

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

ORDER

Application 9314 Permit 5203 License 2349

**ORDER APPROVING
CHANGE IN PURPOSE OF USE
AND AMENDING THE LICENSE**

WHEREAS:

1. License 2349 was issued to Serrano Irrigation District, Carpenter Irrigation District, and the Irvine Company on January 5, 1942, pursuant to Application 9314.
2. License 2349 was filed with the County Recorder of Orange County on January 14, 1942.
3. License 2349 was subsequently assigned to Serrano Irrigation District and Irvine Ranch Water District.
4. On March 30, 1992, State Water Resources Control Board (SWRCB) staff sent a letter to licensee requiring submittal of petitions for change; the filing of a Statement of Water Diversion and Use; and specifics regarding recreation as a purpose of use, a consolidated place of use, and a combined maximum limit of the annual withdrawal of water.
5. Licensee has filed a petition for change with the SWRCB, and has also filed the subject Statement of Water Diversion and Use.
6. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The license condition regarding the SWRCB's continuing authority should be updated to conform to Title 23, CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding purpose of use be amended to read:

The maximum annual withdrawal of water from Santiago Reservoir (AKA Irvine Lake), under Licenses 2347, 2348, and 2349 (Applications 4302, 9005, and 9314), shall not exceed 15,483 acre-feet. (0000005)

2. The license condition related to the purposes of use be amended to read:

Irrigation, Municipal, Domestic, and Recreation. (0000003)

3. The license condition related to the place of use be amended to read:

Recreational use at Santiago Reservoir (AKA Irvine Lake), being within Blocks 69, 70, 78, and 79 of Irvine Subdivision; with the dam located within Block 70, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 33, T4S, R8W, SBB&M. Other uses within 34,693.1 acres, shown on a map on file with the SWRCB dated August 2, 1941; described as follows:

1. 2,833.16 acres, in Sections 13-16, 21-24, 26-28, 34, and 35, T4S, R9W, SBB&M; and
2. 31,859.94 acres, in Irvine subdivision of Rancho Lomas de Santiago, being within projected Sections 1, 11-15, and 21-36, T5S, R9W, SBB&M; projected Sections 1-5, and 9-16, T6S, R9W, SBB&M; projected Sections 6-8, 17-21, and 27-34, T5S, R8W, SBB&M; and projected Sections 3-11, 15-22, and 29, T6S, R8W, SBB&M. (0000004)

4. The SWRCB's continuing authority condition be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board 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.

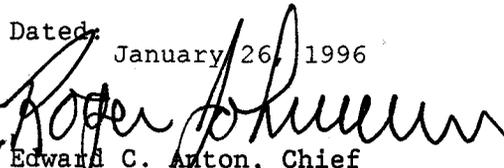
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of

permittee 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 returnflow; (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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board 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 Board 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 Board 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.

(0000012)

Dated: January 26, 1996


for Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2349

PERMIT 5203

APPLICATION 9314

THIS IS TO CERTIFY, That **Serrano Irrigation District, Carpenter Irrigation District, Orange, California, and The Irvine Company, Tustin, California,**

have made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Santiago Creek in Orange County**

tributary of **Santa Ana River**

for the purpose of **irrigation and domestic uses**
under Permit **5203** *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* **June 8, 1934;**

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 **eight hundred thirty (830) acre feet per annum to be stored in Santiago Reservoir from January 1st to December 31st of each season.**

The point of diversion of such water is located **North forty-two degrees no minutes West (N. 42° 00' W.) four thousand seven hundred twenty-five (4725) feet from the southerly corner of Block 70 of the Irvine Subdivision of Rancho Lomas de Santiago and being within said Block 70 and also within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 33, T 4 S, R 9 W, S.B.B.M.**

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

Serrano Irrigation District: 1505.09 acres within the boundaries of said district and being within Sections 13, 14, 15, 16, 21, 22, 23, 24 and 28, T 4 S, R 9 W, S.B.B.M.

Carpenter Irrigation District: 1328.07 acres within the boundaries of said irrigation district and being within Sections 26, 27, 34 and 35, T 4 S, R 9 W, S.B.B.M.

The Irvine Company: 31,859.94 acres within the Irvine Subdivision of Rancho Lomas de Santiago and being within projected Sections 1, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T 5 S, R 9 W; projected Sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15 and 16, T 6 S, R 9 W; projected Sections 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33 and 34, T 5 S, R 9 W, and projected Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20, 21, 22 and 29, T 6 S, R 9 W, S.B.B.M., all as shown on the map filed with the Division of Water Resources on August 2, 1941.

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 Division of Water Resources in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

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 of 1913, as amended, 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 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. 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 regulation 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 hereafter 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 my hand and the seal of the Department of Public

Works of the State of California, this **fifth**
day of **January**, 19**42**.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



5-17-71 RECEIVED NOTICE OF ASSIGNMENT of Int. of Carpenter
Irrigation District assigned to
Irvine Company
5-4-77 Int. of Irvine Company asgd to Irvine
Ranch Water District

2/19/98 asgd to Serrano Water District & Irvine
Ranch Water District;

LICENSE **2349**

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

Serrano and Carpenter, Irr. Dist.
ISSUED TO and The Irvine Company

DATED January 5, 1942