

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

**DIVISION OF WATER RIGHTS**

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In the Matter of License 6433 (Application 14509) ●

**Alexander Cockburn**

**ORDER REVOKING LICENSE**

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SOURCE: Mattole River

COUNTY: Humboldt

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**WHEREAS:**

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

1. Licensee (former owner James I. and Barbara McGuire) requested revocation in their Report of Licensee for the period of 1989 through 1991. The Report indicated non-use and abandonment of the project.
2. License 6433 was assigned to Alexander Cockburn on February 19, 1993. Reports of Licensee for the period from 1992 to 2002 were not filed with the State Water Resources Control Board (SWRCB).
3. Richard Cogswell, neighbor to Licensee, informed the SWRCB staff on July 20, 1999 that the Licensee's river pump has not been in use and the place of use has not been irrigated for over five consecutive years. Water for Licensee's livestock is presently furnished to the Licensee from springs located on this neighbor's property.

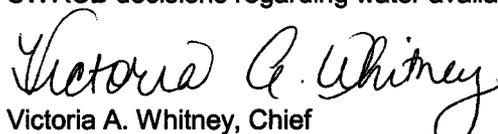
On March 15, 2000, Licensee was provided notice by certified mail of the proposed revocation. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing.

The Licensee did not submit a request for a hearing to the SWRCB. The SWRCB interprets the failure to respond to the Notice of Proposed Revocation as a waiver of the hearing requirements set forth in Water Code sections 1675 through 1675.2.

The SWRCB has found that Licensee has failed to apply the water to beneficial use under the terms and conditions of this license.

**THEREFORE:**

It is ordered that License 6433 is hereby revoked by the SWRCB pursuant to California 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 SWRCB decisions regarding water availability.

  
Victoria A. Whitney, Chief  
Division of Water Rights

Dated: **MAR 11 2004**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 14509

PERMIT 8940

LICENSE 6433

THIS IS TO CERTIFY, That

Lloyd Roberts  
Petrolia, California

has made proof as of August 8, 1961,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Mattole River in Humboldt County  
tributary to Pacific Ocean

for the purpose of irrigation use  
under Permit 8940 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 October 4, 1951,  
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 twelve-hundredths (0.12)  
cubic foot per second to be diverted from about May 1 to about October 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 point of diversion of such water is located:

North five hundred thirty-nine (539) feet and west two thousand two hundred  
twenty-one and six-tenths (2221.6) feet from SE corner of Section 11, T2S, R2W, HB&M,  
being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 11.

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

6 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T2S, R2W, HB&M.  
10 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T2S, R2W, HB&M.  

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16 acres total

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.

This license is granted and the 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: FEB 23 1962



*L. K. Hill*  
L. K. HILL  
Executive Officer

RECEIVED FEB 23 1962

8-23-67 RECEIVED NOTICE OF ASSIGNMENT TO *James J. McShure Barbara McShure*

2-19-93 asgbb alexander Cookham;

LICENSE 6433

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Lloyd Roberts

DATED FEB 23 1962

JAN 12 '62 G.A.P.

47698 8-61 3M ① RPO

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