

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Licenses 7304 and 7305 (Applications 16456 and 18228)

**Estate of Diana Wait**

**ORDER REVOKING LICENSES**

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SOURCE: License 7304 – Unnamed Stream tributary Davis Creek  
License 7305 – Mineral Spring tributary to Unnamed Stream thence Davis Creek

COUNTY: Fresno

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**WHEREAS:**

1. A letter requesting revocation dated October 24, 2005 has been received from the Licensee's representative requesting revocation of the licenses 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 Licenses 7304 and 7305 are 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.

*for*   
Victoria A. Whitney, Chief  
Division of Water Rights

Dated:

**MAR 06 2006**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 16456

PERMIT 11038

LICENSE 7304

Diana Birkhead Brohaska Wait  
c/o ~~Orline~~ Brohaska  
939 East Fountain Way  
Fresno, California 93704

THIS IS TO CERTIFY, That

*has made proof as of August 5, 1964,*  
(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 (underflow) in Fresno County

tributary to Davis Creek thence Mill Flat Creek thence Kings River

for the purpose of domestic use  
under Permit 11038 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 July 7, 1955,  
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 hundred twenty-five (125)  
gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located :

North one thousand three hundred (1300) feet and east fifty (50) feet from SW  
corner of Section 6, T13S, R27E, MDB&M, being within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 6.

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

Within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 6, T13S, R27E, MDB&M.

*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.

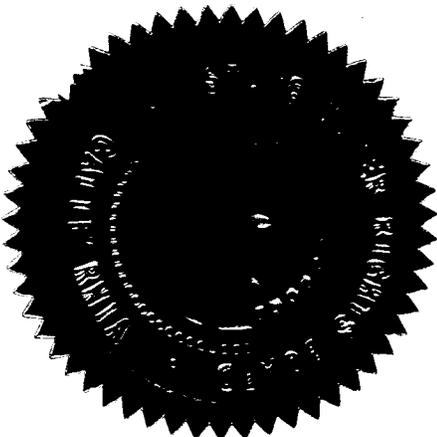
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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: JUN 9 1985



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