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

ORDER WR 2007-XXXX-DWR

In the Matter of License 6542 (Application 16981)
Michael A. and Lorraine J. Graves

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream tributary to Dry Creek thence Silver Creek thence Coyote Creek

COUNTY: Santa Clara

WHEREAS:

1. The Licensee submitted a Revocation Request form dated January 18, 2007, requesting 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 6542 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: JUL 24 2007

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16981 PERMIT 10813 LICENSE 6542

THIS IS TO CERTIFY, *That* Howard W. Rathbun and Pauline H. Rathbun
Route 7, Box 289D
San Jose, California Notice of Assignment (Over)

have made proof as of July 14, 1961,
(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 stream in Santa Clara County

~~XXXXXXXXX~~ within Coyote River Watershed

for the purpose of irrigation use
under Permit 10813 *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* March 30, 1956
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 ten thousand (10,000) gallons per day by direct diversion to be diverted from about March 1 to about November 30 of each year not to exceed one and five-tenths (1.5) acre-feet per annum and one and three-tenths (1.3) acre-feet per annum by storage to be collected from about December 1 of each year to about April 30 of the succeeding year.

Maximum rate of diversion to offstream storage has been 20 gallons per minute.

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* :

South one hundred fifty (150) feet and west two hundred (200) feet from N¼ corner of projected Section 15, T7S, R2E, MDB&M, being within NE¼ of NW¼ of said projected Section 15.

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

5 acres within NE¼ of NW¼ of projected Section 15, T7S, R2E, 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.

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: APR 16 1962

STATE WATER RIGHTS BOARD CALIFORNIA

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

8-20-74 RECEIVED NOTICE OF ASSIGNMENT TO John J. & Madelin Fischer