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

DIVISION OF WATER RIGHTS

In the Matter of Water Right License 992 (Application 5323)

Jane Petro

ORDER REVOKING WATER RIGHT

SOURCE: Unnamed Spring

COUNTY: San Bernardino

WHEREAS:

1. Jane Petro (Right Holder) is the right holder of Water Right License 992.

2. On March 24, 2014 the right holder requested that the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), revoke Water Right License 992.

3. By signing the voluntary request for revocation, the right holder waived the right to the hearing and notice requirements set forth in Water Code sections 1675 et seq.

4. The State Water Board has delegated the authority to revoke water rights to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2012-0029. The Deputy Director has redelegated this authority to the Unit Seniors, pursuant to redelegation order dated July 6, 2012.

THEREFORE, IT IS ORDERED THAT WATER RIGHT LICENSE 992 IS HEREBY REVOKED, 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.

It is right holder's responsibility to remove or modify diversion works and impoundments to ensure that water subject to this revocation is not diverted and used. Right holder is hereby put on notice that unauthorized diversion and use of water is considered a trespass and subject to enforcement action under Water Code sections 1052 and 1831. Pursuant to Water Code section 1052, any diversion of water from the point of diversion identified in this water right license may be subject to Administrative Civil Liability of up to $500 per day without further notice. The State Water Board also may issue a Cease and Desist Order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

Before initiating any work in a stream channel, right holder should consult with the Department of Fish and Wildlife and the Regional Water Quality Control Board to ensure that removal of project facilities does not adversely affect a fishery or result in unregulated sediment discharge to a waterway. Right holder must also consult with the Department of Water Resources, Division of Safety of Dams, if a jurisdictional size dam will be removed or breached (dam height 25 feet or more, or reservoir volume 50 acre-feet or more). These agencies may require a permit or other approval prior to any construction activity.

Right holder shall document any diversions made under claim of right independent of a permit, license, registration or certification issued by the State Water Board, such as diversions under riparian or pre-1914 rights. With limited exceptions, Water Code section 5101 requires that a Statement of Water Diversion and Use be filed for these diversions. Water Code section 5107 (c)(1) provides that the State Water Board may impose a civil liability of $1,000, plus $500 per day for each additional day on which the violation continues if the person fails to file a statement within 30 days after the board has called the violation to the attention of that person. These penalties are in addition to any penalties that may be imposed if the diverter does not hold a valid right or diverts in excess of what is authorized under that right.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
KATHERINE MROWKA for,

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: APR 01 2014

FORM L-1929

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 992 PERMIT 2826 APPLICATION 5325

THIS IS TO CERTIFY, *That* Harry Karr of Cucamonga, California

Notice of Assignment (Over)

has ..... *made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of* an unnamed spring in San Bernardino County

tributary of Big Bear Lake

for the purpose of domestic use
under Permit 2826 *of the Division of Water Resources 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 Resources and the terms of the said permit; that the priority of the right herein confirmed dates from* January 7, 1927;

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 sixty-five (65) gallons per day from about April 1st to about December 1st of each season.

The point of diversion of such water is located North fifty-three degrees West (N 53° W) nine hundred fifty (950) feet from the East quarter corner of Section 14, T 2 N, R 1 W, S.B.B.& M. and being within the SE¼ of NE¼ of said Section 14.

A description of the lands or the place where such water is put to beneficial use is as follows:

Lot 344 of Big Bear Lake Special Use Tract of San Bernardino National Forest and being within the SE¼ of NE¼ of Section 14, T 2 N, R 1 W, S.B.B.& M.

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 accepts 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 subdivision 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 waters 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 my hand and the seal of the Department of Public Works of the State of California, this 10 *day of* March, *19* 31

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

8/23/49 RECEIVED NOTICE OF ASSIGNMENT TO R. & Jennie L. Dinkler

10/20/58 RECEIVED NOTICE OF ASSIGNMENT TO of int of Jennie L. Dinkler to J. Coykendall + R. Cavitt

10/30/67 Received notice of Asgt of Int of R. Cavitt to Alvin J. Eldridge;

3/7/77 RECEIVED NOTICE OF ASSIGNMENT TO A.E. & Virginia Wilbur; Carrie Morningstar Coykendall & Alvin J. Eldridge

1-18-85 Ownership Chgd to Archie E. Wilbur, Virginia Wilbur, Carrie Morningstar Coykendall, William C. Shippam + Marcia Shippam

3-12-86 Ownership Chgd to Harold C.J. Coykendall, Archie E. Wilbur; Virginia Wilbur, William C. Shippam + Marcia Shippam; 3-29-99 ASGD To Jane C. Petro;

LICENSE 992

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Harry Karr

DATED March 10, 1931

70215-5 8-29 1600 CALIFORNIA STATE PRINTING OFFICE

2