

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

DIVISION OF WATER RIGHTS

In the Matter of License 3517 (Application 11825)

Hafez and Yeganeh Modirzadeh

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring

COUNTY: Santa Clara

WHEREAS:

1. License 3517 was issued to State of California, Department of Natural Resources, Division of Forestry on April 30, 1952, pursuant to Application 11825 and was recorded by the County Recorder of Santa Clara County on May 1, 1952.
2. License 3517 was subsequently assigned to Hafez and Yeganeh Modirzadeh on February 11, 2004.
3. Yeganeh Modirzadeh requested on April 2, 2009, that the License be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
4. 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 1675.1.

Therefore, it is ordered that License 3517 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



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **JUN 05 2009**



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

License for Diversion and Use of Water

APPLICATION 11825

PERMIT 7445

LICENSE 3517

THIS IS TO CERTIFY, That

State of California Notice of Change (Over)
Department of Natural Resources, Division of Forestry
State Office Building No. 1
Sacramento, California

has made proof as of May 15, 1951

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
an unnamed spring in Santa Clara County

tributary to Alamitos Creek

for the purpose of domestic and fire protection uses
under Permit 7445 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 April 16, 1947;
and 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 seven thousand (7000) gallons
per day for domestic purposes or fifteen thousand (15,000) gallons per day total
for domestic and fire protection purposes to be diverted from January 1 to December
31 of each year, provided, however, that nothing herein contained shall be construed
as confirming in licensee any right, which shall be good as against a subsequent
appropriator, to an amount for fire protection purposes in excess of what is
reasonably necessary to maintain an adequate reserve in storage for fire protection
except when there exists an actual need thereof for fire fighting use.

The point of diversion of such water is located South sixty-one degrees West (S 61° W)
one thousand one hundred thirty (1130) feet from the center of Section 2, T 9 S,
R 1 E, MDB&M, being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 2.

A description of the lands or the place where such water is put to beneficial use is as follows: Within Lots No. 1
and 2, Block A of Almaden Manor, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2,
T 9 S, R 1 E, MDB&M.

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.

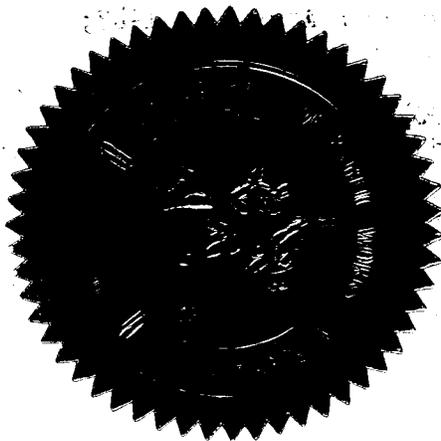
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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 30th day of April, 19 52



A. D. Edmonston
A. D. EDMONSTON, State Engineer

1-6-76

RECORD NOTICE OF ASSIGNMENT 57

New Edica Mining

and Chemical Company

*4-17-85 Assg to Benton B. Bailey 7-7-88 Notice of Assg
Thomas E. Blandford and Judith J. Blandford.*