STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 9737 PERMIT 5935 LICENSE 7160

ORDER CORRECTING DESCRIPTION OF POINT OF DIVERSION
AND PLACE OF USE, ADDING POINT OF DIVERSION,
CHANGING PLACE OF USE AND AMENDING LICENSE

WHEREAS:

1. License 7160 was issued to Meridian Farms Water Company and Newhall Land and Farming Company and was recorded with the County Recorder of Sutter County on March 11, 1965, in Document 2483, Book 669, Page 485.

2. An August 14 & 22, 1991 staff inspection, determined the description of the point of diversion (POD) P-11 and place of use (POU) should be corrected and that a POD should be added. Also, it was determined the gross acres within the POU should be increased from 6,700 to 9,321 acres.

3. A petition for change in point of diversion, and place of use has been filed with the State Water Resources Control Board (State Water Board) and said Board has determined that good cause for such change has been shown.

4. The State Water 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.

5. The license provisions pertaining to the continuing authority of the State Water Board should be updated to conform to the current common law public trust doctrines contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license are located as follows:

   P-5 South thirty-nine degrees east (S39°E) one thousand two hundred (1,200) feet from NW corner of NE¼ of Section 16, T14N, R1E, MDB&M, being within NW¼ of NE¼ of said Section 16, also described as California Coordinates System, Zone 2, North 510,525 and East 2,038,150.

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P-7 North seventy-five degrees thirty minutes east (N75°30'E) three hundred eighty (380) feet from NW corner of NE¼ of projected Section 3, T14N, R1E, MDB&M, being within NW¼ of NE¼ of said projected Section 3, also described at California Coordinates System, Zone 2, North 521,900 and East 2,044,050.

P-9 South eight degrees thirty minutes east (S8°30'E) nine hundred forty (940) feet from NW corner of SW¼ of projected Section 27, T15N, R1E, MDB&M, being within NW¼ of SW¼ of said projected Section 27, also described as California Coordinates Systems, Zone 2, North 529,700 and East 2,041,225.

P-10 North eighty-seven degrees forty-five minutes east (N87°45'E) fifty (50) feet from SW corner of projected Section 20, T15N, R1E, MDB&M, being within SW¼ of SW¼ of said projected Section 20, also described as California Coordinates System, Zone 2, North 532,525 and East 2,034,950.

P-11 South twenty-four degrees thirty minutes west (S24°30'W) seven hundred and fifty (750) feet from NE corner of projected Section 29, T15N, R1E, MDB&M, being within NE¼ of NE¼ of said projected Section 29, also described as California Coordintes System, Zone 2, North 531,825 and East 2,035,400.

NL&FC North sixty-one degrees forty-five minutes east (N61°45'E) two thousand eight hundred and fifty (2,850) feet from SW corner of projected Section 11, T14N, R1E, MDB&M, also described as California Coordinates System, Zone 2, North 512,700 and East 2,049,000.

2. The place of use be corrected and changed as follows:

Increase 6,700 acres gross to 9,321 acres gross within T14N, R1E and R2E, MDB&M and T15N, R1E and R2W, MDB&M; as shown on Engineering maps dated January 10, 1940 and January 20, 1993. The net acreage will remain unchanged at 5,760 acres.

3. The continuing authority provisions of this license be updated 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: JANUARY 20 1994

Roger Johnson

for 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 9737 PERMIT 5935 LICENSE 7160

over

THIS IS TO CERTIFY, *That* Meridian Farms Water Company and Newhall Land and Farming Company Meridian, California

have made proof as of May 10, 1962, *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Long Lake and various canals of Reclamation District 70 in Sutter County

tributary to Sacramento River

for the purpose of irrigation use *under Permit* 5935 *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* September 22, 1939, *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 hundred (100) cubic feet per second to be diverted from about April 1 to about October 1 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 points of diversion of such water are located:

P-5 South thirty-nine degrees east (S39°E) one thousand two hundred (1200) feet from NW corner of NE¼ of Section 16, T14N, R1E, MDB&M, being within NW¼ of NE¼ of said Section 16.

P-7 North seventy-five degrees thirty minutes east (N75°30'E) three hundred eighty (380) feet from NW corner of NE¼ of Section 3, T14N, R1E, MDB&M, being within NW¼ of NE¼ of said Section 3.

P-9 South eight degrees thirty minutes east (S8°30'E) nine hundred forty (940) feet from NW corner of SW¼ of Section 27, T15N, R1E, MDB&M, being within NW¼ of SW¼ of said Section 27.

P-10 North eighty-seven degrees forty-five minutes east (N87°45'E) fifty (50) feet from SW corner of Section 20, T15N, R1E, MDB&M, being within SW¼ of SW¼ of said Section 20.

P-11 South seven degrees fifty minutes east (S7°50'E) one thousand eight hundred eighty-five (1885) feet from NW corner of Section 20, T15N, R1E, MDB&M, being within SW¼ of NW¼ of said Section 20.

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

5760 acres net within 6700 acres gross within T14N, R1E, MDB&M, and T15N, R1E, 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: MAR 1 0 1965

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

1-31-85 name of Newhall Land & Farming Co. chgd to The Newhall Land & Farming Co., a Calif. Limited Partnership

6/26/95 Not of asgd: APp#9737 Lic#7160
Premeire Farmland Partners III, Limited
Partnership Westchester Group, Inc.

3/25/99 asgd to Lomo Cold Storage, A Calif. General Partnership and Justin J. Micheli and Angeline Micheli 1988 Rovocable Trust App# 9737, Lic#7160
+ Meridian Farms Water Company;

LICENSE 7160

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE TO APPROPRIATE WATER

ISSUED TO Meridian Farms Water Company and Newhall Land and Farming Company

DATED MAR 1 0 1965

MAR 18 '64

72848 3-58 1M (1) SPO

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