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

# License for Diversion and Use of Water

APPLICATION 24938 PERMIT 16879 LICENSE **11483**



**THIS IS TO CERTIFY,** *That* William L. Smith, Sally L. Smith, Mathilde Albers and Irving Loube (A Partnership)
1877 Vintage Lane, Suisun, California 94585

have made proof as of July 14, 1982 (date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
(3) Unnamed Streams in Solano County
tributary to Spring Branch thence First Mallard Branch thence Cutoff Slough thence Suisun Slough thence Suisun Bay

for the purpose of Stockwatering use

under Permit 16879 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 November 21, 1975.

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 total of eleven and four-tenths (11.4) acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year as follows: (1) 6.0 acre-feet per annum in NE Upper Hills Reservoir, (2) 5.0 acre-feet per annum in South Center Emmington Reservoir, and (3) 0.4 acre-foot per annum in SW Emmington Pond.

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

After the initial filling of the reservoirs, licensee's right under this license extends only to water necessary to keep the storage reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

(1) NE Upper Hills Reservoir - North 1,550 feet and West 700 feet from SE corner of Section 9, T4N, R1W, MDB&M, being within NE¼ of SE¼ of said Section 9;
(2) South Center Emmington Reservoir - South 950 feet and West 2,000 feet from NE corner of Section 8, T4N, R1W, MDB&M, being within NW¼ of NE¼ of said Section 8; and
(3) SW Emmington Pond - South 1,500 feet and East 700 feet from NW corner of Section 8, T4N, R1W, MDB&M, being within SW¼ of NW¼ of said Section 8.

*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.*

*Pursuant to California Water Code Sections 100 and 275, 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 State Water Resources Control 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) 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 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 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: MARCH 26 1984

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

*Chief, Division of Water Rights*

2

**11483**

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

At NE Upper Hills Reservoir within NE¼ of SE¼ of Section 9, South Center Emmington Reservoir within NW¼ of NE¼ of Section 8, and SW Emmington Pond within SW¼ of NW¼ of Section 8, all within T4N, R1W, MDB&M, as shown on map on file with State Water Resources Control Board.

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 continuing authority of the State Water Resources Control Board to reduce the amount of water named in the license upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized uses. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing.

**********