

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 18409

PERMIT 13686

LICENSE 9685

ORDER CORRECTING THE DESCRIPTION
OF POINT OF DIVERSION NO. 1

WHEREAS:

1. License 9685 was issued to Bertha Joerger Woolverton, Elizabeth Joerger McKinley, Gladys Joerger Gray, Mabel C. Joerger, Trust and Bertha Joerger Woolverton, Trustee and recorded with the County Recorder of Placer County on Volume 1343, Page 469 on April 5, 1971.
2. License 9685 was subsequently assigned to Gooseneck Ranch Investors, A California Limited Partnership.
3. An inspection was made on June 22, 1992 and it was determined that the description of Point of Diversion No. 1 should be corrected. The correct location is and has always been at the existing location on Martis Creek.
4. The State Water Resources Control Board has determined that said correction in the description of Point of Diversion No. 1 will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.
5. The license condition pertaining to the State Water Board's continuing authority should be replaced with the current version to conform with Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the points of diversion under License 9685 be described as follows:
 - 1) Martis Creek: North 1,225 feet and East 2,200 feet from the SW corner of Section 35, T17N, R16E, MDB&M, being within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 35.
 - 2) Unnamed stream: South 200 feet and East 600 feet from the NW corner of Section 25, T17N, R16E, MDB&M, being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 25.

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2. The license condition pertaining to the Board's continuing authority is replaced with the following to conform with Section 780(a), 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 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.

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Dated: JULY 29 1992

Edward C. Anton
Edward C. Anton, Chief
Division of Water Rights

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LICENSEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS BEING AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL OR PROVIDE OTHER MEANS TO THE STATE WATER RESOURCES CONTROL BOARD IN ORDER THAT WATER ENTERING THE RESERVOIR OR COLLECTED IN THE RESERVOIR DURING AND AFTER THE STORAGE SEASON MAY BE RELEASED INTO THE DAM STREAM OR INTO THE EXISTING NECESSARY TO SATISFY DOMESTIC PURPOSES WITHIN THE AREA OF THE DAM.

LICENSEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS BEING AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL OR PROVIDE OTHER MEANS TO THE STATE WATER RESOURCES CONTROL BOARD IN ORDER THAT WATER ENTERING THE RESERVOIR OR COLLECTED IN THE RESERVOIR DURING AND AFTER THE STORAGE SEASON MAY BE RELEASED INTO THE DAM STREAM OR INTO THE EXISTING NECESSARY TO SATISFY DOMESTIC PURPOSES WITHIN THE AREA OF THE DAM.



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

License for Diversion and Use of Water *(over)*

APPLICATION 18409

PERMIT 13686

LICENSE 9685

THIS IS TO CERTIFY, That

BERTHA JOERGER WOOLVERTON, ELIZABETH JOERGER MCKINLEY,
GLADYS JOERGER GRAY, MABEL C. JOERGER, TRUST AND
BERTHA JOERGER WOOLVERTON, TRUSTEE
c/o BERTHA JOERGER WOOLVERTON,
957 SHASTA CIRCLE, EL DORADO HILLS, CALIFORNIA 95630

HAVE made proof as of OCTOBER 3, 1969 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
(1) MARTIS CREEK (2) UNNAMED STREAM IN PLACER COUNTY

tributary to TRUCKEE RIVER (2) MARTIS CREEK THENCE TRUCKEE RIVER

for the purpose of IRRIGATION, STOCKWATERING AND RECREATIONAL USES
under Permit 13686 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 NOVEMBER 13, 1958 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 ONE HUNDRED TWENTY-FIVE (125) ACRE-FEET PER ANNUM, TO BE
COLLECTED FROM DECEMBER 1 OF EACH YEAR TO MAY 1 OF THE SUCCEEDING YEAR. THE
MAXIMUM WITHDRAWAL IN ANY ONE YEAR SHALL NOT EXCEED 125 ACRE-FEET. THE MAXIMUM
RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 1.5 CUBIC FEET PER SECOND.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) NORTH 2,350 FEET AND WEST 950 FEET FROM SE CORNER OF SECTION 35, T17N, R16E, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 35.
- (2) SOUTH 200 FEET AND EAST 600 FEET FROM NW CORNER OF SECTION 25, T17N R16E, MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 25.

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

STOCKWATERING AND RECREATIONAL USES AT RESERVOIR WITHIN W1/2 OF NW1/4 OF SECTION 25, T17N, R16E, MDB&M, AND STOCKWATERING AND IRRIGATION AS FOLLOWS:

21.3 ACRES WITHIN SECTION 19, T17N, R17E, MDB&M
51.1 ACRES WITHIN SECTION 24, T17N, R16E, MDB&M
36 ACRES WITHIN SECTION 25, T17N, R16E, MDB&M

108.4 ACRES TOTAL, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE DURING THE PERIOD FROM MAY 1 TO DECEMBER 1 OF EACH SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

LICENSEE SHALL DURING THE PERIOD FROM DECEMBER 1 TO MAY 1 BYPASS A MINIMUM OF 2 CUBIC FEET PER SECOND OR THE NATURAL FLOW OF THE STREAM WHENEVER IT IS LESS THAN 2 CUBIC FEET PER SECOND AT THE MARTIS CREEK POINT OF DIVERSION TO MAINTAIN FISHLIFE.

LICENSEE SHALL MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR OR COLLECTED IN THE RESERVOIR DURING AND AFTER THE CURRENT STORAGE SEASON MAY BE RELEASED INTO THE DOWNSTREAM CHANNEL TO THE EXTENT NECESSARY TO SATISFY DOWNSTREAM PRIOR RIGHTS.

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 conferred 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 1971

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward

Chief, Division of Water Rights

10-1-79 assigned to the S.D. Herrick Corp.
12/16/96 Asgd to Lahontan, LLC.

MAR 12 71 C.A.P.

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