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

DIVISION OF WATER RIGHTS

In the Matter of License 5484 (Application 10324)

John Joseph Donegan Jr.

ORDER REVOKING LICENSE

SOURCE: Two Unamed Springs Tributaries To Cajon Creek Thence Lytle Creek

COUNTY: San Bernardino

WHEREAS:

1. A request dated March 5, 2004, was received from the Licensee that the license be revoked by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).

2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1410 through 1410.1.

3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

THEREFORE:

It is ordered that License 5484 is hereby revoked by the SWRCB, 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 SWRCB decisions regarding water availability.

FOR:
James W. Kassel, Chief
Hearings and Special Projects Section

Dated: FEB 16 2005

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 10324 PERMIT 6805 LICENSE 5484

THIS IS TO CERTIFY, *That* P. W. Cunningham and R. L. Cunningham
Route 1, Box 299
San Bernardino, California

Notice of Change (Over)

have made proof as of April 8, 1958 *(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of* two unnamed springs in San Bernardino County

tributary to Cajon Creek

for the purpose of domestic, irrigation, and stockwatering uses *under Permit* 6805 *of the State Water Rights Board 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 State Water Rights Board and the terms of the said permit; that the priority of the right herein confirmed dates from* November 18, 1941, *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* eight thousand six hundred forty (8640) gallons per day to be diverted from either or both springs from about April 1 to about November 1 of each year for irrigation purposes and throughout the year as required for domestic and stockwatering purposes.

The point s *of diversion of such water* are *located:*

(1) South one thousand eighty-seven (1087) feet and east four hundred fifty (450) feet from NW corner of Section 21, T2N, R5W, SBB&M, being within NW¼ of NW¼ of said Section 21.

(2) South one thousand one hundred sixty-two (1162) feet and east three hundred thirty-seven (337) feet from NW corner of Section 21, T2N, R5W, SBB&M, being within NW¼ of NW¼ of said Section 21.

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

Irrigation of:
1 acre within SW¼ of NW¼ of Section 21, T2N, R5W, SBB&M
1 acre within NW¼ of SW¼ of Section 21, T2N, R5W, SBB&M
2 acres total

Domestic and stockwatering uses within SW¼ of NW¼ and NW¼ of SW¼ of Section 21, T2N, R5W, SBB&M.

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 State Water Rights Board 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 Water Rights Board.

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.

FORM 64

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 board.

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 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.

MAR 2 4 1959

Dated:

L. K. Hill

L. K. Hill
Executive Officer

1-17-72 RECEIVED NOTICE OF ASSIGNMENT TO John J. Donegan, Jr.

LICENSE 5484

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO P. W. Cunningham and
R. L. Cunningham

DATED MAR 2 4 '59

2