



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

License for Diversion and Use of Water

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APPLICATION 8177

PERMIT 5812

LICENSE **12801**

THIS IS TO CERTIFY, That

*Nevada Irrigation District
P.O. Box 1019
Grass Valley, CA 95945*

has made proof as of *June 5, 1973* (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 (AKA Wilson Creek) in Nevada County

tributary to *Middle Yuba River*

for the purpose of *Irrigation, Municipal, and Domestic uses*

under Permit *5812* 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 27, 1934* 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 seven-tenths (2.7) cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and six hundred eighty (680) acre-feet per annum by storage to be collected from November 1 of each year to June 30 of the succeeding year. The total amount of water to be taken from the source (direct diversion plus collection to storage under this license) shall not exceed 1,580 acre-feet per year. The total amount of water to be placed to beneficial use (direct diversion under this license plus withdrawal from storage under this license and licenses issued pursuant to Applications 1270, 2275, 2276, 2372, and 8179) shall not exceed 59,110 acre-feet per year.*

The above rate of diversion and amount authorized for collection to storage is inclusive of, and not in addition to, the rate and amount authorized by license issued pursuant to Application 8179.

The maximum combined rate of direct diversion and diversion to offstream storage shall not exceed 17.5 cubic feet per second.

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

- (3) *Wilson Creek MBC - South 1,250 feet and West 900 feet from NE corner of Section 14, T19N, R12E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14.*

THE POINT OF REDIVERSION AND STORAGE OF SUCH WATER IS LOCATED:

- (7) *Bowman Dam - South 200 feet and East 1,950 feet from NW corner of Section 8, T18N, R12E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8.*

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (8) BSC Diversion Dam - South 800 feet and East 1,600 feet from NW corner of Section 8, T18N, R12E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 8,
- (14) Fuller Lake - South 650 feet and West 2,350 feet from NE corner of Section 17, T17N, R12E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 17,
- (15) Spaulding Dam - South 1,850 feet and West 100 feet from NE corner of Section 20, T17N, R12E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 20,
- (16) Cascade Canal - South 1,800 feet and East 2,350 feet from NW corner of Section 34, T17N, R10E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 34,
- (17) Scotts Flat Dam - Due West 1,300 feet from NE corner of Section 11, T16N, R9E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 11,
- (18) Lower Scotts Flat Dam - South 1,150 feet and West 2,500 feet from NE corner of Section 10, T16N, R9E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 10,
- (19) Tarr Canal - North 450 feet and West 700 feet from SE corner of Section 10, T15N, R8E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 10,
- (20) Newtown Canal - North 1,300 feet and West 2,500 feet from SE corner of Section 12, T16N, R8E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12,
- (21) Tunnel Canal - North 1,500 feet and East 550 feet from SW corner of Section 18, T16N, R8E, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 18,
- (22) China/Union Canal - South 1,750 feet and East 1,250 feet from NW corner of Section 29, T16N, R7E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 29,
- (23) Rattlesnake Diversion Dam - South 1,000 and West 1,400 feet from NE corner of Section 12, T15N, R8E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12,
- (24) Wolf-Hannaman Diversion Dam - South 50 feet and West 2,450 feet from NE corner of Section 28, T14N, R7E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 28,
- (27) Rollins Dam - North 1,800 feet and West 1,200 feet from SE corner of Section 22, T15N, R9E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22,
- (28) Bear River Canal - North 1,100 feet and West 1,400 feet from SE corner of Section 22, T15N, R9E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 22,
- (29) Halsey Afterbay Dam - South 400 feet and West 200 feet from NE corner of Section 26, T13N, R8E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 26,
- (30) Auburn Ravine 1 Canal - South 100 feet and West 900 feet from NE corner of Section 14, T12N, R7E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14,
- (31) Hemphill Canal - South 300 feet and East 3,900 feet from NW corner of Section 13, T12N, R6E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 13,
- (32) Combie Dam - South 1,700 feet and East 700 feet from NW corner of Section 2, T13N, R8E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 2,
- (33) Orr Creek Dam (GH 1) - South 1,750 feet and West 1,350 feet from NE corner of Section 18, T13N, R8E, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 18,
- (34) Camp Far West Canal - North 500 feet and East 500 feet from SW corner of Section 13, T13N, R7E, MDB&M, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 13, and
- (35) Doty South Canal - South 1,400 feet and East 3,400 feet from NW corner of Section 36, T13N, R6E, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.

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

Irrigation of 35,077 acres net within a gross area of 286,800 acres, and municipal and domestic uses, all within the service area of the Nevada Irrigation District, as shown on map (N.I.D. Drawing No. 4365, revised May 22, 1987) filed with State Water Resources Control Board.

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Before making any change in the project determined by the State Water Resources Control Board to be substantial, licensee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).

(0000119)

This license is subject to the prior rights of any county in which the water covered by Applications 5631 and 5632 originates to the use of such water as may be necessary for the development of such county, as provided for in Water Code Section 10505.

(0000095)

This license is subject to the terms of the stipulation dated November 13, 1961, between Nevada Irrigation District and Yuba County Water Agency relative to regulation of the use of rights, acquired or to be acquired, under Applications 5631 and 5632 as between such district and agency, to the extent such agreement covers matters within the Board's jurisdiction.

(0000024)

Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said 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 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 common law 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 Board in accordance with law and in the interest of the public welfare to protect public trust uses and 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 eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (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 is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

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 10 1991

STATE WATER RESOURCES CONTROL BOARD

Roger Schuman
for Chief, Division of Water Rights

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