

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 9690 Permit 5443 License 3114

**ORDER ALLOWING CHANGE IN THE
PURPOSE OF USE, THE PLACE OF USE,
REDUCING THE AMOUNT, AND AMENDING THE LICENSE**

WHEREAS:

1. License 3114 was issued to Feather River Pine Mills, Inc. and was recorded with the County Recorder of Butte County on October 11, 1950.
2. License 3114 was subsequently assigned to Louisiana-Pacific Corporation.
3. A petition for change in the purpose of use and the place of use has been filed with the State Water Resources Control Board (SWRCB) and it has determined that good cause for such change has been shown.
4. The SWRCB has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. The amount should be reduced in this license to correspond with the change in the purpose of use and place of use.
6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purpose of use under this license shall be as follows:

Irrigation and Fire Protection

(0000003)

2. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.5 cubic foot per second by direct diversion from May 1 to September 30 of each year. The maximum amount diverted under this license shall not exceed 150 acre-feet per year. (0000005)
3. The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there be no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed. (0000027)
4. The place of use under this license shall be as follows:

2 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T20N, R6E, MDB&M;
35 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T20N, R6E, MDB&M; and
3 acres within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14, T20N, R6E, MDB&M.
40 acres total (0000004)
5. The license condition pertaining to the Board's continuing authority is replaced with the following to conform with Section 780(a), Title 23 of the California Code of Regulations.

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.

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: February 6, 1996



for Edward C. Anton, 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

APPLICATION 9690

PERMIT 5443

LICENSE 3114

THIS IS TO CERTIFY, That **Feather River Pine Mills, Inc.**
Feather Falls, California

Notice of Change (Over)

has made proof as of **June 24, 1949**,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
(a) Little Frey Creek and (b) Grubbs Creek in Butte County

tributary to **Middle Fork Feather River**

for the purpose of **industrial and domestic uses**
under Permit **5443** 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 **August 8, 1939**; and

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 **three (3) cubic feet per**
second to be diverted from January 1 to December 31 of each year.

Water may be diverted hereunder only upon the condition that the total simultaneous diversions by licensee or licensees herein, under all licenses issued in the matter of Applications 7864, 9452, 9453, 9690 and 11033, shall not exceed three (3) cubic feet per second.

The points of diversion of such water are located:

(a) **One thousand four hundred fifty-two (1452) feet South and three hundred eighty-three (383) feet East from NW corner of Section 31, T 21 N, R 7 E, M.D.B.&M., being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 31.**

(b) **Six hundred seventy-three (673) feet North and nine hundred thirty-seven (937) feet West from SE corner of Section 36, T 21 N, R 6 E, M.D.B.&M., being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 36.**

A description of the lands or the place where such water is put to beneficial use is as follows: **Within NW $\frac{1}{4}$ of NW $\frac{1}{4}$, S $\frac{1}{2}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 13; and S $\frac{1}{2}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 14, T 20 N, R 6 E, M.D.B.&M., as shown on map filed with State Engineer.**

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.

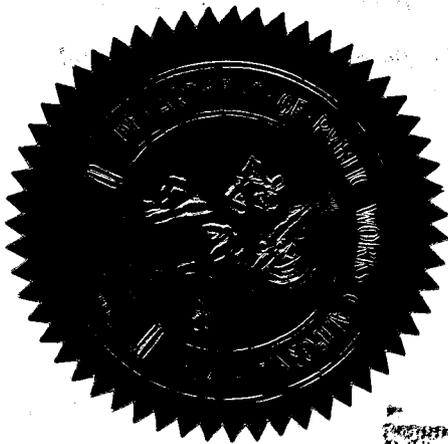
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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 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 10th day of October, 1950



A. D. EMMONSON
State Engineer

4-10-63 RECEIVED NOTICE OF ASSIGNMENT TO Georgia-Pacific

Corp.

12-27-77 RECEIVED NOTICE OF ASSIGNMENT TO Louisiana-Pacific

Corp.

6-7-00 assigned to Sierra Pacific Holding Company

LICENSE 3114

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Feather River Pine Mills, Inc.

DATED OCT 10 1950