

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 8213 Permit 4516 License 2618

**ORDER APPROVING CHANGE IN POINT OF DIVERSION,  
DELETION OF A WATER SOURCE, QUALIFYING ANNUAL  
DIVERSION LIMIT, AND AMENDING THE LICENSE**

**WHEREAS:**

1. License 2618 was issued to M and T, Incorporated on June 28, 1943, pursuant to Application 8213.
2. License 2618 was filed with the County Recorder of Butte County on June 30, 1943.
3. A petition for change in point of diversion has been filed with the State Water Resources Control Board (SWRCB).
4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Licensee, under the SWRCB's Water Conservation Program, is considered an agricultural water user and is therefore required to develop and implement an agricultural irrigation system evaluation. Therefore, Standard Term 29B should be added to the license.
6. The license should have maximum annual diversion amount.
7. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The license condition regarding the source of water be amended to read:  
Sacramento River tributary to Suisun Bay. (0000001)
2. The license condition regarding the point of diversion be amended to read:  
Within the SE¼ of SE¼ of projected Section 2, T21N, R1W, MDB&M; being 1,000 feet West and 300 feet North of the SE corner of said section. California Coordinate System, Zone 2; N 739,300 and E 2,016,900. (0000002)

3. The total amount of water to be diverted shall not exceed 1,450 acre-feet per year. (0000005)

4. A condition be added to the license to read as follows:

Licensee shall consult with the Division of Water Rights and develop and implement a water conservation plan or action. The proposed plan or action shall be presented to the SWRCB for approval within one year from the date of this order or such further time as, for good cause shown, may be allowed by the SWRCB. A progress report on the development of a water conservation program may be required by the SWRCB at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

5. The SWRCB's continuing authority condition is amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water uses against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: **SEPTEMBER 27 1996**

*for*   
Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2618

PERMIT 4516

APPLICATION 824

THIS IS TO CERTIFY, That **M. & T. Incorporated**  
**353 Sacramento Street, San Francisco, California**

has 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 Butte County**  
tributary of **Suisun Bay**

for the purpose of **irrigation use**  
under Permit **4516** 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 **January 15, 1935;**  
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 **three cubic feet per second**  
from about **April 1** to about **November 30** 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 point of diversion of such water is located at the junction of Chico Creek and  
Sacramento River, being at the southernmost point of Rancho Arroyo Chico and on  
the West boundary of Rancho de Farwell; being also within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of  
projected Section 2, T 21 N, R 1 W., M.D.B. & M.

The point of redirection from Chico Creek is located at pumping plant approx-  
imately one third (1/3) mile up Chico Creek from its junction with Sacramento  
River and being within the NW $\frac{1}{4}$  of projected Section 1, T 21 N, R 1 W, M.D.B. & M.

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

Irrigation of 117 acres within Rancho de Farwell, being approximately 1/3  
within the SW $\frac{1}{4}$  of projected Section 6 and 2/3 within the W $\frac{1}{2}$  of projected  
Section 7, T 21 N, R 1 E, M.D.B. & M., all as shown on a map filed June 5, 1919  
with the Division of Water Resources.

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 Division of Water Resources 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 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 of 1915, as amended, 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 at any time after the expiration of twenty years after the granting of a license, the state or any city, 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, 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. 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 regulation by any competent public authority of the services or the price of the services of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings granted or acquired under the provisions of this act, or any political subdivision of the state, of or otherwise, by the state or any city, 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 thereof for 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 excess 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 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 water, 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 22nd day of June, 1915

JEDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy

LICENSE 2615

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO M. & S. Incorporated

DATED June 22, 1915

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