

LAW OFFICES
OF
BARBARA KARSHMER STATE WATER RESOURCES
A PROFESSIONAL CORPORATION CONTROL BOARD
2150 SHATTUCK AVENUE, SUITE 725
BERKELEY, CALIFORNIA 94704
PHONE: (510) 841-5056
FAX: (510) 841-6167
E-MAIL: Lawyers@KarshmerIndianLaw.com

2003 MAY 15 PM 12:19

DIV. OF WATER RIGHTS
SACRAMENTO

May 12, 2003

Mark Stretars
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Notice of Assignment - Application A000553

Dear Mr. Stretars:

This letter is to confirm your telephone conversation today with our office regarding the above-referenced Notice of Assignment. Please be advised that there has been an assignment of rights in this matter. Enclosed with this letter is a copy of the Notice of Assignment, a copy of the certificate of Adjudicated Water Right and a copy of the accompanying letter mailed by certified mail on November 1, 2002. Also enclosed is a copy of the certified mail return receipt. Since we are not the primary on the notice and we expected the primary to respond, our response is coming at the last minute.

We object to the termination of the water rights as proposed by the Board. We request the opportunity to resolve this issue informally with you or request a hearing if necessary.

If there is anything further we can do or any further requirement to be met, please call our office at 510/841-5056.

Thank you.

Very truly yours,

LAW OFFICES OF BARBARA KARSHMER



Barbara Kashmer
dictated but not read
signed in her absence

STATE WATER RESOURCES
CONTROL BOARD

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 657-2170, FAX: (916) 657-1485. Web: <http://www.waterrights.ca.gov>

2003 MAY 15 PM 12:19

DIV. OF WATER RIGHTS
SACRAMENTO

NOTICE OF ASSIGNMENT

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Gentlemen:

I have assigned all my right, title, and interest in

Application A000553, Permit P000486, License L000659 (1928)

on file with the State Water Resources Control Board to:

Morongo Band of Mission Indians

whose address is:

11581 Potrero Road
(Address)

Banning
(City)

California
(State)

92220
(Zip code)

Telephone No. (909) 849-4697

(Signature) Great Spring Waters of America, Inc.

(Signature) *J. McLean V. ie President*
Great Spring Waters of America, Inc.

Telephone No. (213) 955-7300

Dated: October 31, 2002



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

CERTIFICATE No. 665

CERTIFICATE OF ADJUDICATED WATER RIGHT

(Issued pursuant to Section 144 of Water Commission Act)

This is to CERTIFY, That The Southern Pacific Land Company
65 Market Street
San Francisco, California

has a right to the use of the waters of springs rising in Millard Canyon

as hereinafter set forth; and that said right has been confirmed by decree of the Superior Court of the State of California in and for the County of Riverside entered on the 9th day of December, 1934, in Book of Judgments, page 246, a certified copy of which is on file and of record in the office of the County Recorder of Riverside and San Bernardino Council, and also in the office of the Division of Water Resources of the Department of Public Works of the State of California.

The right confirmed by the above mentioned decree, is as follows: sub-paragraph 40 of paragraph XXVI.

40. THE SOUTHERN PACIFIC LAND COMPANY

is entitled to divert from the natural or developed flow of springs rising in Millard Canyon near the center of Sec. 32, T. 2 S., R. 2 E., S.B.B. and M., through the Southern Pacific Millard Canyon Conduit,

0.12 cubic foot per second—priority January 1, 1877.
0.16 cubic foot per second—priority January 1, 1917.

0.28 cubic foot per second—Total.

or as much thereof as said company applies to beneficial use for the purposes hereinafter set forth, throughout the entire year; said water to be diverted from said springs at a point (designated on Division of Water Rights Map as Diversion 28) which bears approximately N. 39° 53' E., approximately 1350 feet distant from the southwest corner of Sec. 32, T. 2 S., R. 2 E., S.B.B. and M., being within the NE 1/4 of said Sec. 32, and said water to be used for domestic, stock watering and irrigation purposes upon the following described lands:

18.7 acres in NE 1/4 SW 1/4, Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.
13.0 acres in SW 1/4 NE 1/4, Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.
0.8 acres in SW 1/4 SE 1/4, Sec. 32, T. 2 S., R. 2 E., S.B.B. and M.

32.5 acres—Total.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 8th

day of March, 1939

EDWARD HYATT
State Engineer

By HAROLD CONKLING
Deputy

Attest:

KATHERINE A. FRENY
Chief Clerk of said Division of Water Resources

(SEAL)

ALEXANDER & KARSHMER

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2150 SHATTUCK AVENUE, SUITE 725

BERKELEY, CALIFORNIA 94704

PHONE: (510) 841-5056

FAX: (510) 841-6167

E-MAIL: ALEKKARS@AOL.COM

BARBARA E. KARSHMER (CA)
PAUL ALEXANDER (D.C.)
CURTIS G. BERKEY (CA & D.C.)
SCOTT W. WILLIAMS (CA & VA)
THOMAS WEATHERS (CA)
MEREDITH D. DRENT (CA)

A PROFESSIONAL CORPORATION

1930 18TH STREET, N.W., #22
WASHINGTON, D.C. 20008
PHONE: (202) 797-2548
FAX: (202) 797-2850
E-MAIL: ALEXKDC@AOL.COM

November 1, 2002

Via Certified Mail

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Notices of assignments of pre-1914 and post-1914 water rights

To Whom It May Concern:

We are General Counsel to the Morongo Band of Mission Indians (the "Tribe"). By this letter, we notify the State Water Resources Control Board (SWRCB) that the Tribe has acquired certain water rights from Great Spring Waters of America, Inc. ("Great Spring"). For the acquired post-1914 right, enclosed please find a "Notice of Assignment" (on SWRCB form APP-ASGN), signed by a Vice President of Great Spring. (Please note that the Great Spring phone number listed on the Notice is for Robert M. Johnson, attorney for Great Spring.)

Though we understand from SWRCB (by a telephone conversation with SWRCB counsel) that there is no requirement to notify the SWRCB of the assignment of a pre-1914 water right, we nonetheless describe here for SWRCB's information the pre-1914 right transferred by Great Spring to the Tribe.

The water rights that the Tribe acquired from Great Spring are as follows:

I. Post-1914 right

- a. License No. 000659 (1928) (further described on enclosed Notice of Assignment)

II. Pre-1914 right

- a. .12 cfs right with priority date of January 1, 1877, as described in

Division of Water Rights

November 1, 2002

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Paragraph 40, Section XXVI, White Water River Adjudication Decree, Riverside County Superior Court Case No. 18035, dated December 9, 1938 and evidenced by the enclosed Certificate of Adjudicated Water Right (Certificate No. 668). (We are unaware of any statement number for this right.)

Please send an acknowledgment of the notices made under cover of this letter and all notices, report forms, information requests, or other documentation and correspondence related to the above-listed water rights to--

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


Please also send a copy of all such documentation and correspondence to this firm at--

Alexander & Karshmer
2150 Shattuck Avenue, Suite 725
Berkeley, CA 94704
Attn: Barbara Karshmer, Esq.

Should the SWRCB have any questions or concerns or require any additional information or documentation related to this letter and the rights described herein, please call Barbara Karshmer of this firm at the above number. Thank you.

Very truly yours,

ALEXANDER & KARSHMER


Curtis G. Berkey

Enclosure

cc: Morongo Band of Mission Indians Tribal Council
Robert M. Johnson, LeBoeuf, Lamb, Greene & MacRae
(attorney for Great Spring Waters of America)

ALEXANDER & KARSHMER

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.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:
 State of California
 State Water Resources Control
 Board
 Division of Water Rights
 P.O. Box 2000
 Sacramento, CA 95812-2000

4a. Article Number
 P 843 026 351

4b. Service Type
 Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)
 Mrs. R. L. [Signature]

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

6. Signature: (Addressee of Agent)
 X MAIL BUILDING

Thank you for using Return Receipt Service.