



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 18733

PERMIT 16584

LICENSE **13836**

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THIS IS TO CERTIFY, That

U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

has made proof as of **November 6, 2008, November 14, 2008, and July 9, 2009** (the dates of inspection) to the satisfaction of the State Water Resources Control Board (State Water Board) of a right to the use of the waters of **Fresno River** in **Madera County**

tributary to **San Joaquin River**

for the purposes of **Domestic, Irrigation and Recreational uses**

under Permit **16584** of the State Water Board; that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the State Water Board, and the permit terms; that the priority of this right dates from **May 22, 1959**; 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 **seventy one thousand six hundred (71,600) acre-feet per annum to be collected from December 1 of each year to April 30 of the succeeding year, provided the diversion season may be extended to include the months of November and May when equivalent exchange water has been or will be released from the Madera Canal into the Fresno River within 30 days. The maximum withdrawal in any one year shall not exceed 84,300 acre-feet.**

The capacity of the reservoir covered by this license shall not exceed 90,259 acre-feet.

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.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

By California Coordinate System of 1983, Zone 3, North 1,863,400 feet and East 6,741,170 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T9S, R19E, MDB&M.

THE POINT OF REDIVERSION OF SUCH WATER TO OFFSTREAM REGULATORY STORAGE IS LOCATED:

FR 10 - By California Coordinate System of 1983, Zone 3, North 1,834,960 feet and East 6,721,890 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 25, T10S, R18E, MDB&M (FRM 27; Madera Lake diversion gate).

THE POINTS OF REDIVERSION OF SUCH WATER ON THE FRESNO RIVER ARE LOCATED:

- FR 1 - By California Coordinate System of 1983, Zone 3, North 1,840,670 feet and East 6,726,220 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 19, T10S, R19E, MDB&M (FRM 28.4; Adobe Ranch pump).
- FR 2 - By California Coordinate System of 1983, Zone 3, North 1,832,030 feet and East 6,717,770 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T10S, R18E, MDB&M (FRM 26; DMP Development Corp et al pump).
- FR 2D- By California Coordinate System of 1983, Zone 3, North 1,829,320 feet and East 6,714,070 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T10S, R18E, MDB&M (FRM 25; Stoetzi Ranch pump # 2D).
- FR 2B- By California Coordinate System of 1983, Zone 3, North 1,828,540 feet and East 6,712,160 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 24.6; Stoetzi Ranch pump # 2B).
- FR 3 - By California Coordinate System of 1983, Zone 3, North 1,827,130 feet and East 6,708,990 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 23.8; Island Tract pump).
- FR 6 - By California Coordinate System of 1983, Zone 3, North 1,825,960 feet and East 6,707,800 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T11S, R18E, MDB&M (FRM 23.5; Rancho Bella Vista pump).
- FR 7 - By California Coordinate System of 1983, Zone 3, North 1,825,900 feet and East 6,707,800 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T11S, R18E, MDB&M (FRM 23.49; Isla Vista Farms, LLC pump).
- FR 4 - By California Coordinate System of 1983, Zone 3, North 1,823,490 feet and East 6,705,570 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T11S, R18E, MDB&M (FRM 22.9; Herman and DaSilva pump).
- FR 5 - By California Coordinate System of 1983, Zone 3, North 1,823,040 feet and East 6,704,740 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4, T11S, R18E, MDB&M (FRM 22.8; DeBenedetto Ranch pump).
- FR 9 - By California Coordinate System of 1983, Zone 3, North 1,817,200 feet and East 6,700,170 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, T11S, R18E, MDB&M (FRM 22; Franchi Diversion Dam).

THE MOVABLE POINT OF REDIVERSION OF SUCH WATER ON THE FRESNO RIVER IS LOCATED:

- FR 2C- By California Coordinate System of 1983, Zone 3, North 1,828,540 feet and East 6,712,170 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 34, T10S, R18E, MDB&M (FRM 24.6; Stoetzi Ranch pump).
Trailer-mounted pump is portable within APN 031-192-007.

THE POINTS OF REDIVERSION OF SUCH WATER ON COTTONWOOD CREEK ARE LOCATED:

- CWC 1A - By California Coordinate System of 1983, Zone 3, North 1,786,790 feet and East 6,696,530 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T12S, R18E, MDB&M (Singh Ranch pump).
- CWC 1B - By California Coordinate System of 1983, Zone 3, North 1,785,190 feet and East 6,686,170 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T12S, R17E, MDB&M (Campos Land Co. et al pump).
- CWC 1C - By California Coordinate System of 1983, Zone 3, North 1,785,070 feet and East 6,680,860 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T12S, R17E, MDB&M (High and Mighty Farms Inc. pump).
- CWC 2 - By California Coordinate System of 1983, Zone 3, North 1,785,680 feet and East 6,672,340 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T12S, R17E, MDB&M (Cavaletto pump).
- CWC 2A - By California Coordinate System of 1983, Zone 3, North 1,784,310 feet and East 6,670,860 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T12S, R17E, MDB&M (Prosperi pump).

- CWC 2B - By California Coordinate System of 1983, Zone 3, North 1,781,710 feet and East 6,667,680 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 2B).
- CWC 2C - By California Coordinate System of 1983, Zone 3, North 1,781,700 feet and East 6,667,750 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 2C).
- CWC 3 - By California Coordinate System of 1983, Zone 3, North 1,780,410 feet and East 6,665,030 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T12S, R17E, MDB&M (La Vina Ranch pump # 3).
- CWC 4 - By California Coordinate System of 1983, Zone 3, North 1,780,380 feet and East 6,664,960 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T12S, R17E, MDB&M (La Vina Ranch pump # 4).
- CWC 10S - By California Coordinate System of 1983, Zone 3, North 1,777,750 feet and East 6,661,040 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T12S, R17E, MDB&M (Nolo Farms II, LLC pump).
- CWC 11 - By California Coordinate System of 1983, Zone 3, North 1,784,040 feet and East 6,670,370 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T12S, R17E, MDB&M (CWC Lateral Diversion Dam).
- CWC 12 - By California Coordinate System of 1983, Zone 3, North 1,780,140 feet and East 6,665,130 feet, being within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T12S, R17E, MDB&M (South Lateral Diversion Dam).
- CWC 13 - By California Coordinate System of 1983, Zone 3, North 1,784,340 feet and East 6,677,240 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T12S, R17E, MDB&M (Galeener Ditch Diversion Dam).
- CWC 14 - By California Coordinate System of 1983, Zone 3, North 1,783,810 feet and East 6,678,210 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T12S, R17E, MDB&M (Hargrove Ditch Diversion Dam).
- CWC 15 - By California Coordinate System of 1983, Zone 3, North 1,785,640 feet and East 6,683,550 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 11, T12S, R17E, MDB&M (Mordecai Ditch Diversion Dam).

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

Irrigation of 46,031 acres net within a gross area of 49,002 acres, and Domestic use all within the Hidden Dam Place of Use shown on USBR map Drawing No. 214-202-93 dated April 18, 2011 filed with the State Water Board. Recreational use at Hensley Lake Reservoir within Sections 13, 14, 22, 23, 26, 27, 28, 34 and 35, T9S, R19E, MDB&M.

Storage of water under this license, which occurs by reason of furnishing a substitute supply of water to owners of prior downstream water rights, shall not constitute an abandonment or loss of the downstream owners' rights, nor create a right to store water hereunder when a substitute supply is not furnished the downstream owner under an existing contract with said owner.

(0000800)

This license shall be subject to appropriations by storage upstream from Hidden Reservoir with a priority subsequent to May 22, 1959 for stockwatering and recreational purposes, provided the individual capacity of reservoirs for such purposes does not exceed 10 acre-feet and the reservoirs are kept free of phreatophytes.

(0230800)

In addition to the reservation in the preceding paragraph, this license shall be subject to depletion of flow into Hidden Reservoir of 2,000 acre-feet per annum by upstream appropriations with a priority subsequent to May 22, 1959.

(0230800)

The State Water Board reserves jurisdiction over this license for the purpose of approving terms and conditions of agreements authorizing substitution of Madera Canal water for Fresno River water which have been formulated by the parties for protection of existing downstream water rights. Licensee shall submit to the State Water Board agreements reached with owners of downstream rights to the flow of the Fresno River. The State Water Board may, at any time, on its own motion or at the request of protestants or interested parties, hear, review, and make such further order as may be necessary.

(0000600)

A minimum pool of 5,000 acre-feet shall be maintained at all times for Recreational use.

(0540071)

The reservoir shall be kept open to the public for Recreational use, subject to reasonable charge for any services or facilities that are provided by the licensee. Failure to allow public access may result in revocation of this license or reduction in the amount of water that may be stored.

(0030045)

Licensee shall render and maintain the low-flow outlet pipes for Hensley Lake/Hidden Dam in proper working order unless Licensee and downstream riparian parties are in agreement to provide downstream flows according to a mutually-acceptable schedule.

(0050800mod)

Licensee shall release or bypass sufficient water to satisfy the prior rights of Triangle T Ranch, the Harman Brothers Ranch, and Menefee River Ranch, or their successors-in-interest, provided that the parties' rights singly or in combination cannot exceed the natural flow of the Fresno River, and provided that the licensee is not required to release flows that exceed the capacity of the Fresno River Road 9 Control Structures located within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 18, T11S, R15E, MDB&M, unless the licensee and Triangle T Ranch, the Harman Brothers Ranch, and Menefee River Ranch reach an agreement to do otherwise. At all times, licensee shall also release or bypass sufficient water to satisfy the prior rights of Costa View Farms, Cosyns Farms and Iest Family Farms unless licensee, Costa View Farms, Cosyns Farms and Iest Family Farms, or their successors-in-interest, reach an agreement to do otherwise.

(9999999)

By October 1, 2011, licensee and the Madera Irrigation District shall develop, in cooperation with downstream riparian diverters, a Fresno River Operations Protocols document for the purpose of providing guidance to all parties on how to operate the Fresno River water system. The Protocols document should address the following:

- A. Big Creek imports
- B. North Fork Willow Creek imports
- C. Operation of Hensley Lake/Hidden Dam
- D. Accounting of Storage under this Permit and pre-1914 rights held by the District
- E. Fresno River reach demands
- F. San Joaquin River imports
- G. Downstream post-1914 appropriative water rights; and
- H. Downstream riparian water rights

(9999999)

By October 1, 2011, licensee shall ensure that Madera Irrigation District completes an analysis satisfactory to the Deputy Director for Water Rights to determine (1) the limits of its pre-1914 direct diversion rights; and (2) whether the conversion of the District's pre-1914 direct diversion water rights to Big Creek, North Fork Willow Creek, and Fresno River water to storage rights in Hensley Lake behind Hidden Dam may cause injury to any legal user of water.

(9999999)

Licensee shall have priority for storage over all other storage at Hidden Dam/Hensley Lake Reservoir. Water stored under other existing rights shall not interfere with the exercise of full and unrestricted use under this license or with any downstream prior rights.

(9999999)

The maximum withdrawal from storage in any twelve-month period from Hidden Dam/Hensley Lake Reservoir has been 84,300 acre-feet. Water stored behind Hidden Dam and subsequently withdrawn for use can include (1) water stored under this license; and (2) water stored under existing pre-1914 rights held by Madera Irrigation District. The inclusion of this term does not quantify or qualify the existing rights of Madera Irrigation District.

(9999999)

Diversion to storage under existing rights held by Madera Irrigation District shall be appropriated only in accordance with law.

(9999999)

By October 1, 2011, licensee, in cooperation with the District, shall jointly develop and submit to the Division a Water Diversion and Use Monitoring Program (Program) that identifies water stored under this license and water directly diverted and stored under the District's pre-1914 rights. The Program will be subject to approval by the Deputy Director for Water Rights, and must include the following:

- A. A timeline identifying completion dates for the Program's action items;
- B. A description of the frequency of data collection, and the measuring devices and methods for recording flow and storage levels; and
- C. A methodology (including assumptions) for analyzing flow and storage data to account for water directly diverted and stored under this license and pre-1914 rights held by the District.

The methodology will be used to confirm future compliance with the terms and conditions of this license. If the Deputy Director for Water Rights determines that the submitted Program is not acceptable, the District must correct the deficiencies within 120 days of notification.

(9999999)

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.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to 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 State Water 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.

The continuing authority of the State Water 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water 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 State Water 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 State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water 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 State Water 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 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 (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.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the 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 State Water 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 (of the Water Code) 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.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
PHIL CRADER FOR:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: AUG 25 2011