STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 211 PERMIT No. 274 ASSIGNMENT APPLICATION No. 42

~~DATE REC'D 3/1/27 ASSIGNMENT TO Mrs. Hermina L. Roberts~~

Notice of Assignment (~~Over~~)

This is to certify, *That* W. D. Roberts

of Round Valley, Inyo County, California, *has made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* (1) Witcher Cabin Creek and (2) Cain Creek, in Mono County, *tributary of* Rock Creek

for the purpose of irrigation,

under Permit No. 274 *of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* May 17th., 1915; *that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* a total combined diversion from the two sources of sixty five hundredths (0.65) cubic foot per second continuous flow, or its equivalent in case of rotation, from about June 1st to about October 1st of each season.

The points of diversion of such water are located as follows: (a) Witcher Cabin Creek is north fifty one degrees forty six minutes west eleven thousand nine feet from the southeast corner Section 14, T. 5 S., R. 30 E. M. D. M., being within the NE¼ SW¼ Section 10, T. 5 S. R. 30 E., M. D. M., (b) Cain Creek is north forty four degrees thirty minutes west nine thousand four hundred feet from the southeast corner of the said Section 14, being within the NE¼ SE¼ of said Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows: To irrigate

15 acres in the NE¼ NW¼ Section 14;
20 acres in the SE¼ NW¼ Section 14;
10 acres in the SW¼ NE¼ Section 14, and
7 acres in the NW¼ NE¼ Section 14, all in Township 5 S. R. 30 E. M. D. M.

52 acres, total.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided,* that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided,* that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivison of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however,* that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further,* that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further,* that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further,* that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 21st *day of* March, *19*23.

(SEAL)

H. A. KLUEGEL
Chief of Division of Water Rights, Department of Public Works of the State of California

16835 2-22 250

MSE:GM

L211

3/31/44 RECEIVED NOTICE OF ASSIGNMENT TO Maude C. Boody

11/25/46 RECEIVED NOTICE OF ASSIGNMENT TO Harry L. & Gladys M. Graham

11/9/49 RECEIVED NOTICE OF ASSIGNMENT TO Lloyd S. & Winifred H. Bambauer

5-23-62 RECEIVED NOTICE OF Partial ASSIGNMENT TO J. A. Bergum, Lucille Bergum, Harold Bauman, Evelyn Bauman, David Stewart, Joan Stewart, Glyn Price and Barbara Price

12/8/67 RECEIVED NOTICE OF ASSIGNMENT ~~TO~~ of int. of L.S. & Winifred Bambauer to Denny & Ida Wilcher

4-19-76 Records chgd to show Meadow Ranch Corp; Denny & Ida Wilcher

10/19/94 Not. of Partial Assgn. App#42 Lic211
Meadow Ranch Corp. & Denny Wilcher

4/13/98 Asgd. to Nathaniel D. Hecht;

12-26-96 Partial asgd Meadow Ranch Corp
12/31/96 assigned to Meadow Ranch Corporation

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

ORDER

APPLICATION 42 PERMIT 274 LICENSE 211

ORDER ALLOWING CHANGE IN PURPOSE OF USE

Licensee having established to the satisfaction of the State Engineer that the change in purpose of use under Application 42, Permit 274, License 211, for which petition was submitted on November 17, 1948 will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the purpose of use under said Application 42, Permit 274, License 211 to:

IRRIGATION AND DOMESTIC USES

WITNESS my hand and the seal of the Department of Public Works of the State of California this 17th day of February, 1949.

Edward Hyatt, State Engineer

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STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 42 PERMIT 274 LICENSE 211

ORDER CORRECTING THE POINTS OF DIVERSION

WHEREAS:

1. License 211 was issued to W. D. Roberts and was filed with the County Recorder of Mono County on November 28, 1925.

2. The USGS 15' Quadrangle map Casa Diablo Mtn. shows the Points of Diversion as being on (1) an unnamed creek tributary to Birch Creek and (2) Witcher Creek. License 211 describes the same Points of Diversion as being on Witcher Cabin Creek and Cain Creek. The corrections in the description of Points of Diversion under said license are needed to conform the description with the locations on the quandrangle map.

NOW, THEREFORE, IT IS ORDERED THAT:

The name of the streams at the Points of Diversion under License 211 be described as follows:

(1) an unnamed creek tributary to Birch Creek thence Rock Creek,
(2) Witcher Creek tributary to Rock Creek in Mono County.

Dated: AUGUST 10 1983

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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WR 133 (2-83)

OVER
PASS ON.

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 42 PERMIT 274 LICENSE 211

ORDER ALLOWING THE ADDITION OF A POINT
OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 211 was issued to W. D. Roberts and was filed with the County Recorder of Mono County on November 28, 1925.

2. An order allowing change in purpose of use was granted on February 17, 1949 and has been recorded with the County Recorder of Mono County on February 21, 1949.

3. License 211 was subsequently assigned to Meadow Ranch Corporation, and Denny Wilcher and Ida Wilcher.

4. A petition to add a point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.

5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

6. The license condition pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:

   1. North 51° 46' West, 11,009 feet from the SE corner of projected Section 14, T5S, R30E, MDB&M, being within the NE¼ of SW¼ of projected Section 10, T5S, R30E, MDB&M. Also described as California Coordinate System, Zone 3 North 378,300 and East 2,531,000.

   2. North 44° 30' West, 9,400 feet from SE corner of projected Section 14, T5S, R30E, MDB&M, being within the NE¼ of SE¼ of projected Section 10, T5S, R30E, MDB&M. Also described as Calfiornia Coordinate System, Zone 3 North 378,500 and East 2,532,800.

   3. North 750 feet and East 1,400 feet from SW corner of Section 11, T5S, R30E, MDB&M, being within the SW¼ of SW¼ of said Section 11. Also described as California Coordinate System, Zone 3 North 378,200 and East 2,535,200.

2. The continuing authority provision in this license be amended to contain Title 23, California Code of Regulations, Section 780(a):

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: JULY 29 1988

Lloy Johnson
for Walter G. Pettit, Chief
Division of Water Rights

a total of one eighth (.125) cubic foot per second from the combined sources as follows:

from spring #1, six hundredths (0.06) cubic foot per or approximately thirty eight thousand eight hundred per day, from about April 1st to about November 1st of season and throughout the remainder of the year as required for domestic purposes;

from spring #2, thirty-five thousandths (0.035) cubic foot per second or approximately twenty two thousand six hundred (22600) gallons a day or its equivalent in case of rotation from about April 1st to about November 1st of each season, and from spring #3, three hundredths (.03) cubic foot per second, or approximately nineteen thousand (19000) gallons per day from about April 1st to about November 1st of each season.

The points of diversion of such water are located as follows: spring #1 is located two thirds (2/3) mile southerly from the northwest corner of Section 31, T. 4 N. R. 7. B. M., being within the SE¼ NW¼ of said Section 31; #2 is located thirteen hundred (1300) feet southwest the northeast corner of Section 36, T. 4N. R. 8W. S. B. ing within the NE¼ NE¼ of said Section 36; and spring located eight hundred (800) feet west from the southcorner of Section 25, T 4N. R. 8W. S.B.M. being withi ¼ SE¼ of said Section 25.

A description of the lands where such water is put t icial use is as follows:

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