



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

License for Diversion and Use of Water

APPLICATION 10407

PERMIT 6083

LICENSE 4362

THIS IS TO CERTIFY, That Big Valley Mutual Water Co.
c/o Sam Gerig, President
Bieber, California
has made proof as of September 9, 1955,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
(1) Last Chance Creek and (2) Whalen Creek located in Modoc County
tributary to Taylor Creek

for the purpose of irrigation use
under Permit 6083 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 March 17, 1942;
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 two thousand eight hundred
sixty-five (2,865) acre-feet to be collected in Lower Roberts Reservoir from
about October 1 of each year to about June 1 of the succeeding year. The amount
diverted from Last Chance Creek shall not exceed one thousand one hundred sixty-
five (1,165) acre-feet per annum and the amount diverted from Whalen Creek shall
not exceed one thousand seven hundred (1,700) acre-feet per annum. The maximum
rate of diversion to offstream storage from Last Chance Creek shall not exceed
seventy (70) cubic feet per second and the maximum rate of diversion to offstream
storage from Whalen Creek shall not exceed one hundred (100) cubic feet per second.
Maximum use in any one year under this license and License 4360 (Application 2093)
shall not exceed a total of five thousand two hundred fifty (5,250) acre-feet.

The points of diversion of such water are located on (1) Last Chance Creek, south forty-four
(44) feet and east six (6) feet from NW corner of the SE1/4 of NW1/4 of Section 5,
T40N, R7E, MDB&M, and being within SE1/4 of NW1/4 of said Section 5. (2) Whalen
Creek, south five hundred ninety (590) feet and east eighty-seven (87) feet from
NW corner of SE1/4 of Section 5, T40N, R7E, MDB&M, and being within NW1/4 of
SE1/4 of said Section 5.

The conduit from Lower Roberts Reservoir is approximately one thousand one hundred
(1,100) feet long and terminates at Pit River within SW1/4 of SE1/4 of Section 11,
T39N, R7E, MDB&M. Water flows down Pit River and is rediverted therefrom to members
of Big Valley Mutual Water Company through existing irrigation dams and canals now
in use. The particular structures used for this purpose are: Lookout Dam, Fulcher
Dam, Gerig Dam, and Bieber Dam. The locations of these dams as described in
Schedule 4 of "Agreement Determining Rights to Water and to the Use Thereof from Pit
River in Big Valley in Modoc and Lassen Counties" Document dated October 1933, and
filed with the State of California Division of Water Resources.

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

2,550 acres total within portions of Sections 11, 20, 21, 22, 25, 26, 27, 28, 29,
34, 35, and 36, T39N, R7E, portions of Sections 1, 2, 3, 4, 9, 10, 11, 15, 16, 21,
22, 23, 24, 25, 26, 27, 34 and 35, T38N, R7E, portions of Sections 2, 3, 10, and 11,
T37N, R7E, MDB&M, as shown on map dated March 17, 1942, and filed with the
Division of Water Resources.

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 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

LICENSE

4362

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Big Valley Mutual Water Co.

DATED MAY 21 1956