

L1261.

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 4007 Permit 1831 License 1261

**AMENDING THE LICENSE BY CORRECTING THE DESCRIPTIONS OF THE POINT OF DIVERSION, PLACE OF USE AND BY ADDING TERMS AND CONDITIONS**

**WHEREAS:**

1. License 1261 was issued to Anna V. Crawford on February 10, 1933, pursuant to Application 4007 and was recorded with the County Recorder of Santa Barbara County on February 28, 1933.
2. License 1261 was subsequently assigned to the Estate of Anna V. Crawford on November 7, 1968, and to John V. Crawford, San Lucas Ranch on August 17, 1994.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 1261 on June 8, 1999. This inspection found that the descriptions of the place of use and point of diversion require corrections and that the licensee did not maintain satisfactory records of diversions for License 1261.
4. The SWRCB will add its standard continuing authority term, water quality objective term and a term to prevent any act which results in the taking of a threatened or endangered species that have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The point of diversion authorized by this license is corrected as follows:

By California Coordinate System of 1927, Zone 5, North 402,371 and East 1,398,702, being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 24, T6N, R30W, SBB&M.

2. The place of use authorized by this license is corrected as follows:

26 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
24 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
15 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
39 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
22 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M

33 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
9 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
11 acres within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Projected Section 23, T6N, R30W, SBB&M  
2 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Projected Section 24, T6N, R30W, SBB&M  
16 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Projected Section 24, T6N, R30W, SBB&M  
3 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Projected Section 24, T6N, R30W, SBB&M  
200 acres total, as shown on map on file with SWRCB

3. The following measuring device and monitoring requirement of the amounts diverted under this license is added as follows:

No water shall be diverted under this license, unless either: (1) an in-line flow meter capable of measuring the instantaneous diversion rate and the cumulative amount diverted under this license is properly installed and maintained near the point of diversion, or (2) the pump at the point of diversion is tested once every five years by a qualified pump testing company or by the licensee's electric utility company. Licensee shall maintain a record of either the end-of-the-month meter readings or of monthly power consumption for the pump and a copy of the latest pump test. Licensee shall submit these monthly records, whichever applicable, with the triennial report of licensee or whenever requested by the Division of Water Rights.

4. The continuing authority condition is added to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, 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 SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken

pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

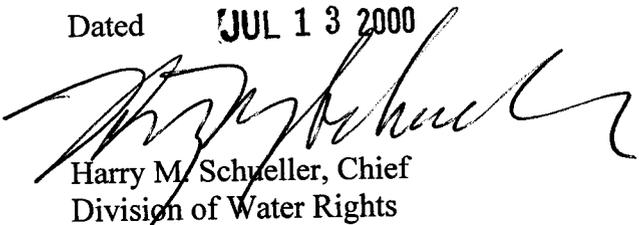
5. The water quality objectives condition is added to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

6. An endangered Species term is added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated JUL 13 2000

  
Harry M. Schueller, Chief  
Division of Water Rights



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Change (Over)  
(1940) Change to section

LICENSE 1261

PERMIT 1881

APPLICATION 4007

THIS IS TO CERTIFY, That **Anna V. Crawford** of Los Angeles, California

has <sup>made</sup> ~~made~~ proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of ~~the~~ **underground flow of Santa Ines River** in Santa Barbara County

tributary of **Pacific Ocean**

for the purpose of **irrigation use**

under Permit **1881** 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 **May 31, 1924;**

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 and five tenths (2.5) cubic feet per second** from about **March 1st** to about **November 1st** of each season. In case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights. } 27

The point of diversion of such water is located **South sixty-three degrees fifty-six minutes East (S. 63° 56' E) five hundred eight and seven tenths (508.7) feet** from the north-west corner of **SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24, T 6 N, R 30 W, S.B.B.& M.** and being within the said **SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 24.**

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

**Section 23, T 6 N, R 30 W, S.B.B.& M.;**

NE $\frac{1}{4}$ of NW $\frac{1}{4}$	10.0 acres
NW $\frac{1}{4}$ of NE $\frac{1}{4}$	28.7 acres
NE $\frac{1}{4}$ of NE $\frac{1}{4}$	26.6 acres
SE $\frac{1}{4}$ of NE $\frac{1}{4}$	27.6 acres
SW $\frac{1}{4}$ of NE $\frac{1}{4}$	27.2 acres
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	5.9 acres
NW $\frac{1}{4}$ of SE $\frac{1}{4}$	32.4 acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	22.0 acres
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1.4 acres

**Section 24, T 6 N, R 30 W, S.B.B.& M.;**

NW $\frac{1}{4}$ of NW $\frac{1}{4}$	0.9 acres
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	6.3 acres

**Section 14, T 6 N, R 30 W, S.B.B.& M.**

SW $\frac{1}{4}$ of SE $\frac{1}{4}$	1.2 acres
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**Total 200.2 acres**

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 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 same 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 10th day of February, 1933

EDWARD HYATT  
State Engineer

By Harold Conkling  
Deputy

10/31/68 - Int. of Anna V. Crawford chgd. Dr.  
Col. of Anna V. Crawford  
8-17-94 assigned to John V. Crawford.



LICENSE 1261

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Anna V. Crawford

DATED February 10, 1933