



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

License for Diversion and Use of Water

LICENSE 2686

PERMIT 5319

APPLICATION 9481

THIS IS TO CERTIFY, That **Helen Pearl Schulze, Thomas B. Hawkins and Charles J. Hawkins**, all of Hollister, California Notice of Change (Over)

have made proof as of May 24, 1943

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of **Las Viboras Creek and North Branch of Las Viboras Creek in San Benito County** tributary to **Pajaro River**

for the purpose of **irrigation and domestic uses** under Permit **5319** of the Department of Public Works 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 Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **January 3, 1939;**

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 **nine and twenty six hundredths (9.26) cubic feet per second by direct diversion from about April 1 to about June 15 of each season and five hundred seventy five (575) acre-feet per annum by storage to be collected from about January 1 to about May 15 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.

This license is based on storage collected during the 1939-1940 season and use thereof; and also on use of water by direct diversion without storage during the year 1942 which was the year of maximum use by direct diversion within the three year period immediately preceding the date of inspection; namely, May 24, 1943.

The points of diversion of such water are located as follows:

A. Point of direct diversion and diversion of storage from Las Viboras Creek; South fifty four degrees, forty five minutes West ($S.54^{\circ} 45'W$) eighteen hundred five (1805) feet from the N.W. corner of Section 34, T 11 S, R 6 E, M.D.B. & M., being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T 11 S, R 6 E, M.D.B. & M.

B. Storage dam; North four degrees, fifteen minutes West ($N.4^{\circ} 15'W$) fifty four hundred ten (5410) feet from the N.W. corner of Section 34, T 11 S, R 6 E, M.D.B. & M., being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 21, T 11 S, R 6 E, M.D.B. & M.

C. First diversion to use (direct flow and storage); North ten degrees, forty minutes West ($N.10^{\circ} 40'W$) fifty four hundred fifty (5450) feet from the N.W. corner of Section 34, T 11 S, R 6 E, M.D.B. & M., being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Sec. 21, T 11 S, R 6 E, M.D.B. & M.

D. Second diversion to use (direct flow and storage); North thirty six degrees, forty five minutes West ($N.36^{\circ} 45'W$) seventy nine hundred fifty (7950) feet from the N.W. corner of Section 34, T 11 S, R 6 E, M.D.B. & M., being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 21, T 11 S, R 6 E, M.D.B. & M.

E. Third diversion to use (direct flow and storage); North thirty three degrees, fifty minutes West ($N.33^{\circ} 50'W$) seventy eight hundred ninety (7890) feet from the W $\frac{1}{2}$ corner of Section 33, T 11 S, R 6 E, M.D.B. & M., being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 29, T 11 S, R 6 E, M.D.B. & M.

A description of the lands or the place where such water is put to beneficial use is as follows: Domestic use and irrigation of 1748 acres within projected Sections 24, 25 and 36, T 11 S, R 5 E., Projected Sections 17, 18, 19, 20, 21, 29, 30, 31 and 32, T 11 S, R 6 E., and projected Section 6, T 12 S, R 6 E, M.D.B. & M., as shown on map entitled "General Project Map C.N.Hawkins Ranch San Benito and Santa Clara Counties California" filed with the Division of Water Resources October 6, 1938.



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under Permit **5319** of the Department of Public Works 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 Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from **January 3, 1939**;

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 **nine and twenty six hundredths (9.26) cubic feet per second** by direct diversion from about April 1 to about **June 15** of each season and **five hundred seventy five (575) acre-feet per annum** by storage to be collected from about January 1 to about May 15 of each season.

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This license is based on storage collected during the 1939-1940 season and use thereof; and also on use of water by direct diversion without storage during the year 1942 which was the year of maximum use by direct diversion within the three year period immediately preceding the date of inspection; namely, **May 24, 1943**.

The points of diversion of such water are located as follows:

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 Department acting through the State Engineer 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 Engineer.

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 licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

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 services 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 can not 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 14th day of August, 1944

[SEAL]

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy State Engineer

12-10-74 Records c/d to show to banks
J. & J. Thomas B. Hawkins +
Horton F. C. Cornell
Trustee as owners
8-1480 Aspts to Hawkins Cattle Co. +
Assaymas Cattle Co.



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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Helen P. Schulze, Thos. B. and Charles J. Hawkins

DATED August 14, 1944