

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

DIVISION OF WATER RIGHTS
1001 I Street, 14th Floor
P.O. Box 2000, Sacramento, CA 95812-2000

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In the Matter of License 10322 (Application 23118)

Hazel Ward

and/or

Karen Louise Foster

ORDER REVOKING LICENSE

SOURCE: Unnamed Spring tributary to an Unnamed Stream thence Poppet Creek

COUNTY: Riverside

WHEREAS:

1. The State Water Resources Control Board (State Water Board) issued License 10322 on July 3, 1974 to Ivy May Dawson. The license authorizes the Licensee to divert three hundred (300) gallons per day from January 1 to December 31 of each year, from an Unnamed Spring in Riverside County for Domestic use.
2. The Division of Water Rights' (Division) records show Hazel Ward (Licensee) as the owner of License 10322; ownership having been assigned on January 22, 1986.
3. The Point of Diversion specified under License 10322 is described as being within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, T4S, R1E, SBB&M. This location is within the San Bernardino National Forest.
4. Division records show that the U.S. Forest Service issued a Special Use permit to Hazel Ward in 1985. The permit for use of government land in Section 11, T4S, R1E, SBB&M was issued for the purpose of maintaining a spring development and pipeline to convey water to the permittee's private land in Section 3, T4S, R1E, SBB&M.
5. The authorized Place of Use under License 10322 is described as being within the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 3, T4S, R1E, SBB&M. This land is described in the Application to Appropriate Water as Lots 1, 2, 27, 28, 29, and 32, Block "K" of Rancho Encino Mountain Club.
6. The Riverside County Assessor's map shows the above-described lots as Parcel No. 545-087-001 and lists the address as 18400 Cryer Drive, Banning, CA. Karen Louise Foster is shown in the Riverside County Assessor's records as the current owner of Parcel No. 545-087-001.
7. In a telephone conversation with Division staff on December 29, 2004, a representative of the High Valley Water Company confirmed that the water company provides water service to the property located at 18400 Cryer Drive, Banning, CA. However, the company's representative also informed Division staff that water is not being delivered to that location at this time because the dwelling is uninhabited.

8. Division records show that no Report of Licensee has been filed for License 10322 since 1989. The last report, filed by Hazel Ward in January 1989, shows that no water was diverted under License 10322 in 1986, 1987 or 1988. The report also shows that, during that time, some portion of the diversion or delivery system was in disrepair.
9. In a telephone conversation on December 22, 2004, U.S. Forest Service personnel familiar with the Point of Diversion informed Division staff that:
 - a) The spring box located in Section 11 is silted in;
 - b) The pipeline from the spring box in Section 11 has been severed and is inoperable;
 - c) No water has been diverted from the spring for a period of more than five years;
 - d) The last special use permit for access to the spring in Section 11 was issued in 1989; and,
 - e) The U.S. Forest Service is unlikely to issue a special use permit that would allow access to or diversion from the spring in the future.
10. The Division concluded that:
 - a) Neither the most recent Licensee nor the current owner of the authorized Place of Use has applied the water covered under License 10322 to beneficial use for at least five consecutive years;
 - b) It is unlikely that diversion of water from the source authorized in License 10322 can or will resume at any time in the foreseeable future;
 - c) The Place of Use specified in License 10322 has a reliable alternative source of water for Domestic use, if and when it is needed; and,
 - d) License 10322 should, therefore, be revoked pursuant to Water Code section 1675 and the unused water should be deemed to have reverted to the public pursuant to Water Code section 1241.
11. On April 19, 2005, both the Licensee and the current owner of the authorized Place of Use were provided notice by certified mail of the proposed revocation. The notice provided either party the opportunity to object to the proposed revocation and request a hearing.
12. Neither the Licensee nor the current owner of the authorized Place of Use submitted a request for a hearing to the Division.
13. The State Water Board has found that the Licensee and the current owner of the authorized Place of Use failed to apply water to beneficial use under the terms and conditions of this license.

Therefore, it is ordered that License 10322 is hereby revoked by the State Water Board pursuant to Water Code section 1675, 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 State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

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

Dated:

MAR 13 2006



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

License for Diversion and Use of Water

APPLICATION 23118

PERMIT 15871

LICENSE 10322

THIS IS TO CERTIFY, That

IVY MAY DAWSON *all*
2062 - 236 STREET, TORRANCE, CALIFORNIA 90501

HAS *made proof as of* OCTOBER 23, 1973 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING IN RIVERSIDE COUNTY

tributary to AN UNNAMED STREAM THENCE POPPET CREEK THENCE SAN JACINTO RIVER

for the purpose of DOMESTIC USE
under Permit 15871 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from AUGUST 28, 1968 and that 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 THREE HUNDRED (300) GALLONS PER DAY, TO BE DIVERTED
FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SOUTH 1,600 FEET AND EAST 1,700 FEET FROM NW CORNER OF SECTION 11, T4S, R1E,
SBB&M, BEING WITHIN SE1/4 OF NW1/4 OF SAID SECTION 11.

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

WITHIN NE1/4 OF SE1/4 OF SECTION 3, T4S, R1E, SBB&M.

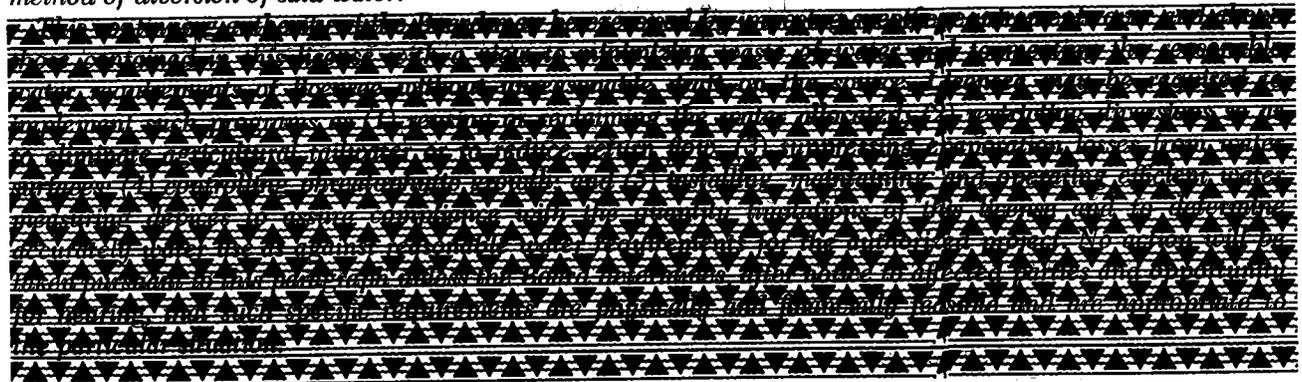
LICENSEE SHALL MAINTAIN A WILDLIFE WATERING DEVICE IN ACCORDANCE WITH
SPECIFICATIONS PROVIDED BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME AT OR
NEAR THE POINT OF DIVERSION. THE WATER DEVICE SHALL HAVE A CAPACITY OF 20 GALLONS
AND SHALL BE KEPT FULL AT ALL TIMES.

LICENSEE SHALL NOT CONSTRUCT OR MAINTAIN FENCES OR OTHER WORKS WHICH MAY
PREVENT ACCESS TO WATER FROM THE SOURCE BY THE PUBLIC OR WILDLIFE.

1-22-86 Aspd to Hazel Ward

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

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 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 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.

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 shall do 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.

Dated: JUL 3rd 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights

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