

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

DIVISION OF WATER RIGHTS

In the Matter of License 5538 (Application 12001)
Ryland Homes CA Inc. and Summerhill Chelmers LTD

ORDER REVOKING LICENSE

SOURCE: Silver Creek tributary to Coyote River and an Unnamed Stream tributary to Silver Creek

COUNTY: Santa Clara

WHEREAS:

1. License 5538 was assigned to Chelmers Investment Company Limited, by letter dated April 24, 1992.
2. The Division of Water Rights (Division) researched the ownership of the water right license, and by letter dated November 8, 2004 determined that the right should be transferred to Ryland Homes CA Inc. and Summerhill Chelmers LTD.
3. Revocation requests dated November 29, 2004 and December 2, 2004 have been received from Summerhill Chelmers LTD and Ryland Homes CA Inc. (Licensees) requesting revocation of the license 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 1675.2.

Therefore, it is ordered that License 5538 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.

John O'Hagan, For

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

Dated:

JUL 18 2005



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 12001

PERMIT 7034

LICENSE 5538

THIS IS TO CERTIFY, That

E. H. Weld and Agnes I. Weld
Route 3, Box 447-A
San Jose, California

Notice of Change (Over)

have made proof as of May 7, 1958,

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of

(1) Silver Creek (2) unnamed stream in Santa Clara County

tributary to (1) Coyote River (2) Silver Creek

for the purpose of irrigation and stockwatering uses

under Permit 7034

of the State Water Rights Board 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 State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from July 21, 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 nine (9) acre-feet per annum comprising eight (8) acre-feet per annum from Silver Creek and one (1) acre-foot per annum from an unnamed stream to be collected from about December 1 of each year to about May 1 of the succeeding year.

Maximum rate of diversion to offstream storage from Silver Creek has been five tenths (0.5) cubic foot per second.

The points of diversion of such water are located:

- (1) North five hundred ninety (590) feet and east one thousand ten (1010) feet from $W\frac{1}{4}$ corner of projected Section 30, T7S, R2E, MDB&M, being within $SW\frac{1}{4}$ of $NW\frac{1}{4}$ of said projected Section 30.
- (2) South ninety (90) feet and west two hundred fifty (250) feet from $E\frac{1}{4}$ corner of projected Section 25, T7S, R1E, MDB&M, being within $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of said projected Section 25.

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

Irrigation of 9.5 acres within $SE\frac{1}{4}$ of $NE\frac{1}{4}$ of projected Section 25, T7S, R1E, MDB&M, and stockwatering use at reservoir within $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of said projected Section 25.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Codes:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

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.

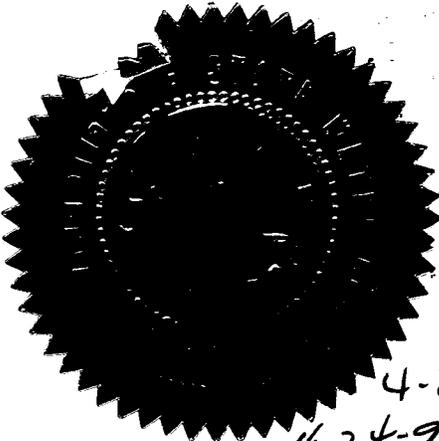
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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 cannot 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.

Dated: MAR 24 '59

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



*11-30-70 name changed to
Estate of E. H. Wild
4-26-83 Asgd to Quicksilver Properties, Inc
4-24-92 Asgd to Chelms Investment Co, Ltd;*