



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 13894
Page 1 of 4

PERMIT 8413

LICENSE 4346

THIS IS TO CERTIFY, That

Van Vleck Ranching & Resources, Inc.
7879 Van Vleck Road
Rancho Murieta, CA 95683-9727

has made proof as of **August 2, 1955** (the date of inspection) to the satisfaction of the State Water Resources Control Board (State Water Board) of a right to the use of the waters of **Unnamed Stream** in **Sacramento County**

tributary to **Arkansas Creek thence Cosumnes River**

for the purpose of **Irrigation, Stockwatering, Recreation, and Wildlife Enhancement uses.**

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Board has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

Additionally, the State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.)

This license is being issued in accordance with the redelegations of authority (Resolution No. 2012-0029). Therefore, this license on **Application 13894** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

The license is issued under Permit **8413** of the State Water Board; which was perfected in accordance with the laws of California, the Regulations of the State Water Board, and the permit terms. The priority of this right dates from **August 14, 1950**; and the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **one hundred ninety (190) acre-feet per annum to be collected from about November 1 of each year to about May 15 of the succeeding year.**

The maximum total withdrawal in any one year shall not exceed one thousand eight hundred fifty two (1,852) acre-feet under this license, the license issued on Application 25715 and Amended License 11068 (Application 24143). The maximum total capacity of the reservoir shall not exceed two thousand (2,000) acre-feet under this license, the license issued on Application 25715 and Amended License 11068 (Application 24143).

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

THE POINT OF DIVERSION AND PLACE OF STORAGE OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 2, North 1,932,090 feet and East 6,829,580 feet, being within NW¼ of NE¼ of Section 14, T7N, R8E, MDB&M.

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

Irrigation and Stockwatering on 500 net acres within a gross area of 2,479 acres as follows:

320 acres within E½ of Section 10, T7N, R8E, MDB&M
160 acres within SW¼ of Section 10, T7N, R8E, MDB&M
640 acres within Section 11, T7N, R8E, MDB&M
320 acres within W½ of Section 12, T7N, R8E, MDB&M
80 acres within W½ of NE¼ of Section 12, T7N, R8E, MDB&M
79 acres within W½ of SE¼ of Section 12, T7N, R8E, MDB&M
160 acres within NW¼ of Section 13, T7N, R8E, MDB&M
320 acres within N½ of Section 14, T7N, R8E, MDB&M
80 acres within N½ of SW¼ of Section 14, T7N, R8E, MDB&M
160 acres within SE¼ of Section 14, T7N, R8E, MDB&M
80 acres within N½ of NW¼ of Section 15, T7N, R8E, MDB&M
80 acres within N½ of NE¼ of Section 15, T7N, R8E, MDB&M

2,479 acres as shown on map filed with the State Water Board.

Stockwatering, Recreational and Wildlife Enhancement uses at Van Vleck Reservoir in Sections 11, 12, 13 and 14, T7N, R8E, MDB&M.

The maximum area irrigated in any one year shall not exceed 500 combined acres under this license, the license issued on Application 25715 and Amended License 11068 (Application 24143).

Licensee shall maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Deputy Director for Water Rights in order that water entering the reservoir which is not authorized for appropriation under this license may be released.

(0050043)

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

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.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

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

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board 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 State Water Board 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the 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 State Water Board.

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.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
PHILLIP CRADER FOR

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: AUG 22 2012



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

License for Diversion and Use of Water

APPLICATION 13894

PERMIT 8413

LICENSE 4346

THIS IS TO CERTIFY, That Stanley L. Van Vleck and Gordan K. Van Vleck Notice of Change (Over)
Sloughouse, California

have made proof as of August 2, 1955,
(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 Sacramento County

tributary to Arkansas Creek thence Cosumnes River

for the purpose of irrigation
under Permit 8413 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 August 14, 1950;
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 hundred ninety (190) acre-
feet per annum to be collected from about November 1 of each year to about May 15
of the succeeding year.

The point of diversion of such water is located north one thousand seventy (1,070) feet and
east nine hundred fifty-five (955) feet from center of, Section 14, T7N, R8E,
MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14.

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

24 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T7N, R8E, MDB&M
21 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, T7N, R8E, MDB&M
45 acres total

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 24 day of April, 1956

HARVEY O. BANKS, Assistant State Engineer

By L. C. Jopson Assistant State Engineer

11/4/67 RECEIVED NOTICE OF ASSIGNMENT No. of interest of Gordon K. Van Vleck Stanley L. Van Vleck

1/10/96 Not of asgd: App#13894 Lic#4346 Van Vleck Ranching & Resources, Inc.

LICENSE 4346

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

LICENSE TO APPROPRIATE WATER

ISSUED TO Stanley L. Van Vleck and Gordon K. Van Vleck

DATED APR 24 1956

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