STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16450 PERMIT 10550 LICENSE 7553

Benjamin J. Hein and Emma Hein
Route 4, Box 310-A
Lodi, California

Notice of Change (Over)

THIS IS TO CERTIFY, *That* have *made proof as of* April 8, 1964, *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* (1) and (2) unnamed streams (3) Bear Creek in Calaveras County *tributary to* (1) and (2) Bear Creek; (3) Disappointment Slough thence San Joaquin River

for the purpose of irrigation and stockwatering uses *under Permit* 10550 *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* July 6, 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* eighty (80) acre-feet per annum to be collected from about November 1 of each year to about April 30 of the succeeding year from any or all sources.

Maximum rate of diversion from Bear Creek to off-stream storage has been 1.3 cubic feet per second

The maximum withdrawal in any one year under this right has been 80 acre-feet.

The point s *of diversion of such water* are *located* :

(1) South two thousand three hundred eighty (2380) feet and east one thousand three hundred ninety (1390) feet from NW corner of Section 31, T4N, R10E, MDB&M, being within SE¼ of NW¼ of said Section 31.

(2) Point of diversion and rediversion - South one thousand one hundred ninety (1190) feet and west nine hundred twenty (920) feet from NE corner of Section 36, T4N, R9E, MDB&M, being within NE¼ of NE¼ of said Section 36.

(3) South fifty (50) feet and west seven hundred fifty (750) feet from NE corner of Section 36, T4N, R9E, MDB&M, being within NE¼ of NE¼ of said Section 36.

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

Stockwatering at reservoir within SE¼ of NE¼ and NE¼ of NE¼ of Section 36, T4N, R9E, MDB&M.

Stockwatering at and irrigation of:

20 acres within NW¼ of NE¼ of Section 36, T4N, R9E, MDB&M.
2 acres within NE¼ of NE¼ of Section 36, T4N, R9E, MDB&M.
9 acres within SW¼ of NE¼ of Section 36, T4N, R9E, MDB&M.
10 acres within SE¼ of NE¼ of Section 36, T4N, R9E, MDB&M.
41 acres total

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 9 1966

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

1/7/69 RECEIVED NOTICE OF ASSIGNMENT TO Napi, Inc

LICENSE 7553

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Benjamin J. Hein and Emma Hein

DATED MAR 9 1966

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