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

# License for Diversion and Use of Water

APPLICATION 20439 PERMIT 15196 LICENSE 10354

~~Notice of Assignment (Over)~~

THIS IS TO CERTIFY, *That* R. SIMONI AND DELLA E. SIMONI
16180 UVAS ROAD, MORGAN HILL, CALIFORNIA 95037

HAVE *made proof as of* OCTOBER 2, 1973 *(the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of* HAY CANYON IN SANTA CLARA COUNTY

*tributary to* UVAS CREEK THENCE PAJARO RIVER

*for the purpose of* IRRIGATION, DOMESTIC, STOCKWATERING AND RECREATIONAL USES *under Permit* 15196 *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* OCTOBER 16, 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* ONE HUNDRED TWENTY (120) ACRE-FEET PER ANNUM, TO BE COLLECTED FROM NOVEMBER 15 OF EACH YEAR TO MARCH 15 OF THE SUCCEEDING YEAR. THE MAXIMUM WITHDRAWAL IN ANY ONE YEAR SHALL NOT EXCEED 85 ACRE-FEET.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 1,500 FEET AND EAST 2,250 FEET FROM SW CORNER OF PROJECTED SECTION 1, T10S, R2E, MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 1.

THE POINTS OF REDIVERSION OF SUCH WATER IS LOCATED:

NORTH 300 FEET AND EAST 1,400 FEET FROM SW CORNER OF PROJECTED SECTION 1, T10S, R2E, MDB&M, BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 1

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

3 ACRES WITHIN NW1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M
6 ACRES WITHIN NE1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M
8 ACRES WITHIN SE1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M
12 ACRES WITHIN NE1/4 OF SE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M
7 ACRES WITHIN NW1/4 OF SW1/4 OF PROJECTED SECTION 1, T10S, R2E, MDB&M
2 ACRES WITHIN SW1/4 OF SW1/4 OF PROJECTED SECTION 1, T10S, R2E, MDB&M
2 ACRES WITHIN SE1/4 OF SW1/4 OF PROJECTED SECTION 1, T10S, R2E, MDB&M
6 ACRES WITHIN SW1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M
1 ACRE WITHIN NW1/4 OF SE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M

47 ACRES, TOTAL

STOCKWATERING WITHIN SE1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M; STOCKWATERING AND RECREATIONAL USES AT RESERVOIR WITHIN NE1/4 OF SW1/4 AND NW1/4 OF SE1/4 OF PROJECTED SECTION 1, T10S, R2E, MDB&M; DOMESTIC USE WITHIN SE1/4 OF NE1/4 AND NW1/4 OF NE1/4 OF PROJECTED SECTION 2, T10S, R2E, MDB&M.

*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.*

[redacted]

*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: JUL 8 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rowlinger

*Chief, Division of Water Rights*

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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.

IF BY JUNE 1 IN ANY YEAR THE RECORDS OF SOUTH SANTA CLARA VALLEY CONSERVATION DISTRICT SHOW THAT THE QUANTITY OF WATER IMPOUNDED IN UVAS RESERVOIR PLUS THE QUANTITY OF WATER SPILLED AT AND RELEASED FROM THE RESERVOIR SINCE THE PRECEDING NOVEMBER 1 IS LESS THAN 24,400 ACRE-FEET, AT THE REQUEST OF THE DISTRICT, THE LICENSEE SHALL RELEASE WATER STORED IN HIS HAY CANYON RESERVOIR TO THE EXTENT THAT SUCH DEFICIENCY OCCURS, PROVIDED THAT LICENSEE MAY RETAIN IN HIS RESERVOIR (A) 15 ACRE-FEET OR THE AMOUNT OF WATER IN STORAGE ON THE PRECEDING OCTOBER 1, WHICHEVER IS GREATER, PLUS (B) A QUANTITY OF WATER EQUAL TO THE ACCUMULATED RELEASE AND SPILL FROM UVAS RESERVOIR IN EXCESS OF:

(1) 10 CUBIC FEET PER SECOND FROM NOVEMBER 1 TO DECEMBER 1
(2) 60 CUBIC FEET PER SECOND FROM DECEMBER 1 TO DECEMBER 15
(3) 70 CUBIC FEET PER SECOND FROM DECEMBER 15 TO JUNE 1

LICENSEE SHALL MAINTAIN A STAFF GAGE APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD.

LICENSEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD, REPRESENTATIVES OF THE SOUTH SANTA CLARA VALLEY WATER CONSERVATION DISTRICT AND OTHER PARTIES, AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS LICENSE.

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.



RECYCLED PAPER