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

License for Diversion and Use of Water

APPLICATION 22891 PERMIT 16531 LICENSE 10746

THIS IS TO CERTIFY, *That* L. R. MARTIN, INC.
17844 ROAD 400, MADERA, CALIFORNIA 93637

HAS *made proof as of* MAY 15, 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* BUZZARD CANYON CREEK IN MADERA COUNTY

tributary to FRESNO RIVER

for the purpose of STOCKWATERING, RECREATIONAL AND FISH CULTURE USES *under Permit* 16531 *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 23, 1967 *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* EIGHTEEN (18) ACRE-FEET PER ANNUM, TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 3,300 FEET AND EAST 2,750 FEET FROM NW CORNER OF SECTION 13, T9S, R19E, MDB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 13.

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

AT HORSESHOE LAKE WITHIN NW1/4 OF SE1/4 OF SECTION 13, T9S, R19E, MDB&M.

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIR FULL BY REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE, AND TO REFILL IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR. SUCH RIGHT SHALL BE EXERCISED ONLY DURING THE AUTHORIZED DIVERSION SEASON.

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.

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.

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) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) 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.

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

THE RESERVOIR SHALL BE KEPT OPEN TO THE PUBLIC FOR RECREATIONAL AND FISHING USE, SUBJECT TO REASONABLE CHARGE FOR ANY SERVICES OR FACILITIES THAT ARE PROVIDED BY LICENSEE. FAILURE TO ALLOW PUBLIC ACCESS MAY RESULT IN REVOCATION OF THE LICENSE OR REDUCTION IN THE AMOUNT OF WATER THAT MAY BE STORED.

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.

THIS LICENSE IS SUBJECT TO THE AGREEMENT DATED AUGUST 31, 1972 BETWEEN LICENSEE, MADERA IRRIGATION DISTRICT, AND THE U. S. BUREAU OF RECLAMATION, TO THE EXTENT SUCH AGREEMENT COVERS MATTERS WITHIN THE BOARD'S JURISDICTION. THE SPECIAL TERMS OF SAID AGREEMENT ARE AS FOLLOWS:

A. THIS LICENSE IS CONDITIONED UPON THE LICENSEE MAINTAINING THE EXISTING LEVEL OF BRUSH REMOVAL AND VEGETATION MANAGEMENT HERETOFORE ACCOMPLISHED BY LICENSEE. 'EXISTING LEVEL' IS UNDERSTOOD TO MEAN THAT LEVEL REACHED AT OR ABOUT THE TIME APPLICANT'S PROPERTY WAS INSPECTED BY REPRESENTATIVES OF THE U. S. BUREAU OF RECLAMATION AND THE MADERA IRRIGATION DISTRICT ON MARCH 29, 1971. SUCH VEGETATION MANAGEMENT PROGRAM HAS CONSISTED OF BRUSH AND TREE CLEARING, CONTROL BURNS AND CHEMICAL APPLICATIONS. IT IS STIPULATED THAT AS A RESULT OF SAID PRACTICES ENOUGH WATER HAS BEEN SAVED TO MAKE UP AT LEAST THE AMOUNT OF WATER PROVIDED FOR IN LICENSEE'S COMBINED PERMITS AND/OR LICENSES.

B. LICENSEE SHALL ALLOW INSPECTION OF HIS PROPERTY AND DAMS BY REPRESENTATIVES OF THE MADERA IRRIGATION DISTRICT AND/OR THE U. S. BUREAU OF RECLAMATION ANNUALLY AFTER REASONABLE NOTICE, UNLESS SUCH INSPECTION IS WAIVED.

C. THE BOARD SHALL RETAIN CONTINUING JURISDICTION OF PERMITS AND LICENSES ISSUED; IN THE EVENT THE DISTRICT OR THE BUREAU DETERMINES THAT THE BRUSH MANAGEMENT PROGRAM HAS NOT BEEN MAINTAINED AT ITS PRESENT LEVEL, EITHER MAY APPLY TO SAID BOARD FOR RECONSIDERATION AS TO WHETHER SAID PERMITS OR LICENSES SHOULD BE REVOKED IN WHOLE OR IN PART.

D. THESE STIPULATIONS AND CONDITIONS ARE BINDING UPON LICENSEE, HIS SUCCESSORS IN INTEREST, GRANTEES AND ASSIGNS, AS TO ALL OR ANY PORTION OF LICENSEE'S LAND.

THIS LICENSE IS SUBJECT TO THE PRIOR RIGHT TO DIVERT WATER FROM BUZZARD CREEK OF APPLICATION 22302, PERMIT 15249, OF FRED C. MASSETTI. THE DIVERSION OF WATER UNDER THIS LICENSE BY L. R. MARTIN, INC. IS IN RECOGNITION OF SAID PRIORITY AND NO PRESCRIPTIVE RIGHTS AGAINST FRED C. MASSETTI OR HIS SUCCESSORS IN INTEREST SHALL BE OBTAINED FROM ANY DIVERSIONS UNDER THIS LICENSE, OR OTHERWISE, AT THE LOCATION SPECIFIED IN THIS LICENSE.