

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

**ORDER**

APPLICATION 10658

PERMIT 6189

LICENSE 2823

**ORDER TO DELETE POINT OF DIVERSION,  
CORRECT PLACE OF USE AND  
AMEND LICENSE**

**WHEREAS:**

1. License 2823 was issued to the Sutter Mutual Water Company on March 6, 1946 pursuant to Application 10658 and was recorded with the County Recorder of Sutter County on March 19, 1946.
2. An inspection of the project was conducted by the State Water Resources Control Board (State Water Board) staff on June 6, 1991. Staff determined that point of diversion No. 3 has been abandoned and should be deleted from this license. Staff also recommended the description for the place of use (POU) should be corrected to correspond to the POU as shown on a map dated January 8, 1965, which is on file with State Water Board.
3. The State Water Board has determined that said corrections will not constitute a new right nor operate to the injury of any other lawful user of water and that good and sufficient causes has been shown for said corrections.
4. The Sutter County Recorder should be notified of the corrective actions.
5. The license condition pertaining to the continuing authority of the State Water Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations.

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

1. The description of the points of diversion under this license be corrected to read:
  - (1) FRANK LAMB PUMP - South four thousand eight hundred nineteen (4,819) feet and West seven hundred eighty (780) feet from NE corner of Section 26, T14N, R1E, MDB&M, being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 26. Also described as California Coordinate System, Zone 2, N 495,800 and E 2,050,800.
  - (2) TISDALE PUMPING PLANT - South fifty-six degrees thirty-five minutes West (S56°35'W) three thousand four hundred forty-five (3,445) feet from N $\frac{1}{4}$  corner of Section 36, T14N, R1E, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 35, T14N, R1E, MDB&M. Also described as California Coordinate System, Zone 2, N 493,400 and E 2,051,400.

(4) STATE RANCH BEND PUMPING PLANT - South seventy-four degrees forty-seven minutes East (S74°47'E) three thousand six hundred ninety-one (3,691) feet from W $\frac{1}{4}$  corner of Section 21, T12N, R2E, MDB&M, being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 21. Also described as California Coordinate System, Zone 2, N 438,500 and E 2,070,500.

(5) PORTUGUESE BEND PUMPING PLANT - South twenty-five degrees twenty-two minutes, fifty-six seconds West (S25°22'56"W) three thousand five hundred sixteen and eighty-four hundredths (3,516.84) feet from the NE corner of fractional Section 13, T11N, R2E, MDB&M, being within E $\frac{1}{2}$  of said Section 13 and approximately at Mile 32.49L of Sacramento-San Joaquin Water Supervision Records. Also described as California Coordinate System, Zone 2, N 412,300 and E 2,086,800.

2. The description of the place of use under this license be corrected to read:

50,544 acres within the boundaries of the Sutter Mutual Water Company lands being within T11N, R2E and R3E; T12N, R2E, and R3E; T13N, R1E, R2E, and R3E; and T14N, R1E and R2E, MDB&M.

3. The Sutter County Recorder shall be notified of the corrective actions.
4. The existing continuing authority condition in this license be 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 State Water Resources Control Board 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 Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board 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.

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The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board 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: ~~NOVEMBER~~ 17 1992

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

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 10658

PERMIT 6189

LICENSE 2823

ORDER ALLOWING CHANGE IN POINTS OF DIVERSION  
AND CHANGE IN PLACE OF USE

WHEREAS License 2823 was issued to Sutter Mutual Water Company and was filed with the County Recorder of Sutter County on March 19, 1946, and

WHEREAS the State Water Rights Board has found that the change in points of diversion and change in place of use under said license for which petitions were submitted on December 4, 1952, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said changes in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of diversion under said License 2823 to points of diversion described as follows, to wit:

- (1) FRANK LAMB PUMP - SOUTH FOUR THOUSAND EIGHT HUNDRED NINETEEN (4819) FEET AND WEST SEVEN HUNDRED EIGHTY (780) FEET FROM NE CORNER OF SECTION 26, T14N, R1E, MDB&M, BEING WITHIN  $SW\frac{1}{4}$  OF  $SE\frac{1}{4}$  OF SAID SECTION 26.
- (2) TISDALE PUMPING PLANT - SOUTH FIFTY-SIX DEGREES THIRTY-FIVE MINUTES WEST ( $S56^{\circ} 35' W$ ) THREE THOUSAND FOUR HUNDRED FORTY-FIVE (3445) FEET FROM  $N\frac{1}{4}$  CORNER OF SECTION 36, T14N, R1E, MDB&M, BEING WITHIN  $SE\frac{1}{4}$  OF  $NE\frac{1}{4}$  OF SECTION 35, T14N, R1E, MDB&M.
- (3) NORTH ONE DEGREE THREE MINUTES FOURTEEN SECONDS EAST ( $N1^{\circ} 03' 14'' E$ ) TWO THOUSAND FIVE HUNDRED EIGHTY-EIGHT AND TWENTY-TWO HUNDREDTHS (2588.22) FEET FROM SW CORNER OF SECTION 7, T13N, R2E, MDB&M, BEING WITHIN  $NW\frac{1}{4}$  OF  $SW\frac{1}{4}$  OF SAID SECTION 7.

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 10658

PERMIT 6189

LICENSE 2823

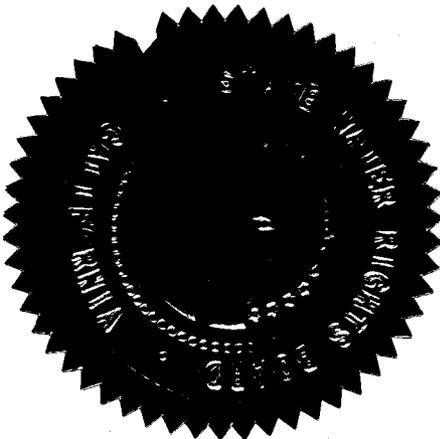
- (4) STATE RANCH BEND PUMPING PLANT - SOUTH SEVENTY-FOUR DEGREES FORTY-SEVEN MINUTES EAST ( $S74^{\circ} 47' E$ ) THREE THOUSAND SIX HUNDRED NINETY-ONE (3691) FEET FROM  $W\frac{1}{4}$  CORNER OF SECTION 21, T12N, R2E, MDB&M, BEING WITHIN  $NW\frac{1}{4}$  OF  $SE\frac{1}{4}$  OF SAID SECTION 21.
- (5) PORTUGUESE BEND PUMPING PLANT - SOUTH TWENTY-FIVE DEGREES, TWENTY-TWO MINUTES, FIFTY-SIX SECONDS WEST ( $S25^{\circ} 22' 56'' W$ ) THREE THOUSAND FIVE HUNDRED SIXTEEN AND EIGHTY-FOUR HUNDREDTHS (3,516.84) FEET FROM THE NE CORNER OF FRACTIONAL SECTION 13, T11N, R2E, MDB&M, BEING WITHIN  $E\frac{1}{2}$  OF SAID SECTION 13 AND APPROXIMATELY AT MILE 32.49L OF SACRAMENTO-SAN JOAQUIN WATER SUPERVISION RECORDS.

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said License 2823 to a place of use described as follows, to wit:

50,543.755 ACRES WITHIN THE BOUNDARIES OF THE SUTTER MUTUAL WATER COMPANY LANDS BEING WITHIN T11N, R2E, T12N, R2E AND R3E, T13N, R1E, R2E AND R3E, AND T14N, R1E AND R2E, MDB&M.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 8 th day of January, 1965

*L. K. Hill*  
L. K. Hill  
Executive Officer





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

License for Diversion and Use of Water

LICENSE 2823

PERMIT 6189

APPLICATION 10658

THIS IS TO CERTIFY, That **Sutter Mutual Water Company, Robbins, California**

has made proof as of **September 12, 1945** (the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of

**Sacramento River in Sutter County**  
 tributary to **Suisun Bay**

for the purpose of **irrigation use** under Permit **6189** 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 **June 16, 1943**;

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 **seven and fifty-two hundredths (7.52) cubic feet per second** from about March 1 to about October 31 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 the use of water made during the year 1943 which was the year of maximum use within the three year period immediately preceding the date of inspection.

The point of diversion of such water is located at State Ranch land plant - South seventy-four degrees, forty-seven minutes East (S.74° 47' E.) thirty-six hundred ninety-one (3691) feet from the NW<sup>1</sup>/<sub>4</sub> corner of Section 21, T 12 N, R 2 E, M.D.B. & M., being within the NW<sup>1</sup>/<sub>4</sub> of SE<sup>1</sup>/<sub>4</sub> of said Section 21., being also within Lot 22 of Sutter Basin Subdivision No. 4.

A description of the lands or the place where such water is put to beneficial use is as follows: **irrigation of 300.63 acres as follows:**

																TOTAL	N.D.B. & M		
NE <sup>1</sup> / <sub>4</sub>				NW <sup>1</sup> / <sub>4</sub>				SW <sup>1</sup> / <sub>4</sub>				SE <sup>1</sup> / <sub>4</sub>				ACRES:	SEC	TWN	RGE
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
3.63	39.09	40.29	20.41	40.29	40.29	40.29	40.29	9.53	9.53			7.46	9.53			300.63	36	12N	2E

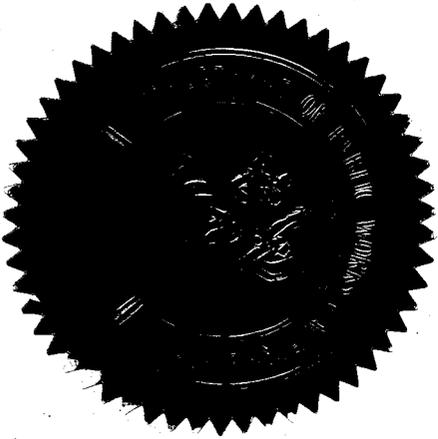
All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable 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 6th day of March, 1946

EDWARD HYATT, State Engineer

*Edward Hyatt*

DATE

10-13-66 RECEIVED NOTICE OF ASSIGNMENT TO *Partial Frank and Fay Lamb*

9-18-75 Name of Frank Lamb changed to Estate of Frank Lamb

8-2-76

INT OF ESTATE OF FRANK LAMB ASGD TO CAROL KARY + JAMES LEATHERS, TRUSTEES FOR FRANK LAMB TRUST

8-9-76 INT OF FAY LAMB DROPPED

1-18-82 Ownership conv to Sutter Mutual Water Co. + Frank Lamb Trust

LICENSE 2823

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

LICENSE TO APPROPRIATE WATER

ISSUED TO Sutter Mutual Water Co.

DATED March 6, 1946

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