

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

DIVISION OF WATER RIGHTS

In the Matter of Application 30503
McCanna Ranch Water Company

ORDER APPROVING ISSUANCE OF PERMIT

SOURCE: Unnamed Subterranean Stream tributary to West San Jacinto Groundwater Basin
COUNTY: Riverside County

WHEREAS:

1. On April 10, 1995, Barratt American, Inc. (Barratt) submitted an application to the State Water Resources Control Board (State Water Board) to appropriate water from the San Jacinto River watershed in Riverside County. On December 19, 1995, the State Division of Water Rights (Division) granted Barratt an exception to the Declaration of Fully Appropriated Stream Systems, adopted by State Water Resources Control Board Orders WR 89-25 and WR 91-07, pursuant to Section 3.24.5.3 of Order WR 89-25 and Section 5.2 of Order WR 91-07 as they pertained to Barratt's application.
2. Barratt's Application 30503 was accepted by the State Water Board on January 11, 1996.
3. The Division issued a public notice of Application 30503 on March 07, 1997. Eastern Municipal Water District, Elsinore Valley Municipal Water District and California Department of Parks and Recreation submitted protests to the application. All three protests have been resolved and withdrawn.
4. The Division concludes that the source of water for Application 30503 is a subterranean stream flowing through a known and definite channel. This determination is documented in a letter from the Division to Barratt's consultant, dated April 20, 2006.
5. Ownership of the application transferred to McCanna Ranch Water Company on March 4, 2008.
6. On February 2, 2009, McCanna Ranch Water Company submitted a petition to change the application by moving the location of the three original points of diversion and adding a fourth point of diversion. All points of diversion are wells. The Division issued a public notice of the petition on February 13, 2009 and did not receive any protests.
7. The intended use is beneficial. The Applicant requests to use 913 acre-feet of water per year for irrigation, domestic and fire protection uses. The water is diverted at four well sites.
8. The State Water Board has determined that there is unappropriated water available to serve Application 30503 without injury to prior rights. Exhibits submitted by the applicant estimate the

water flowing in the subterranean stream is at least 2,400 acre-feet per year. The water will be diverted and used without unreasonable effect upon fish, wildlife, or other beneficial uses.

9. In 1988, a Final Environmental Impact Report for the 1988 McCanna Ranch Specific Plan (SCH #87011910) (FEIR) was certified by the City of Perris which assessed the impact of developing the McCanna Ranch Planned Community. In 1998, the Public Utilities Commission authored and published an Addendum to the 1988 FEIR that considered the environmental impacts of water delivery facilities, which included two wells, not considered in the FEIR. The Addendum concluded the provision of water service to the Villages of Avalon would not have a significant effect on the environment. In 2009, a second Addendum to the 1988 FEIR was prepared to account for two additional wells. It determined non-significant impacts will occur as a result of the use of four wells, instead of two, for water delivery to the Villages of Avalon. No subsequent EIR or Supplemental EIR is required pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15162 or 15163(a)(1) and California Public Resources Code section 21166. Therefore, the requirements of CEQA have been satisfied by the second Addendum.

NOW, THEREFORE, IT IS ORDERED THAT A PERMIT IS ISSUED FOR APPLICATION 30503, subject to the conditions of the attached permit.

STATE WATER RESOURCES CONTROL BOARD

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

Dated: **APR 14 2009**

Attachment: Permit 21235

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21235

Application 30503 of

McCanna Ranch Water Company
600 W. Broadway, Suite 2600
San Diego, CA 92101

filed on **January 11, 1996**, has been approved by the State Water Resources Control Board (State Water Board or Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Unnamed Subterranean Stream

Tributary to:

West San Jacinto Groundwater Basin (a closed basin)

within the County of **Riverside**.

2. Location of points of diversion

By California Coordinate System NAD 83, Zone 6	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) Well No. 1 North 2,250,240 feet and East 6,275,770 feet.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	9	4S	3W	SB
(2) Well No. 2 North 2,250,090 feet and East 6,275,770 feet.	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	9	4S	3W	SB
(3) Well No. 3 North 2,250,110 feet and East 6,276,950 feet.	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	10	4S	3W	SB
(4) Well No. 4 North 2,249,620 feet and East 6,276,620 feet.	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	4S	3W	SB

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Domestic, Irrigation, and Fire Protection	Within the McCanna Ranch Water Company Service Area as shown on map dated March 18, 2009					

The place of use is shown on map on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of 2.75 cubic feet per second by direct diversion from all four points of diversion from January 1 to December 31 of each year. The maximum amount diverted under this permit for all uses shall not exceed **913** acre feet per year.

(0000005B)

6. Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by **December 31, 2014**.

(0000009)

7. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Board for approval within one year from the date of this permit or such further time as, for good cause shown may be allowed by the Board. A progress report on the development of a water conservation program may be required at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029B)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

B. Progress reports shall be submitted promptly by Permittee when requested by the State Water Board until a license is issued.

(0000010)

C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

D. Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit 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 State Water 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source. Permittee 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 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 State Water 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to Permittee and an opportunity for hearing, the State Water Board 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 State Water Board 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.

(0000013)

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

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

This permit is issued, and Permittee takes it, subject to the following provisions of the Water Code:

Section 1390. A permit 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 1391. Every permit 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 permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any permit 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 permittee 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 permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

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

Dated: **APR 14 2009**