

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11836

PERMIT 6927

LICENSE 4243

ORDER CORRECTING THE DESCRIPTION OF THE SOURCE
POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 4243 was issued to Martin Schonberg and was filed with the County Recorder of El Dorado County on April 2, 1956 under document No. 1841.
2. License 4243 was subsequently assigned to Mary E. Pembroke.
3. An inspection was made on September 23, 1986 and it was determined that the description of the Source, Point of Diversion (POD) and Place of Use (POU) should be corrected. The correction is needed to correctly locate the Source, POD and POU within Section 23, T10N, R10E, MDB&M.
4. The license paragraph pertaining to the continuing authority of the Board does not conform to the current, common law public trust doctrine as contained in Title 23 California Administrative Code Section 780(a).
5. The State Water Resources Control Board has determined that said correction in the description of the Source, POD and POU will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Source, Point of Diversion (POD) and Place of Use (POU) under License 4244 be described as follows:

Source - Mound Springs Creek tributary to Indian Creek thence Weber Creek thence South Fork American River

POD - North 2950 feet and West 2300 feet from the SE corner of Section 23, T10N, R10E, MDB&M, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section and also described as California Coordinates Zone 2, N 381,200, E 2,331,200.

POU - Irrigation of 8 acres within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, T10N, R10E, MDB&M.

2. The continuing authority paragraph in License 4244 be replaced by the following:

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 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 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 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, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: MAY 12 1987

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

4



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

License for Diversion and Use of Water

APPLICATION 11836

PERMIT 6927

LICENSE 4243

THIS IS TO CERTIFY, That Martin Schonberg

Route 2, Box 71K

Notice of Assignment (Over)

Placerville, California

has made proof as of June 2, 1954,

(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 stream in El Dorado County

tributary to Indian Creek thence Weber Creek thence South Fork American River

for the purpose of domestic, irrigation and stockwatering uses under Permit 6927 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 April 22, 1947; 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 thirteen (13) acre-feet per annum to be collected from about October 1 of each year to about May 31 of the succeeding year.

The point of diversion of such water is located due west one thousand five hundred twenty (1,520) feet from E1/4 corner of Section 23, T10N, R10E, MDB&M, being within SW1/4 of NE1/4 of said Section 23.

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

20 acres within SW1/4 of NE1/4 of Section 23, T10N, R10E, MDB&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.

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 21st day of March, 19 56

HARVEY O. BANKS,
~~Assistant State Engineer~~ State Engineer

By *L. C. Jopson*
~~MARTIN SHONBERG~~ L. C. Jopson
Assistant State Engineer

~~11/21/54~~ RECEIVED NOTICE OF ASSIGNMENT TO *Stewart Marshall*
1 - 3-73 RECEIVED NOTICE OF ASSIGNMENT TO *Betty + Kenneth C Robinson*
11-25-75 INT OF BETTY ROBINSON TRANSFERRED TO MARY ROBINSON.
9-23-86 ownership chgd to Mary E. Pembroke
4/21/89 Asgd. to Edward Mackay & Dorian Mackay
L4243

LICENSE 4243
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Martin Shonberg
DATED MAR 21 1956

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2