

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

DIVISION OF WATER RIGHTS

In the Matter of License 1811 (Application 6991), License 1627 (Application 7270), License 1628 (Application 7272), License 1629 (Application 7692), License 1630 (Application 7693), License 2087 (Application 8358), and License 2928 (Application 10939)

California Department of Transportation

ORDER REVOKING LICENSES

SOURCES: Little Soda Springs Creek, Spruce Creek, Bolshevik Creek, Unnamed Creek, El Senador Creek, and Redwood Gulch

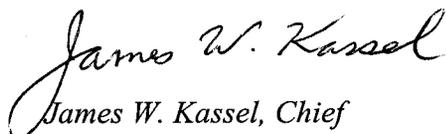
COUNTY: Monterey

WHEREAS:

1. A request dated January 20, 2004, has been received on behalf of the Licensee that the license(s) be revoked by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1410 and 1410.1.
3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of these licenses.

THEREFORE:

It is ordered that License 1811, License 1627, License 1628, License 1629, License 1630, License 2087, and License 2928 are hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.


James W. Kassel, Chief
Hearings and Special Projects Section

Dated: **FEB 16 2005**

STATE OF CALIFORNIA
RESOURCES AGENCY
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 6991

PERMIT 3925

LICENSE 1811

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 1811 was issued to John C. Evans and was filed with the County Recorder of Monterey County on October 25, 1937, and

WHEREAS said license was subsequently assigned to John R. and Violet M. Love, and

WHEREAS the State Water Rights Board has found that the change in point of diversion under said license for which petition was submitted on November 19, 1964, will not operate to the injury of any other legal user of water, and

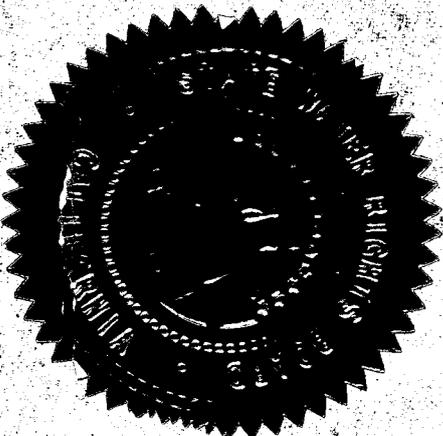
WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said point of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said License 1811 to a point of diversion described as follows, to wit:

NORTH THREE HUNDRED FIFTY (350) FEET AND EAST TWO HUNDRED FIFTY (250) FEET FROM S $\frac{1}{4}$ CORNER OF SECTION 32, T23S, R5E, MDB&M, BEING WITHIN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 32.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 2 nd day of September, 1965

L. K. Hill
L. K. Hill
Executive Officer



STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1951

PERMIT 3822

LICENSE 1811

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

WHEREAS License 1811 was issued to John C. Lyons and was filed with the County Recorder of Monterey County on October 25, 1951, and

WHEREAS said License was subsequently assigned to John M. and Violet M.

Lyons, and

WHEREAS the State Water Rights Board has found that the change in point of

diversion under said license for which petition was submitted on November 19, 1951,

will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that

an order be issued to describe said point of diversion in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted

to change the point of diversion under said License 1811 to a point of diversion

described as follows, to-wit:

THREE HUNDRED FIFTY (350) FEET AND EAST TWO HUNDRED FIFTY (250) FEET FROM THE CORNER OF SECTION 38, T4S, R2E, M38N, BEING WITHIN SW 1/4 OF SE 1/4 OF SAID SECTION 38.

Witness my hand and the seal of the State Water Rights Board of the State of

California this 2nd day of February 1952

J. R. HILL
Executive Officer



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1811

PERMIT 3925

APPLICATION 6991

Notice of Assignment (Over)

THIS IS TO CERTIFY, That **John G. Evans of San Simeon, California,**

has **made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of an unnamed creek in Monterey County**

tributary of **Pacific Ocean**

for the purpose of **domestic use**
under Permit **3925** *of the Division of Water Resources and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources and the terms of the said permit; that the priority of the right herein confirmed dates from* **July 2, 1931;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **one thousand (1000) gallons per day from January 1st to December 31st of each season.**

The point of diversion of such water is located **West one hundred (100) feet from the North one-quarter corner of Section 5, T 24 S, R 5 E, M.D.B.&M. and being within Lot 1 of said Section 5.**

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

Lot 1 of Section 5, T 24 S, R 5 E, M.D.B.&M.

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

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same 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 permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and provided, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and provided, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional waters granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 14th day of October, 1937.

[SEAL]

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

12/16/54

RECEIVED NOTICE OF ASSIGNMENT TO

Lillian C. Evans

2/3/61

RECEIVED NOTICE OF ASSIGNMENT TO

John R. + Violet M. Lowe

10/30/67

RECEIVED NOTICE OF ASSIGNMENT TO

of Int. of John R. Lowe and Violet M. Lowe to the Estates of John R. Lowe + Violet M. Lowe

11/27/68

RECEIVED NOTICE OF ASSIGNMENT TO

Donald S. Lowe

11-11-74

RECEIVED NOTICE OF ASSIGNMENT TO

Division of Highways

11-3-80

Name chgd to Calif Dept of Transportation



LICENSE 1811

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO John C. Evans

DATED October 14, 1937