



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

**Amended License for Diversion and Use of Water**

APPLICATION 4355A  
Page 1 of 3

PERMIT 2117

LICENSE 2881A

**THIS IS TO CERTIFY, That** Michael E. Lonon  
537 Little John Road  
Yuba City, CA 95993

Has the right to use waters of Sacramento River in Sutter County tributary to Suisun Bay thence Pacific Ocean

for the following purposes: Irrigation

Amended License 2881A supersedes the license originally issued on September 19, 1947, which was perfected in accordance with the laws of California, the regulations of the SWRCB or its predecessor, and the terms of Permit 2117. The priority of this right dates from December 6, 1924. Proof of maximum beneficial use of water pursuant to Application 4355 was made as of October 18, 1946 (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed one and ninety-four hundredths (1.94) cubic feet per second to be collected from March 1 of each year to October 1 of the succeeding year. The maximum amount diverted under this license shall not exceed 822 acre-feet per year.

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.

Unless a change is approved by the State Water Resources Control Board (SWRCB), water used under this license may be diverted, rediverted, stored and used only as specified below;

**THE POINT OF DIVERSION IS LOCATED:**

South 16°11' West 1,535.6 feet from E $\frac{1}{4}$  corner of Section 15, T14N, R1E, MDB&M, being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 15.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS 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

229.31 net acres within 288.00 gross acres, as shown on map filed with the SWRCB.

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license 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 SWRCB 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.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, 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 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 use as against reasonable water requirement 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.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and the 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 SWRCB.

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 (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

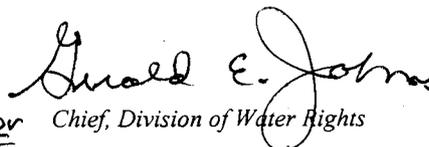
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the 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 cannot 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.

Dated: **JUN 9 2000**

STATE WATER RESOURCES CONTROL BOARD

  
for Chief, Division of Water Rights

2881

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.

Application 4355  
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Permit 2117

License 2881

DATED: 6/9/2000

STATE WATER RESOURCES CONTROL BOARD

  
for CHIEF, DIVISION OF WATER RIGHTS