STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 20364A PERMIT 13428 LICENSE 8351A

THIS IS TO CERTIFY, *That* George W. Robinson and Donald M. Robinson (over)
dba Robinson Cattle Company
P. O. Box 10
Merced, California 95340

have *made proof as of* May 31, 1967 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of 2 Unnamed Streams in Merced County

tributary to Canal Creek thence Black Rascal Slough thence Bear Creek thence San Joaquin River

for the purpose of Stockwatering use

under Permit 13428 *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* August 22, 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* sixteen (16) acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year as follows:

(1) 12 acre-feet per annum in Farm Field Reservoir and
(2) 4 acre-feet per annum in Divide Field Reservoir

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

After the initial filling of the reservoirs, licensee's right under this license extends only to water necessary to keep the storage reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. (0000041)

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(1) Farm Field Reservoir - North 300 feet and East 700 feet from SW corner of Section 5, T6S, R14E, MDB&M, being within SW¼ of SW¼ of said Section 5, and
(2) Divide Field Reservoir - North 300 feet and East 900 feet from SW corner of Section 33, T5S, R14E, MDB&M, being within SW¼ of SW¼ of said Section 33.

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

At Farm Field Reservoir within SW¼ of SW¼ and SE¼ of SW¼ of Section 5, T6S, R14E, MDB&M, and at Divide Field Reservoir within SW¼ of SW¼ of Section 33, T5S, R14E, MDB&M, as shown on map on file with State Water Resources Control Board.

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.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the 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, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (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 license 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 licensee 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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

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: MARCH 18 1988

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson
for Chief, Division of Water Rights

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STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 20364 PERMIT 13428 LICENSE 8351

WHEREAS:

1. License 8351 was issued to George W. Robinson and Donald M. Robinson, dba Robinson Cattle Company and was filed with the County of Merced on February 7, 1968 in Volume 1763, page 39.

2. License 8351 was subsequently partially assigned to Jim Chance, and Norman Ellinwood and Nadine Ellinwood.

3. A petition for issuance of separate licenses to cover the licensees respective interests in License 8351 has been filed with the State Water Resources Control Board.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 8351 be replaced by License 8351A issued to George W. Robinson and Donald M. Robinson, dba Robinson Cattle Company, by License 8351B issued to Jim Chance and by License 8351C issued to Norman Ellinwood and Nadine Ellinwood.

2. Superseded License 8351 is hereby revoked, effective upon the issuance of Licenses 8351A, 8351B and 8351C.

3. Separate licenses be issued as follows:

A. License 8351A (Application 20364A)

1. Owner: George W. Robinson and Donald M. Robinson, dba Robinson Cattle Company

2. Sources: 2 Unnamed Streams tributary to Canal Creek thence Black Rascal Slough thence Bear Creek thence San Joaquin River in Merced County

3. Purpose of Use: Stockwatering

4. Amount and Season: 16 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year as follows:
12 acre-feet per annum in Farm Field Reservoir
4 acre feet per annum in Divide Field Reservoir

5. Points of Diversion:
(1) North 300 feet and East 700 feet from SW corner of Section 5, T6S, R14E, MDB&M, being within SW¼ of SW¼ of said Section 5, and
(2) North 300 feet and East 900 feet from SW corner of Section 33, T5S, R14E, MDB&M, being within SW¼ of SW¼ of said Section 33.

6. Place of Use: Farm Field Reservoir within SW¼ of SW¼ and SE¼ of SW¼ of Section 5, T6S, R14E, MDB&M, and
Divide Field Reservoir within SW¼ of SW¼ of Section 33, T5S, R14E, MDB&M.

B. License 8351B (Application 20364B)

1. Owner: Jim Chance
2. Sources: 3 Unnamed Streams tributary to Canal Creek thence Black Rascal Slough thence Bear Creek thence San Joaquin River
3. Purpose of Use: Stockwatering
4. Amount and Season: 8 acre-feet per annum to be collected from October 15 of each year to April 30 of the succeeding year as follows:
   (1) 2 acre-feet per annum in Bruce Spring Reservoir
   (2) 1 acre-foot per annum in Bruce Field Reservoir
   (3) 3 acre-feet per annum in Upper Canal Creek Reservoir
   (4) 2 acre-feet per annum in Lower Canal Creek Reservoir
5. Points of Diversion:
   (1) North 1,800 feet and East 1,300 feet from SW corner of Section 34, T5S, R14E, MDB&M, being within NW¼ of SW¼ of said Section 34,
   (2) South 300 feet and West 1,950 feet from NE corner of Section 34, T5S, R14E, MDB&M, being within NW¼ of NE¼ of said Section 34,
   (3) Due South 750 feet from N¼ corner of Section 27, T5S, R14E, MDB&M, being within NW¼ of NE¼ of said Section 27, and
   (4) South 1,600 feet and West 1,850 feet from NE corner of Section 28, T5S, R14E, MDB&M, being within SW¼ of NE¼ of said Section 28.
6. Place of Use: Bruce Spring Reservoir within NW¼ of SW¼ and NE¼ of SW¼ of Section 34, T5S, R14E, MDB&M,
   Bruce Field Reservoir within NW¼ of NE¼ of Section 34, T5S, R14E, MDB&M,
   Upper Canal Creek Reservoir within NW¼ of NE¼ of Section 27, T5S, R14S, MDB&M, and
   Lower Canal Creek Reservoir within SW¼ of NE¼, NW¼ of NE¼ and NE¼ of NE¼ of Section 26, T5S, R14E, MDB&M.

C. License 8351C (Application 20364C)

1. Owner: Norman and Nadine Ellinwood
2. Source: An Unnamed Stream tributary to Canal Creek thence Black Rascal Slough thence San Joaquin River in Merced County
3. Purpose of Use: Stockwatering
4. Amount and Season: 1 acre-foot per annum to be collected from October 15 of each year to April 30 of the succeeding year.