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

DIVISION OF WATER RIGHTS

In the Matter of License 5769 (Application 15631)

Richard A. Milton

ORDER REVOKING LICENSE

SOURCE: Post John Cannon Slough tributary to Upper Lake

COUNTY: Modoc

WHEREAS:

1. A triennial Report of Licensee for 2003, 2003, 2005 dated April 12, 2006 has been received from the Licensee, requesting revocation of the license by the State Water Resources Control Board (State Water Board), 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 1675 through 1675.2.

Therefore, it is ordered that License 5769 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

Steven Herrera for

Victoria A. Whitney, Chief
Division of Water Rights

Dated: AUG 22 2006

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15631 PERMIT 10170 LICENSE 5769

Notice of Assignment (Over)

THIS IS TO CERTIFY, *That* Dora Post
c/o Melvin R. Toney, Guardian
Lake City, California

has made proof as of August 20, 1958 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* Post John Cannon Slough in Modoc County

tributary to Upper Lake

for the purpose of irrigation use
under Permit 10170 *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* December 3, 1953 *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* two tenths (0.2) cubic foot per second to be diverted from about March 1 to about September 15 of each year.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The points of diversion of such water are *located*:

(1) North three hundred (300) feet and east four hundred (400) feet from S¼ corner of Section 32, T44N, R16E, MDB&M, being within SW¼ of SE¼ of said Section 32, and

(2) North six hundred seventy (670) feet and east six hundred (600) feet from S¼ corner of Section 32, T44N, R16E, MDB&M, being within SW¼ of SE¼ of said Section 32.

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

15 acres within SW¼ of SE¼ of Section 32, T44N, R16E, MDB&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 State Water Rights Board 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 Water Rights Board.

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.

FORM 64

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.

Dated: JUL 30 '59

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

[redacted]

2-4-66 Records changed to show Robert + Janet Armstrong;

11/12/68 RECEIVED NOTICE OF ASSIGNMENT TO Hale L. Burger

6-27-86 Asgd to Clarence Roy Young

LICENSE 5769
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Dora Post

DATED JUL 30 '59

72849 3-58 5M (1) SPO