STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

REVOKED

License for Diversion and Use of Water

LICENSE No. 369 PERMIT No. 756 APPLICATION No. 1802

This is to certify, That ~~E. R. Dimond~~ Assigned of San Francisco, California, ASSIGNMENT MADE has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of East Branch of Dennis Martin Creek in San Mateo County, tributary of Sausal Creek for the purpose of agricultural and domestic use under Permit No. 756 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 May 5th, 1920; 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 ten (10) acre feet per annum for storage to be collected from about September 1st to about June 1st of each season.

The point of diversion of such water is located five hundred fifty (550) feet upstream and southerly from point where property line between the lands of John Lawson and E. R. Dimond crosses the East Branch of Dennis Martin Creek, being within SW¼ NE¼ of projected Section 25, T 6 S, R 4 W, M.D.M.

A description of the lands or the place where such water is put to beneficial use is as follows: 22 acres located within the N½ SE¼ and SE¼ SE¼ of projected Section 24, T 6 S, R 4 W, and the W½ SW¼ of projected Section 19, T 6 S, R 3 W, M.D.M., as shown on maps on file with the Division of Water Rights.

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, 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 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, city 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 accept 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, city and county, municipal water district, irrigation district, lighting district or any political subdivison 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 therefor, 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 Acting *Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this* 8th *day of* August *, 19* 24.

Acting *Chief of Division of Water Rights, Department of Public Works of the State of California*

16835 2-22 250

APPROVED:

MSR:B (SEAL)

Director, State Department of Public Works.

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366

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 370 DATE REC'D 4/7/35 PERMIT No. 640 ASSIGNMENT TO Switmatr Co APPLICATION No. 1150

This is to certify, That ~~S. Sweet Company,~~

of Visalia, Tulare County, has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of borrow pit of Reclamation District No. 999, tributary of Miner Slough for the purpose of Agriculture under Permit No. 640 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 December 31, 1918; 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 twenty-three (23) cubic feet per second from April 1st to October 31st of each season.

The point of diversion of such water is located South one degree sixteen minutes West (S. 1° 16' W.) two thousand (2000) feet from the northeast corner of Section 21, T 6 N, R 3 E, M.D.M., being within the SE¼ NE¼ of said Section 21.

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

West Half Sec. 16; all of Sections 17, 18 and 19; West Half and West Half NE¼, West 21 acres of NE¼ NW¼, West 7 acres of SE¼ NE¼, West 33 acres of NW¼ SE¼, West 22 acres of SW¼ SE¼ of Section 20; NW¼ and the West 15 acres of West Half West Half NE¼ Sec. 29; all of Section 30; NW¼ Section 31, in T 6 N, R 3 E, M.D.M., a total of 3638 acres.

Amended by order of 5-14-36

In accordance with the provisions of Section 42 of the Water Commission Act, nothing herein shall be construed as confirming the right to use more than two and one-half (2½) acre feet of water per acre in any one year in the irrigation of uncultivated areas of land not devoted to cultivated crops.

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, 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 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, city 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 accept 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, city and county, municipal water district, irrigation district, lighting district or any political subdivison 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 therefor, 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 28th *day of* October, 34.

(SEAL)
BK/MY

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

16835 2-22 250

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1802 PERMIT 756 LICENSE 369

ORDER REVOKING LICENSE

On November 14, 1957 there was received for and on behalf of licensee, a statement that the project covered by License 369, issued in the matter of Application 1802 had been abandoned.

It is therefore ordered that said license be and the same is hereby revoked and canceled, without prejudice, upon the records of the State Water Rights Board.

WITNESS the hand and the seal of the State Water Rights Board this 6th day of January, 1958

STATE WATER RIGHTS BOARD

By: Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 370 DATE REC'D 4/7/35 PERMIT No. 640 ASSIGNMENT TO Switmatr Co APPLICATION No. 1150

This is to certify, That ~~S. Sweet Company,~~

of Visalia, Tulare County, has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of borrow pit of Reclamation District No. 999, tributary of Miner Slough for the purpose of Agriculture under Permit No. 640 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 December 31, 1918; 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 twenty-three (23) cubic feet per second from April 1st to October 31st of each season.

The point of diversion of such water is located ~~South one degree sixteen minutes West (S. 1° 16' W.) two thousand (2000) feet from the northeast corner of Section 21, T 6 N, R 3 E, M.D.B.&M., being within the SE¼ NE¼ of said Section 21.~~

A description of the lands or the place where such water is put to beneficial use is as follows:
~~West Half Sec. 16; all of Sections 17, 18 and 19; West Half and West Half NE¼, West 21 acres of NE¼ NE¼, West 7 acres of SE¼ NE¼, West 33 acres of NW¼ SE¼, West 22 acres of SW¼ SE¼ of Section 20; NW¼ and the West 15 acres of West Half West Half~~

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, 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 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, city 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 accept 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, city and county, municipal water district, irrigation district, lighting district or any political subdivison 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 therefor, 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 28th *day of* October, 34.

(SEAL)
BK/MY

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

16835 2-22 250

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 1150 PERMIT 640 LICENSE 370

ORDER ALLOWING CORRECTION OF DESCRIPTION OF POINT OF DIVERSION AND CHANGE IN PLACE OF USE

Licensee having established to the satisfaction of the Division of Water Resources that the correction of description of point of diversion and change in place of use under Application 1150, Permit 640, License 370 for which petitions were submitted on March 21st and April 22, 1936, will not operate to the injury of any other legal user of water, the Division of Water Resources so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of point of diversion under said Application 1150, Permit 640, License 370 to read as follows to-wit:

> SOUTH 1° 16' WEST 2007.8 FEET FROM THE NORTHEAST CORNER OF SECTION 21, T 6 N, R 3 E, M.D.B.&M., BEING WITHIN SE¼ OF NE¼ OF SAID SECTION 21, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 1150, Permit 640, License 370 to a place of use described as follows to-wit:

> 4318 ACRES IN SECTIONS 16, 17, 18, 19, 20, 21, 29, 30 and 31, T 6 N, R 3 E, M.D.B.&M., ALL AS SHOWN ON MAP ENTITLED "PROPERTY OF THE S. SWEET COMPANY" FILED DECEMBER 31, 1918, WITH THE DIVISION OF WATER RIGHTS (NOW DIVISION OF WATER RESOURCES).

WITNESS my hand and the seal of the Department of Public Works of the State of California this fourteenth day of May, 1936.

EDWARD HYATT, State Engineer

BY Harold Conkling
Deputy

WEC:MP

MAY 13 1936 E.N.

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

ORDER

APPLICATION 1150 PERMIT 640 LICENSE 370

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND CORRECTING NAME OF SOURCE

WHEREAS License 370 was issued to S. Sweet Company and was filed with the County Recorder of Yolo County on November 28, 1925, and

WHEREAS said license was subsequently assigned to Sweetwater Company, and

WHEREAS the State Water Resources Control Board has found that the change in point of diversion and correction of name of source under said license for which petition was submitted on September 24, 1970, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and correction and has directed that an order be issued to describe said points of diversion and to describe said source in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 370 to points of diversion described as follows, to wit:

(1) SOUTH 750 FEET AND WEST 1,150 FEET FROM NE CORNER OF SECTION 21, T6N, R3E, MDB&M, BEING WITHIN NE¼ OF NE¼ OF SAID SECTION 21.

(2) SOUTH 2,640 FEET AND WEST 1,800 FEET FROM NE CORNER OF SECTION 21, T6N, R3E, MDB&M, BEING WITHIN SW¼ OF NE¼ OF SAID SECTION 21.

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IT IS FURTHER ORDERED that permission be and the same is hereby granted to correct the name of the source under said License 370 to read as follows to wit:

TOE DRAIN OF WEST LEVEE OF SACRAMENTO RIVER DEEP WATER SHIP CHANNEL.

Dated: DEC 21 1970

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights