STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 16159 PERMIT 10081 LICENSE 6967

ORDER CORRECTING POINT OF DIVERSION, PLACE OF USE,
REDUCTION IN DIVERSION RATE AND
AMENDING THE LICENSE

WHEREAS:

1. License 6967 was issued to Dewey D. Baumbach and recorded with the County Recorder of Sacramento County on January 2, 1964 in Book 4853, Page 640.

2. License 6967 was subsequently assigned to Dave M. Wood and Janet E. Wood.

3. An inspection was made on November 19, 1987 and it was determined that the description of the Point of Diversion and Place of Use should be corrected. A correction is also needed to reflect a division of the Place of Use.

4. The USGS 7.5' Quadrangle map Sloughhouse photorevised 1980 shows the Point of Diversion and Place of Use as being within NW¼ of SE¼ of projected Section 23, T7N, R7E, MDB&M. License 6967 describes the same Point of Diversion and Place of Use as being within SW¼ of NE¼. Corrections in the descriptions of Point of Diversion and Place of Use under said license are needed to conform the description with the location on the photorevised Quadrangle map.

5. The Place of Use has been reduced from 30 acres to 5 acres therefore the direct diversion rate and annual amount should be reduced.

6. The State Water Resources Control Board has determined that said corrections in the description of Point of Diversion and Place of Use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said corrections.

7. The license condition pertaining to the continuing authority of the Board should be updated to conform to the current language of Standard Term 12 as contained in Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 6967 be described as follows:

   The amount of water actually benefically used for said purposes shall not exceed six hundredths (0.06) cubic foot per second to be diverted as follows: (a) from about April 1 to about November 15 of each year for irrigation purposes, and (b) throughout the year as required for stockwatering purposes; not to exceed 19 acre-feet per annum.

   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.

3

The point of diversion of such water is located:

North two thousand four hundred (2,400) feet and West nineteen hundred (1,900) feet from SE corner of projected Section 23, T7N, R7E, MDB&M, being within NW¼ of SE¼ of projected Section 23, T7N, R7E, MDB&M.

California Coordinate System, Zone 2, North 284,750 and East 2,235,750.

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

5 acres within Rancho Cosumnes and being also within projected Section 23, T7N, R7E, MDB&M, as shown on map on file with State Water Rights Board.

2. The condition related to the continuing authority of the Board in the license be amended to read:

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 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 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 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: NOVEMBER 14 1988

for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16159 PERMIT 10081 LICENSE 6967

THIS IS TO CERTIFY, *That* Dewey D. Baumbach
Route 1, Box 385
Wilton, California

Notice of Assignment (Over)

has made proof as of April 2, 1963,
(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 stream in Sacramento County

tributary to Cosumnes River

for the purpose of irrigation and stockwatering uses
under Permit 10081 *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* November 30, 1954, *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* three-tenths (0.3) cubic foot per second to be diverted as follows: (a) from about April 1 to about November 15 of each year for irrigation purposes, and (b) throughout the year as required for stockwatering purposes.

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 two thousand two hundred fifty (2250) feet and west five thousand one hundred (5100) feet from N¼ corner of projected Section 24, T7N, R7E, MDB&M, being within SW¼ of NE¼ of projected Section 23, T7N, R7E, MDB&M.

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

30 acres within Rancho Cosumnes and being also within projected Section 23, T7N, R7E, MDB&M, as shown on map filed with State Water Rights Board.

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: JAN 2 1964

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

10/13/65 RECEIVED NOTICE OF ASSIGNMENT TO John & Verma Sommer

2-12-73 RECEIVED NOTICE OF ASSIGNMENT TO Marvin D. Clark

1-25-79 Asgn to Steve Kuster

LICENSE 6967
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Dewey D. Baumbach

DATED JAN 2 1964

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NOV 7 '63 W.O.P.