

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5234

PERMIT 3012

LICENSE 1166

ORDER FOR CORRECTION OF NAME OF SOURCES

WHEREAS:

1. The names of the sources under License 1166 (Application 5234) in Riverside County have been found to be incorrectly described and the State Water Resources Control Board has determined that good cause for correction has been shown.

2. License 1166 was issued to Herman Lührman and was filed with the County Recorder of Riverside County on April 13, 1932. A copy of order dated July 29, 1959 was filed with the County Recorder of Riverside County on July 31, 1959. A copy of order dated January 16, 1970, was recorded with said recorder on March 9, 1970.

3. The points of diversion and names of the sources under License 1166 are presently described in the license as (1) East Fork Stubby Canyon, (2) West Fork Stubby Canyon, and (3) West Fork Stubby Canyon, all tributary to Stubby Canyon thence San Gorgonio River. Corrections of the names in the United States Geological Survey map 7.5' Whitewater Quadrangle Photorevised 1972 shows the sources as being of the following spellings and names:

- (1) Unnamed stream tributary to Stubbe Canyon thence San Gorgonio River.
- (2) Stubbe Canyon tributary to San Gorgonio River.
- (3) Unnamed stream tributary to Stubbe Canyon thence San Gorgonio River.

4. Correction of the description of the names of the sources do not involve any physical change, and said correction will not operate to the injury of any other legal uses of water.

NOW, THEREFORE, IT IS ORDERED:

That the description of the sources and respective numbers of points of diversion under License 1166 (Application 5234) be corrected to:

- Point of diversion No. 1: Unnamed stream tributary to Stubbe Canyon thence San Gorgonio River.
- Point of diversion No. 2: Stubbe Canyon tributary to San Gorgonio River.
- Point of diversion No. 3: Unnamed stream tributary to Stubbe Canyon thence San Gorgonio River.



R. L. ROSENBERGER, Chief
Division of Water Rights

Dated: MAY 7 1975

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

ION 5234

PERMIT 3012

LICENSE 1166

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS License 1166 was issued to Herman Luhrman and was filed with the County Recorder of Riverside County on April 13, 1932, and

WHEREAS said license was subsequently assigned to Charles Luckman, 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 December 6, 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 1166 to a place of use described as follows, to wit:

2.4 ACRES WITHIN SW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 36, T2S, R2E, SBB&M
5.0 ACRES WITHIN SE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 36, T2S, R2E, SBB&M
2.6 ACRES WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 36, T2S, R2E, SBB&M
10.0 ACRES TOTAL

Dated: January 16, 1970

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

ORDER

APPLICATION 5234PERMIT 3012LICENSE 1166ORDER ALLOWING ADDITION OF POINT OF DIVERSION
AND CORRECTION OF DESCRIPTION OF EXISTING POINTS OF DIVERSION

Licensee having established to the satisfaction of the State Water Rights Board that the addition of point of diversion and the correction of description of existing points of diversion under Application 5234, Permit 3012, License 1166, for which petitions were submitted on May 25, 1959 will not operate to the injury of any legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to add a point of diversion and to correct the description of existing points of diversion so that the points of diversion under said Application 5234, Permit 3012, License 1166, read as follows, to wit:

- (1) NORTH ONE THOUSAND SIX HUNDRED SIXTY (1660) FEET AND WEST ONE THOUSAND ONE HUNDRED (1100) FEET FROM $E\frac{1}{4}$ CORNER OF SECTION 36, T2S, R2E, SBB&M, BEING WITHIN $NE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SAID SECTION 36.
- (2) NORTH ONE THOUSAND FOUR HUNDRED FIFTY (1450) FEET AND WEST FIVE HUNDRED FIFTY (550) FEET FROM $E\frac{1}{4}$ CORNER OF SECTION 36, T2S, R2E, SBB&M, BEING WITHIN $NE\frac{1}{4}$ OF $NE\frac{1}{4}$ OF SAID SECTION 36.

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

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ORDER

APPLICATION 5234

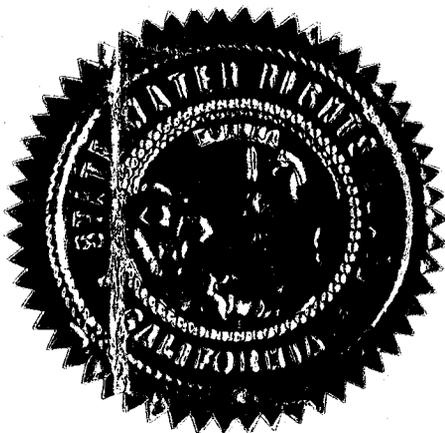
PERMIT 3012

LICENSE 1166

(3) NORTH TWO THOUSAND ONE HUNDRED SIXTY (2160) FEET AND WEST TWO THOUSAND THREE HUNDRED (2300) FEET FROM E $\frac{1}{4}$ CORNER OF SECTION 36, T2S, R2E, SBB&M, BEING WITHIN NW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 36.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 29th day of July, 1959

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





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1166

PERMIT 3012

APPLICATION 5234

THIS IS TO CERTIFY, That **Herman Lührman of Palm Springs, California**

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **East Fork and West Fork of Stubby Canyon in Riverside County**

tributary of **Whitewater Watershed**

for the purpose of **irrigation, domestic and stockwatering uses** under Permit **3012** 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 **October 15, 1926**

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 **twenty-seven thousandths (0.027) cubic foot per second from the East Fork and fifty-five thousandths (0.055) cubic foot per second from the West Fork of Stubby Canyon, or a combined total of eighty-two thousandths (0.082) cubic foot per second from both sources from January 1st to December 31st of each season.**

The point of diversion of such water is located as follows: **East Fork diversion, North sixteen hundred (1600) feet and West eight hundred (800) feet, and West Fork diversion North sixteen hundred (1600) feet and West twelve hundred (1200) feet, from the East one-quarter corner of Section 36, T 2 S, R 2 E, S.B.B.& M; both points of diversion being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 36.**

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

**1.5 acres within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36, T 2 S, R 2 E, S.B.B.& M.
1.0 acre " " SW $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " "
2.5 acres total.**

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the 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 providing, 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 5th day of April, 1932

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

12/27/54 RECEIVED NOTICE OF ASSIGNMENT TO Charles Luckman
7-31-00 asgd to THE JANE COWLES SMITH FAMILY TRUST

LICENSE 1166
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER
ISSUED TO Herman Luhrman
DATED April 5, 1932