STATE OF CALIFORNIA—RESOURCES AGENCY

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 11549 PERMIT 6717 LICENSE 3228

ORDER ALLOWING CORRECTION OF DESCRIPTION OF SOURCE

WHEREAS License 3228 was issued to Albert Fries and was filed with the County Recorder of Santa Clara County on July 13, 1951, and

WHEREAS said license was subsequently assigned to J. C. and Annette Kircher, and

WHEREAS the State Water Rights Board has found that the correction of description of source under said license for which petition was submitted on August 4, 1966, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said correction and has directed that an order be issued to describe said source in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of the source under said License 3228 to read as follows, to wit:

UNNAMED SPRING TRIBUTARY TO NORWOOD CREEK

Dated: SEP 2 1966

L. K. Hill

L. K. Hill
Executive Officer

30192-957 7-65 5M OSP

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

License for Diversion and Use of Water

APPLICATION 11549 PERMIT 6717 LICENSE 3228

THIS IS TO CERTIFY, *That* Albert Fries
Route 3, Box 289A
San Jose, California

Notice of Assignment (Over)

has made proof as of June 14, 1950 *(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of* an unnamed spring in Santa Clara County

tributary to Arroyo Aguague thence Penitencia Creek and Coyote River

for the purpose of irrigation and stock watering uses *under Permit* 6717 *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* September 12, 1946; 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 (A) one thousand six hundred fifty (1650) gallons per day by direct diversion to be diverted as follows: (a) from about May 1 to about October 31 of each year for irrigation purposes, and (b) throughout the year as required for stock watering purposes, and (B) thirteen hundredths (0.13) acre-foot per annum by storage to be collected from about March 1 to about April 30 of each 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 point of diversion of such water is *located* North eighty-four degrees East (N 84° E) one thousand (1000) feet from SW corner of Projected Section 10, T 7 S, R 2 E, M.D.B.&M., being within SW¼ of SW¼ of said Projected Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:
Irrigation of 4 acres and stock watering use within NW¼ of NW¼ of Projected Section 15, T 7 S, R 2 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.

FORM 64

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 10th *day of* July, *1951.*

A. D. EDMONSTON,
~~EDWARD HYATT,~~ *State Engineer*

10/8/59 RECEIVED NOTICE OF Partial ASSIGNMENT TO Clara Fries

8-9-63 RECEIVED NOTICE OF ASSIGNMENT TO Jim + Annette Kircher

10-15-69 Name changed to Estate of Annette Kircher

LICENSE 3228

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

LICENSE TO APPROPRIATE WATER

ISSUED TO Albert Fries

DATED JUL 10 1951

92121 6-48 1M STATE PRINTING OFFICE