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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 8631 PERMIT 5128 LICENSE 7210

ORDER APPROVING CHANGE IN POINT OF DIVERSION,
AND AMENDING THE LICENSE

WHEREAS:

1. License 7210 was issued to the Maxwell Irrigation District on March 30, 1965 pursuant to Application 8631.
2. License 7210 was recorded with the County Recorder of Colusa on March 31, 1965 in Book 329, Page 50.
3. A petition has been filed with the State Water Resources Control Board (Board) to change the point of diversion. Licensee will use the existing point of diversion until the new point of diversion is operational. At such time the existing point of diversion would only be used as an emergency backup system.
4. Licensee has proceeded with diligence and good cause has been shown for said change.
5. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Implementation of mitigation measures would reduce impacts to unidentified archaeological resources found during construction.
7. The license condition regarding the Board's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the point of diversion be amended to read:
 - (1) South eighty degrees fifty four minutes east (S80° 54'E) five hundred fifty (550) feet from center of projected Section 12, T17N, R2W, MDB&M, being within the NW¼ of SE¼ of said section. California Coordinate System: Zone 2, North 609,800 and East 1,991,500.
 - (2) South 1,110 feet and West 2,440 feet from the NE corner of projected Section 12, T17N, R2W, MDB&M; being within the NW¼ of NE¼ of said section. California Coordinate System: Zone 2, N 611,050 and E 1,991,500.

(0000002)

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2. Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and Colusa County shall be immediately notified. At that time, the County shall coordinate any necessary investigation of the site with appropriate specialists as needed. The MID shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

(0380500)

3. The Board's continuing authority condition be amended to read:

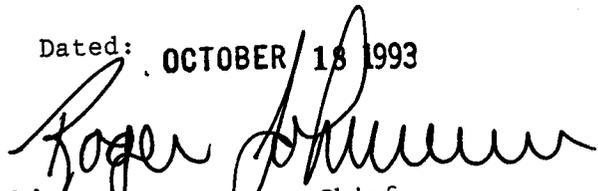
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority 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: OCTOBER 18 1993


for Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 8631

PERMIT 5128
Maxwell Irrigation District
P. O. Box 182
Colusa, California

LICENSE 7210

THIS IS TO CERTIFY, That

has made proof as of May 12, 1961,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Sacramento River in Colusa County

tributary to Suisun Bay

for the purpose of irrigation use
under Permit 5128 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 8, 1936,
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 sixty-three (63) cubic feet
per second to be diverted from about March 15 to about November 1 of each year.

The equivalent of such 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 eighty degrees fifty-four minutes east (S80° 54'E) five hundred fifty (550)
feet from center of projected Section 12, T17N, R2W, MDB&M, being within NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of said Section 12.

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

A net area of 11,185 acres within a gross area of 11,700 acres within the boundaries
of Maxwell Irrigation District as shown on map filed with State Water Rights Board.

The area to be irrigated in any one year under this license shall not exceed 2000 acres.

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.

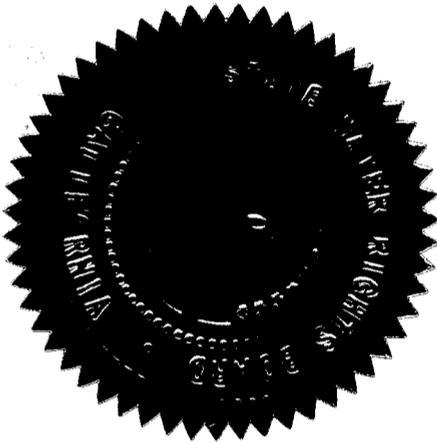
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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 30 1965



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

LICENSE 7210
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Maxwell Irrigation District

MAR 30 1965

DATED

47689 8-61 3M (1) SFO

DEC 17 '64 M.J.B.

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