

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 20863 (Application 30265)

**Gary H. Holt and Mary T. Holt**

**ORDER REVOKING PERMIT**

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SOURCE: Unnamed Creek

COUNTY: Sierra

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**WHEREAS:**

1. Permit 20863 was issued to Gary and Mary Holt (Permittee) on July 31, 1996, pursuant to Application 30265.
2. Division records (Progress Report by Permittee) show that no water has been diverted under Permit 20863. Permittee indicated on the most recent Progress Report by Permittee, submitted on August 4, 2003, that construction work had not commenced. Permittee has failed to submit a progress report since the reporting year of 2002.
3. A Notice of Proposed Revocation was mailed to Permittee on February 24, 2010. On March 4, 2010, the Division received a written request for hearing from Mary Holt. On November 21, 2012, the Division mailed a Notice of Public Hearing to the Holts specifying a hearing date of March 12, 2013.
4. The November 21, 2012 Notice of Public Hearing states that a failure to submit a Notice of Intent to Appear would be deemed withdrawal of the request for hearing and the proposed revocation could be imposed without further notice.
5. On January 16, 2013, the Division received a written response from Mary Holt indicating she would not be pursuing an extension of the permit and would not appear at the March 12, 2013 hearing.

**Therefore, it is ordered** that Permit 20863 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:

*James W. Kassel, Assistant Deputy Director  
Division of Water Rights*

Dated: FEBRUARY 07 2013

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 20863 (Application 30265)

**Holt Family Trust**

**NOTICE OF PROPOSED REVOCATION**

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SOURCE: Unnamed Stream Tributary to Grizzly Gulch thence Oregon Creek thence Middle Yuba River

COUNTY: Sierra

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You are hereby notified that, pursuant to sections 1410-1410.2 of the California Water Code, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), is proposing to revoke Permit 20863 because Holt Family Trust (Permittee) has failed to commence, prosecute with due diligence, and complete the work necessary to appropriate water under Permit 20863 and has not made beneficial use of the water in accordance with the permit, the Water Code, and the State Water Board's regulations.

The proposed revocation is based upon the following facts, information and conclusions:

The State Water Board issued Permit 20863 to Gary H. Holt and Mary T. Holt on July 31, 1996. The permit authorizes the diversion to storage of 7 acre-feet per annum from November 1 to May 31 of the succeeding year for Domestic and Irrigation use. The permit requires that construction work be completed by December 31, 2001, and that the water be applied to the authorized use by December 31, 2005.

**PERMITTEE HAS FAILED TO COMMENCE, PROSECUTE WITH DUE DILIGENCE, AND COMPLETE THE WORK NECESSARY TO APPROPRIATE WATER UNDER THE PERMIT.**

1. The Division assigned and re-assigned the permit to the following: 1) Gary H. Holt and Mary T. Holt on July 31, 1996; and 2) Holt Family Trust on December 16, 2003. Holt Family Trust is current holder of Permit 20863.
2. The Division records (Progress Report by Permittee) show that no water has been diverted under Permit 20863. Permittee indicated in the most recent Progress Report by Permittee, submitted on August 4, 2003, that construction work had not commenced. Permittee has failed to submit a progress report since the reporting year of 2002.
3. Aerial photographs of the project site show no evidence of a reservoir being constructed. A telephone conversation between Division staff and Mary Holt on September 19, 2008, confirms that the construction of the proposed reservoir has not yet commenced.
4. Permittee has failed to commence, prosecute with due diligence, and complete the work necessary to appropriate water under Permit 20863.

BASED ON THE ABOVE FACTS AND INFORMATION, THE DIVISION CONCLUDES THAT CAUSE EXISTS FOR THE REVOCATION OF PERMIT 20863 PURSUANT TO WATER CODE SECTION 1410, SUBDIVISION (a) BECAUSE:

1. Permittees have failed to commence, prosecute with due diligence, and complete the work necessary to appropriate water under Permit 20863 and have failed to apply to beneficial use all or part of the water authorized for appropriation as contemplated in the permit and in accordance with the Water Code and the regulations of the State Water Board.

As required by Water Code section 1410.1, you are hereby notified that unless the Division receives a written request for a hearing, signed by or on behalf of the Permittees, the State Water Board will revoke Permit 20863 based on the above facts, information and conclusions. The written request for hearing must be postmarked or delivered no later than 15 days from the receipt of this Notice. You may request a hearing by delivering or mailing the request to the State Water Board at the following address within the time period provided: Division of Water Rights, P.O. Box 2000, 1001 I Street, Sacramento, CA 95812-2000.

Based on the above facts and conclusions, the State Water Resources Control Board, Division of Water Rights will revoke Permit 20863 unless the Division receives a written request for hearing within the time period specified above.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*James W. Kassel*  
*Assistant Deputy Director for Water Rights*

Dated: FEB 24 2010

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

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 20863**

Application 30265 of Gary H. Holt and Mary T. Holt,

130 Poplar Lane, North San Juan, CA 95960

filed on July 7, 1993, has been approved by the State Water Resources Control Board  
 SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

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|--|---|
| 1. Source:<br><br><u>Unnamed Stream</u><br><br>_____<br>_____<br>_____<br>_____<br>_____ | Tributary to:<br><br><u>Grizzly Gulch thence</u><br><br><u>Oregon Creek thence</u><br><br><u>Middle Yuba River</u><br><br>_____<br>_____<br>_____ |
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
South 1,050 feet and West 1,800 feet from NE corner of Section 18	NW¼ of NE¼	18	18N	9E	MD

County of Sierra

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Domestic						
Irrigation	NW¼ of NE¼	18	18N	9E	MD	10

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 7 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2001. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2005. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, 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 protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (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 permit 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.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee 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.

(000013)

13. Permittee, when required by the State Water Resources Control Board, shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050044)

14. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

15. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento River Basin are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

*This permit is issued and permittee takes it subject to the following provisions of the Water Code:*

*Section 1390. A permit 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 1391. Every permit 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 permit is issued takes it subject to the conditions therein expressed.*

*Section 1392. Every permittee, if he accepts a permit, 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 permit 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 permittee 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 permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).*

Dated: July 31, 1996

STATE WATER RESOURCES CONTROL BOARD

*Roger Johnson*  
for Chief, Division of Water Rights