

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

DIVISION OF WATER RIGHTS

In the Matter of License 5328 (Application 15431)

Terrance R. Mount Jr., Michael S. and April M. McNicholas, and Charlotte A. Moreno

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring

COUNTY: El Dorado

WHEREAS:

1. License 5328 was issued to Alfred J. Bedard and Margaret C. Bedard on August 5, 1958, pursuant to Application 15431, and was filed with the County Recorder of El Dorado County on August 6, 1958.
2. License 5328 was subsequently assigned to co-owners Charlotte A. Moreno, Michael S. and April M. McNicholas on July 30, 2007, and primary owner, Terrance R. Mount Jr., on June 4, 2008.
3. Sharon Mount, mother of primary owner Terrance R Mount Jr, requested on January 14, 2013 that the license be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). Division staff confirmed on November 20, 2014 that Terrance R Mount Jr agrees with the request to revoke License 5328.
4. In addition to Terrance R. Mount Jr., three other property owners own parcels within the Place of Use associated with License 5328. The Division drafted a letter dated January 16, 2015 and mailed to Michael S. and April M. McNicholas, Mark C. and Constance A. Robbins, and Jacob R. and Kaly A. Martin requesting either confirmation of revocation or a request to assume primary ownership. No responses have been received by the Division.
5. The Division interprets the licensee's request for revocation and the lack of response by property owners associated with the Place of Use as a waiver of the notice and hearing requirements set forth in California Water Code sections 1675 through 1675.1.
6. 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 5328 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



Barbara Evoy, Deputy Director
Division of Water Rights

Dated: **APR 08 2016**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 15431

PERMIT 9690

LICENSE 5328

THIS IS TO CERTIFY, That

Alfred J. Bedard and Margaret C. Bedard
Route 3, Box 4530
Placerville, California

Notice of Assignment (Over)

have made proof as of August 22, 1957
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
unnamed spring in El Dorado

tributary to an unnamed stream, thence Clear Creek

for the purpose of domestic use
under Permit 9690 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from July 24, 1953
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed three thousand six hundred
(3600) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located:
North seven hundred fifty (750) feet and east four hundred fifty (450) feet from
SW corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, T10N, R12E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$
of said Section 26.

A description of the lands or the place where such water is put to beneficial use is as follows:
Within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, T10N, R12E, MDB&M.

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 Rights 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 State Water Rights 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.

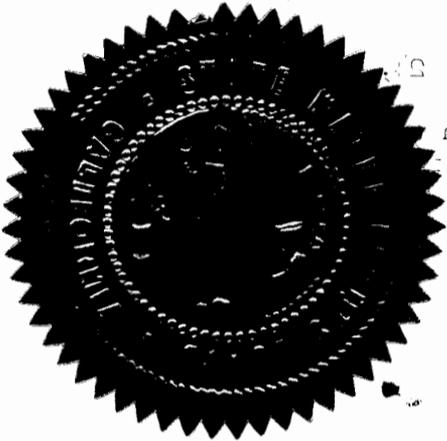
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water 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: AUG 5 1958

L. K. Hill
L. K. Hill
Executive Officer



4-6-66 RECEIVED NOTICE OF ASSIGNMENT TO *Tom E. x*
Angel quest.

3-21-75 RECEIVED NOTICE OF ASSIGNMENT TO *Earl J. (H) J. Loca B. Murphy*
2-7-85 Int of Carl J. Murphy asgd to Florad B. Murphy
5-18-87 asgd to Terrance R. & Sharon Mount

LICENSE 5328
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Alfred J. Bedard and
Margaret C. Bedard
AUG 5 1958

DATED