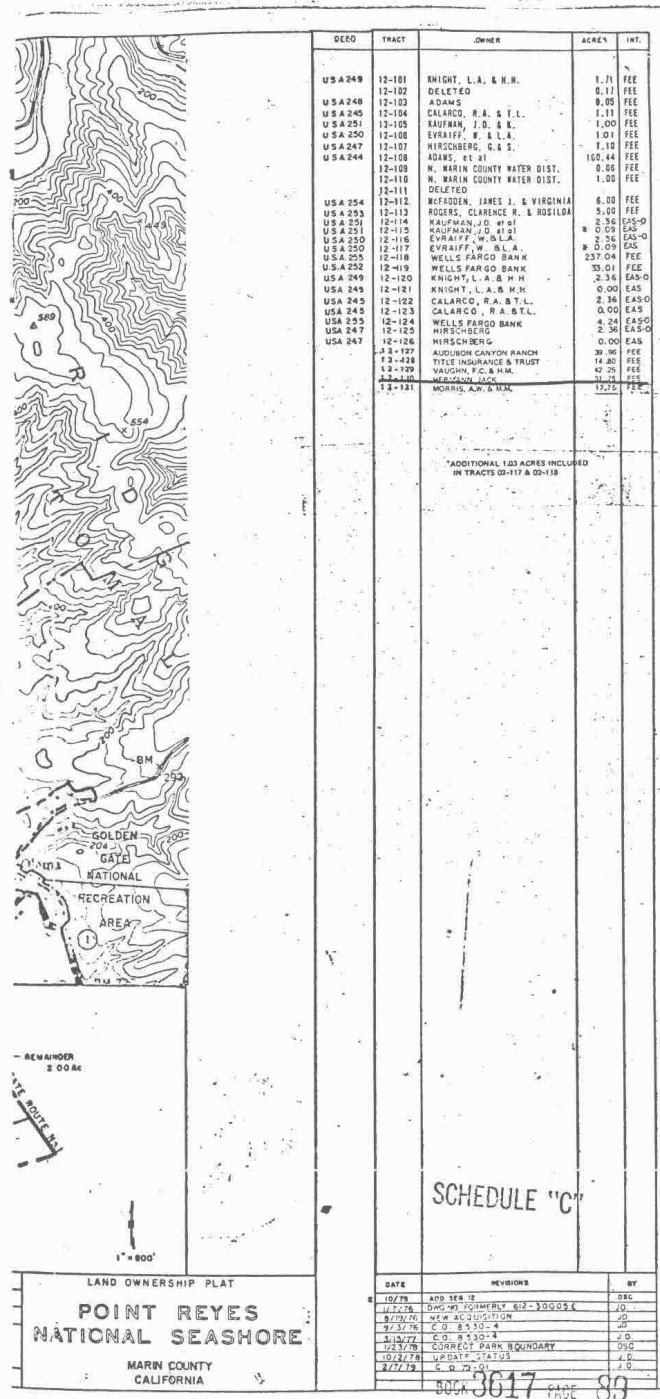
Marin County
Civic Center
San Rafael, CA 94903

Unknown owners



AUTHORIZED: SEPT. 13, 1962

COMPILED BY THE DIVISION OF LAND ACQUISITION
SAN FRANCISCO, CALIFORNIA, JAN. 1975

Docket Information

Number of Documents in Docket 23

Documents Dated from 9/1/1965 to 8/18/1980

Docket Compiled: 1/27/2012