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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 4355 Permit 2117 License 2881

ORDER DIRECTING ISSUANCE OF SEPARATE LICENCES
AND REVOCATION OF ORIGINAL LICENSE

WHEREAS:

1. License 2881 was issued to Chester D. Winship, Desmond A. Winship, Foster E. Winship, Shyrlie A. Brown and Nylda O. Dee on September 19, 1947 pursuant to Application 4355 and was recorded with the County Recorder of Sutter County on September 22, 1947.
2. License 2881 was subsequently assigned to Michael E. Lonon for parcels APN 21-070-19, 21-070-023, 21-090-020, and 21-090-016 on May 20, 1997 and to Raymond E. Anderson & Janice R. Anderson for parcel APN 21-070-022 on December 23, 1998.
3. The State Water Resources Control Board (SWRCB) staff conducted a field examination of the place of use (POU) on February 21, 1990 and determined that water is pumped from the licensed source and common point of diversion (POD). The POD consists of two separate pumps used to service the two separately owned portions licensed or the place of use. On October 4, 1999, a letter was received from the licensee indicating that both licensee's plan to continue using the same POD for irrigating their respective POU's.
4. A request for issuance of separate licenses to cover each of the two licensees' respective places of use was filed with the (SWRCB) staff on August 13, 1999 by Michael E. Lonon and Ray E. Anderson on September 9, 1999. The SWRCB has determined that good cause for such change has been shown.
5. The license terms relating to the continuing authority and water right objectives of the SWRCB should be updated to conform to section 780(a) & (b), title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 2881 be replaced by License 2881A & 2881B.
2. License 2881 is hereby superceded upon the issuance of License 2881A issued to Michael Lonon and License 2881B issued to Ray E. Anderson and Janice R. Anderson.
3. Separate Licenses shall be issued as follows:

A. License: 2881A (Application 4355A)
Owner: Michael E. Lonon
537 Little John Road
Yuba City, CA 95993

Source: Sacramento River tributary to
Suisun Bay thence Pacific Ocean

Use: Irrigation

Direct Diversion: 1.94 cubic feet per second

Maximum:

Amount: 822 acre-feet per annum

Season: March 1 to October 1

Point(s) of

Diversion: South 16° 11' West, fifteen hundred thirty five and six tenths (1,535.6) feet from the East one-quarter corner of Section 15, T14N, R1E, MDB&M, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 15, also described as being within the California Coordinate System, Zone 2, N. 507,200 and E. 2,046,000.

Place of Use: 229.31 acres within 288.0 gross acres, within projected Section 14 and 23, T14N, R1E, MDB&M, as follows:

22.68 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 14
34.02 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 14
35.30 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 14
40.00 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23
27.36 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23
33.44 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23
36.51 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 23

Place of Use is also identified by the County Assessor under APN# 21-070-19, #21-070-23, #21-090-20, and #21-090-016 as shown on a map on file with the SWRCB.

B. License: 2881B (Application 4355B)
Owner: Ray E. Anderson and
Janice R. Anderson
Family Trust
12473 Highway 20
Meridian, CA 95957

Source: Sacramento River tributary to Suisun Bay thence
Pacific Ocean.

Use: Irrigation

Direct Diversion: 0.67 cubic foot per second

Maximum
Amount: 286.43 acre-feet per annum

Season: March 1 to October 1

Point(s) of
Diversion: South 16° 11' West, fifteen hundred thirty five and six
tenths (1,535.6) feet from the East one-quarter corner
of Section 15, T14N, R1E, MDB&M, being within the
SE¼ of SE¼ of said Section 15, also described as being
within the California Coordinate System, Zone 2,
N. 507,200 and E. 2,046,000.

Place of Use: 78.0 net acres within 79.63 gross acres, within projected
Sections 14, T14N, R1E, MDB&M, as follows:

37.5 acres within NW¼ of SW¼ of projected Section 14
13.0 acres within NE¼ of SW¼ of projected Section 14
12.0 acres within SE¼ of SW¼ of projected Section 14
15.5 acres within SW¼ of SW¼ of projected Section 14

Place of use is also identified by the County Assessor under
APN#21-070-022 as shown on a map on file with the
SWRCB.

4. The continuing authority condition, shall be updated and read as follows:

Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license 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 permit 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 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 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 Board 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.

5. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

6. License 2881A and 2881B shall contain all other terms and conditions presently in License 2881 or updated terms to reflect compliance with the SWRCB's policy.

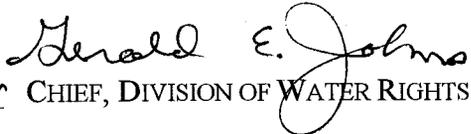
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Permit 2117

License 2881

DATED: 6/9/2000

STATE WATER RESOURCES CONTROL BOARD


for CHIEF, DIVISION OF WATER RIGHTS



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

License for Diversion and Use of Water

LICENSE 2881

PERMIT 2117

APPLICATION 4355

THIS IS TO CERTIFY, That **Chester D. Winship, Desmond A. Winship, Foster E. Winship, Shyrle A. Brown and Nylda O. Dee, Yuba City, California**

have made proof as of ^{Notice of Assignment (over)} **October 18, 1946**
 (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 **Pacific Ocean via Suisun Bay**

for the purpose of **irrigation use**

under Permit **2117** 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 **December 6, 1924;**

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 **two and sixty one hundredths (2.61) cubic feet per second** from about **March 1** to about **October 1** 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 1944 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 **South sixteen degrees eleven minutes West (S 16° 11' W) fifteen hundred thirty five and six tenths (1535.6) feet** from the East one-quarter corner of Section 15, T. 14 N., R. 1 E., M.D.B. & M., being within the **SE 1/4 SE 1/4** of said Section 15.

A description of the lands or the place where such water is put to beneficial use is as follows: **a total of 307.51 acres as follows:**

NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL ACRES	M.D.B. & M.		
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		SEC.	TWN.	RGE.
:	:	:	:	:	:	:	:	58	40	40	20	:	:	:	:	148.00	14	14	N 1 E
:	:	:	:	:	:	:	:	:	:	:	:	7.40	:	11.8	:	19.20	15		
14.50	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	15.00	22		
:	:	:	:	40	40	20	25	:	:	:	:	:	:	:	:	125.00	23		

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, and to prevent unreasonable interference with vested rights.

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 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 19th day of September, 1947

EDWARD HYATT, State Engineer

By A. W. Edmundson
Assistant State Engineer

11-14-57 - Name of Desmond A. Winship Chg. to Estate of

11-15-60 RECEIVED NOTICE OF ASSIGNMENT TO op Int of Chester D. Winship, Est. of Desmond A. Winship + Shyrla A. Brown to Foster E. Winship, Mylda O. Dee, Marjorie L. Winship, Robert Winship, Leila Winship + John Winship dba Winship Ranch
2/27/79 assigned to Harlan D. + Elizabeth A. Stafford
5/15/87 Cased to Inyl Estate Trust

LICENSE 2881

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Chester D. Winship, Desmond A. Winship,
Foster E. Winship, Shyrla A. Brown & Mylda O. Dee

DATED