

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 20863 (Application 30265)

Holt Family Trust

NOTICE OF PROPOSED REVOCATION

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

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.

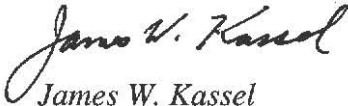
BASED ON THE ABOVE FACTS AND INFORMATION, THE DIVISION CONCLUDES THAT CAUSE EXISTS FOR THE REVOCATION OF PERMIT 20863 PURSUANT TO WATER CODE SECTION 1410, SUBDIVISION (a) BECAUSE:

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



James W. Kassel
Assistant Deputy Director for Water Rights

Dated: **FEB 24 2010**