STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

# License for Diversion and Use of Water

APPLICATION 16332 PERMIT 10274 LICENSE 5579

THIS IS TO CERTIFY, *That* John J.Schmiedt and Barbara Schmiedt
c/o George W. Schmiedt
Route 1, Box 94-A
Acampo, California

Notice of Assignment (Over)

*ha* ve *made proof as of* July 22, 1958 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* an unnamed drain in San Joaquin County

*tributary to* Dry Creek thence Mokelumne River

*for the purpose of* irrigation use
*under Permit* 10274 *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* April 22, 1955 *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* thirty-four hundredths (0.34) cubic foot per second to be diverted from about April 1 to about October 31 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 forty (40) feet and east one thousand four hundred (1400) feet from NW corner of Section 3, T4N, R7E, MDB&M, being within NE¼ of NW¼ of said Section 3.

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

26 acres within NE¼ of NW¼ of Section 3, T4N, R7E, MDB&M
40 acres within SE¼ of NW¼ of Section 3, T4N, R7E, MDB&M
27 acres within NW¼ of NE¼ of Section 3, T4N, R7E, MDB&M
40 acres within SW¼ of NE¼ of Section 3, T4N, R7E, MDB&M
133 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: MAR 2 4 '59

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

1/24/61 RECEIVED NOTICE OF ASSIGNMENT TO John G. & Wally Borges

LICENSE 5579
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO John J. and Barbara Schmiedt

DATED MAR 2 4 '59

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