L4324

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 4324 (Application 13965)
Waldo Giacomini

ORDER APPROVING SPLIT OF ORIGINAL LICENSE
AND AMENDING THE LICENSE

SOURCE: Lagunitas Creek

COUNTY: Marin

WHEREAS:

1. License 4324 was issued to Waldo Giacomini on April 24, 1956.

2. A request to split License 4324 was filed with the State Water Resources Control Board (SWRCB) on November 17,1999 and the SWRCB has determined that good cause for such division has been shown.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 4324 be replaced by License 4324A & 4324B.

2. License 4324 is hereby revoked upon the issuance of License 4324A issued to Waldo Giacomini and License 4324B issued to North Marin Water District.

3. Attached License 4324A and 4324B shall contain all other terms and conditions presently in License 4324 or updated terms to reflect compliance with the SWRCB's policy.

Dated: OCT 1 0 2000

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

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

License for Diversion and Use of Water

APPLICATION 13965 PERMIT 8632 LICENSE 4324

THIS IS TO CERTIFY, *That* Waldo Giacomini
Point Reyes
California
has s *made proof as of* April 23, 1953
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Lagunitas (Daniels) Creek in Marin County
tributary to Tomales Bay

for the purpose of irrigation
under Permit 8632 *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 26, 1950

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 Two and sixty-seven hundredths (2.67) cubic feet per second to be diverted from about May 1 to about November 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 north eighty three degrees ~~00~~ ~~minutes~~ west (N 83° ~~00'~~ W), one thousand five hundred fifty-one (1,551) feet from the intersection of State Highway #1 and Point Reyes Station (Inverness) Road., being within ~~the~~ SW¼ of NW¼ of projected Section 36, T3N, R9W, MDB&M.

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

115 acres within projected Section 35., T3N, R9W, MDB&M
60 acres within projected Section 36 T3N, R9W, MDB&M
175 acres total as shown on map on file 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.

APR 24 '56

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
day of , 19

[SEAL]

EDWARD HYATT, *State Engineer*

LICENSE

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO

DATED

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