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Division of Water Rights

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NOTICE OF PETITIONS REQUESTING CHANGES, CORRECTIONS OR EXTENSIONS OF TIME IN WATER RIGHT PERMITS AND LICENSES

Dated: MARCH 18, 2005

NOTICE: The purpose of this notice is to advise interested persons of petitions requesting changes to water right permits and licenses. This notice provides a summary of all petitions that have been reviewed and prepared for noticing during the month by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).

This notice provides a short summary of each petition and also provides instructions for filing a protest against the requested changes. If you would like additional information relating to a petition, or information relating to the procedure for filing a protest, please call the contact person listed for the specific petition. Public notices of the State Water Resources Control Board's Division of Water Rights may be viewed and printed at the Division's web site www.waterrights.ca.gov.

GENERAL INFORMATION: Persons diverting water from a stream must, in most cases, obtain a water right permit issued by the SWRCB, in accordance with provisions of the California Water Code. (People can also divert water from a stream under riparian rights or rights initiated prior to 1914.) A water right permit issued by the SWRCB defines the:

- Stream or river from which water is diverted;
- Amount of water that can be diverted;
- Season of the year during which the water can be diverted;
- Point of diversion from the stream;
- Place of use of the diverted water; and
- Purpose of use.

In addition, the water right permit includes a date for applying water to beneficial use. Any party having a water right permit must submit a petition and receive approval from the SWRCB to change the place of use, the purpose of use, point of diversion, or to request an extension of time to make full beneficial use of water. The SWRCB must consider the potential impacts to other water users that could be affected by the proposed change and must also consider the potential environmental impacts that would result from the proposed change. The SWRCB must comply with the requirements of the California Environmental Quality Act prior to the approval of any petition.

PROCEDURES FOR FILING PROTESTS: Any person may file a protest against the changes proposed in a petition. However, protests filed in response to this notice **must be postmarked or received** in the office of the Division of Water Rights of the SWRCB at the address listed below by **4:00 p.m.** on the **30th day after the date of this notice.**

A protest should be submitted on the standard protest form that is available from the Division, or can be printed from the Division's web site www.waterrights.ca.gov/forms/. Due to the constraints of the noticing period, protestants may file protests, etc., by FAX. However, an original copy of all materials must be received, for the SWRCB to consider your protest. The protest should be submitted to:

State Water Resources Control Board
Division of Water Rights
c/o Kathy Mrowka
P.O. Box 2000
Sacramento, CA 95812-2000

Additionally, a copy of the protest must also be sent to the petitioner. SWRCB will respond to all protests within 90 days from the date of the notice.

A protest may be based on any of the factors listed below:

Injury existing water rights;
Has an adverse environmental impact;
Is not in the public interest;
Is contrary to law; or
Is not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the petition and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

The SWRCB may grant an extension of time to file a protest, for good cause. A request for an extension of time must be submitted in a timely manner, must specify the additional time required, and must state why additional time is needed to file the protest. A pamphlet is available that provides additional information relating to water rights and the procedure for filing protests. Please contact the person listed below if you would like a copy of the pamphlet or protest forms.

RESOLUTION OF PROTESTS The petitioner and the protestant are encouraged to meet and discuss methods that could be used to resolve the protest. If the protest can not be resolved, SWRCB staff may conduct a field investigation with all interested parties or may hold a water right hearing.

CONTACT PERSON: Please contact the staff person designated under the petition of interest, if you would like additional information regarding the petition, protests, information pamphlets, protest forms, or to request an extension of time in which to file a protest.

DESCRIPTION OF PETITIONS: The following provides a summary of all petitions for changes in water rights or extensions of time to put water to use. The petitions are listed alphabetically by County.

COUNTY	OWNER	APPLICATION NO.
San Bernardino	California Department of Water Resources	25435 and 25511

NOTICES WITHIN THE COUNTY OF SAN BERNARDINO

APPLICATIONS 25435 AND 25511	PERMIT 20419 AND 20418	ISSUED ON JANUARY 30, 1990
Permittee	California Department of Water Resources 1416 – 9 th Street, Room 1620 Sacramento, CA 95814	
Source(s)	Huston Creek tributary to East Fork of West Fork Mojave River	
Point(s) of Diversion	Silverwood Lake SE¼ of NE¼ of section 32, T3N, R4W, SBB&M	
Purpose(s) of Use	Municipal	
Diversion Quantities and Season of Diversion	Permit 20419: 2.59 cubic feet per second (cfs) by direct diversion from January 1 to December 31 of each year and 1,000 acre-feet per annum (afa) by storage from November 1 of each year to May 31 of the succeeding year. The total amount of water to be taken from the source shall not exceed 1,000 acre-feet per water year of October 1 to September 30. Permit 20418: 0.78 cfs by direct diversion from January 1 to December 31 of each year and 302 afa by storage from November 1 of each year to May 31 of the succeeding year. The total amount of water to be taken from the source shall not exceed 302 acre-feet per water year of October 1 to September 30.	
Place of Use	Service area of the Crestline Lake Arrowhead Water Agency as shown on map on file with the SWRCB.	
Existing project	The California Department of Water Resources (Department) is authorized to divert up to 1,302 acre-feet of water from Houston Creek within the Mojave River watershed under Permits 20418 and 20419. The water is diverted from Lake	

	<p>Silverwood and delivered to Crestline-Lake Arrowhead Water Agency (CLAWA) for municipal use.</p> <p>Water diverted from Houston Creek under water rights Permits 20418 and 20419 supplements the water CLAWA obtains from the State Water Project (SWP) under its long-term water supply contract. CLAWA has imported SWP water since 1972.</p> <p>The petitioner states the water rights permits contain a provision limiting the amount of water diverted from Houston Creek to the quantity of return flow from CLAWA to the Mojave River system to assure there are no impacts to other legal users of water. The petitioner asserts that this permit provision assures no net loss to the Mojave River System and no adverse impacts to downstream water users due to the diversion for CLAWA.</p> <p>The permits limit diversions as follows: Permittee may only divert an amount of Houston Creek water stored in Silverwood Lake each year which does not exceed the amount of the return flows for that year, up to the maximum of 1,302 af authorized to be appropriated annually under Permits 20418 and 20419.</p> <p>Permittee may divert a maximum of 3.37 cfs under Permits 20418 and 20419 by direct diversion or the natural flow of Houston Creek as measured at gage 10260650 located downstream of Lake Gregory Dam on Houston Creek and adjusted pursuant to the Silverwood Lake Storage Agreement, whichever is less.</p>
<p>Petition for: Extension of Time</p>	<p>Permittee requests an extension of time to develop full beneficial use of water authorized under these permits. Condition 9 of the permits requires the full beneficial use of water by December 31, 1994. The Department is requesting a 22-year extension of time in which to put the full, permitted quantity of water to beneficial use. This would extend these permit to the year 2016. No new construction is required as a result of the request for a time extension.</p>
<p>Environmental Document</p>	<p>The Department is the lead agency pursuant to the California Environmental Quality Act. The Department issued a notice of exemption for the time extension petition on November 30, 2004.</p> <p>If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to the lead agency immediately with a copy to Steven Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.</p>
<p>Contact person</p>	<p>Patricia Miner at (916) 341 - 5314</p>

