License for Diversion and Use of Water

APPLICATION 14904
PERMIT 8921
LICENSE 4060

THIS IS TO CERTIFY, That

Fong Quock Yen
430 Capitol Avenue
Sacramento, California
made proof as of May 18, 1953.

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Sacramento River in Sacramento County

tributary to Suisun Bay

for the purpose of irrigation use

under Permit 8921 of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from September 20, 1951; and that the amount of water to which such right is entitled and hereby confirmed, for the purpose aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed one and fifty-seven hundredths (1.57) cubic feet per second to be diverted from about May 1 to about October 1 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located south two thousand two hundred ninety-two (292) feet and west eight hundred forty (840) feet from NE corner of Section 12, T 9 N, R 3 E, MDM&M, being within SSW of NEQ of said Section 12.

A description of the lands or the place where such water is put to beneficial use is as follows:

47.70 acres within Lot 33, Natomas Riverside subdivision No. 3
39.80 acres within Lot 32, Natomas Riverside subdivision No. 3
35.82 acres within Lot 31, Natomas Riverside subdivision No. 3
123.32 acres total within NWQ and NEQ of Section 7, T 9 N, R 4 E, MDM&M and NEQ of NEQ of Section 12, T 9 N, R 3 E, MDM&M

Issuance of this license shall not operate to the prejudice of any prior rights, including rights acquired by the United States for the Central Valley Project involving flows, whether or not presently applied to beneficial use may hereafter be applied thereto pursuant to such prior rights.

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 Department acting through the State Engineer 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.

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

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 conferred 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 Department.

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 appropriation 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 done 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 right granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation or acquisition under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale or of purchase, 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, or any political subdivision of the State, of the rights and property of any license, or the possession of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

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 can not 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 26th day of January, 1955.

A. D. Edmonston, State Engineer

[Signature]

Harvey O. Banks
Assistant State Engineer