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

License for Diversion and Use of Water

APPLICATION 14494 PERMIT 8921 LICENSE 4060

THIS IS TO CERTIFY, *That* Fong Quock Yen
430 Capitol Avenue
Sacramento, California *has made proof as of* May 18, 1953,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Sacramento River in Sacramento County
tributary to Suisun Bay

for the purpose of irrigation use
under Permit 8921 *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 20, 1951; *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 and fifty-seven hundredths (1.57) cubic feet per second to be diverted from about May 1 to about October 1 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* south two thousand two hundred ninety-two (2292) feet and west eight hundred forty (840) feet from NE corner of Section 12, T 9 N, R 3 E, MDB&M, being within SE¼ of NE¼ of said Section 12.

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

47.70 acres within Lot 33, Natomas Riverside subdivision No. 3
39.80 acres within Lot 32, Natomas Riverside subdivision No. 3
35.82 acres within Lot 31, Natomas Riverside subdivision No. 3
123.32 acres total within NW¼ and W½ of NE¼ of Section 7, T 9 N, R 4 E, MDB&M and NE¼ of NE¼ of Section 12, T 9 N, R 3 E, MDB&M

Issuance of this license shall not operate to the prejudice of any prior rights, including rights acquired by the United States for the Central Valley Project involving flows, whether or not released from storage, which though not presently applied to beneficial use may hereafter be applied thereto pursuant to such prior rights.

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 26 *day of* January, 1955

A. D. EDMONSTON, *State Engineer*

By Harvey O. Banks

HARVEY O. BANKS
Assistant State Engineer

LICENSE 4060

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Fong Quock Yen

DATED JAN 26 1955

88387 8-53 3M SPO

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 4060) Issued on Application 14494 of)) FONG SACRAMENTO FRUIT RANCH)) Licensee)	Order: WR 82-7 Source: Sacramento River County: Sacramento

ORDER GRANTING RECONSIDERATION
AND RESCINDING ORDER REVOKING LICENSE

BY THE BOARD:

A petition for reconsideration and rescission of Order Revoking License 4060 has been filed by the Fong Sacramento Fruit Ranch on June 30, 1982.

1. The petition describes actions leading to a mistake of fact resulting in the request for revocation of License 4060 and provides a basis for reconsideration as set forth in Section 737.1, Title 23, California Administrative Code.

2. The mistake of fact was caused by Fong Sacramento Fruit Ranch's conclusion that License 4060 was unnecessary since they had a contract with the U. S. Bureau of Reclamation for irrigation water. The actual fact is that retention of water right was a condition of the water rights settlement contract negotiated in 1965.

3. The Board finds that the petition for reconsideration and rescission of the the Order Revoking License 4060 should be granted because an excusable mistake of fact was made in requesting revocation of the license.

ORDER

IT IS HEREBY ORDERED THAT:

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