STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 20330 PERMIT 13420 LICENSE 8132

ORDER CORRECTING THE POINT OF DIVERSION

WHEREAS:

1. License 8132 was issued to James F. Hill, James F. Hill Jr, and Kathleen B. Hill and was recorded with the County Recorder of Sierra County on June 5, 1967 in Volume 44, page 604.

2. A compliance inspection was made on June 16, 1988 and it was determined that the description of the point of diversion should be corrected. The correction is needed to conform to the description with the location on the quadrangle map.

3. The State Water Resources Control Board has determined that said correction in the description of the point of diversion will not initiate a new right nor operate to the injury of any other lawful user of water and that good and sufficient cause has been shown for said correction.

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

NOW, THEREFORE, IT IS ORDERED THAT:

1. The point of diversion shall be corrected to read as follows:

   North 800 feet and East 2,050 feet from the SW corner of Section 27, T20N, R12E, MDB&M being within the SE¼ of SW¼ of said Section 27, also described as California Coordinate System, Zone 2, N 694,950 and E 2,390,400. (0000005)

2. The following standard provisions pertaining to the Board's continuing authority and public trust responsibilities shall be added to License 8132 pursuant to Section 780(a) of Title 23 of the California Code of Regulations:

   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.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 20330 PERMIT 13420 LICENSE 8132

THIS IS TO CERTIFY, *That* JAMES F. HILL, JAMES F. HILL, JR. AND KATHLEEN B. HILL
P. O. BOX 23, SIERRA CITY, CALIFORNIA

HAVE *made proof as of* AUGUST 9, 1966,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of AN ABANDONED MINE TUNNEL IN SIERRA COUNTY

tributary to NORTH YUBA RIVER THENCE YUBA RIVER

for the purpose of DOMESTIC AND FIRE PROTECTION USES
under Permit 13420 *of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from* JULY 26, 1961, *and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed* FOUR THOUSAND (4,000) GALLONS PER DAY TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 925 FEET AND EAST 660 FEET FROM SW CORNER OF SECTION 27, T20N, R12E, MDB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 27.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN NW1/4 OF SW1/4 OF SECTION 27, T20N, R12E, MDB&M.

2-8-67
KHF

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

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 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 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: MAY 1 9 1967

L. K. Hill
Executive Officer