



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300
P.O. Box 2000 ♦ Sacramento, California 95812-2000
FAX: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

AUG 13 2007
CERTIFIED MAIL

In Reply Refer
to:334:PLM:1483

Southern California Water Company
c/o Mr. Perry Dahlstrom
630 Foothill Boulevard
San Dimas, CA 91773

Dear Mr. Dahlstrom:

**NOTICE OF PROPOSED REVOCATION FOR LICENSE 2329 (APPLICATION 1483),
SAN DIMAS CANYON TRIBUTARY TO SAN GABRIEL RIVER IN LOS ANGELES COUNTY**

Enclosed is a Notice of Proposed Revocation regarding your water right license. Unless you request a hearing within 15 days from the date of receipt of this notice, the State Water Resources Control Board (State Water Board) will revoke the license without further notice.

If the State Water Board conducts a hearing at your request, you will be expected to present evidence disproving the facts and information set forth in the Notice of Proposed Revocation or provide other evidence showing that License 2329 should not be revoked.

Katherine Mrowka is the senior staff person presently assigned to this matter. If you require further assistance, please contact Ms. Mrowka at (916) 341-5363.

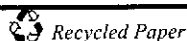
Sincerely,

Steven Herrera, Chief
Water Rights Permitting Section

Enclosure

cc: Anne Flores
Southern California Water Company
2143 Convention Center Way
Ontario, CA 91764

California Environmental Protection Agency



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

DIVISION OF WATER RIGHTS

In the Matter of License 2329 (Application 1483)

Southern California Water Company

NOTICE OF PROPOSED REVOCATION

SOURCE: San Dimas Canyon tributary to San Gabriel River

COUNTY: Los Angeles

You are hereby notified, pursuant to Water Code section 1675 et seq., that the State Water Resources Control Board (State Water Board) is proposing to revoke License 2329 because the Licensee has ceased to use the water granted under the license in an authorized place of use in accordance with License 2329 and therefore 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:

1. The State Engineer (predecessor to the State Water Board) issued License 2329 on November 10, 1941 to the San Dimas Water Company (Licensee). The license authorizes the Licensee to divert 7 cubic feet per second (cfs), with an annual limit of 1,720.5 acre-feet (af) from April 1 to December 31 each year from San Dimas Canyon for irrigation and domestic use.
2. The license was assigned to California Cities Water Company on February 14, 1966. The license was subsequently assigned to Southern California Water Company (Licensee) on May 3, 1990.
3. The Division conducted an inspection of the project on April 18, 1990. The report of inspection states that water was diverted from the Licensee's diversion dam and conveyed to irrigate a 105-acre golf course. The water was diverted at a concrete diversion dam by gravity into a 10-inch steel pipeline to the golf course pond; then the water was pumped from the pond for sprinkler irrigation of the golf course. The capacity of the limiting section was 1.5 cfs. The flow on April 18, 1990 was 0.5 cfs. No other diversion facilities were identified in the inspection report.

The inspection report used water diversion data from the Main San Gabriel Basin Watermaster Report, for the period 1972 to 1989, Recordation No. 1902157, State No. 1N/9W - 25. Diversions can be made only when there are releases from San Dimas Reservoir, which is a flood control reservoir owned by the Los Angeles County Flood Control District (Flood Control District). The inspection report estimates the maximum diversion rate as 0.8 cfs. Division staff calculated that this was equivalent to annual use of 300 af.

4. The Division's April 18, 1990 inspection confirmed that the only location where surface water appropriated under License 2329 is used is the golf course. The golf course, however, is not in the place of use of License 2329, and there is no active petition to add the golf course to the place of use. Consequently, no water is being placed to use as authorized under the license.
5. The Division requested, by letter dated March 25, 1993, that a petition for change be filed because the 105-acre golf course was not in the licensed place of use.

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6. The Licensee submitted a Petition for Change dated May 5, 1994, to reduce the place of use to the 105-acre golf course and change the purposes of use to irrigation and groundwater basin recharge. The letter accompanying the petition requested that the change in place of use for the golf course be approved for 1.0 cfs, with an annual limit of 300 af and the remainder of the right be used for groundwater recharge.
7. The Division's September 26, 1994 letter advised the Licensee that the Division intended to partially revoke License 2329. The Division stated that due to non-use of water, License 2329 should be reduced to a maximum diversion rate of 1.0 cfs, with an annual limit of 300 af, as set forth in the Division's December 10, 1992 letter.
8. Public notice of the petition for change in the place of use was circulated on October 11, 1995. No protests were received.
9. By letters dated July 21, 1998, August 31, 1998 and November 16, 1998, Division staff requested that the Licensee submit: (a) a completed questionnaire Supplement to WR 1 (5/96) and (b) engineered maps for the petition. The Licensee was also advised of the petition deficiencies by letters dated March 16, 2005 and November 22, 2005. The Licensee did not submit the requested material. Accordingly, on March 20, 2006, the petition for change was cancelled pursuant to Water Code section 1701.4.
10. The Main San Gabriel Basin Watermaster records show that the diversion works covered by Recordation 1902157 was used to divert 203.92 af from July 1, 2005 to June 30, 2006 and 254.53 af from July 1, 2006 to March 31, 2007.
11. Licensee has not applied water to beneficial use in an authorized place of use under License 2329 for at least five consecutive years when water was available to Licensee.
12. License 2329 contains a condition that states as follows: "Reports shall be filed promptly by licensee on appropriate forms which will be provided for this purpose..." Licensee is not currently in compliance with License 2329 because Licensee has not submitted the triennial Reports of Licensee since the triennial report for 1989, 1990, and 1991. Licensee has not documented that water has been put to beneficial use since 1991.
13. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part." (Wat. Code, § 1675.)
14. Water Code section 1241 provides: "When the 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 of use 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." (Wat. Code § 1241.)

Based on the above facts, the Division concludes that:

Licensee has not applied all of the water to beneficial use for at least five consecutive years. Further, Licensee has not observed the condition of the license specifying the place of use of water under the license. Licensee's water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should revert to the public and be regarded as unappropriated public water pursuant to Water Code section 1241.

As required by Water Code section 1675.1, you are hereby notified that the State Water Board will revoke License 2329, based on the above facts and conclusions, unless a written request for a hearing, signed by or on behalf of the Licensee, is delivered or mailed to the State Water Board's Division of Water Rights at the address listed on the cover letter within 15 days after receipt of this notice.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Victoria A. Whitney, Chief
Division of Water Rights

Dated: **AUG 13 2007**

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