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

License for Diversion and Use of Water

APPLICATION 9761 PERMIT 5494 LICENSE 3318

THIS IS TO CERTIFY, *That* Mrs. Belle Clarke
P. O. Box 107
Davis Creek, California

Notice of Change (Over)

has made proof as of September 20, 1951 *(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of* two unnamed streams in Modoc County

tributary to North Fork Pit River

for the purpose of irrigation and stock watering uses *under Permit* 5494 *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* November 4, 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* one (1) cubic foot per second to be diverted from about April 1 to about October 30 of each year and seventy (70) acre-feet per annum to be collected from about November 1 of each year to about June 15 of the succeeding year. Maximum rate of diversion to storage is approximately ten (10) cubic feet per second from each source.

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 are *located* (1) North five hundred sixteen (516) feet from the SE corner of SW¼ of SE¼ of Section 32, T 45 N, R 14 E, M.D.B.&M., being within SW¼ of SE¼ of said Section 32. (2) North two hundred twenty (220) feet from the center of NE¼ of Section 5, T 44 N, R 14 E, M.D.B.&M., being within NW¼ of NE¼ of said Section 5.

A description of the lands or the place where such water is put to beneficial use is as follows: A total of 360 acres consisting of

80 acres within S½ of SW¼, Section 32, T 45 N, R 14 E, M.D.B.&M.
40 acres within SW¼ of SE¼, Section 32, T 45 N, R 14 E, M.D.B.&M.
160 acres within NW¼, Section 5, T 44 N, R 14 E, M.D.B.&M.
80 acres within S½ of NE¼, Section 6, T 44 N, R 14 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.

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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* January, 1952

A. D. Edmonston, *State Engineer*

10/15/69 RECEIVED NOTICE OF ASSIGNMENT TO Clarke C. Gardner
Glenda A. Gardner + Juanita C. Gardner
10/15/69 - Name corrected to C. Clarke Gardner
12-2-74 Records changed to show Juanita C. Gardner co owner

LICENSE 3310

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO ~~Mrs. Belle Martin~~

DATED JAN 10 1952

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