



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

## License for Diversion and Use of Water

APPLICATION 23902

PERMIT 16472

LICENSE 10573

THIS IS TO CERTIFY, That **BARBARA L. FOSTER**  
3610 WASHINGTON STREET, SAN FRANCISCO, CALIFORNIA 94118

HAS made proof as of **AUGUST 1, 1974** (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
**MAACAMA CREEK IN SONOMA COUNTY**

tributary to **RUSSIAN RIVER**

for the purpose of **IRRIGATION USE**  
under Permit **16472** 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 21, 1971** 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 **TWENTY-ONE HUNDREDTHS (0.21) CUBIC FOOT PER SECOND, TO BE**  
**DIVERTED FROM JUNE 1 TO OCTOBER 1 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER**  
**THIS LICENSE SHALL NOT EXCEED 42 ACRE-FEET PER YEAR. SO LONG AS THERE IS NO INTER-**  
**REFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE**  
**OF DIVERSION TO A MAXIMUM OF 0.305 CUBIC FOOT PER SECOND, PROVIDED THAT THE TOTAL**  
**QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 12.5 ACRE-FEET.**

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

**SOUTH 2,400 FEET AND WEST 700 FEET FROM NW CORNER OF SECTION 9, T9N, R8W, MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SECTION 8, T9N, R8W, MDB&M.**

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

**26 ACRES WITHIN NE1/4 OF SE1/4 OF SECTION 8, T9N, R8W, MDB&M**  
**5 ACRES WITHIN SE1/4 OF SE1/4 OF SECTION 8, T9N, R8W, MDB&M**  
**2 ACRES WITHIN SE1/4 OF NE1/4 OF SECTION 8, T9N, R8W, MDB&M**  
**3 ACRES WITHIN NW1/4 OF SW1/4 OF SECTION 9, T9N, R8W, MDB&M**  
**2 ACRES WITHIN SW1/4 OF SW1/4 OF SECTION 9, T9N, R8W, MDB&M**

**38 ACRES TOTAL**

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.

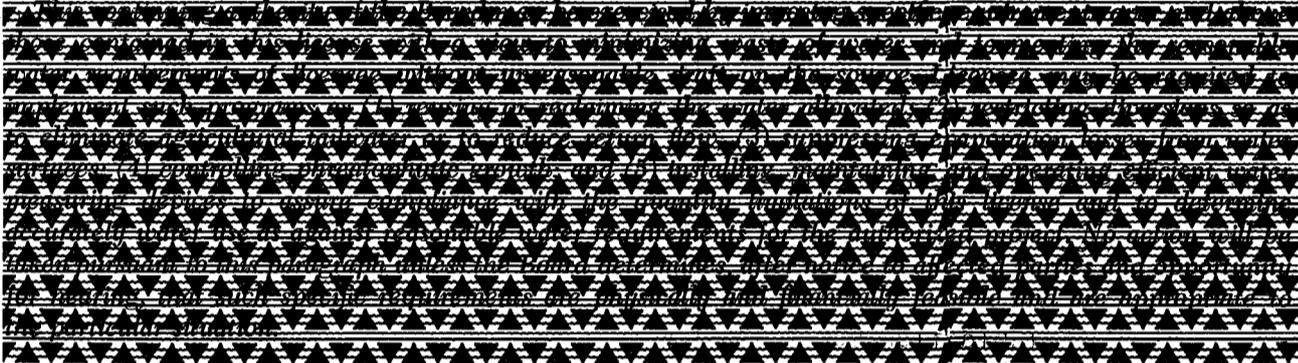
FOR THE PROTECTION OF FISH, NO DIVERSION SHALL BE MADE FROM JUNE 1 TO SEPTEMBER 30 WHICH DEPLETES THE FLOW OF THE STREAM TO LESS THAN 0.25 CUBIC FOOT PER SECOND. NO WATER SHALL BE DIVERTED UNLESS A DEVICE SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, SHOWING THE WATER LEVEL WHICH CORRESPONDS TO A FLOW OF 0.25 CUBIC FOOT PER SECOND, IS IN PLACE IN THE STREAM IMMEDIATELY BELOW THE POINT OF DIVERSION. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED.

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THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF THE FACILITY REQUIRED PURSUANT TO THE PROVISIONS OF SECTION 6100 OF THE FISH AND GAME CODE TO PROTECT FISHLIFE SHALL BE BORNE BY THE LICENSEE.

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: JAN 30 1976

STATE WATER RESOURCES CONTROL BOARD

R. J. Roenberger  
Chief, Division of Water Rights