

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

DIVISION OF WATER RIGHTS

In the Matter of License 7485 (Application 19299)

David E. Herbert

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream

COUNTY: Tuolumne

WHEREAS:

1. License 7485 was issued to Earley H. Abbott and Stella M. Abbott on November 2, 1965, pursuant to Application 19299 and was recorded with the County Recorder of Tuolumne County on November 3, 1965.
2. License 7485 was subsequently assigned to David E. Herbert on April 14, 2008.
3. David E. Herbert requested on January 3, 2013 that the license be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
4. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in California Water Code sections 1675 through 1675.1.

Therefore, it is ordered that License 7485 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:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: JANUARY 31 2013



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 19299

PERMIT 12441

LICENSE 7485

THIS IS TO CERTIFY, That

Earley H. Abbott and Stella M. Abbott
Route 2, Box 916
Sonora, California 95370

have made proof as of June 17, 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 in Tuolumne County

tributary to Curtis Creek thence Sullivan Creek thence Woods Creek thence Tuolumne
River

for the purpose of stockwatering use
under Permit 12441 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 9, 1960,
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 and five-tenths (1.5)
acre-feet per annum to be collected from about December 1 of each year to about
April 1 of the succeeding year.

The point of diversion of such water is located :

North two thousand six hundred (2600) feet and east two thousand four hundred
(2400) feet from SW corner of Section 12, T1N, R15E, MDB&M, being within NE $\frac{1}{4}$
of SW $\frac{1}{4}$ of said Section 12.

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

At Abbott Reservoir, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T1N, R15E, 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: NOV 2 1965



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

2015/67
5-11-87 RECEIVED NOTICE OF ASSIGNMENT TO Sam Kern & Melba Kerns
Asgd to: Nancy Gray
1/26/89 NOTICE OF ASGD: RICHARD GANN

LICENSE 7485
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

Earley H. Abbott and
Stella M. Abbott

ISSUED TO

NOV 2 1965

DATED

47689 8-81 3M 1 SPO

APR 14 1967
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