

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

DIVISION OF WATER RIGHTS

In the Matter of License 3555 (Application 9000)

County of San Bernardino

**ORDER APPROVING CHANGE IN PURPOSE OF USE AND
ISSUING AMENDED LICENSE**

SOURCE: Huston Creek tributary to East Fork of West Fork of Mojave River

COUNTY: San Bernardino

WHEREAS:

1. License 3555 was issued pursuant to permitted Application 9000 on May 29, 1952, and was recorded with the County Recorder of San Bernardino County on June 4, 1952. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Right's (Division) record of ownership for License 3555 shows the current holder of the license as County of San Bernardino.
3. A petition to change the purpose of use by adding irrigation use was filed with the State Water Resources Control Board (State Water Board) on January 23, 2004 and the State Water Board has determined that good cause for such change has been shown. Public notice of the change was issued on July 23, 2004 and no protests were received.
4. The State Water Resources Control Board (State Water Board) has determined that the license shall be amended to add irrigation as a purpose of use.
5. The State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.
6. The State Water Board standard terms identifying maximum reservoir withdrawal and capacity shall be added to the amended license.
7. The State Water Board has determined the amended license does not constitute an initiation of a new right, and does not injure prior rights or the public trust resources of the State.
8. Pursuant to the provisions of the California Environmental Quality Act, the County of San Bernardino issued a Notice of Exemption (NOE) for the proposed project based on Categorical Exemption under Class 1 pursuant to CCR, Title 14, section 15301 and Title 22, section 60101(c)(1). The NOE states that the project is a minor alteration of existing Regional Park property of an existing public facility involving negligible or no expansion of use beyond the previously existing.

The State Water Board has also issued an NOE based on Categorical Exemption under Class 1 pursuant to CCR, Title 14, section 15301 and Title 22, section 60101(c)(1). The exemption notice states:

- (a) The project consists of operation, repair, maintenance or minor alteration of an existing Regional Park well and existing playing fields that involves no expansion of use beyond that existing at the present time.
- (b) The project involves minor repairs or alterations to an existing well and appurtenant structures.
- (c) This project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
- (d) There are no protests.

THEREFORE, IT IS ORDERED:

The attached Amended License 3555 is issued, superseding former License 3555 issued on May 29, 1952. The priority of Amended License 3555 is June 15, 1937.

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel
for *Victoria A. Whitney, Chief*
Division of Water Rights

Dated: **OCT 30 2006**



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

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 9000
Page 1 of 3

PERMIT 5405

LICENSE 3555

THIS IS TO CERTIFY, That

County of San Bernardino
c/o Lake Gregory Regional Park
PO Box 656
Crestline, CA 92325

has the right to the use of the waters of **Huston Creek** in **San Bernardino County**

tributary to **East Fork of West Fork of Mojave River**

for the purpose of **Domestic, Irrigation and Recreational uses.**

Amended License 3555 supersedes the license originally issued on **May 29, 1952**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (SWRCB), or its predecessor, and the terms of **Permit 5405**. The priority of this right dates from **June 15, 1937**. Proof of maximum beneficial use of water under this license was made as of **July 25, 1950** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **five hundred (500) acre-feet per annum to be diverted from January 1 to December 31 of each year. The maximum withdrawal in any one year shall not exceed 500 acre-feet.**

The capacity of the reservoir covered by this license (Application 9000) and License 4138 (Application 13425) shall not exceed 2,250 acre-feet.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 71° 50' East 3,048.54 feet from the W¼ corner of Section 23, T2N, R4W, SBB&M, being within SW¼ of NE¼ of said Section 23.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational use at Lake Gregory, and Domestic use both within Sections 13, 14, 15, 22, 23, 24, 25, and 26, T2N, R4W, SBB&M, and Irrigation of 5 acres within SW¼ of SE¼ of Section 23, T2N, R4W, SBB&M, as shown on map filed with the SWRCB.

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

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

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to 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.

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 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.

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 (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.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so 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 license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. 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 the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kassel
Victoria A. Whitney, Chief
Division of Water Rights

Dated: **OCT 30 2006**



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 9000

PERMIT 5405

LICENSE 3555

THIS IS TO CERTIFY, That Crest Forest County Water District
Box 92
Crestline, California

(over)

has made proof as of July 25, 1950
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Huston Creek in San Bernardino County

tributary to East Fork of West Fork of Mojave River

for the purpose of domestic and recreational uses

under Permit 5405 of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from June 15, 1937; and 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 five hundred (500) acre-feet per annum to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located north seventy-one degrees fifty minutes east (N 71° 50' E) three thousand forty-eight and fifty-four hundredths (3048.54) feet from the west quarter corner of Section 23, T 2 N, R 4 W, SBB&M, being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 23.

A description of the lands or the place where such water is put to beneficial use is as follows: Within Sections 13, 14, 15, 22, 23, 24, 25 and 26, T 2 N, R 4 W, SBB&M, as shown on map filed with State Engineer.

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 Department acting through the State Engineer 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 State Engineer.

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

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

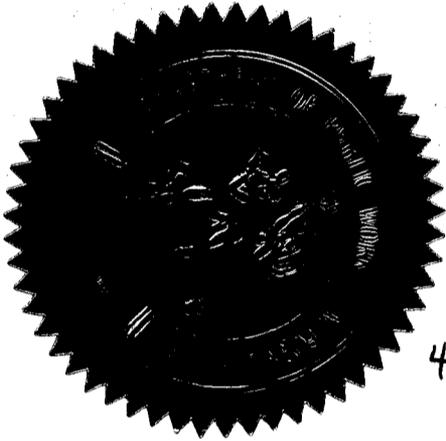
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so 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 license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. 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 the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public Works of the State of California, this 29th day of May, 1952



A. D. Edmonston
A. D. EDMONSTON, State Engineer

4-7-78 Arpd to County of San Bernardino

LICENSE 3555

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Grest Forest County Water District

DATED MAY 29 1952

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