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

License for Diversion and Use of Water

APPLICATION 9750 PERMIT 5462 LICENSE 3069

THIS IS TO CERTIFY, *That* B. D. Elliott and P. W. Elliott,
Route 1, Box 532
Huntington Beach, California
have made proof as of June 26, 1948
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of (1) Empire Creek and (2) a spring, both in Sierra County

tributary to (1) Lavezzola Creek thence Downie Creek and North Yuba River
(2) Empire Creek

for the purpose of mining use
under Permit 5462 *of the Department of Public Works and that said right to the use of said water 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* October 13, 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 two (2) cubic feet per second from Empire Creek and one (1) cubic foot per second from the spring, a total of three (3) cubic feet per second to be diverted from about April 1 to about July 31 of each year.

The points of diversion of such water are *located* (1) North one thousand two hundred (1200) feet and West one thousand (1000) feet from the SE corner of Section 19, T 21 N, R 11 E, M.D.B.&M., being within SE¼ of SE¼ of said Section 19. (2) West two thousand (2000) feet and North No (0) feet from the SE corner of Section 30, T 21 N, R 11 E, M.D.B.&M., being within SW¼ of SE¼ of said Section 30.

A description of the lands or the place where such water is put to beneficial use is as follows: Craycroft placer mine within Section 12, T 20 N, R 10 E, M.D.B.&M.

Water is returned to Downie Creek within SW¼ of SW¼ of Section 14, T 20 N, R 10 E, M.D.B.&M.

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 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 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 subdivison 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 9th *day of* March, *19* 50

[SEAL]

A. W. Edmonston

A. D. EDMONSTON
[redacted], *State Engineer*

11/15/51 RECEIVED NOTICE OF ASSIGNMENT ~~to~~ 2 int. 2 B. D. Elliott to Mary Ann McCalister & Stella V. Elliott

1/7/55 RECEIVED NOTICE OF ASSIGNMENT ~~to~~ 2 int. 2 Stella V. Elliott to P. W. Elliott & heirs

1/21/61 - File now stands in the names of P. W. Elliott Mary Ann McCalister, Delome McCalister, Darryl ~~Elliott~~ McCalister, Dwayne McCalister & Mark Elliott

3-6-64 - Int. of P. W. Elliott trf. to Lela Mae Elliott;

3-22-76 Records Chgd to show Mary Ann McCalister Victor Douglas Elliot & Virgil Leroy Elliot as owners;

LICENSE 3069

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO B. D. Elliott and P. W. Elliott

DATED MAR 9 1950

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3-16-79 Int of Victor Douglas Elliot asgd to Virgil L. Elliot.
7-5-79 Lic in name Mary Ann McCalister, Darryl, Dwayne + Delorne McCalister, Virgil L. Elliott, Robert + Ann Elliott + Shirley Elliott
7-23-84 asgd to G Ben Huber + Margaret L. Huber