

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

(Number)

Orland IRRIGATION PROJECT

APPLICATION FOR PERMANENT WATER RIGHT

(For all lands except entries under the reclamation law)

Dec. 20, 1973

(Date)

1. IN PURSUANCE of the provisions of the act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto, especially the act of August 9, 1912 (37 Stat., 265), and the act of August 13, 1914 (38 Stat., 686), all herein styled the reclamation law, and the rules and regulations established under said law,¹

and subject to the conditions named in this instrument, application is hereby made to THE UNITED STATES OF AMERICA, herein styled United States, by the UNDERSIGNED, herein styled Applicant, for a permanent water right for the irrigation of and to be appurtenant to all of the irrigable area, as now or hereafter determined by the Secretary of the Interior, now or hereafter developed under the above-named project within the tract of land described in paragraph 2.

2. Description of land.—The land on account of which a water right is desired contains a total of ~~150~~ 119.49 acres (of which ~~150~~ 119.49 acres are now classed as irrigable), and is more particularly described as follows: Part of

S. E. Qt. Section 25, Township 22 N., Range 4 W., M.D.B. & M.

3. Description of water right.—The quantity of water to be furnished hereunder shall be that quantity (to be determined conclusively, in case of dispute, by the Secretary of the Interior) which may be applied beneficially in accordance with good usage in the irrigation of the irrigable area of the land described in paragraph 2: *Provided*, That in case of a shortage at any time the amount to be furnished shall be an equitable proportionate share, as nearly as practical operations will permit, of the water actually available at the time for all of the area being watered from the same source of supply, such proportionate share to be determined by the project superintendent. A plan of rotation in delivery of water to this and other lands in the project shall be followed wherever, in the opinion of the project superintendent, it is practicable. If a measuring device is not installed at the point of delivery to the Applicant, the amount of water delivered shall be determined by the estimate of the project superintendent. In distributing and apportioning the water the project superintendent may take into consideration the character and necessities of the land. On account of drought, inaccuracy in distribution, or other cause, there may occur at times a shortage in the water supply, and while the United States will use all reasonable means to guard against such shortages, in no event shall any liability accrue against the United States, its officers, agents, or employees, for any damage direct or indirect arising therefrom. When an organization of water users assumes or has assumed the duty of operating and maintaining the Orland project, or the part of the project in which the above-described land lies, the Applicant agrees that, during the period of such operation and maintenance, said organization shall, as between the Applicant and the United States, be solely responsible for such operation and maintenance and for the proper delivery of water to the Applicant. The Applicant hereby consents that the terms of this application shall be automatically modified to conform to the provisions of any contract made or to be made between the United States and an irrigation district or other organization of water users under any applicable Federal reclamation law.

4. **Agreement to pay water charges.**—The Applicant hereby agrees to pay to the United States the charges now and hereafter properly assessable against said land on account of said water right, together with any penalties for delinquency that may accrue, as provided by law and by the regulations, orders, and public notices now or hereafter promulgated by the Secretary of the Interior thereunder, such payment to be made in the manner, at the times, and subject to the conditions provided by said law, regulations, orders, and public notices, which charges are as follows: (a) An annual operation and maintenance charge for operating and maintaining the irrigation system, and (b) a construction charge to return the cost of the system. These charges are assessable against each acre of said land now and hereafter found irrigable by the Secretary of the Interior. Said land is now subject to public notice described as follows:²

5. **Lien to secure payment of water charges.**—For the purpose of securing payment to the United States of the obligations, and each of them, described in paragraph 4, according to the conditions therein stated, a lien in favor of the United States in the amount of the total obligations described in paragraph 4, is hereby created and made a charge upon all of the said land, both irrigable and nonirrigable, together with its privileges and appurtenances, including all water rights. Upon the failure of Applicant to pay when due any installment of charges described in paragraph 4, the United States is empowered to declare the whole of the unaccrued portion of the construction charges due and payable and to foreclose the lien hereby created for all accrued charges and sell said land to satisfy the obligation due the United States.

6. **Rights of way.**—As a further consideration for said water right, with respect to the lands described in Article 2, the Applicant hereby grants, sells, and conveys to the United States, without claim for compensation on account thereof, the following rights of way:

(a) A right of access to and control over all ditches, gates, and other structures now or hereafter placed upon said land for the delivery of water to said land.

(b) Rights of way and the right to locate same over and across said land for all irrigation, drainage, and power ditches, canals, flumes, and pipes, and for telegraph, telephone, and electric transmission lines and other structures, now or hereafter necessary, in the opinion of the Secretary of the Interior, for the proper construction and operation and maintenance of said project. If said land was taken up under any of the public land laws subsequent to October 2, 1888, it is subject to the right-of-way act of August 30, 1890 (26 Stat., 391).

7. **Waste and seepage water.**—The United States reserves the right to collect for use on said project all waste and seepage water coming from said land. The Applicant releases the United States, its officers, agents, and employees from every claim for damage, direct or indirect, arising by reason of the presence of waste or seepage water on said land.

8. **Land transferred for other than agricultural purposes.**—Should the irrigable area of said land or any portion thereof be transferred for a railroad, manufacturing, or other nonagricultural purpose, then all of the charges described in paragraph 4 assessed against the area so transferred shall at once become due and payable, anything hereinbefore to the contrary notwithstanding, and upon payment thereof such area shall be eliminated from the irrigable area of the project and shall not thereafter be subject to the payment of operation and maintenance charges.

9. **Remedies under application not exclusive.**—Nothing in this application contained shall be construed as in any manner abridging, limiting, or depriving the United States of any means of enforcing any remedy at law or in equity for the breach of any of the provisions of this application which it would otherwise have.

10. **Conditions of application to be continuing.**—When used herein, the terms "Secretary of the Interior" and "Project Superintendent" shall be construed to include the respective successors of those officials, the term "United States" shall be construed to include its successors and assigns, and the term "Applicant" shall be construed to include the one or more persons executing this application, and their respective heirs, executors, administrators, and assigns. All of the within terms and conditions, in so far as they relate to said land, are, and each of them hereby is, made a charge upon said land to run with the title to same.

11. Member of Congress clause.—No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract or to any benefit to arise herefrom, but this restriction shall not be construed to extend to this contract if made with a corporation or company for its general benefit.

IN WITNESS WHEREOF, the Applicant has hereunto set his hand and seal on the date first above written.

[SEAL]

In the presence of—

Kathy Saint-Emur
Clara Larrabee
Patricia Carroll

(Three witnesses must sign here)

Sanford Beck
Myra Beck

[SEAL]

Rt. 3, Box 136, Orland, Calif.

(Post-office address of Applicant)

Sec. _____, Twp. _____, Range _____
(Bona fide residence of Applicant)

ACKNOWLEDGMENT BY APPLICANT*

AFFIDAVIT BY APPLICANT*

COUNTY OF Glenn

ss:

STATE OF California

The undersigned Applicant being first duly sworn, says: (a) I am the person who subscribed the foregoing application; (b) my post-office address is as stated above under my signature; (c) the said application is made in my own behalf and not at the instance or for the benefit, directly or indirectly, of any other person or any firm, association, or corporation; (d) no other application, now uncancelled, has been made for a water right under the reclamation law, appurtenant to land now owned or claimed by me, except Application No. NONE, Project, made by

Sec. 25, Township 22N, Range 4W, M.D.B.&M. Sec
Meridian, covering an area of 119.49 acres and containing 119.49 acres of irrigable land, as determined by the Secretary of the Interior; (e) I am _____ married; (f) I occupy the land described in the foregoing application and my actual bona fide place of residence is as stated above under my post-office address, and its distance from said land in a direct line does not exceed fifty miles; (g) my interest in said land is fee, as shown by an instrument recorded in the records of Glenn County, State of California, in volume 566 of deeds, at page 677.

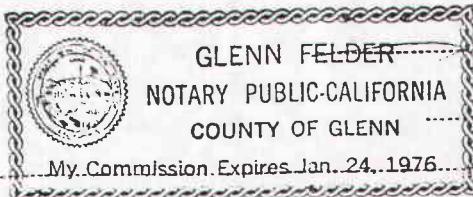
(Name of applicant)

Subscribed and sworn to before me

December 28, 1973

(Officer qualified to administer oath)

(Title)



My commission expires

My Commission Expires Jan. 24, 1976

APPROVAL BY WATER USERS ASSOCIATION

Certified this 28th day of December, 1973, that the Applicant executing this instrument has subscribed (or is the successor in interest to one who has subscribed) for the stock of this association for the lands described therein.

W.K. Dempsey
Sec'y Orland Unit Water Users Assn.

APPROVAL BY THE UNITED STATES

Approved and accepted this 19th day of July, 1974, by authority of the Secretary of the Interior.

J. Robert Hammond
J. Robert Hammond
Acting Regional Director

INSTRUCTIONS

- ¹ If any special act is applicable, insert reference.
- ² If public notice has issued, insert number and date of same and amount of construction charge; if not, insert: "(No public notice yet issued)."
- ³ Each person having an interest in the title to the land should sign the application. If an applicant is married, the spouse should also sign.
- ⁴ Each person signing the application should acknowledge same according to the law of the State in which executed.
- ⁵ Each person signing the application should execute this affidavit.