

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

DIVISION OF WATER RIGHTS

In the Matter of License 8580 (Application 21013)

Monica Richardson, Debra J. Vivino, Richard & Melinda Russell, Russ & Denise Olsen

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream

COUNTY: Del Norte

WHEREAS:

1. The State Water Board issued License 8580 pursuant to Permit 14033 (Application 21013) on June 24, 1968 to Randal N. Ochs and Ellen J. Ochs. The license authorized the Ochs to directly divert eleven thousand (11,000) gallons per day from about June 1 to about September 15 of each year for Domestic use, and Irrigation of 1.3 acres and two hundred and twenty (220) gallons per day to be diverted during the remainder of the year for Domestic purposes.
2. The State Water Board's records show that ownership of License 8580 was assigned to Clifton B. and Elizabeth Priddle (the Priddles) on October 22, 1986. The Place of Use for License 8580 included 1.3 acres within Del Norte County Assessor's parcel number (APN) 105-220-01 owned at the time by the Priddles.
3. Parcel 105-220-01 has been subdivided into four new parcels: APN 105-220-66 (Olsen), APN 105-220-67 (Vivino), APN 105-220-68 (Richardson), and APN 105-220-69 (Russell).
4. State Water Board records suggest that water has not been diverted under License 8580 since 1997. There has been no Reports of Licensee filed pursuant to License 8580 since 1996.
5. By letter dated April 12, 2010, the Division of Water Rights (Division) asked the four property owners, Monica Richardson, Debra J. Vivino, Richard and Melinda Russell, and Russ and Denise Olsen if they hold ownership of, would like to hold ownership of, or have knowledge as to the ownership of License 8580 since all their parcels are covered as part of the Place of Use described in the license. None of the property owners responded to the Division's letter.
6. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."
7. On March 15, 2011, the State Water Board mailed the four property owners, Monica Richardson, Debra J. Vivino, Richard and Melinda Russell, and Russ and Denise Olsen a Notice of Proposed Revocation of License 8580 (Application 21013) consistent with requirements of Water Code 1675.1. Only Richard Russell responded to the Notice and informed Division staff that neither he nor his neighbors are diverting water under License 8580.

8. Since water has not been put to beneficial use and none of the potential co-holders are interested in the subject water right, the Division is proceeding with revocation of License 8580 (Application 21013).

Therefore, it is ordered that License 8580 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: JUN 16 2011



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 21013

PERMIT 14033

LICENSE 8580

THIS IS TO CERTIFY, That

RANDAL N. OCHS AND ELLEN J. OCHS *(Owner)*
P. O. BOX 76, FORT DICK, CALIFORNIA 95538

HAVE made proof as of JUNE 1, 1967 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED STREAM IN DEL NORTE COUNTY

tributary to LAKE EARL THENCE LAKE TALAWA THENCE PACIFIC OCEAN

for the purpose of IRRIGATION AND DOMESTIC USES
under Permit 14033 of the Board and that the right to the use of this water has been perfected in
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of
this right dates from NOVEMBER 13, 1962 and that the amount of water to which this right is
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall
not exceed ELEVEN THOUSAND (11,000) GALLONS PER DAY TO BE DIVERTED FROM ABOUT JUNE 1
TO ABOUT SEPTEMBER 15 OF EACH YEAR AND 220 GALLONS PER DAY TO BE DIVERTED DURING
THE REMAINDER OF THE YEAR FOR DOMESTIC PURPOSES.

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 1,220 FEET AND EAST 1,620 FEET FROM SW CORNER OF SECTION 14, T17N, R1W, HB&M,
BEING WITHIN SE¹/₄ OF SW¹/₄ OF SAID SECTION 14.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

DOMESTIC USE AND IRRIGATION OF 1.3 ACRES WITHIN SE¹/₄ OF SW¹/₄ OF SECTION 14,
T17N, R1W, HB&M.

5-21-76 Asgd to G.C. + Phyllis W. Eller

7-22-86 Asgd to Mary Elizabeth Russell

10-22-86 Asgd to Clifton B. + Mary Elizabeth Priddle

9/16/97 assigned to Mary
Elizabeth Priddle

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

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 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 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: JUN 24 1968

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward

Chief, Division of Water Rights

JAG 97-5-3