STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 16724 PERMIT 10441 LICENSE 7079

ORDER CORRECTING DESCRIPTION
OF POINT OF DIVERSION AND REDUCTION
OF ACREAGE WITHIN PLACE OF USE

WHEREAS:

1. License 7079 was issued to Noel F. Dennis and Birdie L. Dennis and filed with the County Recorder of Butte County on January 15, 1965, in Volumne 1354, Page 375, Document 17726.

2. License 7079 was subsequently assigned to Allen C. Upton and Deborah L. Upton on August 2, 1991.

3. An April 5, 1990 staff inspection for License 7079 determined the description for the point of diversion should be corrected and the acreage within the place of use be reduced to 15 acres.

4. The State Water Resources Control Board has determined that the request for the corrections do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. The license condition pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description for the point of diversion under this license be corrected to read:

   South two hundred and fifty (250) feet and West one thousand (1000) feet from N¼ corner of Section 2, T18N, R4E, MDB&M, being within NE¼ of NW¼ of said Section 2, also described as California Coordinate System, Zone 2, N 650,900 and E 2,142,500.

2. The place of use under this license shall be reduced from 21 to 15 acres as follows:

   Irrigation of 15 acres within the NE¼ of NW¼ of Section 2, T18N, R4E, MDB&M.

(0000004)

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3. The continuing authority provisions of this 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 permit and under any license issued pursuant thereto, 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 permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permittee 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: JULY 31 1992

Edward C. Anton, Chief
Division of Water Rights

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STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16724 PERMIT 10441 LICENSE 7079

Noel F. Dennis and Birdie L. Dennis
Route 5, Box 5426
Oroville, California

Notice of Change (Over)

THIS IS TO CERTIFY, *That* *have made proof as of* August 26, 1963, *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Wyandotte Creek in Butte County

tributary to North Honcut Creek thence Feather River

for the purpose of irrigation and stockwatering uses *under Permit* 10441 *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 8, 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* one (1) acre-foot per annum to be collected from about October 1 of each year to about June 1 of the succeeding year.

The point of diversion of such water is *located:*

South four hundred (400) feet and west six hundred (600) feet from N¼ corner of Section 2, T18N, R4E, MDB&M, being within NE¼ of NW¼ of said Section 2.

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

Stockwatering and irrigation of

21 acres within NE¼ of NW¼ of Section 2, T18N, R4E, MDB&M.

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.

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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 14 1965

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

~~8-13-70~~ RECEIVED NOTICE OF ASSIGNMENT TO ~~Leonard H. & Melva J. Vaughn~~

9-17-74 RECEIVED NOTICE OF ASSIGNMENT TO Bernard T. & Elizabeth T. Stack
4-18-83 Asgd to Lawrence B. & Sandra Stack

8/2/91 Not. of asgd. App#16724 Lic#7079
Allen C. & Deborah L Upton, Jerome L. &
Clara J. Hart

LICENSE 7079

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Noel F. Dennis and Birdie L. Dennis

DATED JAN 14 1965

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