

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

ORDER

Application 14428 Permit 8899 License 5358

ORDER TO ADD A POINT OF DIVERSION,
CHANGE PLACE OF USE AND PURPOSE OF USE;
ISSUANCE OF SEPARATE LICENSES AND
REVOCAION OF ORIGINAL LICENSE

WHEREAS:

1. License 5358 was issued to R.A. Schnabel on August 20, 1996 pursuant to Application 14428 and recorded with the County Recorder of Sutter County on August 21, 1958.
2. A previous Order allowing change in the point of diversion and place of use was granted on October 31, 1986 and recorded with the County Recorder of Sutter County on November 19, 1986 in Book 1194, Page 27.
3. A petition to add a point of diversion (POD), change place of use (POU) and purpose of use has been filed with the State Water Resources Control Board (SWRCB) on February 16, 1996. Included with the petition is a "Request for Division of License" to reflect a three way split in ownership of License 5358.
4. The SWRCB has determined the addition of a POD on the East Borrow Pit of Sutter Bypass, changes in POU, and purpose of use will not constitute the initiation of a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said changes and subsequent issuance of separate licenses.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The sources under this license shall be as follows:
 - 1) Wadsworth Canal tributary to East Borrow Pit of Sutter Bypass;
 - 2) Unnamed Drain tributary to East Borrow Pit of Sutter Bypass; and
 - 3) East Borrow Pit of Sutter Bypass

2. The points of diversion under this license shall be as follows:
 - 1) South sixty-one degrees and forty-two minutes West ($61^{\circ} 42'$ West) two hundred and sixty-eight and five tenths (268.5) feet from N $\frac{1}{4}$ corner of Section 28, T15N, R2E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28.
 - 2) South 30 feet and East 394 feet from NW corner of Section 33, T15N, R2W, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 33.
 - 3) North 2,500 feet and East 150 feet from SW corner of projected Section 29, T15N, R2E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29.
3. The deletion of 74.4 acres to the place of use under this license shall be as follows:

39.6 acres, within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, and
34.8 acres, within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28,
all within T15N, R2E, MDB&M.
4. The addition of 223 acres to the place of use under this license shall be as follows:

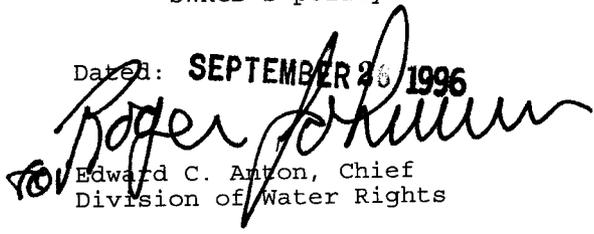
9.2 acres, within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 29;
8.8 acres, within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32;
86.2 acres, within the SW $\frac{1}{4}$ of projected Section 29;
4.0 acres, within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 29;
14.0 acres, within the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of projected Section 30;
82.0 acres, within the SE $\frac{1}{4}$ of projected Section 30; and
19.0 acres, within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 31,
all within T15N, R2E, MDB&M
5. The purpose of use under this license shall be as follows:

Irrigation and Wildlife Enhancement
6. License 5358 be replaced by License 5358A issued to R.A. Schnabel, License 5358B issued to Loretta Dean and 5358C issued to Edward S. Dean, Edwina D. Park, Loretta Dean, Delores E. Jones, Pamela G. Jenkins and Patricia D. Dean.
7. Superseded License 5358 is hereby revoked upon issuance of License 5358A, 5358B, and 5358C.
8. Separate licenses be issued as follows:
 - A. License: 5358A (Application 14428A)
Owner: R.A. Schnabel
658 El Margarita Road
Yuba City, CA 95991
Source: Wadsworth Canal tributary to East Borrow Pit of Sutter Bypass thence Nelson Slough thence West Borrow Pit of Sutter Bypass thence Sacramento Slough thence Sacramento River in Sutter County
Use: Irrigation
Amount: 0.75 cubic foot per second
Season: May 1 to September 30
Point of Diversion: South $61^{\circ} 42'$ West 268.5 feet from N $\frac{1}{4}$ corner of Section 28, T15N, R2E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28.
Place of Use: 15 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28;
35 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28;
5 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28;
all within T15N, R2E, MDB&M.
55 acres total, as shown on map on file with the State Water Resources Control Board.

- B. License: 5358B (Application 14428B)
Owner: Loretta Dean
P.O. Box 516
Sutter, CA 95982
Source: Unnamed Drain tributary to East Borrow Pit of Sutter Bypass thence Nelson Slough thence West Borrow Pit of Sutter Bypass thence Sacramento Slough thence Sacramento River in Sutter County
Use: Irrigation
Amount: 0.97 cubic foot per second
Season: May 1 to September 30
Point of Diversion: South 30 feet and East 394 feet from NW corner of Section 33, T15N, R2E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 33.
Place of Use: 5.2 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28;
32.0 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28;
0.4 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28;
9.2 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 29;
8.8 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 32;
71.4 acres total, as shown on map on file with State Water Resources Control Board.
- C. License: 5358C (Application 14428C)
Owner: Edward S. Dean, Edwina D. Park, Loretta Dean, Dolores E. Jones, Pamela G. Jenkins and Patricia D. Dean
Source: East Borrow Pit of Sutter Bypass tributary Nelson Slough thence West Borrow Pit of Sutter Bypass thence Sacramento Slough thence Sacramento River in Sutter County
Use: Irrigation and Wildlife Enhancement
Amount: 2.78 cubic feet per second
Season: May 1 to September 30
Point of Diversion: North 2,500 feet and East 150 feet from SW corner of projected Section 29, T15N, R2E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29.
Place of Use: 86 acres within SW $\frac{1}{4}$ of projected Section 29;
4 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 29;
14 acres within S $\frac{1}{2}$ of NE $\frac{1}{4}$ of projected Section 30;
82 acres within SE $\frac{1}{4}$ of projected Section 30;
19 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 31, all within T15N, R2E, MDB&M.
205 acres total, as shown on map on file with State Water Resources Control Board.

9. Licenses 5358A, 5358B, and 5358C shall contain all other terms and conditions presently in License 5358 or the updated versions for compliance with the SWRCB's policy.

Date: **SEPTEMBER 20 1996**


Edward C. Anton, Chief
Division of Water Rights

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

ORDER

APPLICATION 14428

PERMIT 8899

LICENSE 5358

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND PLACE OF USE

WHEREAS:

1. License 5358 was issued to R. A. Schnabel and was filed with the County Recorder of Sutter County on August 21, 1958.
2. A petition to add point of diversion, and change 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.
3. 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.

NOW, THEREFORE, IT IS ORDERED THAT:

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

- 1.) South sixty-one degrees forty-two minutes West (South 61°42' West) Two hundred sixty-eight and five tenths (268.5) feet from N $\frac{1}{2}$ corner of Section 28, T15N, R2E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28.
- 2.) South 30 feet and East 394 feet from the NW corner of Section 33, T15N, R2E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 33.

2. The place of use under this license shall be as follows:

- 15 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 35 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 5 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 40 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 40 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 32 acres within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
- 15.8 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M

182.8 total

3. The paragraph pertaining to the continuing authority of the Board is replaced with the following:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license 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 permittee 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.

Dated: OCTOBER 31 1986

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 14428

PERMIT 8899

LICENSE 5358

THIS IS TO CERTIFY, That

R. A. Schnabel
Route 4, Box 38
Yuba City, California

has made proof as of January 13, 1958
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Wadsworth Canal in Sutter County

tributary to Sutter By-Pass

for the purpose of irrigation use
under Permit 8899 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 August 15, 1951
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 four and five tenths (4.5)
cubic feet per second to be diverted from about May 1 to about September 30 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 sixty-one degrees forty-two minutes west (S61°42'W) two hundred sixty-eight
and five tenths (268.5) feet from N $\frac{1}{4}$ corner of Section 28, T15N, R2E, MDB&M, being
within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 28.

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

15 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
35 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
5 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
40 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
40 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
20 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
5 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T15N, R2E, MDB&M
160 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.

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.

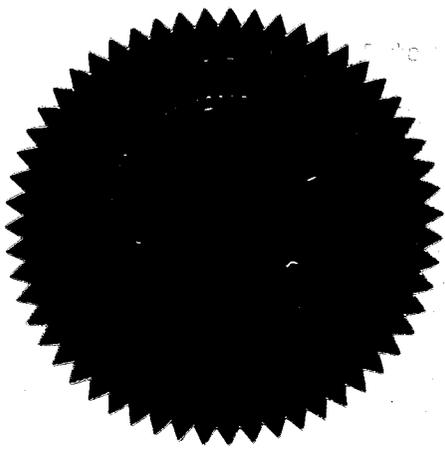
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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: AUG 20 1958

L. K. Hill
L. K. Hill
Executive Officer



LICENSE 5358

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO R. A. Schnabel

AUG 20 1958

DATED