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

In the Matter of License 5928 (Application 11838)

Pentecostal Church of God

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring tributary to Fresno River

COUNTY: Madera

WHEREAS:

1. Paul L. Gilbert requested on October 25, 2007 that the License be revoked 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 5928 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

Date JUN 0 5 2008

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11838 PERMIT 7112 LICENSE 5928

THIS IS TO CERTIFY, *That* E. W. Behney and Nellie Behney
P. O. Box 245
Oakhurst, California

Notice of Change (Over)

have made proof as of July 31, 1959 *(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 Madera County

tributary to Fresno River

for the purpose of domestic use
under Permit 7112 *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* April 23, 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* one thousand (1000) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located:
South two thousand (2000) feet and east seven hundred twenty-five (725) feet from NW corner of Section 13, T7S, R21E, MDB&M, being within SW¼ of NW¼ of said Section 13.

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

Within SW¼ of NW¼ of Section 13, T7S, R21E, 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-S

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: JAN 8 1960

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

3-19-74 Int. of E.W. Behney assgd to Nellie Behney

1-24-77 Assgd to Stanley W. & Nellie Elizabeth Hiter

9-28-88 Notice of Assgd. to Edith May Watkins

LICENSE 5928

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO E. W. and Nellie Behney

DATED JAN 8 1960

72848 3-58 1M (1) SPO