STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 1061 PERMIT 513 LICENSE 1062

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Licensees having established to the satisfaction of the State Engineer that the change in points of diversion under Application 1061, Permit 513, License 1062, for which petition was submitted on October 13, 1953, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the description of points of diversion under said Application 1061, Permit 513, License 1062, to points of diversion described as follows, to wit:

MILE 9.8L: SOUTH TWO HUNDRED (200) FEET AND WEST TWO THOUSAND ONE HUNDRED FIFTY (2150) FEET FROM NE CORNER OF SECTION 12, T 9 N, R 3 E, MDB&M, BEING WITHIN NW¼ OF NE¼ OF SAID SECTION 12. (3.33 CUBIC FEET PER SECOND.)

MILE 9.3L: SOUTH TWO THOUSAND TWO HUNDRED NINETY-TWO (2292) FEET AND WEST EIGHT HUNDRED FORTY (840) FEET FROM NE CORNER OF SECTION 12, T 9 N, R 3 E, MDB&M, BEING WITHIN SE¼ OF NE¼ OF SAID SECTION 12. (1.34 CUBIC FEET PER SECOND.)

MILE 7.9L: SOUTH THREE THOUSAND FOUR HUNDRED FIFTY (3450) FEET AND WEST ONE THOUSAND SIX HUNDRED (1600) FEET FROM NE CORNER OF SECTION 7, T 9 N, R 4 E, MDB&M, BEING WITHIN NW¼ OF SE¼ OF SAID SECTION 7. (1.60 CUBIC FEET PER SECOND.)

MILE 7.8L: SOUTH TWO THOUSAND NINE HUNDRED THIRTY (2930) FEET AND WEST SEVEN HUNDRED FIFTY (750) FEET FROM NE CORNER OF SECTION 7, T 9 N, R 4 E, MDB&M, BEING WITHIN NE¼ OF SE¼ OF SAID SECTION 7. (1.17 CUBIC FEET PER SECOND.)

WITNESS my hand and the seal of the Department of Public Works of the State of California this 24 day of May, 1954.

A. D. EDMONSTON, STATE ENGINEER

By Harvey O. Banks
Harvey O. Banks
Assistant State Engineer

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FORM 100. 81623 12-30 4M
CALIFORNIA STATE PRINTING OFFICE

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

Book

APPLICATION 1061 PERMIT 513 LICENSE 1062

ORDER ALLOWING CORRECTION OF DESCRIPTION OF PLACE OF USE

WHEREAS on June 12, 1931 a petition was received from Natomas Company et al requesting permission to correct the description of the place of use under Application 1061, Permit 513, License 1062, and

WHEREAS petitioner has established to the satisfaction of the Division of Water Resources that said correction of description will not operate to the injury of any other legal user of water, and the Division of Water Resources so finds,

NOW THEREFORE IT IS HEREBY ORDERED that permission be and the same is hereby granted to change the description of the place of use under said Application 1061, Permit 513, License 1062

FROM: 715.56 acres within Sections 6 and 7 (actual or projected), T. 9 N., R. 4 E.; and Section 12 (actual or projected) T. 9 N., R. 3 E., M.D.B.& M. as shown on "Map of Natomas Riverside Subdivision No. 3," filed August 28, 1918 in the Office of the Division of Water Resources

TO: a tract containing 306.75 acres in the S½, and the SW¼ OF NW¼ of Section 6, T. 9 N., R.4 E., M.D.B.& M., and 34.03 acres in Lot 34, as the said tract and the said lot are delineated and so designated on that certain map entitled "Natomas Riverside Subdivision No. 3," filed in the office of the County Recorder of the County of Sacramento, State of California, in Book 15 of Maps, map No. 43; 20.89 acres in Lot 30, 32.89 acres in Lot 35, 36.17 acres in Lot 36 and 46.98 acres in Lot 37 of the said Subdivision; 34.96 acres in Lot 27 and 62.87 acres in Lot 28 of the said Subdivision; 46.43 acres in Lot 29 of the said Subdivision; and a tract containing 93.59 acres in the SE¼ of SE¼ of Section 6, the E½ of NE¼, and the NE¼ of SE¼ of Section 7, T. 9 N., R. 4 E., M.D.B.& M., being 715.56 acres total, all as shown on a map received August 28, 1918 and filed in the Office of the Division of Water Resources.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 12th day of June, 1931.

EDWARD HYATT, State Engineer

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By Harold Conkling
Deputy

FORM L-1929

Book

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

ASSIGNMENT MADE

Notice of Assignment (Over)

LICENSE 1062 PERMIT 513 APPLICATION 1061

THIS IS TO CERTIFY, *That* ~~R. S. Driver, E. P. Driver, Elizabeth W. Driver, R. G. Pearson, R. F. Bennett, Mae E. Bennett, Natomas Company of California, Fred L. Martin and A. B. Carter,~~ all of Sacramento, California *ha*ve *made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of* Sacramento River in Sacramento County

tributary of Suisun Bay

for the purpose of irrigation use
under Permit 513 *of the Division of Water Resources 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 Resources and the terms of the said permit; that the priority of the right herein confirmed dates from* August 28, 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 four and sixty-seven hundredths (4.67) cubic feet per second to be diverted at the Driver and Pearson Pumping Plant; one and six tenths (1.6) cubic feet per second to be diverted at the Bennett-Natomas Pumping Plant; and one and seventeen hundredths (1.17) cubic feet per second to be diverted at Martin and Carter Pumping Plant, or a total of seven and forty-four hundredths (7.44) cubic feet per second from about April 1st to about October 1st of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights. 27

The point of diversion of such water is located Driver and Pearson Pumping Plant, South two hundred (200) feet and West two thousand one hundred fifty (2150) feet from the Northeast corner of Section 12, T 9 N, R 3 E, M.D.B.& M. being within the NW¼ of NE¼ of said Section 12; Bennett-Natomas Pumping Plant, South three thousand four hundred fifty (3450) feet and West sixteen hundred (1600) feet from the Northeast corner of Section 7, T 9 N, R 4 E, M.D.B.& M., being within the NW¼ of SE¼ of said Section 7; Martin and Carter Pumping Plant, South two thousand nine hundred thirty (2930) feet and West seven hundred fifty (750) feet from the Northeast corner of Section 7, T 9 N, R 4 E, M.D.B.& M., being within the NE¼ of SE¼ of said Section 7.

A description of the lands or the place where such water is put to beneficial use is as follows: amended by order of 12-31

R. S. Driver, E. P. Driver and Elizabeth W. Driver	340.78 acres
R. G. Pearson	136.93 "
R. F. Bennett and Mae E. Bennett	97.83 "
Natomas Company of California	46.45 "
Fred L. Martin and A. B. Carter	93.59 "
	715.56 acres

within Sections 6 and 7, T 9 N, R 4 E, M.D.B.& M., and Section 12, T 9 N, R 3 E, M.D.B.& M., as shown on "Map of Natomas Riverside Subdivision No. 3," filed August 28, 1918 in the Office of the Division of Water Resources.

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.

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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 accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs 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 waters 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 my hand and the seal of the Department of Public Works of the State of California, this 6 *day of* June, 1931

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

1/4/45 RECEIVED NOTICE OF ASSIGNMENT TO 7 int. of Leonard & Ethel Winter to Everett D. & Verca A. Willey

2/21/47 RECEIVED NOTICE OF partial ASSIGNMENT TO 7 int. of Robert S. & John A. Driver & Elizabeth Driver Nisbet to Fred C. & Flavia M. Jones.

2/21/47 RECEIVED NOTICE OF ASSIGNMENT TO 7 balance of int. of Robert S. & John A. Driver & Elizabeth Driver Nisbet to Frank V & Rose K. Frates

9-26-73 Records chgd to show Betty Mae Coker, Wayne R. Willey, Mary Rosa, Fong Shee & Sons & Patricia S. Hewitt as owners

7-2-98 Asgd. to COUNTY OF SAC. PUBLIC WORKS AGENCY - REAL ESTATE DIVISION

LICENSE 1062
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ASSIGNMENT MADE
ISSUED TO ~~R. S. Driver et al~~
DATED June 6, 1931

70215-5 8-29 1600 CALIFORNIA STATE PRINTING OFFICE

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