

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

ORDER

APPLICATION 11028 PERMIT 6440 LICENSE 4355

ORDER ALLOWING ADDITION OF A POINT OF DIVERSION AND
CHANGE IN THE PLACE OF USE

WHEREAS:

1. License 4355 was issued to George R. Zumwalt, Ivy G. Zumwalt, Braly Zumwalt, Geraldine Bransford, Nancy Irwin, Mattie J. Keeley and Ruth Landeen and was filed with the County Recorder of Colusa County on June 7, 1956 .
2. License 4355 was subsequently assigned to Zumwalt Farms, Inc.
3. A Report of Inspection was made of the place of use by state Board staff on May 11, 1990 whereon it was determined that a second point of diversion is needed to reflect the location of two pumping stations on Salt creek and the place of use reduced from 5,955.29 acres to 4,995.29 acres.
4. A petition for change in point of diversion, and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license condition pertaining to the State Board's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of Diversion under this license shall be as follows:
 - 1) POD #1 - South one hundred twenty-five (125) feet and east one hundred twenty (120) feet from N $\frac{1}{4}$ corner of Section 28, T16N, R2W, MDB&M, . being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 28.
 - 2) POD #2 - North three thousand three hundred (3,300) feet from SW corner of section 33, T16N, R2W, MDB&M, Being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 33.

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2. The license condition pertaining to the State Board's continuing authority is replaced with the following to conform with Section 780(a), Title 23 of the California Code of Regulations.

The continuing authority provisions of this license be amended to read:

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.

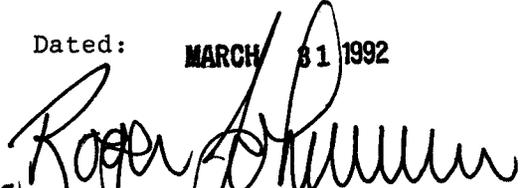
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required 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.

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3. The place of use under this license shall be as follows:
1,848.29 acres within a portion of Sections 3, 4, 16 and 22 and all of Section 15, T15N, R2W, MDB&M.
3,147.00 acres within a portion of Sections 23, 26, 28, and 35 and all of Sections 27, 33 and 34, T16N, R2W, MDB&M for
4,995.29 acres total as shown on map on file with the Board.

Dated: MARCH 31 1992


Edward C. Anton, 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 11028

PERMIT 6440

LICENSE 4355
Notice of Assignment (Over)

THIS IS TO CERTIFY, That George R. Zumwalt, Ivy G. Zumwalt, Bral Zumwalt, Geraldine Bransford, Nancy Irwin, Mattie J. Keeley and Ruth Landeen
c/o George R. Zumwalt, 850 Market Street, Colusa, California,
have made proof as of June 6, 1955,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Colusa Trough in Colusa County

tributary to Sacramento River

for the purpose of irrigation
under Permit 6440

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 12, 1945; 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 ninety-six (96) cubic feet per second to be diverted from about April 1 to about October 15 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 one hundred twenty-five (125) feet and east one hundred twenty (120) feet from N1/4 corner of Section 28, T16N, R2W, MDB&M, being within NW1/4 of NE1/4 of said Section 28.

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

2808.29 acres within Sections 3, 4, 10, 15, 16, and 22, T15N, R2W, MDB&M
3147.00 acres within Sections 23, 26, 27, 28, 33, 34, and 35, T16N, R2W, MDB&M
5955.29 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.

This license is granted and licensee accepts all rights herein conferred 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 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.



Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of May, 1956

HARVEY O. BANKS, State Engineer

By *L. C. Jopson*
L. C. JOPSON
Assistant State Engineer

10-9-61 - Names chgd from Joanne Zumwalt to Jo Ann Z. Holman. Geraldine Bransford to Geraldine Bransford Bergman + Nancy Drwin to Nancy Ward

11-14-84 Adgd to Zumwalt Farms, Inc.

4-10-92 Name chgd to Zumwalt Mutual Water Co.

LICENSE 4355

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

LICENSE TO APPROPRIATE WATER

ISSUED TO George R. Zumwalt et al.

DATED MAY 21 1956

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