

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

DIVISION OF WATER RIGHTS

In the Matter of License 7273 (Application 17834)

Mitch Garbarini

ORDER REVOKING LICENSE

SOURCE: South Fork Jackson Creek Tributary to Jackson Creek

COUNTY: Amador County

WHEREAS:

1. License 7273 was issued to Ralph Garbarini and Clarice J. Garbarini on May 5, 1965 pursuant to permitted Application 17834 and was recorded by the County Recorder of Amador County on May 6, 1965 in Book 141, Page 563.
2. Mitch Garbarini (licensee) is the current water right holder of water right License 7273.
3. On October 21, 2009, the licensee requested that the State Water Resources Control Board (State Water Board), Division of Water Rights, revoke License 7273.
4. On October 26, 2009, licensee submitted photographic documentation of the dismantled diversion works.
5. By signing the voluntary request for revocation, licensee waived the right to the hearing and notice requirements set forth in Water Code sections 1675 and 1675.1.

THEREFORE:

It is ordered that License 7273 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

ORIGINAL SIGNED BY
JOHN O'HAGAN FOR:

Victoria A. Whitney
Deputy Director for Water Rights

Date: DEC 02 2009

California Environmental Protection Agency





STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17834

PERMIT 11408

LICENSE 7273

THIS IS TO CERTIFY, That

Ralph Garbarini and Clarice J. Garbarini
Star Route 3, Box 26
Jackson, California

have made proof as of September 28, 1964,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
South Fork Jackson Creek in Amador County

tributary to Jackson Creek

for the purpose of irrigation and stockwatering uses
under Permit 11408 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 26, 1957,
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 six thousand (6000) gallons
per day to be diverted from about April 1 to about October 31 of each year and
throughout the remainder of the year as required for stockwatering use.

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 sixty-five degrees two minutes fifty seconds east (N65° 02' 50"E) one
thousand two hundred eighty-eight and six-tenths (1288.6) feet from W $\frac{1}{4}$ corner
of Section 27, T6N, R11E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 27.

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

Stockwatering within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and irrigation of 1 acre within
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T6N, R11E, 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.

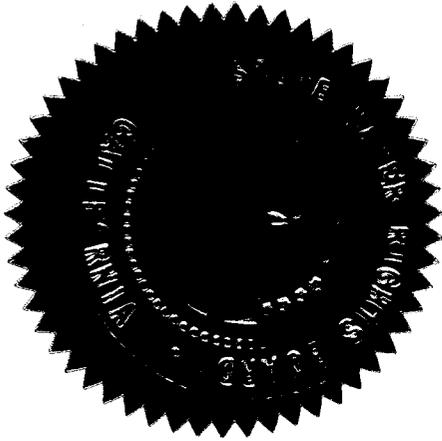
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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: MAY 5 1965



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

LICENSE 7273
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Ralph Garbarini and
Clarice J. Garbarini

ISSUED TO

MAY 5 1965

DATED

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1/2/65 AAF