



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 24525  
Page 1 of 3

PERMIT 17727

LICENSE 12334

THIS IS TO CERTIFY, That James C. Gowan and Josephine N. Gowan  
6350 Highway 128  
Philo, California 95466

have made proof as of August 15, 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  
Navarro River in Mendocino County

tributary to Pacific Ocean

for the purpose of Irrigation use

under Permit 17727 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 fifty-three hundredths (0.53) cubic foot per second to  
be diverted from May 1 to November 1 of each year. The maximum amount diverted  
under this license shall not exceed 181 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 are observed.

(0000027)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 1,300 feet and West 900 feet from SE corner of Section 11, T14N, R15W,  
MDB&M, being within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 11.

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

32.0 acres within NE $\frac{1}{4}$  of Section 11, T14N, R15W, MDB&M  
32.8 acres within SE $\frac{1}{4}$  of Section 11, T14N, R15W, MDB&M  
22.2 acres within NW $\frac{1}{4}$  of Section 12, T14N, R15W, MDB&M

87.0 acres total, as shown on map on file with State Water Resources Control  
Board.

For the protection of fish and wildlife, licensee shall during the period:  
(a) from May 1 through May 31 bypass sufficient water to maintain a flow of  
31 cubic feet per second at the USGS gage at Navarro, and (b) from  
June 1 through November 1, bypass sufficient water to maintain a flow of  
12.5 cubic feet per second at the USGS gage at Navarro. The total streamflow  
shall be bypassed whenever it is less than the designated amount for that  
period.

(0140060)

This license is conditioned upon full compliance with Sections 1601, 1603,  
and/or Section 6100 of the Fish and Game Code.

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24525

17727

12334

Page 3 of 3

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: MAY 24 1988

STATE WATER RESOURCES CONTROL BOARD

*for* *Way Johnson*  
Chief, Division of Water Rights

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

**ORDER**

Application 24525   Permit 17727   License 12334

**ORDER AMENDING THE LICENSE BY CORRECTING THE  
DESCRIPTION OF THE POINT OF DIVERSION, ADDING A MEASURING  
DEVICE CONDITION, AND ADDING AN ENDANGERED OR  
THREATENED SPECIES TERM**

**WHEREAS:**

1. License 12334 was issued to James C. Gowan and Josephine N. Gowan on May 24, 1988, pursuant to Application 24525 and was recorded with the County Recorder of Mendocino County on June 3, 1988, in Book 1689, Pages 36-39.
2. The Division of Water Rights (Division) conducted an inspection of the project covered by License 12334 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. This inspection also found the description of the location of the point of diversion requires correction.
3. The State Water Resources Control Board (SWRCB) has determined that in order to ensure compliance with License 12334, additional terms and conditions need to be added to License 12334.
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. The point of diversion under this license is corrected as follows:

North 1,350 feet and West 900 feet from the SE corner of Section 11, T14N, R15W, MDB&M, being within the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 11.

2. A measuring device term is added as follows:

Licensee shall install and maintain in-line flow meters to measure all water diverted under this license. The flow meters 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 May 1 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.

3. 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 23 2000



Harry M. Schueller, Chief  
Division of Water Rights