

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 9562 (Application 22313)

**Merle L. and Marguerite K. Renner**

**ORDER REVOKING LICENSE**

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SOURCE: Unnamed Spring tributary to Jamison Creek thence Middle Fork Feather River

COUNTY: Plumas

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You are hereby notified, pursuant to Water Code section 1675 et seq., that the State Water Resources Control Board (State Water Board) is revoking License 9562 because the Licensees have ceased to put the water granted under the license to a useful or beneficial purpose.

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

1. The State Water Board issued License 9562 on February 11, 1971. The Division of Water Rights (Division) records show Merle L. and Marguerite K. Renner (Licensees) as the owners of License 9562. The license authorizes the Licensees to divert 125 gallons per day (gpd) from May 1 to November 1 of each year.

The point of diversion is located North 125 feet and East 860 feet from the W $\frac{1}{4}$  corner of section 6, T22N, R12E, MDB&M being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said section 6.

The place of use is within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 6, T22N, R12E, MDB&M.

2. 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."
3. The Division has no records to show that any water has been diverted under License 9562 since 1995. Marguerite K. Renner submitted the triennial Report of Licensee for 1994, 1995, 1996, and stated the water pipe was severed in 1995.
4. Jeanne Van Zant, caregiver for Marguerite Renner, contacted the Division on July 6, 2006 and informed the Division that the Licensee sold her property about ten years ago.
5. The U. S. Bureau of Land Management (BLM) records dated June 13, 2006 document that the Licensees' placer mining claims associated with this water right were closed on

September 12, 2000.

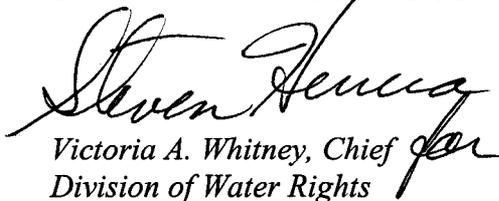
6. Emil Meacham, with BLM Beckworth Ranger District, stated that most of the area where the cabin is located had burned and the roads were lost about 10 years ago. Mr. Meacham was sure the cabin was gone.
7. The Division has not located any new owner of License 9562, and BLM staff did not provide the name of a new owner.

Based on the above facts, the Division concludes that:

1. Licensees have failed to observe the terms and conditions of License 9562.
2. Licensees have not, or have ceased to, put the water granted under License 9562 to a useful or beneficial purpose.
3. Licensees have not applied the water to beneficial use for at least five consecutive years. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1675.
4. On November 22, 2006, the Licensees were provided notice by certified mail of the proposed revocation, but the notice was returned unclaimed. On January 31, 2007, the Licensees were provided a notice by regular mail of the proposed revocation. The notice provided the Licensees the opportunity to object to the proposed revocation and request a hearing.
5. On March 2, 2007, the Division was advised that both Licensees are deceased. The Licensees' representative stated that revocation was appropriate and he would not request a hearing.
6. The Licensees did not submit a request for a hearing to the Division.

**Therefore, it is ordered** that License 9562 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

DEC 24 2007

Dated:



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

## License for Diversion and Use of Water

APPLICATION 22313

PERMIT 15317

LICENSE 9562

**THIS IS TO CERTIFY, That**

MERLE L. RENNER AND MARGUERITE K. RENNER  
ROUTE 1, BOX 283, RIO OSO, CALIFORNIA 95674

HAVE made proof as of JUNE 23, 1970 (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 PLUMAS COUNTY

tributary to JAMISON CREEK THENCE MIDDLE FORK FEATHER RIVER

for the purpose of DOMESTIC USE  
under Permit 15317 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 11, 1965 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 HUNDRED TWENTY-FIVE (125) GALLONS PER DAY, TO BE  
DIVERTED FROM ABOUT MAY 1 TO ABOUT NOVEMBER 1 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 125 FEET AND EAST 860 FEET FROM W1/4 CORNER OF SECTION 6, T22N, R12E,  
MDB&M, BEING WITHIN SW1/4 OF NW1/4 OF SAID SECTION 6.

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

WITHIN SW1/4 OF NW1/4 OF SECTION 6, T22N, R12E, MDB&M.

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A  
PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO  
DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A  
COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER  
THE LARGER OF THE TWO.

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 11 1971

STATE WATER RESOURCES CONTROL BOARD

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

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