

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 11389 (Application 24989)

**Joseph Bower**

**ORDER REVOKING LICENSE**

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SOURCE: Philpot Creek

COUNTY: Trinity County

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**WHEREAS:**

1. License 11389 was issued to Joseph Bower on June 23, 1983, pursuant to Application 24989, and was recorded by the County Recorder of Trinity County on July 13, 1983 in book 235, page 14-16.
2. Joseph Bower requested on April 21, 2011, that the license be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
3. The Division interprets the licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.1.

**Therefore, it is ordered** that License 11389 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: AUG 04 2011



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

## License for Diversion and Use of Water

APPLICATION 24989

PERMIT 17374

LICENSE 11389

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**THIS IS TO CERTIFY, That**

Joseph Bower  
P. O. Box 1055, Hayfork, California 96041

has made proof as of June 2, 1982 (date of inspection) to the satisfaction of the State Water Resources Control Board of a right to the use of the water of Philpot Creek in Trinity County

tributary to Salt Creek thence Hayfork Creek thence South Fork Trinity River thence Trinity River

for the purpose of Irrigation, Domestic, Fire Protection and Wildlife Enhancement uses

under Permit 17374 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 February 6, 1976.

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 (A) Eight thousand (8,000) gallons per day by direct diversion from May 1 to November 1 of each year for irrigation, fire protection and wildlife enhancement purposes;

(B) Two hundred forty-eight (248) gallons per day by direct diversion for January 1 to December 31 of each year for domestic purposes.

The maximum amount diverted under this license for all uses shall not exceed 4 acre-feet per year. 5

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. 27

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 2,300 feet and West 1,980 feet from NE corner of Section 11, T30N, R12W, MDB&M, being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 11.

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

Domestic, fire protection, wildlife enhancement uses and irrigation as follows:

0.2 acre within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 11, T30N, R12W, MDB&M

1.5 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11, T30N, R12W, MDB&M

1.7 acres total, as shown on map on file with State Water Resources Control Board.

*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.*

*Pursuant to California Water Code Sections 100 and 275, 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 State Water Resources Control 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.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*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: JUNE 23 1983

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*  
Chief, Division of Water Rights

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No water shall be diverted or pumped from Philpot Creek between 10:00 a.m. and 6:00 p.m. daily during the designated diversion period, with the exception of emergency situations such as fires.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

For the protection of fish and wildlife, licensee shall during the period: (a) from May 1 through May 31 bypass a minimum of 250 gallons per minute, (b) from June 1 through June 30 bypass a minimum of 50 gallons per minute, (c) from July 1 through September 30 bypass a minimum of 25 gallons per minute, and (d) from October 1 through October 31 bypass a minimum of 50 gallons per minute. The total streamflow shall be bypassed whenever it is less than the designated amount for that period.

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No water shall be diverted under this license unless licensee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this license. Said measuring device shall be properly maintained.

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This license is conditioned upon full compliance with Sections 1601, 1603, and/or Section 6100 of the Fish and Game Code.

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