STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

# License for Diversion and Use of Water

LICENSE No. 377 PERMIT No. 1399 APPLICATION No. 2525

This is to certify, *That* Charles F. Smith Partial Assignment ASSIGNMENT MADE *of* 8 Fifth St., Redlands, California, *has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* two (2) small springs in San Bernardino County, *tributary of* Big Bear Valley Watershed *for the purpose of* Domestic use *under Permit No.* 1399 *of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* August 29th, 1921; *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 thousandths (0.003) cubic foot per second, or approximately nineteen hundred fifty (1950) gallons per day, from January 1st to December 31st of each year.

APP

*The point of diversion of such water is located* eleven hundred ninety five (1195) feet East and seventeen hundred (1700) feet South of the Northwest corner of Section 22, T 2 N, R 1 W, S.B.M., being within the SW¼ of NW¼ of said Section 22.

*A description of the lands or the place where such water is put to beneficial use is as follows:* within the SW¼ of NW¼ of Section 22, T 2 N, R 1 W, S.B.M.

Amended by order of 12/4/92 WRC

12/6/92 Not. of asgd. App#2525 Lic#377
John R. Williams & Reva A. Williams

***The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.***

***This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:***

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided,* that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided,* that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same 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 or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 subdivison of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however,* that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further,* that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further,* that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further,* that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

*Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this* 27th *day of* February, 1925.

MSB:B

16835 2-22 250

EDWARD HYATT JR.
*Chief of Division of Water Rights, Department of Public Works of the State of California*

WR 133

374

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

REVOKED

# License for Diversion and Use of Water

LICENSE No. 378 PERMIT No. 1434 APPLICATION No. 2789

This is to certify, That ~~Warren V. Clark~~ Assigned

of Camanche, California has made proof to the satisfaction of the Division

of Water Rights of California of a right to the use of the waters of Mokelumne River

in Calaveras County, tributary of San Joaquin River

for the purpose of mining

under Permit No. 1434 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from March 11th,

1922; 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 two (2) cubic feet per second during 12 hours of each day when there is unappropriated water available at the proposed point of diversion, the season of unappropriated water being in years of normal flow from about December 1st to about July 15th.

The point of diversion of such water is located on the South Bank of the Mokelumne River, North fifty three degrees West (N 53°W) forty-five (45) feet from the South abutment of the Camanche Bridge, being within the NE¼ of NW¼ of Section 12, T 4 N, R 9 E, M.D.M.

As there is a possibility that there will not be sufficient water in Mokelumne River during the latter part of the irrigation season to satisfy all requirements, this license is issued subject to the express condition that the use hereunder may be regulated by the Division of Water Rights during such periods of water scarcity to the end that such use will not interfere with rights under prior applications.

[illegible] acres within the [illegible] of [illegible] " " "
10.0 acres within the SE¼ of SE¼ of Section 11, " " "
10.0 acres within the SW¼ of SW¼ of Section 12, " " "
20.0 acres within the NW¼ of NW¼ of Section 13, " " "
240.0 acres - Total

*The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:*

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided,* that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided,* that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same 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 or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 subdivison of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however,* that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further,* that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further,* that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further,* that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

*Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this* 9th *day of* March, 1925.

MSE:B (SEAL)

16835 2-22 250

REVOKED

EDWARD HYATT JR.
*Chief of Division of Water Rights, Department of Public Works of the State of California*

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FORM 100. 42399 12-25 1M

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
# DIVISION OF WATER RIGHTS

# ORDER

LICENSE No. 377 PERMIT No. 1399 APPLICATION No. 2525

## ORDER CORRECTING DESCRIPTION OF POINT OF DIVERSION AND GRANTING CHANGE IN PLACE OF USE

Petitions having been filed on February 4, 1928 and March 14, 1928 by the licensees CHARLES F. SMITH and SYDNEY Y. WYNNE, and on July 7, 1928 and December 5, 1928 by G. E. TURNER, acting as agent for the licensees, to correct the description of the point of diversion and to change, properly locate and describe the place of use and it having been established to the satisfaction of the Division of Water Rights that the present descriptions are in error and that such changes as petitioned will not operate to the injury of any other appropriator or legal user of the waters of an unnamed spring located in San Bernardino County and tributary to Big Bear Lake, the Division of Water Rights so finds, and

NOW THEREFORE IT IS ORDERED that said points of diversion and place of use be amended and corrected to read as follows, to wit:

(A) Points of Diversion

(1) East eleven hundred ninety-five (1195) feet and South seventeen hundred (1700) feet of the northwest corner of Section 22, T 2 N, R 1 W, S.B.B. & M., being within the SW¼ of NW¼ of said Section 22, and

(2) North thirteen hundred ninety (1390) feet and East five hundred sixty (560) feet of the West quarter corner of Section 22, T 2 N, R 1 W, S.B.B. & M., being within the NW¼ of NW¼ of said Section 22.

(B) Place of Use

Lots 211 and 235 within the SW¼ of NW¼ of Section 22, T 2 N, R 1 W, S.B.B. & M.,
Lot 212 within SW¼ of NW¼ and SE¼ of NW¼ of said Section 22,
Lot 238 within SE¼ of NW¼ of said Section 22,
All being within the Big Bear Tract of San Bernardino National Forest.

WITNESS the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this twenty-fourth day of December, 1928.

Harold Conkling
(Harold Conkling)
CHIEF OF DIVISION OF WATER RIGHTS

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

# DIVISION OF WATER RIGHTS

## ORDER

LICATION 2525 PERMIT 1399 LICENSE 377

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS License 377 was issued to Charles F. Smith and was filed with the County Recorder of San Bernardino County on December 15, 1925, and

WHEREAS said license was subsequently assigned to John T. and Dorothy R. Cogorno, Robert W. and Rosalie M. Harris, Charles B. and Evelyn Frevort, Mabel M. (Morton) Laret, Robert G. Yoder, J. K. Bussey, William Graham, R. E. Prendergast, Dorothy Hill and Bob Nolan, and

WHEREAS the State Water Resources Control Board has found that the change in place of use under said license for which petition was submitted on September 11, 1968, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said change and has directed that an order be issued to describe said place of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said License 377 to a place of use described as follows, to wit:

LOTS 211, 212, 235, 237, 238, 260, 261, 266, 297 AND 298 WITHIN SW$\frac{1}{4}$ OF NW$\frac{1}{4}$, SE$\frac{1}{4}$ OF NW$\frac{1}{4}$, AND NW$\frac{1}{4}$ OF SW$\frac{1}{4}$ WITHIN SECTION 22, T2N, R1W, SBB&M, AND WITHIN BIG BEAR TRACT OF SAN BERNARDINO NATIONAL FOREST.

Dated: NOV 22 1968

K. L. Woodward, Chief
Division of Water Rights

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CB (12-67)

16283-957 11-67 2M OSP

L377

2/4/28 RECEIVED NOTICE OF Partial ASSIGNMENT TO ~~Sidney H. Wynne~~

11-23-39 RECEIVED NOTICE OF ASSIGNMENT ~~TO~~ of Int. of Sidney Wynne to Emily Wynne

3-3-53 RECEIVED NOTICE OF ASSIGNMENT ~~TO~~ of Int of Charles F. Smith to John P. Cogarno, Thomas E. Thorson & Edgar R. Grant

11-19-57 RECEIVED NOTICE OF ASSIGNMENT ~~TO~~ of Int of Emily Wynne & Thomas E. Thorson to Dorothy Cogarno, Lettie M. Grant, Joseph A. Morton, Katherine W. Morton, Charles B. Trevort & Evelyn Trevort.

2/28/65 RECEIVED NOTICE OF ASSIGNMENT TO of int. of Edgar & Lettie M. Grant Robert H. & Rosalie M. Harris

6-30-71 Name changed to Estate of Dorothy Hill

7-22-71 RECEIVED NOTICE OF ASSIGNMENT TO Int. of Estate of Dorothy Hill assigned to Michael & Rita J. Cassidy

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L377

3/4/77 RECEIVED NOTICE OF ASSIGNMENT TO Int. of Robert Yoder asgd to John S. & Margaret P. James

3/4/77 RECEIVED NOTICE OF ASSIGNMENT TO Int. of W. Graham asgd. to Allen J. Lanner

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CALIFORNIA STATE PRINTING OFFICE

REVOKED

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

# ORDER

Bonds

APPLICATION 2789 PERMIT 1434 LICENSE 378

## ORDER REVOKING LICENSE

WHEREAS upon an investigation by the Division of Water Resources it appears that the licensee has ceased to put to beneficial use the water allowed him under License 378, and

WHEREAS after due notice and a hearing thereon, licensee has failed to show cause why the said license should not be revoked

IT IS HEREBY ORDERED that license 378 be and the same is hereby revoked and cancelled upon the records of the Division of Water Resources without prejudice.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 30th day of October 1929.

EDWARD HYATT, STATE ENGINEER

BY Harold Conkling
Deputy

am

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