

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

DIVISION OF WATER RIGHTS

In the Matter of License 4019 (Application 12435)

Michael Saylor

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream tributary to Hayfork Creek thence Trinity River

COUNTY: Trinity

The facts and information upon which the proposed revocation is based are as follows:

1. The State Water Resources Control Board (State Water Board) issued License 4019 on November 19, 1954 to Fred T. Donlan. The license authorizes the Licensee to divert 6300 gallons per day from May 1 to October 15 of each year for domestic and fire protection uses. The license was assigned to Thomas Fleming on December 28, 1956. The license was re-assigned to Jack B. and Betty Swaner on February 4, 1957 and then to Michael Saylor on December 9, 1981. The Division of Water Rights' (Division) records show Michael Saylor (Licensee) as the owner of License 4019.
2. The Division has no records to show that any water has been diverted under License 4019 since 1966.
3. The Division has not received any of the required Report of Licensee forms from the Licensee since the triennial Licensee Report for 1964, 1965 and 1966.
4. According to Trinity County Assessor's records, the point of diversion and place of use are both located on federally owned land.
5. Division staff contacted the United States Forest Service on March 14, 2005, and Forest Service staff person Lisa Wren stated there are no records of special use permits issued to the Licensee.
6. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."

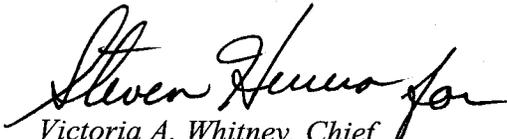
Based on the above facts, the Division concludes that:

1. Licensee has failed to observe the terms and conditions of License 4019.
2. Licensee has not, or has ceased to, put the water granted under License 4019 to a useful or beneficial purpose.

3. Licensee has not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.
4. On June 9, 2005, Licensee was provided notice by certified mail of the proposed revocation. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing.
5. The Licensee did not submit a request for a hearing to the Division.
6. The State Water Board has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

Therefore, it is ordered that License 4019 is hereby revoked by the State Water Board pursuant to Water Code section 1675, 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:

AUG 24 2005



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

License for Diversion and Use of Water

APPLICATION 12435

PERMIT 7367

LICENSE 4019

THIS IS TO CERTIFY, That Fred T. Donlan Notice of Assignment (Over)

P.O. Box 2

Corona DelMar, California

made proof as of July 15, 1953,
(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 stream in Trinity County

tributary to • Hayfork of Trinity River (Hayfork Creek)

for the purpose of domestic and fire protection uses

under Permit 7367

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 March 24, 1948;
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 six thousand three hundred
(6300) gallons per day to be diverted from about May 1 to about October 15 of each
year.

The point of diversion of such water is located north one hundred fifty-three (153)
feet and west six hundred seventy (670) feet from SE corner of Section 29, T 3 N,
R 8 E, HB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 29.

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

W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28, T 3 N, R 8 E, HB&M.

This license is granted and licensee accepts all rights herein conferred 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 19th day of November, 1954

A. D. EDMONSTON, State Engineer

By *Harvey O. Banks*
HARVEY O. BANKS
Assistant State Engineer

11/10/54 RECEIVED NOTICE OF ASSIGNMENT TO *Jack D. and Betty B. D.*

12-9-81 Notice of asgd: *Michael Saylor*