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

License for Diversion and Use of Water

APPLICATION 19919 PERMIT 14189 LICENSE 10916

THIS IS TO CERTIFY, *That* THOMAS G. MACFARLANE AND REGINA S. MACFARLANE (Owner)
ROUTE 1, BOX 352-C, ARCATA, CALIFORNIA 95521

HAVE *made proof as of* AUGUST 26, 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* AN UNNAMED STREAM IN HUMBOLDT COUNTY

tributary to LINDSAY CREEK THENCE MAD RIVER

for the purpose of DOMESTIC AND RECREATIONAL USES *under Permit* 14189 *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* JANUARY 13, 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* (A) FOUR THOUSAND FOUR HUNDRED TWENTY FIVE (4,425) GALLONS PER DAY BY DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR; AND (B) TWO AND FOUR-TENTHS (2.4) ACRE-FEET PER ANNUM BY STORAGE, TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO APRIL 30 OF THE SUCCEEDING YEAR. SO LONG AS THERE IS NO INTERFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE OF DIVERSION TO A MAXIMUM OF 15 GALLONS PER MINUTE; PROVIDED THAT THE TOTAL QUANTITY DIVERTED IN ANY 7-DAY PERIOD DOES NOT EXCEED 31,000 GALLONS. THE MAXIMUM AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 2.8 ACRE-FEET PER YEAR.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(1) SOUTH 1500 FEET AND WEST 750 FEET FROM NE CORNER OF SECTION 23, T7N, R1E, HB&M, BEING WITHIN SE1/4 OF NE1/4 OF SAID SECTION 23,
(2) SOUTH 1750 FEET AND WEST 2050 FEET FROM NE CORNER OF SECTION 23, T7N, R1E, HB&M, BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 23.

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

RECREATIONAL USE AT RESERVOIR AND DOMESTIC USE, ALL WITHIN SW1/4 OF NE1/4 OF SECTION 23, T7N, R1E, HB&M.

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.

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER THE LARGER OF THE TWO RIGHTS.

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 23 1979

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit

for Chief, Division of Water Rights

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3-8-85 Int of Thomas S. Macfarlane asgd to Regina S. Macfarlane

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