

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

DIVISION OF WATER RIGHTS

In the Matter of License 9173 (Application 21923)

Steven Barber and James Barber

ORDER REVOKING LICENSE

SOURCE: An Unnamed Spring

COUNTY: Modoc County

WHEREAS:

1. License 9173 was issued to Don Barber and Zelma Barber on March 10, 1970, pursuant to Application 21923, and was recorded with the County Recorder of Modoc County on March 16, 1970 in volume 209, pages 786-787.
2. License 9173 was subsequently assigned to Steven Barber and James Barber by letter dated June 6, 2011.
3. Steven Barber and James Barber have requested on June 16, 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.
5. The State Water Board has delegated the authority to revoke water rights to the Deputy Director for the Division, pursuant to Resolution No. 2012-0029. The Deputy Director has redelegated this authority to the Assistant Deputy Directors, Program Managers, and Unit Seniors, pursuant to redelegation Order dated July 6, 2012.

Therefore, it is ordered that License 9173 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: SEPTEMBER 10 2013



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

License for Diversion and Use of Water

APPLICATION 21923

PERMIT 14862

LICENSE 9173

THIS IS TO CERTIFY, That

DON BARBER AND ZELMA BARBER
385 EAST 22ND STREET, COSTA MESA, CALIFORNIA 92626

HAVE *made proof as of* JULY 8, 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 SPRING IN MODOC COUNTY

tributary to UNNAMED STREAM THENCE LITTLE HOT SPRINGS VALLEY

for the purpose of IRRIGATION USE
under Permit 14862 *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 OCTOBER 6, 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 FIFTY-SIX THOUSANDTHS (0.056) CUBIC FOOT PER SECOND, TO
BE DIVERTED FROM ABOUT APRIL 1 TO ABOUT SEPTEMBER 30 OF EACH YEAR. THE MAXIMUM
AMOUNT DIVERTED UNDER THIS LICENSE SHALL NOT EXCEED 20 ACRE-Feet PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 80 FEET AND WEST 35 FEET FROM NE CORNER OF SE1/4 OF SE1/4 OF SECTION 5,
T39N, R5E, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 5.

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

10 ACRES WITHIN SE1/4 OF SE1/4 OF SECTION 5, T39N, R5E, MDB&M.

THE ISSUANCE OF THIS LICENSE SHALL IN NO WAY BE CONSTRUED AS CONFERRING
UPON LICENSEE RIGHT OF ACCESS TO THE POINT OF DIVERSION.

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:

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward
Chief, Division of Water Rights

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