STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 24524 PERMIT 17726 LICENSE **11813**

THIS IS TO CERTIFY, *That* James C. Gowan and Josephine N. Gowan
2600 Star Route
Philo, California 95466

have *made proof as of* August 14, 1985 *(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 Mendocino County

tributary to Navarro River thence Pacific Ocean

for the purpose of Irrigation and Frost Protection uses

under Permit 17726 *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 14, 1974 *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) By direct diversion: (1) thirty-nine hundredths (0.39) cubic foot per second from March 15 to May 15 of each year for frost protection uses, (2) twenty-six thousandths (0.026) cubic foot per second from April 1 to November 1 of each year for irrigation uses; and (b) by storage: nine-tenths (0.9) acre-foot per annum to be collected from February 1 to July 1 of each year. The total amount to taken from the source (direct diversion plus collection to storage) for all uses shall not exceed 8.4 acre-feet per year. The total amount of water to placed to beneficial use (direct diversion plus withdrawal from storage) shall not exceed 8.4 acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time for irrigation uses provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 500 feet and East 190 feet from the NW corner of Section 12, T14N, R15W, MDB&M, being within NW¼ of NW¼ of said Section 12.

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

3.5 acres within NE¼ of NE¼ of Section 11, T14N, R15W, MDB&M, as shown on map on file with State Water Resources Control Board.

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.

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.

Pursuant to California Water Code Sections 100 and 275 and the 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 State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, 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.

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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

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 30 1985

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson

Chief, Division of Water Rights

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 24524 Permit 17726 License 11813

ORDER AMENDING THE LICENSE BY ADDING A MEASURING DEVICE TERM AND AN ENDANGERED OR THREATENED SPECIES TERM

WHEREAS:

1. License 11813 was issued to James C. Gowan and Josephine N. Gowan on December 30, 1985, pursuant to Application 24524 and was recorded with the County Recorder of Mendocino County on January 7, 1986, in Book 1539, Pages 674-676A.

2. The Division of Water Rights (Division) conducted an inspection of the project covered by License 11813 on March 17, 1999. This inspection found that the licensee had no satisfactory measuring devices or records of diversion to ensure compliance with existing terms and conditions of the license.

3. The State Water Resources Control Board (SWRCB) has determined that in order to ensure compliance with License 11813, additional terms and conditions need to be added to License 11813.

4. The SWRCB will also add a license term to prevent any act which results in the taking of a threatened or endangered species that has been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A measuring device term is added as follows:

   Licensee shall install and maintain an in-line flow meter to measure all water diverted under this license. The flow meter shall be capable of measuring the instantaneous diversion rate and the cumulative amount diverted. Licensee shall maintain a record of end-of-the-month meter readings from March 15 to November 1 of each year. Licensee shall submit these monthly readings with the triennial report of licensee or whenever requested by the Division of Water Rights.

2. An endangered species term is added to this license as follows:

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 (California 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 authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: MAR 2 3 2000

Harry M. Schueller, Chief
Division of Water Rights