

In the matter of Proposed Revocation of License 659 Hearing, Morongo Band of Mission
Indians, Millard Canyon in Riverside County

I, Walt Pettit, declare as follows:

1. I am a civil engineer and worked for the Water Rights Board from 1962 through 1965, prior to its merger with water quality in 1967 when the California State Water Resources Control Board (State Water Board) was formed. I held a variety of positions in the State Water Board from 1971 to 1991, including deputy director, division chief and staff engineer. I was the executive director from 1991 to 2000, and was appointed to the Board in 2009 and served as a Board member through most of 2010.

2. As engineering staff for the Water Rights Board in the 1960s, my primary duties included conducting field inspections and making recommendations for follow up action. A separate staff group would review water rights files and, if the time for construction or use of water was up, or if a progress report or licensee report was not filed, staff would refer the file to my unit to schedule an inspection.

3. In 1964, the Water Rights Board scheduled a site inspection of License 659 (A00553) and License 660 (A00554). (WR Exhibit 21.) License 659 was a license issued in 1928 authorizing use of 0.16 cfs year round for irrigation on 13 acres. (WR Exhibit 16.) The license was owned by Southern Pacific Railroad Company, and the Company had not filed a Licensee Report for the years 1961-1963. (WR Exhibit 20 [Reason for Inspection lists "1963 report not submitted"].)

4. I conducted the site inspection on May 4, 1964 and was accompanied by Richard Zimmer, Southern Pacific engineer, and Jack White, the local Southern Pacific foreman. I also interviewed Mrs. Hazel Koger, President of Cabazon County Water District. (WR Exhibits 20 & 47.) Southern Pacific was no longer using water under the license. Much of the piping was buried and was listed as "retired in place" on a 1962 railroad map. As far as the Company was concerned, use had either ceased completely or decreased to minor stockwatering.

5. For A00554, I found that use had ceased and the pipeline was severed. The Southern Pacific station that License 660 served had been abandoned for many years. Apparently, the Southern Pacific Railroad Company had drawn up a contract that gave the license to the newly-formed Cabazon Water District. I left assignment forms with Mr. Zimmer, and placed the file on a 30 day callup for receipt of correspondence. If the license had indeed been transferred to the District, the Company would need to submit the assignment form and file a petition to change the place of use to the District's service area. I noted in my remarks that there had almost surely been an extended period of no use, but recommended that action be withheld and if the assignment was received, to contact the District regarding their specific plans. (WR Exhibit 47.)

6. For A00553, there were no irrigation facilities in place. There was a line to a house that might have been intact, and a trough for stock in place. If there was any use, it would have consisted of occasional stockwatering by a lessee. There were no cattle on the property at the time of inspection, and no one knew when last cattle were on the property or their number. Mr. White

stated that the house had not been occupied by a caretaker for cattle for at least two years. I noted in my remarks that there was quite likely was an extended period of non use, but temporarily postponed action on the license. Mr. Zimmer agreed to submit additional data and would attempt to get a clarification about the Company's intentions for License 659. I noted that a re-inspection would probably be required to confirm whatever information was submitted, "particularly if revocation is indicated." (WR Exhibit 20.)

7. After the inspection, the Company sent a letter dated June 12, 1964 and attached a Report of Licensee for the years 1961, 1962, and 1963. (WR Exhibit 21 & 22.) In that report, the Company listed use of 2,000 gallons daily for 49.7 acres for stockwatering, irrigation and domestic purposes. By letter dated July 15, 1964 Board staff questioned the use, with the possible exception of stockwater, based upon the inspection report. By letter dated July 22, 1964 Southern Pacific stated that its' tenant reported the above cited use for 1961 and it was assumed that the same information was good for 1962 and 1963. (WR Exhibit 21.) Southern Pacific apparently did not forward the lessee's letter to the Board. The subsequent information is inconsistent with my observations and with comments by Southern Pacific personnel on the ground.

8. A subsequent inspection of A00553 took place in 1968 by Mr. Leve of the Division of Water Rights. (WR Exhibit 23.) I briefly reviewed that report. Mr. Leve noted that no use had been made of the water under the license for about 3 to 4 years other than some non-licensed domestic and stockwatering use. (WR Exhibit 23.) By 1968, the Cabazon Water District had made changes to the system in order to utilize License 660, which they had acquired in 1961. (WR Exhibit 46.) There is no evidence that irrigation took place between the date of my inspection and 1968.

9. Based on my inspection in 1964, water had not been used for irrigation for several years and there is no evidence that water was used for irrigation from 1964 up to the 1968 inspection.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on this 26th day of April, in Sacramento, California.



Name