

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

ORDER

APPLICATION 14034

PERMIT 8421

LICENSE 4538

ORDER ALLOWING CHANGE IN THE POINT
OF DIVERSION, THE PLACE OF USE
AND AMEND THE LICENSE

WHEREAS:

1. License 4538 was issued to Tony Mellow and was filed with the County Recorder of Sonoma County on February 14, 1957.
2. License 4538 was subsequently assigned to Klein Foods, Inc.
3. A petition for change in the point of diversion and the 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.
4. The Board has determined that said change will not initiate a new right nor operate the injury of any other harmful user of water and that good and sufficient cause has been shown for said correction.
5. License condition pertaining to the Board continuing authority should be revised to conform to Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:

California Coordinate System, Zone 2, N 374,900 and E 1,751,000.
2. The place of use under this license shall be as follows:

1 acre within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 29, T10N, R9W, MDB&M
9 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 29, T10N, R9W, MDB&M
12 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 29, T10N, R9W, MDB&M
10 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 20, T10N, R9W, MDB&M
7 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 20, T10N, R9W, MDB&M
5 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 21, T10N, R9W, MDB&M
8 acres within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 28, T10N, R9W, MDB&M

52 acres total, as shown on map on file with State Water Resources Control Board.

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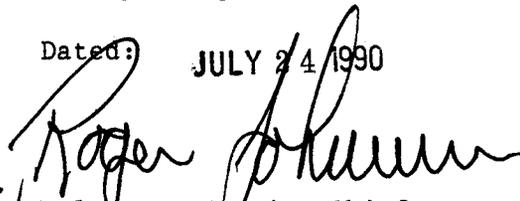
3. The license condition pertaining to the Board's continuing authority is replaced to conform with Section 780(a), Title 23, California Code of Regulations and read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit 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 permittee 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. (0000012)

Dated: JULY 24 1990


Walter G. Pettit, Chief
Division of Water Rights

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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 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 and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

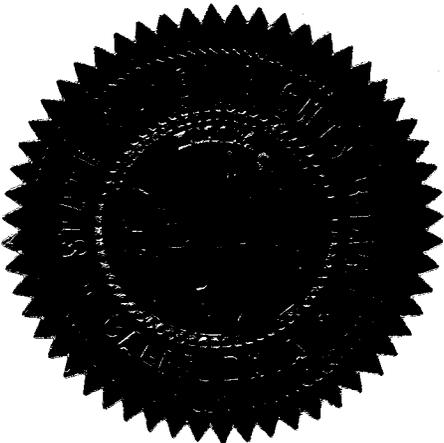
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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: FEB 11 1957

STATE WATER RIGHTS BOARD



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

1-2-58 RECEIVED NOTICE OF ASSIGNMENT TO *Clifford L. & Virginia R. Cake*

4/23/76 asgd to Sonoma Vineyards;
3/13/89 asgd to: Klein Foods, Inc.

LICENSE 4538
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Tony Mellon

DATED FEB 11 1957

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