

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

**DIVISION OF WATER RIGHTS**

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In the Matter of License 9135 (Application 22759)

**Manuel Souza**

**ORDER REVOKING LICENSE**

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SOURCE: Unnamed Stream

COUNTY: Modoc

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**WHEREAS:**

1. License 9135 was issued to John C. Neer and Katie S. Neer on February 25, 1970, pursuant to Application 22759, and was recorded with the County Recorder of Modoc County on March 4, 1970 in Volume 209, pages 670-671.
2. Division correspondence dated January 31, 2008 confirms that Jon Kahl assigned the license to Manuel Souza. The Division's records were updated on March 12, 2008.
3. Manuel Souza requested on December 1, 2012, 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 9135 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

Brian Coats for:

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: JULY 12 2013



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

## License for Diversion and Use of Water

Notice of Change (Over)

APPLICATION 22759

PERMIT 15469

LICENSE 9135

**THIS IS TO CERTIFY, That**

JOHN C. NEER AND KATIE S. NEER  
BOX 1887, ALTURAS, CALIFORNIA 96101

HAVE *made proof as of* MAY 14, 1969 *(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 MODOC COUNTY

*tributary to* CANYON CREEK THENCE PIT RIVER

*for the purpose of* STOCKWATERING USE  
*under Permit* 15469 *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 6, 1967 *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* ONE AND FOUR-TENTHS (1.4) ACRE-FEET PER ANNUM, TO BE  
COLLECTED FROM ABOUT NOVEMBER 1 OF EACH YEAR TO ABOUT APRIL 1 OF THE SUCCEEDING  
YEAR.

AFTER THE INITIAL FILLING OF THE RESERVOIR, LICENSEE'S RIGHT UNDER THIS  
LICENSE EXTENDS ONLY TO WATER NECESSARY TO KEEP THE STORAGE RESERVOIR FULL BY  
REPLACING WATER BENEFICIALLY USED AND WATER LOST BY EVAPORATION AND SEEPAGE AND  
TO REFILL, IF EMPTIED FOR NECESSARY MAINTENANCE OR REPAIR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 67° EAST 1,200 FEET FROM NW CORNER OF SECTION 32, T41N, R12E, MDB&M,  
BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 32.

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

WITHIN NW1/4 OF NW1/4 OF SECTION 32, T41N, R12E, MDB&M.

4-5-76

RECEIVED NOTICE OF ASSIGNMENT TO

*Benjamin D. & Laura J.*

*Firelock*

2-8-78 Asgd to George A. Papandrea

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 25 1970

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*  
Chief, Division of Water Rights

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FEB 20 1970  
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