

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

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In the Matter of License 1515 (Application 6632)

**Faculty Flats Water Association**

**ORDER REVOKING LICENSE**

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SOURCE: Mosquito Creek

COUNTY: Tulare

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**WHEREAS:**

1. License 1515 (Application 6632) was issued to Herbert Anderson, Walter Whitney, Wm. L. Osborne, Jr., and Frank Becker on January 28, 1935, and recorded by the County Recorder of Tulare County on February 18, 1935.
2. Division of Water Rights (Division) record of ownership of License 1515 was changed to the Faculty Flats Water Association on December 11, 1943.
3. Division staff conducted a compliance inspection of the property served by License 1515 and found that the Point of Diversion has been abandoned. The conveyance pipeline is in disrepair and no longer used to divert water from Mosquito Creek to the Place of Use (POU). The POU is now served by the Cold Spring system under a claimed pre-1914 appropriative water right.
4. Mr. Mark Bissiri stated that water has not been diverted under this license for approximately 20 years. Section 1241 of the California Water Code provides for loss of an appropriative water right after five consecutive years of nonuse of the water.
5. On October 29, 2002, the licensee was provided notice by certified mail of the proposed revocation. The notice provided the licensee the opportunity to object to the proposed revocation and request a hearing. A request for a hearing was not received from, or on behalf of, the licensee.
6. The State Water Resources Control Board (SWRCB) has found that licensee has failed to apply the water to beneficial use under the terms and conditions of this license.

**THEREFORE:**

It is ordered that License 1515 is hereby revoked and cancelled upon the records of the SWRCB pursuant to California Water Code section 1675 and the water is declared to be subject to appropriation.

*Victoria A. Whitney*  
for *Harry M. Schueller*  
Chief Deputy Director

Dated: **FEB 07 2003**



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 1815

PERMIT 3523

Notice of Assignment (Over)  
APPLICATION 6622

THIS IS TO CERTIFY, That ~~Herbert E. Anderson~~ of Lindsay, Walter T. Whitney of Claremont, Wm. L. Osborne, Jr. of Hollywood, and Frank R. Becker of Los Angeles, California, ha. ya made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **Mosquito Creek in Tulare County**

tributary of **East Fork of Kaweah River**

for the purpose of **domestic use**

under Permit **3523** of the Division of Water Resources 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 Resources and the terms of the said permit; that the priority of the right herein confirmed dates from **April 14, 1930;**

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 **eight hundred (800) gallons per day** from about June 15th to about October 1st of each season.

The point of diversion of such water is located **South eight hundred (800) feet and West nine hundred seventy-five (975) feet** from the northeast corner of the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 16, T 17 S, R 31 E, M.D.B.&M., and being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 16.

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

**Lots 19, 20, 21 and 22 of West Mineral King Special Use Tract of Sequoia National Forest and being within the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 16, T 17 S, R 31 E, M.D.B.&M. Said lots occupied by -**

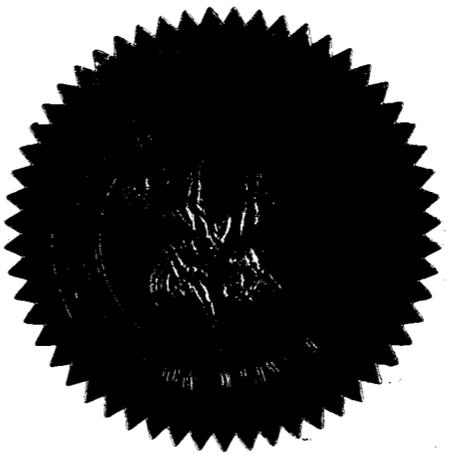
Lot 19 - Herbert E. Anderson  
Lot 20 - Walter Whitney  
Lot 21 - Wm. L. Osborne, Jr.  
Lot 22 - Frank R. Becker

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.

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*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 work 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 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 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, 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 findings 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 license or permit under the provisions of this act if he accepts 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 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 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 by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, or to other water, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision 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 thereof for domestic purposes shall be considered first in right, 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 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 to municipal uses of the entire appropriation permitted; *and provided, further*, 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 water, 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 my hand and the seal of the Department of Public Works of the State of California, this 28th day of January, 1935.*

EDWARD HYATT  
State Engineer  
By: *Harold Conkling*  
Deputy

12/11/43 RECEIVED NOTICE OF ASSIGNMENT TO *Faculty (Plato) Mater*  
*Association*

LICENSE 1515  
STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES

LICENSE  
TO APPROPRIATE WATER  
ISSUED TO Herbert E. Anderson, et al.  
DATED January 28, 1935