

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

In the Matter of License 9028 (Application 21733)
Georgia C. Schambach

ORDER REVOKING LICENSE

SOURCE: Unnamed Stream (aka Jackass Creek) tributary to Greenwood Creek
COUNTY: El Dorado

WHEREAS:

The facts and information upon which the revocation is based are as follows:

1. The State Water Board issued License 9028 on February 26, 1969. The Division of Water Rights' (Division) records show Georgia C. Schambach (Licensee) as the owner of License 9028. The license authorizes the Licensee to divert 8,000 gallons per day (gpd) from June 1 to September 30 of each year for domestic and irrigation purposes and 300 gpd for domestic purposes to be diverted during the remainder of the year.
2. Section 1675.1 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."
3. The Division has no records to show that any water has been diverted under License 9028 since July 27, 2001, when the Triennial Report of Licensee for 1998, 1999, 2000 was submitted.
4. The annual water right fee bill dated November 7, 2005 was returned with a notation on the envelope that the Licensee is deceased.
5. The point of diversion is on U.S. Bureau of Land Management (BLM) land. The place of use was originally a mining claim.
6. The BLM office in Folsom provided a list of claimants in section 7, T12N, R10E, MDB&M, none of which is clearly the successor(s) to the Schambach claim.
7. No one has contacted the Division asserting ownership of License 9028. Therefore, it appears that the license has been abandoned.

Based on the above facts, the Division of Water Rights concludes that:

1. Licensee has failed to observe the terms and conditions of License 9028. Licensee has not, or has ceased to, put the water granted under License 9028 to a useful or beneficial purpose.

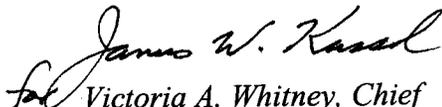
Name

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2. On October 4, 2006, Licensee was provided notice by certified mail and regular mail of the proposed revocation. The notice provided the Licensee the opportunity to object to the proposed revocation and request a hearing. The U.S. Postal Service returned both copies of the letter as undeliverable.
3. The Licensee did not submit a request for a hearing to the Division.

Therefore, it is ordered that License 9028 is hereby revoked by the State Water Board pursuant to Water Code section 1675, 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


Victoria A. Whitney, Chief
Division of Water Rights

Dated:

bcc: Field Files

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

Notice of Change (Over)

License for Diversion and Use of Water

APPLICATION 21733

PERMIT 14885

LICENSE 9028

THIS IS TO CERTIFY, That

LOUIS F. SCHAMBACH AND GEORGIA C. SCHAMBACH
P. O. BOX 3, GREENWOOD, CALIFORNIA 95635

HAVE made proof as of JUNE 17, 1968 (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 (AKA JACKASS CREEK) IN EL DORADO COUNTY
tributary to GREENWOOD CREEK THENCE SOUTH FORK AMERICAN RIVER

for the purpose of IRRIGATION AND DOMESTIC USES
under Permit 14885 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 APRIL 10, 1964 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 EIGHT THOUSAND (8,000) GALLONS PER DAY TO BE DIVERTED FROM ABOUT JUNE 1
TO ABOUT SEPTEMBER 30 OF EACH YEAR AND THREE HUNDRED (300) GALLONS PER DAY FOR
DOMESTIC PURPOSES TO BE DIVERTED DURING THE REMAINDER OF THE YEAR.

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 30° WEST 3,200 FEET FROM SE CORNER OF SECTION 7, T12N, R10E, MDB&M,
BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 7.

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

1 ACRE WITHIN S1/2 OF LOT 11 AND N1/2 OF LOT 24, SECTION 7, T12N, R10E, MDB&M.

6/20/77 - Delete name of Louis F. Schambach

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: FEB 26 1969

K. L. Woodward

STATE WATER RESOURCES CONTROL BOARD