

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

JAN 25 1928 M.S.E

License for Diversion and Use of Water

Adk

LICENSE No. 659 PERMIT No. 486 APPLICATION No. 553

This is to Certify, That ~~Southern Pacific Company and Southern Pacific Railroad Company of San Francisco, California~~ ^{Land} ~~has~~ made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of ~~known as Cold Creek in Riverside County~~ ^{springs arising in} ~~tributary of San Geronimo River Wash~~ ^{Millard Canyon also}

for the purpose of irrigation use under Permit No. 486 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from

January 3, 1917 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 sixteen hundredths (0.16) cubic foot per second from about January 1st. to about December 31st. of each season.

Divisions under this license, ~~together with those under existing rights of license herein,~~ which are to be directly applied to irrigation use without storage, shall not exceed the rate of one cubic foot per second continuous flow to each eighty acres of irrigated land; provided however, that in case of rotation the equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located North thirty-nine degrees fifty-three minutes East (N. 39° 53' E) three thousand three hundred fifty (3350) feet from the southwest corner of section 32 T 25 R 2 E, S. B. B. & M. and being within the NE 1/4 of SW 1/4 of said section 32.

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

10 acres in NE 1/4 of SW 1/4 of section 32, T 25, R 2 E, S. B. B. & M.
3 " " SE 1/4 of SW 1/4 " " " " " " " "
13 acres total.

OK
Kas
1/31/28

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

Adk 1928 E.N.B.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same 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 permit or license granted or issued under the provisions of this act; or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of license or permit to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof; that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and providing, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of WATER RIGHTS; Department of Public Works of the State of California, and the seal of said department this 31st day of January, 1928.

[SEAL]

Chief of Division of Water Rights, Department of Public Works of the State of California

LICENSE NO.	
STATE OF CALIFORNIA	
DEPARTMENT OF PUBLIC WORKS	
DIVISION OF WATER RIGHTS	
LICENSE	
TO APPROPRIATE WATER	
ISSUED TO	
DATED	

As noted in previous reports there is a common point of diversion for both applications 553 and 554. At the time of inspection about 0.35 c.f.s. was being diverted as measured over the wier in the diversion conduit which serves both applications. Mr. Raven and Mr. Bellinger informed the writer that the amount of water diverted for the two applications varied from 0.30 c.f.s. to 0.5 c.f.s. being near the latter figure most of the time. The water is rotated from one application to the other to suit the requirements.

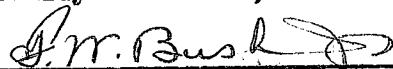
As shown in the previous report and on the adjudication map water has been used to irrigate 13 acres of land during 1923 and 1924 which was the maximum use, or at the rate of 0.16 c.f.s.

In filing "Proof of Appropriation of Water", under the White Water adjudication proceedings the applicants claimed to have irrigated 32.5 acres in the past. However, it has not been shown that any such acreage has been irrigated. The area which has been cleared and has been under cultivation from time to time is about equal to that claimed for irrigation. About 8 acres of the cleared land is high and could not be irrigated by the present diversion system unless a pump were used to elevate the water.

The use of water on the land is rotated and the irrigating season is throughout the year.

Respectfully submitted,

FWB:HA



Assistant Hydraulic Engineer

W.E.S. MAY 10 1926

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS
SACRAMENTO

0-16

CHECK FOR LICENSE

Application No. 553 ✓ Permit No. 486 ✓

RECOMMENDATIONS OF FIELD ENGINEER

Use. Irrigation, Domestic and Stock Watering
Amount. 0.16 cu. ft. per sec. Season. Same as Permit Jan. 1 to Dec. 31
Place of Use. see "Remarks"
Point of Diversion. Same as Permit
Place of Use; 10 acres in NE 1/4 SW 1/4 Sec. 32, T. 2 S., R. 2 E., S. B. M.
Remarks. 3 acres in SE 1/4 SW 1/4 Sec. 32, " " "
13 acres - Total [see Map with Inspection Reports in Folder 31]
Signed. Gordon Zander Date. January 21, 1928

Check form filled out by ^{Land} ✓ Date. JAN 26 1928
Permittee ~~Southern Pacific Co.~~ ✓ Southern Pacific Railroad Co. JAN 26 1928 M.S.F.
Assignments. None ✓
Use. Irrigation ✓
Amount Permitted. 2.75" ✓
" License 0.16" ✓
Season Permitted. Not stated 2/1 to 11/1 ✓
" License - as in permit Jan 1 - Dec 31 ✓
Point of Diversion. " " " ✓
Place of Use. As in permit Reduced ✓
Maps. Permit ✓
Letters of Importance. None ✓
Reports 1/8/23 by G.M.H., 1/22/25 by F.W.B., Addendum 2/5/25 by F.W.B., Addendum 1/19/26 by T.R.S., Addendum 4/24/26 by F.W.B. ✓
Forms to be sent. 76 special, 76a, 102b ✓
Clauses to be used. P.B. ✓
Remarks. Amount reduced to maximum irrigated. ✓