

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

ORDER

Application 12120 Permit 7127 License 4666

**ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND
PLACE OF USE; ADDITION OF LICENSE TERM AND
AMENDING THE LICENSE**

WHEREAS:

1. License 4666 was issued to Estate of Winifred Graham, Frances O'Hair, Genevieve Glen Goulden, Josephine Angela Boles and Catherine Mary Cook and was filed with the County Recorder of Colusa County on July 2, 1957.
2. License 4666 was subsequently assigned to Mariette B. Hollins.
3. An amended petition for change of the point of diversion and place of use (POU) was filed with the State Water Resources Control Board (SWRCB) on August 14, 1992. The licensee has petitioned for a change in the existing point of diversion to a location upstream of Hamilton Bend and a change in the description of the POU to include a net 45.3 acres within 433.2 acres of Sections 31, 32, and 33, T17N, R1W, MDB&M.
4. The California Department of Fish and Game (DFG) conditionally protested the change petition by letter dated April 5, 1995. The protest required the licensee to address the issue of the installation of a fish screen on the pumping facility used to deliver water to the licensee's POU and/or participation in a post area-wide program addressing fish entrainment in the Sacramento River. An agreement to DFG's protest terms for dismissal was received from the licensee's legal counsel in letter dated April 12, 1995.
5. The SWRCB 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 SWRCB's continuing authority should be replaced with the current version to conform with the Section 780(a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

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

South 1,700 feet and West 3,134 feet from NE corner of Section 31, T17N, R1W, MDB&M, being within the SE¼ of NW¼ of said Section 31.
2. The place of use under this license shall be as follows:

Irrigation of net 45.3 acres within 433.2 acres of Sections 31, 32, and 33, T17N, R1W, MDB&M.

3. License 4666 shall be conditioned to include the following fish screening issue relative to fish entrainment in the Sacramento River:

"The SWRCB shall maintain continuing jurisdiction for Licenses 2099 and 4666 (Applications 190 and 12120) for a period of five (5) years from the date of issuance of any Order Approving Change Petitions (Order) associated with the August 18, 1992 Petitions to Change the Point of Diversion for Licenses 2099 and 4666. Continuing jurisdiction shall be maintained to require participation in an area-wide program which addresses fish entrainment in the Sacramento River. If no such area-program exists in five (5) years, the DFG shall inform the SWRCB whether continuing jurisdiction shall be maintained for an additional period of time, and shall specify the length of time required, for development of the area-wide program. If, at the end of the five year period described above, DFG does not request an extension of time to develop the area-wide program, the fish screen issue may be referred to the SWRCB for resolution.

The continuing jurisdiction will terminate when the licensee participates in an area-wide program or a new Order regarding fish screening is an issue by the SWRCB."

4. The existing continuing authority condition under this license be amended as follows:

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 SWRCB 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.

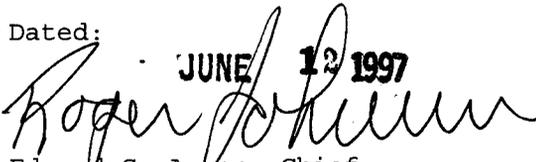
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required 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 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 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. (0000012)

Dated:

JUNE 12 1997



JA

Edward C. Anyon, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 12120PERMIT 7127LICENSE 4666

THIS IS TO CERTIFY, That

Estate of Winifred Graham, Frances Mary O'Hair
Genevieve Glenn Goulden, Josephine Angela Boles
and Catherine Mary Cook, c/o Robert O'Hair, ^{Notice of Assignment (Over)}
Colusa, California ^{have} made proof as of June 2, 1955,(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Sacramento River in Colusa County

tributary to Suisun Bay

for the purpose of irrigation use
under Permit 7127 of the State Water Rights Board 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 State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from October 7, 1947
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 and fifteen-hundredths
(1.15) cubic feet per second to be diverted from about April 15 to about October 1
of each year.

Issuance of this license shall not operate to the prejudice of any prior
rights including rights acquired by the United States for the Central Valley
Project involving flows, whether or not released from storage, which though not
presently applied to beneficial use may hereafter be applied thereto pursuant to
such prior rights.

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 twenty-seven degrees west (S27°W)
three hundred seventy (370) feet from NE corner of Section 6, T 16 N, R 1 W,
MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 6.

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

2.7 acres in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T 17 N, R 1 W, MDB&M
8.1 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T 17 N, R 1 W, MDB&M
4.5 acres in SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T 17 N, R 1 W, MDB&M
3.6 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T 17 N, R 1 W, MDB&M
15.7 acres in NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32, T 17 N, R 1 W, MDB&M
10.7 acres in NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32, T 17 N, R 1 W, MDB&M
45.3 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 State Water Rights Board 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 Water Rights Board.

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.

COVERED BY LICENSE ORDER NO. 21

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.

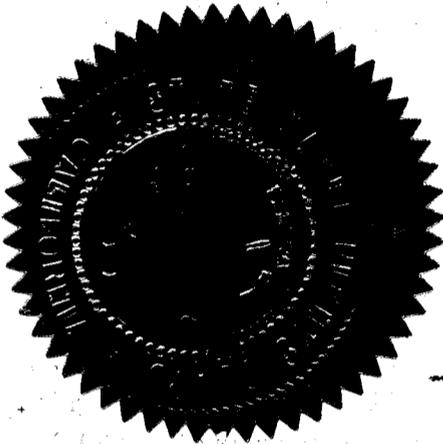
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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 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: JUN 26 1957

STATE WATER RIGHTS BOARD



By Leslie C. Jopson
Leslie C. Jopson
Chief Engineer

3/2/59 RECEIVED NOTICE OF ASSIGNMENT TO Robert Hunter & Andrew L. Scott, Jr.

7-27-64 Name chg. to Estate of A. L. Scott, Jr.
5-2-64 Int of Est of Andrew L. Scott
trf to Virginia C. Scott

9-12-68 Records changed to show Estate of Robert Hunter, Margaret M. Grew Hunter

7-24-78 Records chgd to show Hunter Nene Rancho Company as owners

9-20-78 asgs to Hunter Nene Rancho Company

LICENSE 4666	LICENSE TO APPROPRIATE WATER	ISSUED TO Estate of Winifred Graham, et al	DATED JUN 26 1957
STATE OF CALIFORNIA STATE WATER RIGHTS BOARD			

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