



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

License for Diversion and Use of Water

APPLICATION 22478

PERMIT 15551

LICENSE 10769

THIS IS TO CERTIFY, That

FELIX D. OTHON AND BARBARA BUNN OTHON *over*
ROUTE 4, BOX 98, GARDEN VALLEY, CALIFORNIA 95633

HAVE *made proof as of* JUNE 28, 1976 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
EMPIRE CREEK IN EL DORADO COUNTY

tributary to JOHNTOWN CREEK THENCE DUTCH CREEK THENCE SOUTH FORK AMERICAN RIVER

for the purpose of RECREATIONAL AND STOCKWATERING USES
under Permit 15551 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 MAY 27, 1966 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 FIFTEEN (15.0) ACRE-FEET PER ANNUM BY STORAGE, TO BE COLLECTED
FROM NOVEMBER 1 OF EACH YEAR TO APRIL 1 OF THE SUCCEEDING YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 300 FEET AND WEST 700 FEET FROM SE CORNER OF SECTION 15, T12N, R10E, MDB&M,
BEING WITHIN SE¹/₄ OF SE¹/₄ OF SAID SECTION 15.

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

AT RESERVOIR WITHIN SE¹/₄ OF SE¹/₄ OF SECTION 15, T12N, R10E, 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.

WATER ENTERING THE RESERVOIR OR COLLECTED IN THE RESERVOIR DURING AND AFTER
THE CURRENT STORAGE SEASON SHALL BE RELEASED INTO THE DOWNSTREAM CHANNEL TO THE
EXTENT NECESSARY TO SATISFY DOWNSTREAM PRIOR RIGHTS AND/OR TO THE EXTENT THAT
APPROPRIATION OF WATER IS NOT AUTHORIZED UNDER THIS LICENSE.

LICENSEE SHALL INSTALL AND 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, TO COMPLY WITH
THE PRECEDING PARAGRAPH.

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.

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: JULY 11 1977

STATE WATER RESOURCES CONTROL BOARD

R. J. Rosenberger
Chief, Division of Water Rights

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L-10769

2-15-80 Asgd to Stanley L + Paul Johnson

2-5-86 Asgd to Terence A. + Yolande M. Hall

10/9/80

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

ORDER

APPLICATION 22478

PERMIT 15551

LICENSE 10769

ORDER FOR CORRECTION OF PURPOSE OF USE

WHEREAS:

1. The purpose of use under License 10769 (Application 22478) in El Dorado County has been found to be incorrectly described and the State Water Resources Control Board has determined that good cause for correction has been shown.
2. License 10769 was issued to Felix D. Othon and Barbara Bunn Othon and was recorded with the County Recorder of El Dorado County on July 13, 1977 in Book 1522, Page 50.
3. License 10769 was subsequently assigned to Stanley E. Johnson and Lael Johnson.
4. Correction of the description of purpose of use does not involve any physical change, and said correction will not operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

The description of purpose of use under License 10769 be corrected to:

Recreational, stockwatering and fire protection uses

Dated: OCTOBER 9 1980

Walter G. Pettit
Walter G. Pettit, Chief
Division of Water Rights

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