



# State Water Resources Control Board

SURNAME

308



Gray Davis  
Governor

Winston H. Hickox  
Secretary for  
Environmental  
Protection

Division of Water Rights  
1001 I Street, 14<sup>th</sup> Floor • Sacramento, California 95814 • (916) 341-5300  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

APR 28 2003

In Reply Refer  
to:334:AGG:553

CERTIFIED

Great Spring Waters of America, Inc.  
2767 E. Imperial Highway  
Brea, CA 92621

96901723

Dear Sirs:

## NOTICE OF PROPOSED REVOCATION OF LICENSE 659 (APPLICATION 553)

Enclosed is a "Notice of Proposed Revocation" of your water right license. Unless you request a hearing within 15 days from the date of your receipt of this letter, the State Water Resources Control Board (SWRCB) will revoke the license.

You may request a hearing. If the SWRCB conducts a hearing, you will be expected to present evidence disproving the facts and conclusions set forth in the Notice of Proposed Revocation or provide other evidence showing that License 659 should not be revoked. If you have any questions please contact Alana Gibbs of my staff at (916) 341-5324.

Sincerely,

Larry Attaway  
Program Manager  
Application and Petition Section

Enclosure

cc: (all w/enclosure)  
Barbara Karshmer, Attorney  
Alexander & Karshmer  
2150 Shattuck Avenue, Suite 725  
Berkeley, CA 94704

Jim Fletcher  
The Morongo Band of Mission Indians  
11581 Potrero Road  
Banning, CA 92220

Kevin Smead  
Stetson Engineers  
3104 East Garvey Avenue, Suite A  
West Covina, CA 91791

Ferydoun Ahadpour and Doris Ahadpour  
c/o Mr. Mozafar Behzad  
411 W. State Street, Suite A  
Redlands, CA 92373

bcc: Field File  
AGGibbs:agg/itziar:9-5-02  
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MORONGO Exh. No. 18

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SURNAME

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M/S 9/6/02

CCA 4-18-03

State of California  
State Water Resources Control Board

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

Info: (916) 341-5300, FAX: (916) 341-5400, Website: <http://www.waterrights.swrcb.ca.gov>

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In the Matter of License 659 (Application 553)  
Great Spring Waters of America, Inc.

## NOTICE OF PROPOSED REVOCATION

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SOURCE: Millard Canyon

COUNTY: Riverside

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You are hereby notified, pursuant to section 1675, et seq. of the California Water Code, that the State Water Resources Control Board (SWRCB) will revoke License 659 because the licensee has failed to use beneficially, all or part of the water for the purpose for which it was appropriated for an extended period of time, in violation of Water Code section 1241 and has failed to observe the terms and conditions in the license.

The facts and information upon which the proposed revocation is based are as follows:

A. Licensee Has Not Appropriated Water Under License 659 Within The Terms Of The License

1. License 659 was issued to Southern Pacific Land Company on January 31, 1928, authorizing 0.16 cubic feet per second year around direct diversion for irrigation of 13 acres. On January 25, 1991, the license was assigned to the Steele Foundation Arizona Corporation, and then to Ferydoun Ahadpour and Doris Ahadpour on May 25, 1994. On July 9, 2001, the Division received notice of assignment of the sale of the Ahadpour property to Great Spring Waters of America, Inc.
2. Evidence in Division of Water Rights records indicates that the licensees have not made beneficial use of water for 5 or more years: License reports filed triennially from 1952 to 1960 reported domestic use (not an approved use), and some irrigation use. A 1964 inspection, by Division staff, found that the diversion facilities to a house to be intact however the irrigation system had been dismantled. A re-inspection in 1968 found that no use of water had been made for designated irrigation purposes during the previous three or four years. During the period from 1968 to 1990 water use is indicated in the files, however the numbers reported appear to be copied directly from one year to the next and lead one to question the extent of any real use. In June 1995, the agent for the Licensee claimed that the water had not been used since 1991 and was "completely wasted and runs down Millard Canyon." No irrigation activity could be identified within the prescribed place of use on aerial photography obtained for June 1996.

3. Because the Reports of Licensee for the period of 1991 through 1994 listed water usage as irrigation of 200+ acres and stockwatering, and no Reports of Licensee were received for the period from 1995 to the present, the Division wrote to the licensee on September 28, 2000, requesting submittal of the missing Reports of Licensee and evidence documenting the actual monthly usage and the place of use served by License 659. Although the Reports of Licensee were submitted showing usage of 9.6 acre feet for every month from 1988 through 2001, no explanation or documentation to substantiate actual beneficial use was submitted.
- B. By Failing To Use All or Part Of The Water For An Extended Period, Licensee Has Failed to Apply the Water Authorized by License 659 to Beneficial Use in Accordance With The Water Code;
1. Section 1241 of the Water Code provides: "When a person entitled to the use of water fails to use beneficially all or any part of the water claimed by him, for which a right has vested, for the purpose for which it was appropriated or adjudicated, for a period of five years, such unused water may revert to the public and shall, if reverted, be regarded as unappropriated public water."
- C. Based On The Above Facts And The Conclusions Set Forth Below, Cause Exists For The Revocation Of License 659 Pursuant To Water Code section 1675.
1. Licensee has not applied the water authorized under License 659 to beneficial use as contemplated in the license and in accordance with the Water Code.
  2. Licensee's water right should be deemed to have reverted to the public under section 1241 because Licensee has not applied the water to beneficial use for at least five consecutive years, and Licensee has provided no basis for determining that it should not revert.

As required by Water Code section 1675.1, you are notified that: Unless a written request for a hearing signed by or on behalf of the licensee is delivered or mailed to the board within 15 days after receipt of this notice, the SWRCB may act upon the proposed revocation of the license without a hearing. Any request for a hearing may be made by delivering or mailing the request to the board at the address given on the notice.

Based on the above facts, conclusions, and statutory provisions, the Division of Water Rights will revoke License 659 after the passage of fifteen days after the Licensee receives this notice, unless by that date the Division of Water Rights has received a written request for a hearing signed by or on behalf of the Licensee.

Dated: APR 28 2003

By:   
Larry L. Attaway  
Program Manager  
Application and Petition Section

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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- 2.  Restricted Delivery

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4b. Service Type

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- Return Receipt for Merchandise  COD

7. Date of Delivery

4-20

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Addressee or Agent)

X *Katherine A.*

Thank you for using Return Receipt Service.

553 (MCS)

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America, Inc.



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State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
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