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

License for Diversion and Use of Water

APPLICATION 24638 PERMIT 17700 LICENSE **12204**

THIS IS TO CERTIFY, *That* Trust of Byrd Epperson, Gordon K. Epperson, Trustee and Harriet Wertsch
c/o V. Harry Hider, G.H.D. Associates
P.O. Box 308
Yuba City, California 95992

have *made proof as of* June 20, 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* Poodle Creek in Sutter County

tributary to East Borrow Pit thence Nelson Slough thence West Borrow Pit thence Sacramento Slough thence Sacramento River

for the purpose of Irrigation use

under Permit 17700 *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* July 5, 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* two and six-tenths (2.6) cubic feet per second to be diverted from April 1 to June 30 and September 1 to October 1 of each year. The maximum amount diverted under this license shall not exceed 253 acre-feet per year. The total quantity of water diverted under this license and License 4002 (Application 10787) shall not exceed 553 acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time 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:

North 61°19'02" West 7,474.48 feet from SE corner of projected Section 20, T15N, R2E, MDB&M, being within SW¼ of NE¼ of projected Section 19, T15N, R2E, MDB&M.

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

7.0 acres within NW¼ of NW¼ of projected Section 19, T15N, R2E, MDB&M
33.8 acres within NE¼ of NW¼ of projected Section 19, T15N, R2E, MDB&M
15.5 acres within SE¼ of NW¼ of projected Section 19, T15N, R2E, MDB&M
37.9 acres within NW¼ of NE¼ of projected Section 19, T15N, R2E, MDB&M
36.7 acres within SW¼ of NE¼ of projected Section 19, T15N, R2E, MDB&M
5.2 acres within SE¼ of NE¼ of projected Section 19, T15N, R2E, MDB&M

136.1 acres total, as shown on map filed with State Water Resources Control Board.

To the extent that water available for use under this license is return flow, imported water or wastewater, this license shall not be construed as giving any assurance that such supply will continue. (0000025)

This license is subject to the agreement dated November 14, 1978 between licensee and James R. and Neva E. Bohannon, to the extent such agreement covers matters within the Board's jurisdiction. (0000024)

No diversion is authorized by this license when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.

B. Supplemental Project water is defined as water imported to the basin by the projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The Board shall notify the licensee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the licensee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0000091)

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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: MAY 12 1987

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights

3