STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION **13965** PERMIT **8632** LICENSE **4324A**

THIS IS TO CERTIFY, That Waldo Giacomini
Point Reyes, California

Has the right to use waters of **Lagunitas Creek** in **Marin County** tributary to **Tomales Bay**

for the following purposes: **Irrigation**

Amended License **4324A** supersedes the license originally issued **04/24/1956**, which was perfected in accordance with the laws of California, the regulations of the SWRCB or its predecessor, and the terms of Permit **8632**. The priority of this right dates from **09/26/1950**. Proof of maximum beneficial use of water pursuant to Application **13965** was made as of **04/23/1953** (the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2.0 cubic feet per second to be diverted from May 1 to 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.

Unless a change is approved by the State Water Resources Control Board (SWRCB), water used under this license may be diverted, rediverted, stored and used only as specified below;

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Within the SW¼ of NW¼ of Projected Section 36, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 578,000 and East 1,335,400.

Within the SW¼ of SE¼ of Projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 579,400 and East 1,338,900.

Within the SE¼ of NE¼ of Projected Section 25, T3N, R9W, MDB&M. Also described as California Coordinate System, Zone 3, North 582,000 and East 1,339,700.

A yet to be determined point of diversion related to the report referred to in Condition 1 of the Army Corps of Engineers' permit. Written permission from the Chief, Division of Water Rights, would be required prior to the diversion of water.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

312 total acres located within Projected Sections 26, 35 and 36, T3N, R9W, MDB&M, as shown on map on file with the SWRCB.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that

such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

During the season specified in this permit, the total quantity and rate of water diverted and used under this license and under licensee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this license. If the licensee claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this license shall be the net of the face value of the license less the amounts of water available under the existing right.

Licensee shall forfeit all rights under this license if licensee transfers all or any part of the claimed existing right for the place of use covered by this license to another place of use without the prior approval of the State Water Resources Control Board.

Licensee shall take and use water under the existing right claimed by licensee only in accordance with law. (0000021-d)

In order to prevent degradation of the quality of water, licensee shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board. (0000100)

The summer dam at the location authorized in this license shall be installed as late as possible, but in no event shall the dam be installed prior to June 15.

Licensee shall remove the summer diversion dam at the presently specified location on or before November 1, 1997, and shall not reinstall the dam at the location thereafter. No diversion dam shall be installed for diversion of water under this license at an alternative location prior to approval by the SWRCB.

Licensee or his successor in interest shall not install a dam on Lagunitas Creek downstream of the Highway 1 bridge any time after November 1, 1997, to divert water under any basis or claim of water right.

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 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 SWRCB.

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 SWRCB 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 SWRCB 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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.

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 SWRCB.

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 (of the Water Code) 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 cannot 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.

Dated: OCT 1 0 2000

STATE WATER RESOURCES CONTROL SWRCB

Harry M. Schueller
Chief, Division of Water Rights