

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

DIVISION OF WATER RIGHTS

In the Matter of License 2339 (Application 9019) and License 3423 (Application 11880)

Kimball Water System

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring

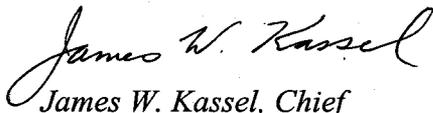
COUNTY: El Dorado

WHEREAS:

1. A request dated June 24, 2004, has been received on behalf of the Licensee that the licenses 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 1675 through 1675.2.
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 2339 and License 3423 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: **JUN 20 2005**



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 2339

PERMIT 4983

APPLICATION 9019

THIS IS TO CERTIFY, That **Ernest Ingold**
San Francisco, 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 spring in El Dorado County**

tributary of **Echo Lake**

for the purpose of **domestic use**
under Permit **4983** 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 **June 24, 1937;**

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 hundred (100) gallons per day from about June 1st to about August 31st of each season.**

The point of diversion of such water is located **South forty-six degrees no minutes East (S. 46°00' E.) seven hundred twenty (720) feet from the northwest corner of Section 1, T 11 N, R 17 E, M.D.B.&M., being within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1.**

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

Lot 9 of South Shore Tract, Eldorado National Forest, being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T 12 N, R 17 E, M.D.B.&M.

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 Division of Water Resources 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 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 conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, 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 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 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 herein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state or any city, county or municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and 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 said state, city, county and county, municipal water district, irrigation district, lighting district, or political subdivision of the state so desiring to purchase and the 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 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 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 same to be null and void and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought to modify or set aside or declaration or revocation 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 and in the conditions prescribed and shall observe 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 under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any commission or other authority of the services of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation or otherwise, by the state or any city, county, municipal water district, irrigation district, lighting district or any political subdivision of the state. If 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, or for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered in any proceeding or whether they are first in time; provided, however, that such application for a permit for other than municipal purposes and providing, further, that where to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes in excess of the existing municipal needs pending the application of the state water commission to any municipality for any quantity of water in excess of the existing municipal needs of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and provided, in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to a public utility, subject to such permission to appropriate, as may be allowed for the application to municipal use of the entire appropriation permitted; and provided that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for taking, conveying and storing such additional water rendered valuable for said purpose, to the person, firm or corporation which constructed the same, or to the person, firm or corporation which owned the same at the time of the making of such application, if not agreed upon between the municipality and said person, firm or corporation 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
Works of the State of California, this
day of December

EDWARD HYATT
State Engineer
By: Harold Con

RECEIVED NOTICE OF ASSIGNMENT TO B. T. Hoover and
Blanche C. Hoover

RECEIVED NOTICE OF ASSIGNMENT TO George R. E. M.
and Frank J. Conroy
San Diego Water Supply

LICENSE 2339
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Ernest Ingold
DATED December 3, 1941