

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

DIVISION OF WATER RIGHTS

In the Matter of License 3040 (Application 10526)

Clinton E. Jr. and Jane K. Kelley Family Trust, and Gary Jurin

ORDER REVOKING LICENSE

SOURCE: Price Creek

COUNTY: Trinity County

WHEREAS:

1. License 3040 was issued to H. E. Nichols on May 10, 1949, pursuant to Application 10526, and was filed with the County Recorder of Trinity County on May 11, 1949.
2. License 3040 was subsequently assigned to Jane Kennedy Kelley on January 19, 1988.
3. As of April 4, 2005, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) records show Clinton E. Jr. and Jane K. Kelley Family Trust, and Gary Jurin as owners of License 3040.
4. Clinton E. Jr. and Jane K. Kelley have requested on July 6, 2012 that the license be revoked by the Division of the State Water Board. Gary Jurin confirmed the request to revoke License 3040 by telephone conversation with Division staff on October 19, 2012.
5. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in California Water Code sections 1675 through 1675.1.

Therefore, it is ordered that License 3040 is hereby revoked by the State Water Board, 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 State Water Board decisions regarding water availability.

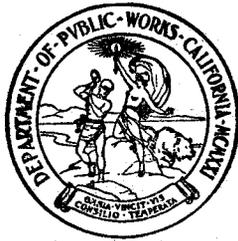
STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

John O'Hagan For:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Date: NOVEMBER 30 2012



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 10526

PERMIT 6168

LICENSE 3040

THIS IS TO CERTIFY, That **H. E. Nichols**
Hollywood, California

Notice of Assignment (over)

has made proof as of **September 15, 1947**

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of **Price Creek in Trinity County**

tributary to **Trinity River**

for the purpose of **mining and domestic uses**

under Permit **6168** 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 **August 17, 1942;**

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 **twenty-three (23) cubic feet per second to be diverted as follows:**

- (a) from about December 1 of each year to about June 1 of the succeeding year for mining purposes, and
- (b) throughout the year as required for domestic purposes

The point of diversion of such water is located **North twenty-seven degrees three minutes East (N27° 03' E) one thousand four hundred twenty (1420) feet from the Southwest Corner of Section 5, T 33 N, R 12 W, M.D.B. & M., being within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 5.**

A description of the lands or the place where such water is put to beneficial use is as follows: **$\frac{3}{4}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 5, T 33 N, R 12 W, M.D.B. & M., as shown on map filed with the State Engineer on September 25, 1942.**

Water used for mining will be discharged into Trinity River in **$\frac{3}{4}$ of NE $\frac{1}{4}$ of Section 5, T 33 N, R 12 W, 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 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 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 Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

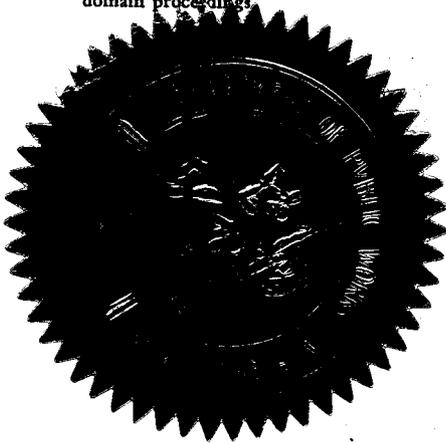
Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

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 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 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 10th day of May, 1949

Edward Hyatt

EDWARD HYATT, State Engineer

12/31/57 RECEIVED NOTICE OF ASSIGNMENT TO Patricia Nichols

2/22/67 RECEIVED NOTICE OF ASSIGNMENT TO Richard R. Kennedy & Robert M. Kennedy

1/19/88 asgs Jane Kennedy Kelly

LICENSE 3040
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO H. E. Nichols
DATED MAY 10 1949

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