

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Licenses 219,)
 1175, 726, 1179, 1590, 5760 and)
 5699, Issued Pursuant to)
 Applications 341, 2523, 4408, 6466,)
 7236, 9309 and 16447,)
 KERR-McGEE CHEMICAL CORPORATION)
 Licensee)
 and)
 License 179, Issued Pursuant to)
 Application 1264,)
 SEARLES DOMESTIC WATER COMPANY)
 Licensee)

Order: WR 80-2
 Source: Mumford Springs, et al.
 County: Inyo

ORDER REVOKING LICENSES TO APPROPRIATE WATER

BY BOARD MEMBER MITCHELL:

A hearing having been held pursuant to Section 1675 of the Water Code by the State Water Resources Control Board, hereafter Board, on August 13, 1979, for the purpose of allowing Kerr-McGee Chemical Corporation and Searles Domestic Water Company, hereafter licensees, to show cause why Licenses 219, 1175, 726, 1179, 1590, 5760, 5699 and 179 should not be revoked; licensees having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

Substance of Licenses

1. Kerr-McGee Chemical Corporation and Searles Domestic Water Company, the present licensees, are successors in interest to American Potash and Chemical Corporation and Solvay Process Company, original licensees. Searles Domestic Water Company is a wholly owned subsidiary of Kerr-McGee Chemical Corporation, which acquired title to the licenses in 1969.

2. Substance of the licenses is discussed in detail in Exhibit A which is attached hereto and incorporated herein by reference.

Licensee's Project

3. Licensee operates a mine in Inyo County. Borax and related minerals are the principal minerals extracted by the licensee. As Exhibit A indicates, the purpose of use for most of the licenses includes mining and all the licenses include domestic use as a purpose of use. At one time these licenses were a source of water for the mine or for people who worked in the mine. In addition, the licenses were a source for the communities of Trona, Argus, Westend, Pioneer Point and Borosolvay.

Licensee's Use of Water

4. The licensee has filed Reports of Licensee as required by the licenses. These reports indicate that the last reported use of water occurred in 1969. Letters from the licensee of February 27, 1975, and April 26, 1978, indicate that water had not been put to beneficial use during the three years prior to each letter.

5. The licensee testified at the hearing that the distribution system from the various springs had been destroyed by vandals and by wild burros. The licensee has used a groundwater source to serve its needs for water. Although conceding that it may not be economically feasible to rebuild the system, the licensee asks the Board to grant it a period of 30 months to conduct a study to determine whether it will make an attempt to reopen the project. Licensee, however, admits it has no means of determining when, or if, it would be putting the water to beneficial use following conclusion of the study.

6. The Board's files do not disclose any present known users of water from the springs. However, there is one application to appropriate water pending for Indian Joe's springs, which is in the general area of License 1590.

7. Water Code Section 1241 states:

"When the person entitled to the use of water fails to beneficially use 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 three years, such unused water reverts to the public and shall be regarded as unappropriated public water."

Conclusion

8. The Board concludes that the licensee has failed to put the water to beneficial use for each of the subject licenses for a period greater than three years.

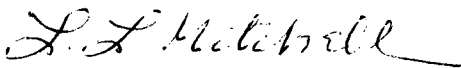
9. The Board further concludes that Licenses 219, 1175, 726, 1179, 1590, 5760, 5699 and 179 should be revoked for nonuse of water as authorized by Water Code Section 1675.

ORDER

NOW, THEREFORE, IT IS ORDERED that Licenses 219, 1175, 726, 1179, 1590, 5760, 5699 and 179 be, and are hereby, revoked, and all rights thereunder are terminated forthwith.

Dated: **JAN 24 1980**


WE CONCUR:



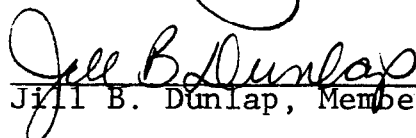
L. L. Mitchell, Member



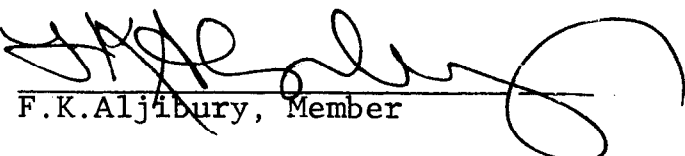
Carla M. Bard, Chairwoman



William J. Miller, Vice-Chairman



Jill B. Dunlap, Member



F.K. Aljibury, Member

