Recording requested by:
STATE WATER RESOURCES CONTROL BOARD
Pursuant to Water Code Section 1650 and
Government Code Section 27383

When recorded mail to:
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 11268 Permit 6858 License 3124

ORDER CORRECTING SOURCE, AND POINTS OF DIVERSION,
ISSUANCE OF SEPARATE LICENSES,
AND REVOCATION OF ORIGINAL LICENSE

WHEREAS:

1. License 3124 was issued to Alfred Kuhn on December 11, 1950 pursuant to Application 11268 and recorded with the County Recorder of Sacramento County on December 20, 1958.

2. License 3124 was subsequently assigned to Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.

3. The State Water Resources Control Board (SWRCB) staff has determined corrections are needed to identify the source and points of diversion with the actual location as they exist. Projected sections are used to describe the points of diversion and place of use.

4. By letter dated October 23, 1996, a request was made for the issuance of separate licenses to reflect the individual ownerships of Betty L. Kuhn and Delta Breeze Vineyards, L.L.C.

5. The SWRCB has determined the correction to the source, points of diversion and places of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water, and that good and sufficient cause has been shown for the corrections, and subsequent issuance of separate licenses.

6. The license condition pertaining to the SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The source under this license shall be corrected as follows:

   Dredger cut, East Extension Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River.

2. The description for the points of diversion (2) and (3) shall be corrected as follows:

   (2) North 54 feet and East 1,858 feet from projected Section 6, T5n, R5e, MDB&M, being within the SE¼ of SW¼ of Section 31, T6n, R5E, MDB&M.

   (3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

3. License 3124 be replaced by License 3124A issued to Betty L. Kuhn and License 3124B issued to Delta Breeze Vineyards, L.L.C.

4. Superseded License 3124 is hereby revoked upon issuance of License 3124A and 3124B.

5. Separate licenses be issued as follows:

   A. License: 3124A (Application 11268A)
   Owner: Betty L. Kuhn
   2705 K Street, Suite 1
   Sacramento, CA 95816

   Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County
   Use: Irrigation and stockwatering
   Amount: 16.5 cubic feet per second
   Maximum Annual Amount: 8,004 acre-feet
   Season: March 1 to November 1 (Irrigation)
   January 1 to December 31 (Stockwatering)
   Points of Diversion: (1) South 385 feet and West 3775.06 feet from projected Section 1, T5N, R4E,MDB&M, being within the NE¼ of NW¼ of said Section 1.

   (2) North 54 feet and East 1858 feet from projected Section 6, T5N, R5E, MDB&M, being within the SE¼ of SW¼ of Section 31, T6N, R5E, MDB&M.
   Place of Use: 1,129 net acres within a gross area of 1257 acres located within Sections 1 and 12, T5N, R4E, MDB&M and in Sections 5, 6, & 7, T5N, R5E,MDB&M, as shown on map on file within the SWRCB.

   B. License: 3124B (Application 11268B)
   Owner: Delta Breeze Vineyards, L.L.C.
   118 North Fairway Circle
   Litchfield Park, AZ 85340

Source:	Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County.
Use:	Irrigation and Stockwatering.
Amount:	4.5 cubic feet per second. Maximum Annual Amount: 2,183 acre-feet
Season:	March 1 to November 1 (Irrigation) January 1 to December 31 (Stockwatering)
Points of Diversion:	(3) North 54 feet and East 1,880 feet from NW projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of Section 31, T6N, R5E, MDB&M. (4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within the SE¼ of SE¼ of said Section 31. 219.8 acres within N½ of projected Section 5 96.3 acres within S½ of projected Section 5 316.1 net acres with a gross area of 320.1 acres, as shown on map on file with the SWRCB.

6. Licenses 11268A and 11268B shall contain all other terms and conditions presently in License 11268 or the updated versions for compliance with the SWRCB policy.

Dated: OCTOBER 24 1997

Roger [signature]

for Edward C. Anton, Chief
Division of Water Rights

Recording Requested by:

STATE WATER RESOURCES CONTROL BOARD
Pursuant to Water Code Section 1650 and
Government Code Section 27383

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P.O. Box 2000
Sacramento, CA 95812-2000

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 11268B PERMIT 6858 LICENSE 3124B

THIS IS TO CERTIFY, That Delta Breeze Vineyards, L.L.C.
118 N. Fairway Circle
Litchfield Park, AZ 85340

has made proof as of **November 17, 1949** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of
Dredger Cut, East Extension of Snodgrass Slough in Sacramento County

tributary to **Snodgrass Slough thence Mokelumne River**

for the purpose of **Irrigation and Stockwatering uses**

under Permit **6858** of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **January 25, 1946** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **four and five tenths (4.5) cubic feet per second.**

March 1 to about November 1 for irrigation purposes, and
January 1 to December 31 for stockwatering purposes.

The maximum amount diverted under this license shall not exceed 2,183 acre-feet per year.

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.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within SE¼ of SE¼ of said Section 31.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

219.8 acres within N½ of projected Section 5, T5N, R5E, MDB&M, and
96.3 acres within S½ of projected Section 5, T5N, R5E, MDB&M.
316.1 net acres within a gross area of 320.1 acres, as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, 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 Board if, after notice to the licensee and an opportunity for hearing, the Board 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.

Pursuant to California 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 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.

This continuing authority of the Board 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 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 licensee 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, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

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

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 Board.

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 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: MARCH 12 1997

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for *Chief, Division of Water Rights*

Recording requested by:
STATE WATER RESOURCES CONTROL BOARD
Pursuant to Water Code Section 1650 and
Government Code Section 27383

When recorded mail to:
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS
ORDER

APPLICATION 11268B PERMIT 6858 LICENSE 3124B

CORRECTION AND REPLACEMENT OF ORDER DATED JULY 29, 1997

WHEREAS:

1. License 3124B was issued to Delta Breeze Vineyards, L.L.C. on March 12, 1997 pursuant to Application 11268B.

2. The licensee informed the State Water Resources Control Board (SWRCB) by letter dated March 26, 1997 that a portion of the place of use and water under License 3124B has been sold to Premiere Partners III, Limited Partnership.

3. A request for issuance of separate licenses to cover licensees' respective place of use has been filed with the SWRCB in the above letter and said SWRCB has determined that good and sufficient cause for issuance of separate licenses has been shown.

4. An examination of the Order dated July 29, 1997 by SWRCB staff found a transposition error in the description of the Point of Diversion.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description for point of diversion (3) be corrected as follows:

   North 54 feet and East 1,880 from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

2. License 3124B be replaced by License 3124B-1 issued to Delta Breeze Vineyards, L.L.C. and License 3124B-2 issued to Premiere Partners III, Limited Partnership.

3. Superseded License 3124B is hereby revoked upon assignment of Licenses 3124B-1 and 3124B-2.

4. Separate licenses be issued as follows:

A. License: 3124B-1 (Application 11268B-1)
Owners: Delta Breeze Vineyards, LLC
A California Limited
Liability Company
118 North Fairway Circle
Litchfield Park, AZ 85340

Source: Dredger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County

Use: Irrigation
Amount: 1.4 cubic feet per second
Maximum Annual Use: 616.9 acre-feet
Season: March 1 to November 1
Points of Diversion: (3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within the SE¼ of SE¼ of said Section 31.

Place of Use: 96.3 acres described as follows:

10.8 acres within the NW¼ of SW¼ of projected Section 5;
3.7 acres within the SW¼ of SW¼ of projected Section 5;
40.5 acres within the NE¼ of SW¼ of projected Section 5; &
41.3 acres within the SE¼ of SW¼ of projected Section 5,
all within T5N, R5E, MDB&M as shown on map on file with the SWRCB.

B. License: 3124B-2 (Application 11268B-2)
Owner: Premiere Partners III
Limited Partnership
c/o Westchester Group Inc.
2407 South Neil
Champaign, IL 61820

Source: Dreger Cut, East Extension of Snodgrass Slough tributary to Snodgrass Slough thence Mokelumne River in Sacramento County
Use: Irrigation
Amount: 3.1 cubic feet per second
Maximum Annual Use: 1408.1 acre-feet
Season: March 1 to November 1

Points of Diversion: (3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within the SE¼ of SE¼ of said Section 31.

Place of Use: 219.8 net acres within a gross area of 223.8 acres described as follows:

33.5 acres within the NW¼ of NW¼ of projected Section 5;
53.5 acres within the NE¼ of NW¼ of projected Section 5;
18.5 acres within the SW¼ of NW¼ of projected Section 5;
38.8 acres within the SE¼ of SW¼ of projected Section 5;
47.0 acres within the NW¼ of NE¼ of projected Section 5; &
32.5 acres within the SW¼ of NE¼ of projected Section 5,
all within T5N, R5E, MDB&M as shown on map on file with the SWRCB.

5. Licenses 3124B-1 and 3124B-2 shall contain all other terms and conditions presently in License 3124B or updated versions for compliance with the SWRCB's policy.

Dated: OCTOBER 24 1997

for Roger [signature]

Edward C. Anton, Chief
Division of Water rights

Recording Requested by:

STATE WATER RESOURCES CONTROL BOARD
Pursuant to Water Code Section 1650 and
Government Code Section 27383

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 11268B-1 PERMIT 6858 LICENSE 3124B-1

THIS IS TO CERTIFY, That Delta Breeze Vineyards, L.L.C.

A California Limited Liability Company
118 North Fairway Circle
Litchfield Park, AZ 85340

has made proof as of **October 17, 1949** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of
Dredger Cut, East Extension of Snodgrass Slough in Sacramento County

tributary to **Snodgrass Slough thence Mokelumne River**

for the purpose of **Irrigation and Stockwatering uses**

under Permit **6858** of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from **January 25, 1946** and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **one and four tenths (1.4) cubic feet per second:**

March 1 to about November 1 for irrigation purposes, and
January 1 to December 31 for stockwatering purposes.

The maximum amount diverted under this license shall not exceed 616.9 acre-feet per year.

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.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(3) North 54 feet and East 1,880 feet from NW corner of projected Section 6, T5N, R5E, MDB&M, being within SE¼ of SW¼ of projected Section 31, T6N, R5E, MDB&M.

(4) North 141 feet and West 129 feet from SE corner of projected Section 31, T6N, R5E, MDB&M, being within SE¼ of SE¼ of said Section 31.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

10.8 acres within NW¼ of SW¼ of projected Section 5, T5N, R5E, MDB&M
3.7 acres within SW¼ of SW¼ of projected Section 5, T5N, R5E, MDB&M
40.5 acres within NE¼ of SW¼ of projected Section 5, T5N, R5E, MDB&M
41.3 acres within SE¼ of SW¼ of projected Section 5, T5N, R5E, MDB&M

96.3 acres total as shown on map on file with State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, 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 Board if, after notice to the licensee and an opportunity for hearing, the Board 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.

Pursuant to California 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 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.

This continuing authority of the Board 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 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 licensee 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, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

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

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 Board.

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 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: JULY 29 1997

STATE WATER RESOURCES CONTROL BOARD

Roger Ramirez

for *Chief, Division of Water Rights*