STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION **14050B** PERMIT **8556** LICENSE **5625B**

THIS IS TO CERTIFY, That

City of Healdsburg
401 Grove Street
Healdsburg, CA 95448-4723

Has the right to use waters of **Russian River Underflow** in **Sonoma County**

for the following purpose: **Irrigation Use**

Amended **License 5625B** supersedes the license originally issued on **April 9, 1959**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 8556**. The priority of this right dates from **November 15, 1950**. Proof of maximum beneficial use of water pursuant to **Application 14050** was made as of August 7, 1958(the date of inspection).

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **0.09 cubic feet per second by direct diversion to be diverted from about May 1 to about October 31 of each year not to exceed 32.8 acre feet per annum.**

The equivalent of such continuous flow allowance for any thirty-day period maybe diverted in a shorter time if there is no interference with other vested rights.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

South 2,400 feet and West 2,300 feet from NE corner of projected Section 33, T9N, R9W, MDB&M, being within SW¼ of NE¼ of said Section 33.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

16½ acres described as follows:

3 acres within SE¼ of NW¼ of projected Section 33;
3 acres within SW¼ of NE¼ of projected Section 33;
6½ acres within NE¼ of SW¼ of projected Section 33;
4 acres within NW¼ of SE¼ of projected Section 33;
all in T9N, R9W, MDB&M.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

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 SWRCB 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the SWRCB.

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 SWRCB.

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.

STATE WATER RESOURCES CONTROL BOARD

Victoria A. Whitney

for *Edward C. Anton, Chief*
Division of Water Rights

Dated: JUL 2 1 2003

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 5625 (Application 14050)

Ann M. Hill

City of Healdsburg

ORDER DIRECTING ISSUANCE OF SEPARATE LICENSES, AND APPROVING CHANGE IN POINT OF DIVERSION AND PURPOSE OF USE

SOURCE: Russian River

COUNTY: Sonoma

WHEREAS:

1. License 5625 was issued to Harry Hill, Jr. and Ann M. Hill and was filed with the County Recorder of Sonoma County on April 10, 1959.

2. License 5625 was subsequently assigned to Harry Hill, Jr., Ann M. Hill, and the City of Healdsburg.

3. A petition requesting the issuance of separate licenses to cover the licensee's respective interest in License 5625 has been filed with the State Water Resources Control Board (SWRCB).

4. A petition to change the points of diversion and add domestic use as a purpose of use has been filed with SWRCB and it has determined that good cause for such change has been shown. The petition was noticed on September 18, 1997 and no protests were received.

5. SWRCB has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

6. The permit terms relating to the continuing authority and water quality objectives of the SWRCB should be updated to conform to section 780(a) and (b), title 23 of the California Code of Regulations.

7. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 5625 is hereby replaced and superseded upon the issuance of License 5625A to Ann M. Hill and with License 5625B issued to the City of Healdsburg.

2. Separate licenses be issued as follows:

A. License 5625A

1. Owner:	Ann M. Hill
2. Source:	Russian River Underflow in Sonoma County
3. Amount:	6,500 gallons per day
4. Maximum Annual Use:	3.6 acre feet per annum (afa)
5. Season:	May 1 to October 31 of each year
6. Purpose of use:	Irrigation and Domestic
7. Point of Diversion:	North 2,550 feet and East 1,750 feet from the SW corner of projected section 33, T9N, R9W, MDB&M, being within the NE¼ of SW¼ of said section 33
8. Place of Use:	2 acres within the NE¼ of SW¼ of projected section 33, T9N, R9W, MDB&M

B. License 5625B

1. Owner:	City of Healdsburg
2. Source:	Russian River Underflow in Sonoma County
3. Amount:	0.09 cubic feet per second
4. Maximum Annual Use:	32.8 afa
5. Season:	May 1 to October 31 of each year
6. Purpose of Use:	Irrigation
7. Point of Diversion:	South 2,400 feet and West 2,300 feet from the NE corner of projected section 33, T9N, R9W, MDB&M, being within the SW¼ of NE¼ of said section 33

8. Place of Use: 16½ acres described as follows:
3 acres within SE¼ of NW¼ of projected section 33;
3 acres within SW¼ of NE¼ of projected section 33;
6½ acres within NE¼ of SW¼ of projected section 33;
4 acres within NW¼ of SE¼ of projected section 33;
all in T9N, R9W, MDB&M

3. Licenses 5625A and 5625B shall contain all other terms and conditions presently in License 5625 or updated terms to reflect compliance with the SWRCB's policy.

STATE WATER RESOURCES CONTROL BOARD

Victoria A. Whitney
for *Edward C. Anton, Chief*
Division of Water Rights

Dated: JUL 21 2003