

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

DIVISION OF WATER RIGHTS

In the Matter of License 3316 (Application 11488) and License 5583 (License 13348)

Donald B. Strain

ORDER REVOKING LICENSES

SOURCE: Unnamed Spring

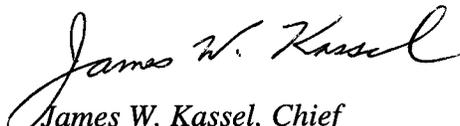
COUNTY: Nevada

WHEREAS:

1. A request dated January 16, 2004 has been received from 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 1410 and 1410.1.
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 3316 and License 5583 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: **FEB - 8 2005**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD
License for Diversion and Use of Water

APPLICATION 13348

PERMIT 8044

LICENSE 5583

THIS IS TO CERTIFY, That

Robert J. Scott
636 Ryland Street
Reno, Nevada

Notice of Change (Over)

has made proof as of August 28, 1958,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed spring in Nevada County

tributary to an unnamed stream thence Donner Lake

for the purpose of fire protection use

under Permit 8044 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 September 12, 1949, 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 four hundred (400) gallons per day to be diverted from about April 1 to about October 1 of each year.

The point of diversion of such water is located :

North seventy-four degrees west (N 74° W) five hundred (500) feet from SE corner of Section 12, T17N, R15E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

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

Within Lot No. 19, Donner Tract, Tahoe National Forest being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T17N, R15E, MDB&M, as shown on map filed with State Water Rights Board.

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 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.

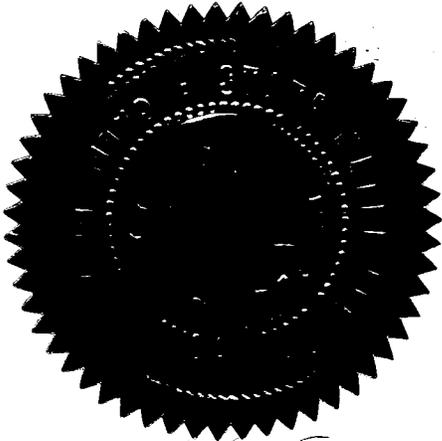
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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.

MAR 24 '59

Dated:



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

3-18-75 RECEIVED NOTICE OF ASSIGNMENT TO *George Egan*
11-19-76 Assign to *Donal R. Strain*