

## ORDER

APPLICATION 12449PERMIT 8085LICENSE 4409ORDER AMENDING LICENSE AND ADDING  
EQUAL PRIORITY CLAUSE TO LICENSE TERMS

WHEREAS Application 12449 was filed by Charles J. Faber on March 29, 1948, and;

WHEREAS said application stated, "It is stipulated between Charles J. Faber, Dewey Murdock, C. A. Eddlemon and Nellie A. Eddlemon, Melvin O. Heib and LeRoy L. Heib that all applications filed by them at this time have equal priority of right." and;

WHEREAS on March 29, 1948, applications were filed by each of the above named parties with the understanding that said applications were to be of equal priority and;

WHEREAS on October 23, 1950, said applications were approved and permits, 8080, 8081, 8082, 8083, 8084 and 8085 were issued in connection therewith and;

WHEREAS on July 9, 1956, License 4409 was issued in connection with Permit 8085 and;

WHEREAS reference to the equal priority agreement was omitted from said License and;

WHEREAS it is determined that inclusion of an equal priority clause in said License 4409 is in order the State Water Rights Board so finds and;

It is hereby ordered that said License 4409 be and the same is hereby amended to include a clause as follows, to wit:

THE RIGHT CONFIRMED BY THIS LICENSE IS OF EQUAL PRIORITY WITH THE RIGHTS INITIATED BY APPLICATIONS 12444, 12445, 12446, 12447 and 12448.

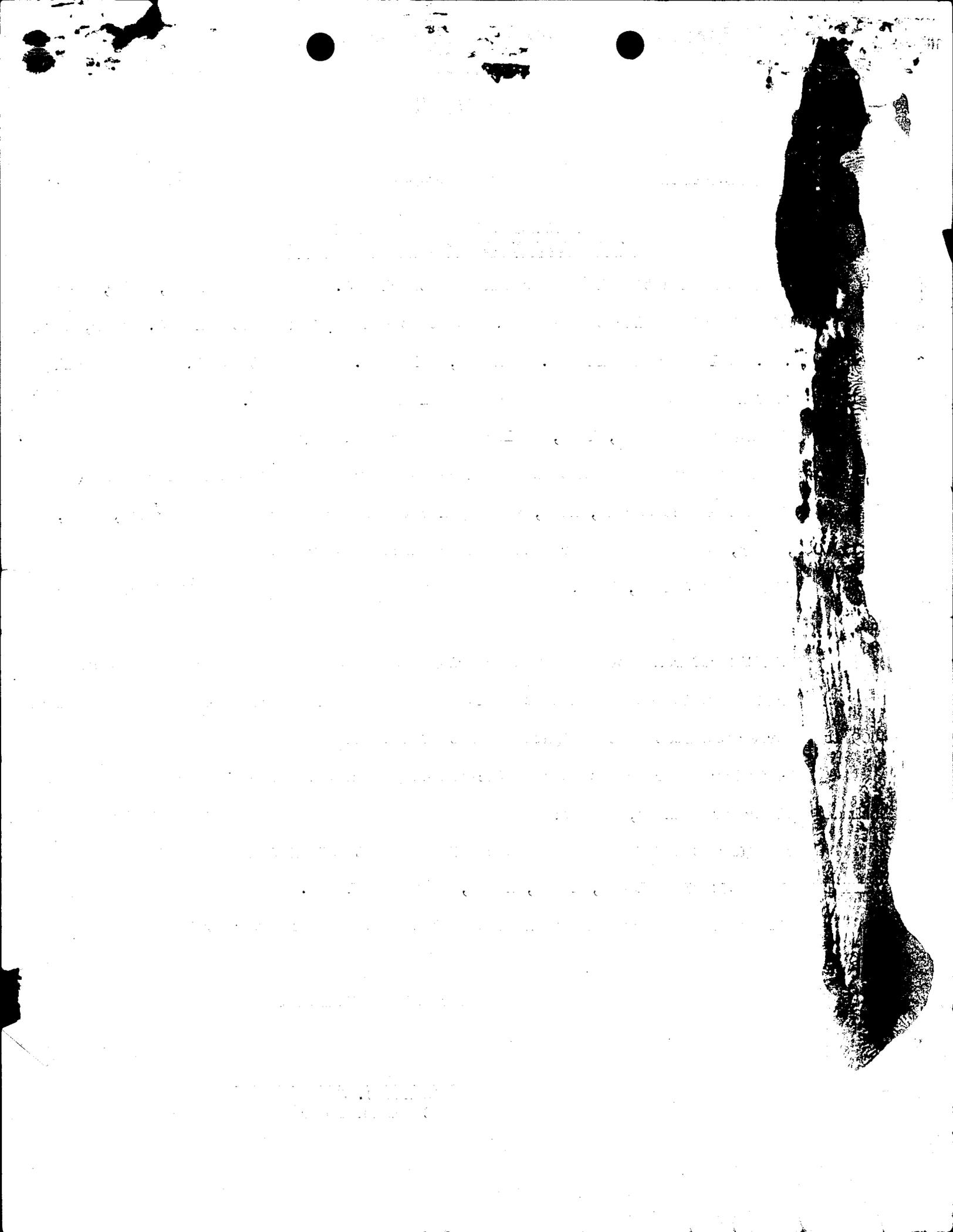
Witness the hand and the seal of the State Water Rights Board this

12th day of August, 1957

STATE WATER RIGHTS BOARD

By

*Leslie C. Jopson*  
Leslie C. Jopson  
Chief Engineer





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

## License for Diversion and Use of Water

APPLICATION 12449 PERMIT 8085 LICENSE 4409

THIS IS TO CERTIFY, That **Charles J. Faber**  
Rt. 1, Box 219  
Lodi, California

*over*  
has made proof as of **August 23, 1955,**  
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
**Bear Creek in San Joaquin County**

tributary to **San Joaquin River Drainage Area**

for the purpose of **irrigation use**  
under Permit **8085** 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 29, 1948;**  
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 **forty-five hundredths (0.45)**  
cubic foot per second to be diverted from about **March 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 north four hundred (400) feet and east  
two thousand seven hundred (2,700) feet from SW corner of Section 14, T3N, R7E,  
MDB&M, being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 14.

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

230 acres within Section 14, T3N, R7E, MDB&M, 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 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 3rd day of July, 19 56

HARVEY O. BANKS,  
~~XXXXXXXXXXXX~~ State Engineer

By *[Signature]*  
~~XXXXXXXXXXXX~~ L. C. Johnson  
Assistant State Engineer

9-12-86 asgd to Emma Frasch

5/18/90 assigned to John M. Bastianelli and S.E. Bastianelli

2-25-00 asgd. to Jose Cruz Vivamontes + Elizabeth Vivamontes

LICENSE 4409

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

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Charles J. Faber

DATED JUL 3 1956

9987 5-53 24 SFO

2