STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23549 Permit 16194 License 10658

ORDER CORRECTING POINT OF DIVERSION AND PLACE OF USE AND APPROVING ISSUANCE OF SEPARATE LICENSES AND REVOCATION OF ORIGINAL LICENSE

WHEREAS:

1. License 10658 was assigned to Ivan Thrope Branson on May 25, 1976 pursuant to Application 23549 and was filed with the County Recorder of Nevada County on June 7, 1976 in Volume 795, page 609.

2. License 10658 was subsequently assigned to Signe Linnea Branson on March 28, 1985.

3. The portion of the license place of use (POU) identified under APN# 02-121-64 consist of 18 acres and was sold by the licensee Signe Linnea Branson to Lewis and Cheryl Bartolucci in 1996. The remaining one acre POU was subsequently divided between three separate parcels: APN# 02-121-67 (James Branson-owner and Signe Linnea Branson-Trustee); APN# 02-121-68 (Edward & Sharon Earhart); and APN# 02-580-11 (Allen Jennings and Debra Jennings).

4. The SWRCB staff reviewed the project area on December 12, 1996 and recommended corrections be made to accurately to describe the descriptions of the point of diversion (POD) and POU. The corrections are in compliance with the locations shown on the 1995 U.S. Geological Survey Quadrangle Map. (7.5') –Rough and Ready.

5. The SWRCB determined the corrections for the POD, and POU, and division of the license does not not constitute the initiation of a new right nor operate to the injury of any other lawful water user.

6. The license condition pertaining to the SWRCB's continuing authority should be updated to conform with with the current Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description for the point of diversion be corrected as follows:

    1. South 1,600 feet and West 3,100 feet from NE corner of Section 11, T15N, R7E, MDB&M, being within SE¼ of NW¼ of said Section 11; also described as California Coordinate System, Zone 2, North 548,300 feet and East 2,236,600 feet.

    2. South 2,250 feet and West 950 feet from NE corner of Section 11 T15N, R7E, MDB&M, being within SE¼ of NE¼ of said Section 11; also described as California Coordinate System, Zone 2, North 547,700 feet and East 2,239,000 feet.

2. The description of the place of use be corrected to read as follows:

   Stockwatering, recreation, and fire protection uses at the reservoirs within NE¼ of NW¼, SE¼ of NW¼, NW¼ of NE¼, and SE¼ to NE¼, of Section 11, T15N, R7E, MDB&M; and Irrigation of a total of 19 acres as follows:

From Point of Diversion #1	Stockwatering and Irrigation of 18 acres within SE¼ of NW¼ and SW¼ of NE¼ of said Section 11
From Point of Diversion #2	Irrigation of 1 acre within SE¼ of NE¼ and NE¼ of SE¼ of said Section 11.

3. License 10658 be replaced by License 10658A and issued to Lewis Bartolucci and Cheryl Bartolucci, and License 10658B issued to James Branson and Signe Linnea Branson, Edward Earhart and Sharon Earhart, and Allen Jennings and Debra Jennings.

4. License 10658 is hereby revoked upon issuance of Licenses 10658A and 10658B.

5.

License 10658A	(Application 23549A)
Owner:	Lewis Bartolucci and Cheryl Bartolucci 948 Santa Barbara Road Berkeley, CA 94707
Source:	Unnamed Stream tributary to Persimmon Creek thence Indian Springs thence Dry Creek thence Bear River
Use:	Stockwatering, Irrigation, Recreation, and Fire Protection
Amount:	14 acre-feet (Reservoir #1) Maximum Annual Use: 10 acre-feet withdrawal
Season:	November 15 to March 1
Point of Diversion:	South 1,600 feet and West 3,100 feet from NE corner of Section 11, T15N, R7E, MDB&M, being within SE¼ of NW¼ of said Section 11 (California Coordinate System, Zone 2, North 548,300 feet and East 2,236,600 feet).
Place of Use:	Within SE¼ of NW¼ and SW¼ of NE¼ of Section 11, T15N, R7E, MDB&M, as shown on map dated April 1998 on file with the State Water Resources Control Board all within Assessors Parcel No. 02-121-64.
License 10658B	(Application 23549B)
	James Branson and Signe Linnea Branson; Edward Earhart and Sharon Earhart; Allen Jennings and Debra Jennings c/o Edward Earhart 13598 Desperado Drive Penn Valley, CA 95946
Source:	Unnamed stream tributary to Persimmon Creek thence Indian Springs thence Dry Creek, thence Bear River
Use:	Stockwatering, Recreation, Fire Protection, and Irrigation
Amount:	8 acre-feet (Reservoir #2)

	Maximum Annual Use: 8 acre-feet withdrawal
Season:	November 15 to March 1
Point of Diversion:	South 2,250 feet and West 950 feet from NE corner of Section 11, T15N, R7E, MDB&M, being within SE¼ of NE¼ of said Section 11, (California Coordinate System, Zone 2, North 547,700 feet and East 2,239,000 feet).
Place of Use:	Within the SE¼ of NE¼ of Section 11, T15N, R7E, MDB&M, as shown on map dated April 1998 on file with the State Water Resources Control Board all within Assessors Parcel No. 02-121-67, 02-121-68, and 02-580-11 and 02-580-12.

Licenses 10659A and 10659B shall contain all other terms and conditions presently in License 10659 or updated versions for compliance with the SWRCB's policy.

Dated DECEMBER 14 1998

Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23549B PERMIT 16194 LICENSE 10658B

THIS IS TO CERTIFY, That

James Branson, Signe Linnea Branson,
Edward Earhart, Sharon Earhart,
Allen Jennings and Debra Jennings
c/o Edward Earhart
13598 Desperado Drive
Penn Valley, CA 95946

has made proof as of **June 19, 1975** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of **an Unnamed Stream in Nevada County**

tributary to **Persimmon Creek thence Indian Springs thence Dry Creek thence Bear River**

for the purpose of **Irrigation, Stockwatering, Recreation and Fire Protection uses**

under Permit **16194** 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 10, 1970** 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 in Reservoir #2 (Walter Branson) and shall not exceed 8 acre feet per annum to be collected from November 15 to March 1 of each year. The maximum withdrawal in any one year shall not exceed 8 acre-feet under this license.

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

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 2,250 feet and West 950 feet from NE corner of Section 11, T15N, R7E, MDB&M, being within SE¼ of NE¼ of said Section 11, also described as California Coordinate System, Zone 2, N 547,700 and E 2,239,000.

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

1 acre within SE¼ of NE¼ and NE¼ of SE¼ of Section 11, T15N, R7E, MDB&M, as shown on map dated July, 1 1998 on file with the State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board 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.

The quantity of water diverted under this license is subject to modification by the 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 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 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.

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 eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this 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 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

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: DECEMBER 14 1998

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23549A PERMIT 16194 LICENSE 10658A

THIS IS TO CERTIFY, That

Lewis Bartolucci and
Cheryl Bartolucci
948 Santa Barbara Road
Berkeley, CA 94707

has made proof as of **June 19, 1975** (the date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the waters of **an Unnamed Stream in Nevada County**

tributary to **Persimmon Creek thence Indian Springs thence Dry Creek thence Bear River**

for the purpose of **Irrigation, Stockwatering, Recreation and Fire Protection uses**

under Permit **16194** 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 10, 1970** 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 in Reservoir #1 (Linnea Lake) and shall not exceed 14 acre-feet per annum to be collected from November 15 to March 1 of each year. The maximum withdrawal in any one year shall not exceed 10 acre-feet under this license.

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

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 1,600 feet and West 3,100 feet from NE corner of Section 11, T15N, R7E, MDB&M, being within SE¼ of NW¼ of said Section 11, also described as California Coordinate System, Zone 2, N 548,300 and E 2,236,600.

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

18 acres within SE¼ of NW¼ and SW¼ of NE¼ of Section 11, T15N, R7E, MDB&M, as shown on map dated July 1, 1998 on file with the State Water Resources Control Board.

Licensee shall allow representatives of the State Water Resources Control Board 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.

The quantity of water diverted under this license is subject to modification by the 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 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 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.

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 eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this 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 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain an incidental take permit prior to construction or operation. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

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: DECEMBER 14 1998

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

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

License for Diversion and Use of Water

APPLICATION 23549 PERMIT 16194 LICENSE 10658

(over)

THIS IS TO CERTIFY, *That* IVAN THORPE BRANSON
BOX 246-B, STAR ROUTE, ROUGH AND READY, CALIFORNIA 95975

HAS *made proof as of* JUNE 19, 1975 *(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 NEVADA COUNTY

tributary to PERSIMMON CREEK THENCE INDIAN SPRINGS CREEK THENCE DRY CREEK THENCE BEAR RIVER

for the purpose of IRRIGATION, STOCKWATERING, RECREATIONAL AND FIRE PROTECTION USES *under Permit* 16194 *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 10, 1970 *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-TWO (22) ACRE-FEET PER ANNUM, TO BE COLLECTED FROM NOVEMBER 15 OF EACH YEAR TO MARCH 1 OF THE SUCCEEDING YEAR AS FOLLOWS:

RESERVOIR # 1 (LINNEA LAKE) 14 ACRE-FEET WITH 10 ACRE-FEET WITHDRAWAL PER ANNUM
RESERVOIR # 2 (WALTER BRANSON) 8 ACRE-FEET WITH 8 ACRE-FEET WITHDRAWAL PER ANNUM.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(1) SOUTH 1,300 FEET AND WEST 3,300 FEET FROM NE CORNER OF SECTION 11, T15N, R7E, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 11 AND
(2) SOUTH 2,400 FEET AND WEST 1,000 FEET FROM NE CORNER OF SECTION 11, T15N, R7E, MDB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 11.

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

STOCKWATERING, RECREATIONAL AND FIRE PROTECTION USES AT THE RESERVOIRS WITHIN NE1/4 OF NW1/4 AND SE1/4 OF NE1/4 OF SECTION 11, T15N, R7E, MDB&M; AND IRRIGATION OF A TOTAL OF 19 ACRES AS FOLLOWS:

FROM POINT OF DIVERSION # 1, STOCKWATERING AT AND IRRIGATION OF 18 ACRES WITHIN SE1/4 OF NW1/4 OF SAID SECTION 11,
FROM POINT OF DIVERSION # 2, IRRIGATION OF 1 ACRE WITHIN SE1/4 OF NE1/4 OF SAID SECTION 11.

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE OR FOR ANY OTHER PURPOSE.

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.

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 25 1976

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger

Chief, Division of Water Rights

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L1058

3-7-85 Ownership chgd to Linnea Branson

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