



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

**ORDER**

APPLICATION 6587

PERMIT 3479

LICENSE 1605

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Licensee having established to the satisfaction of the State Engineer that the change in points of diversion under Application 6587, Permit 3479, License 1605 for which petition was submitted on October 11, 1947 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 points of diversion under said Application 6587, Permit 3479, License 1605 to points of diversion described as follows to-wit:

POINT 1 - SIPHON NO. 1, 8" IN DIAMETER IS S. 72°17' 17" E., 2005.04 FEET, OF THE N.E. CORNER OF THE S.E. 1/4 OF SECTION 1, T.1S., R.3E. BEING WITHIN THE N.E. 1/4 OF S.W. 1/4 OF SECTION 6, T.1S., R.4E., M.D.B.&M.

POINT 2 - SIPHON NO. 2, 8" IN DIAMETER IS S. 46°32' E., 2742 FEET, OF THE N.E. CORNER OF THE S.E. 1/4 OF SECTION 1, T.1S., R.3E., BEING WITHIN THE S.E. 1/4 OF THE S.W. 1/4 OF SECTION 6, T.1S., R.4E., M.D.B.&M.

POINT 3 - SIPHON NO. 3, 12" IN DIAMETER IS S. 11°41'45" E., 582.08 FEET, OF THE S.E. CORNER OF THE S.E. 1/4 OF SECTION 12, T. 1S., R.3E., BEING IN THE N.W. 1/4 OF THE N.W. 1/4 OF SECTION 18, T.1S., R.4E., M.D.B.&M.

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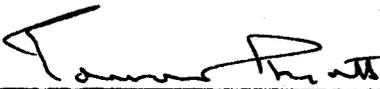
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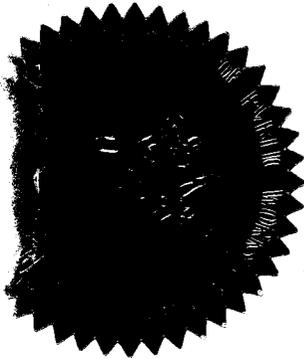
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POINT 4 - SIPHON NO. 4, 16" IN DIAMETER, IS S. 19°52' E.,  
5362 FEET, OF S.W. CORNER OF SECTION 12, T. 1S.,  
R. 3 E., M.D.B.&M., BEING WITHIN THE S.E.  $\frac{1}{4}$  OF  
THE S.W.  $\frac{1}{4}$  OF SECTION 13, T. 1S., R. 3E., M.D.B.&M.

POINT 5 - PUMPS S. 4°10'18" E., 4177.07 FEET, OF THE S.W.  
CORNER OF SECTION 12, T. 1S., R. 3E., M.D.B.&M.,  
BEING WITHIN THE S.W.  $\frac{1}{4}$  OF THE S.W.  $\frac{1}{4}$  OF SECTION  
13, T. 1S., R. 3E., M.D.B.&M.

WITNESS my hand and the seal of the Department of Public Works  
of the State of California this 17th day of December, 1947.

  
\_\_\_\_\_  
Edward Hyatt, State Engineer



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## ORDER

APPLICATION 6587PERMIT 3479LICENSE 1605ORDER ALLOWING CHANGE IN POINTS OF DIVERSION

Permittee having established to the satisfaction of the State Water Rights Board that the change in points of diversion under Application 6587, Permit 3479, for which petition was submitted on March 29, 1957, will not operate to the injury of any other legal user of water, the State Water Rights Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said Application 6587, Permit 3479, to points of diversion described as follows, to wit:

Point No. 1. Siphon No. 1, South  $72^{\circ} 17' 17''$  East, 2005.04 feet from NE corner of  $SE\frac{1}{4}$  of Section 1, T1S, R3E, MDB&M, being within the  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 6, T1S, R4E, MDB&M.

Point No. 2. Siphon No. 2, South  $46^{\circ} 32'$  East, 2742 feet from NE corner of  $SE\frac{1}{4}$  of Section 1, T1S, R3E, MDB&M, being within  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 6, T1S, R4E, MDB&M.

Point No. 3. Siphon No. 3, North  $64^{\circ} 11' 15''$  East, 3915.69 feet from SE corner of  $NE\frac{1}{4}$  of Section 12, T1S, R3E, MDB&M, being within  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of Section 7, T1S, R4E, MDB&M.

Point No. 4. Siphon No. 4, South  $40^{\circ} 44'$  East, 2770 feet from SE corner of Section 1, T1S, R3E, MDB&M, being within  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 7, T1S, R4E, MDB&M.

Point No. 5. Siphon No. 5, South  $11^{\circ} 41' 45''$  East, 582.08 feet from SE corner of  $SE\frac{1}{4}$  of Section 12, T1S, R3E, MDB&M, being within  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of Section 18, T1S, R4E, MDB&M.

Point No. 6. Siphon No. 6, South  $46^{\circ} 08'$  East 5050 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  of said Section 13.

Point No. 7. Siphon No. 7, South  $19^{\circ} 52'$  East, 5362 feet from SW corner of Section 12, T1S, R3E, MDB&M, being within  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 13, T1S, R3E, MDB&M.

Point No. 8. Flapgate and dam in dredger cut and Italian Slough, operated in connection with Point No. 9, South  $8^{\circ} 45'$  East, 5215 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 13.

Point No. 9. Pump, South  $4^{\circ} 10' 18''$  East, 4177.07 feet from SW corner of Section 12, T1S, R3E, MDB&M, being within  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 13, T1S, R3E, MDB&M.

Point No. 10. A movable point of diversion along west bank of Old River on lands of Marie Sproule between limits as follows:

Point A - due east 2040 feet from  $W\frac{1}{4}$  corner of Section 6, T1S, R4E, MDB&M, being within  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 6; and

Point B - North  $77^{\circ} 24'$  East, 1070 feet from  $W\frac{1}{4}$  corner of Section 7, T1S, R4E, MDB&M, being within  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of said Section 7.

Point No. 11. A movable point of diversion along West bank of Italian Slough on lands of Marie Sproule between limits as follows:

Point B - as described above; and

Point C - South  $8^{\circ} 45'$  East, 5215 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 13.

Point No. 12. A movable point of diversion along East Bank of dredger cut on lands of Marie Sproule between limits as follows:

Point C - as described above; and

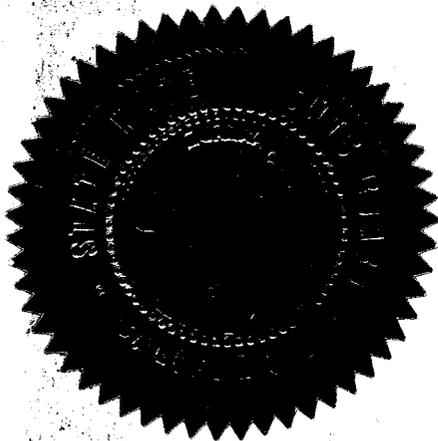
Point D - South  $4^{\circ} 10' 18''$  East, 4177.07 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 13.

WITNESS the hand and seal of the State Water Rights Board of the State of California this 9th day of October, 1957.

STATE WATER RIGHTS BOARD

By:

*Leslie C. Jopson*  
Leslie C. Jopson  
Chief Engineer







STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Change (Over)

LICENSE 1605

PERMIT 3479

APPLICATION 6687

ASSIGNMENT MADE

THIS IS TO CERTIFY, That ~~Bank of America National Trust & Savings Association~~  
and Marie Sproule of San Francisco, California, ~~as~~ we made proof to the satisfaction of the Division  
of Water Resources of California of a right to the use of the waters of (1) Old River, (2) Dredger Cut  
and (3) Italian Slough in Contra Costa County  
tributary of (1) San Joaquin River, (2) Italian Slough, and (3) Old River

for the purpose of **irrigation use**  
under Permit 3479 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 **March 5, 1930**;

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 and seven tenths**  
(23.7) cubic feet per second from January 1st to December 31st 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.

The points of diversion of such waters are located (1) South seventy-two de-  
grees, seventeen minutes and seventeen seconds East (S. 72° 17' 17" E.) two thou-  
sand five and four hundredths (2005.04) feet from the northwest corner of the SW $\frac{1}{4}$   
of Section 6, T 1 S, R 4 E, M.D.B.&M. and being within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said  
Section 6; (2) East three thousand fifteen (3015) feet from the southwest corner  
of Section 6, T 1 S, R 4 E, M.D.B.&M. and being within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said  
Section 6; (3) North sixty-four degrees, eleven minutes and fifteen seconds East  
(N. 64° 11' 15" E.) three thousand nine hundred fifteen and sixty-nine hundredths  
(3915.69) feet from the southwest corner of NW $\frac{1}{4}$  of Section 7, T 1 S, R 4 E, M.D.B.&M.  
and being within the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 7; (4) South seventy-seven degrees  
twenty-eight minutes sixteen seconds East (S. 77° 28' 16" E.) eight hundred twenty-  
nine and seventy-five hundredths (829.75) feet from the northwest corner of SW $\frac{1}{4}$  of  
Section 7, T 1 S, R 4 E, M.D.B.&M. and being within the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 7;  
(5) South eleven degrees forty-one minutes forty-five seconds East (S. 11° 41' 45" E.)  
five hundred eighty-two and eight hundredths (582.08) feet from the northwest cor-  
ner of Section 18, T 1 S, R 4 E, M.D.B.&M. and being within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said  
Section 18, and (6) South four degrees ten minutes eighteen seconds East (S. 4°  
10' 18" E.) four thousand one hundred seventy-seven and seven hundredths (4177.07)  
~~feet from the northwest corner of Section 13, T 1 S, R 3 E, M.D.B.&M., and being~~  
feet from the northwest corner of Section 13, T 1 S, R 3 E, M.D.B.&M., and being  
within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 13.

A description of the lands or the place where such water is put to beneficial  
use is as follows: 2259.9 acres within Sections 1, 2, 11, 12, 13 and 14, T 1 S,  
R 3 E, M.D.B.&M., and Sections 6, 7 and 18, T 1 S, R 4 E, M.D.B.&M., as shown on  
the map, marked "Exhibit A, Map of H. R. Vail Lease" filed March 13, 1930, with  
the Division of Water Resources.

As there is a possibility that there will not be sufficient water in San  
Joaquin River during the latter part of the irrigation season to satisfy all re-  
quirements, this license is issued subject to the express condition that the use  
hereunder may be regulated by the Division of Water Resources during such periods  
of water scarcity to the end that such use will not interfere with rights under  
prior applications.

Witnessed by order of 12-17-47

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 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 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 findings 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 whatever 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 *providing, 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 third day of December, 1935.

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy

12-28-37 RECEIVED NOTICE OF ASSIGNMENT of part of Lot A. to Marie Sproule

2-2-65 name of Marie Sproule chgd to Estate of Marie Sproule.  
4-2-74 Records chgd to show William Richard Baldwin as owner  
9-20-83 Assgd to Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints  
A Utah Corp. Sale

LICENSE 1605  
STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER  
Bank of America National  
ISSUED TO Trust & Savings Assn.,  
and Marie Sproule  
DATED December 3, 1935