



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 4019

PERMIT 2306

LICENSE 2002

Right Holder: Carson Water Subconservancy District
777 East William Street, Suite 110A
Carson City, NV 89701

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. As used in this document, right holder means the person(s) or entity authorized to divert water under this permit or license. The priority of this right dates from **June 10, 1924**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. This right supercedes any previously issued right on **Application 4019**. The right holder has made proof, to the satisfaction of the State Water Board, of the quantities of water put to beneficial use during the authorized development schedule.

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Board has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

The State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

Right holder is hereby granted a right to divert and use water as follows:

1. Source of water: **Two (2) Unnamed Streams**

tributary to: **West Fork Carson River thence Carson River**

within the County of **Alpine**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
1) Upper Lost Lake: North 2,003,891 feet and East 7,148,816 feet	NE ¼ of NE ¼	12	9N	18E	MD
2) Lower Lost Lake: North 2,004,986 feet and East 7,147,455 feet	SW ¼ of SE ¼	1	9N	18E	MD

Location of points of redirection

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) North 2,054,533 feet and East 7,186,408 feet	SE ¼ of SE ¼	26	11N	19E	MD
(2) North 2,054,433 feet and East 7,185,657 feet	SE ¼ of SE ¼	26	11N	19E	MD
(3) North 2,062,357 feet and East 7,194,256 feet	SE ¼ of NW ¼	19	11N	20E	MD
(4) North 2,064,079 feet and East 7,195,021 feet	NW ¼ of NE ¼	19	11N	19E	MD
By Nevada Coordinate System of 1983 in Zone 2703	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(5) North 14,731,938 feet and East 2,306,237 feet	NE ¼ of SW ¼	14	15N	20E	MD
(6) North 14,730,022 feet and East 2,306,215 feet	SE ¼ of SW ¼	14	15N	20E	MD

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian	Acres
Municipal	Within the Carson City Utilities Department service area and the Lyon County Utilities Department service area as shown on map dated January 9, 2013.					
Irrigation		1, 25, 26 & 36	11N	19E	MD	
		6, 7 & 18	11N	20E	MD	
					Total	770.7
Recreational	Upper Lost Lake: NE ¼ of NE ¼	12	9N	18E	MD	
	Lower Lost Lake: SW ¼ of SE ¼	1	9N	18E	MD	

The place of use is shown on map 12-179.1 and 12-155.2, dated January 9, 2013 filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a combined total of **171.2 acre-feet per year** by storage to be collected from **October 1** of each year to **June 1** of the succeeding year in Upper Lost Lake and Lower Lost Lake.

The total quantity of water diverted under this water right and the water right pursuant to Application 31816 shall not exceed **219 acre-feet per year**.

(000005D&Q)

6. If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the right holder shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

7. No water shall be diverted under this right unless right holder is monitoring and reporting the water surface elevation in the reservoirs. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring water surface elevations from the maximum water line to the minimum water line known to exist for the reservoirs and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed and the mark or reading corresponding to the maximum water line of the reservoirs with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of water surface elevations. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights. The State Water Board may require release of water held in storage that cannot be verified by monthly records. Failure to maintain or submit the required records may result in the requirement to release the entire content of the reservoir's storage.

(0100047)

8. No water shall be diverted under this right unless right holder is monitoring and reporting the withdrawal of water for beneficial use from the reservoirs. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring of the rate and quantity of water withdrawn for beneficial use from each reservoir and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all withdrawals of water for beneficial use under this right that includes the date, time, rate of withdrawal or release, and the amount of water withdrawn or released. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(0100052)

9. Diversion of water under this license shall be subject to regulation by the watermaster appointed to enforce the terms of the Alpine Decree.

(000N001)

10. Right holder shall maintain the existing outlet pipes for Upper Lost Lake and Lower Lost Lake in proper working order.

(000000S)

THIS LICENSE IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

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

Reports shall be filed promptly by the right holder on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Right holder shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this right.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the right holder and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This right does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this

water right, right holder shall obtain authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this right.

If construction or rehabilitation work is required for the diversion works covered by this right within the bed, channel, or bank of the affected water body, right holder shall enter into a streambed or lake alteration agreement with the State Department of Fish and Wildlife. Right holder shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the right holder.

This license is issued and right holder takes it subject to the following provisions of the Water Code:

Water Code section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) 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 subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Water Code section 1630. 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 the license and the works built or constructed for the enjoyment of the rights granted under the license.

Water Code section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
JAMES W. KASSEL FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: APR 10 2013



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

Notice of Assignment (Over)

LICENSE 2002

PERMIT 2306

APPLICATION 4019

THIS IS TO CERTIFY, That **R. W. Bassman, H. Baseman, Fred Bruns, Wenzel Bros.**

and **Fred Gansberg of Gardnerville, Nevada,** have made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of **two (2) unnamed gulches (Nos. 1 and 2) in Alpine County**

tributary of **West Carson River**

for the purpose of **irrigation use**

under Permit **2306** 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 **June 10, 1924;**

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 (1) one hundred forty-two (142) and (2) twenty-nine and two tenths (29.2), total one hundred seventy-one and two tenths (171.2) acre feet per annum by storage to be collected from about October 1st to about June 1st of each season.

The points of diversion of such water are located (1) South one hundred twenty-five (125) feet and East thirty-four hundred fifteen (3415) feet from the Northwest corner of Section 12, T 9 N, R 18 E, M.D.B.&M. and being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12, and (2) North nine hundred sixty-eight (968) feet and East three thousand forty-five (3045) feet from the southwest corner of Section 1, T 9 N, R 18 E, M.D.B.&M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 1.

The points of re-diversion of stored waters are located as follows:

- (a) North sixteen degrees West (N. 16° W.) one thousand forty-five (1045) feet from the southeast corner of Section 26, T 11 N, R 19 E, M.D.B.&M. and being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 26.
- (b) North forty-six degrees West (N. 46° W.) fourteen hundred sixty (1460) feet from the southeast corner of Section 26, T 11 N, R 19 E, M.D.B.&M. and being within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 26.

- (c) South fifty degrees East (S. 50° E.) three thousand twenty (3020) feet from the northwest corner of Section 19, T 11 N, R 20 E, M.D.B.&M. and being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 19.

- (d) North eighty-nine degrees West (N. 89° W.) twenty-one hundred thirty-five (2135) feet from the southeast corner of Section 18, T 11 N, R 20 E, M.D.B.&M. and being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 18.

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

771.2 acres within Sections 1, 25, 26, 36, T 11 N, R 19 E, M.D.B.&M. and Sections 6, 7 and 18, T 11 N, R 20 E, M.D.B.&M., as shown on map entitled "Map of Lost Lakes Reservoirs and West Fork of Carson River, Alpine County, California, Application No. 4019" filed with the Division of Water Rights, August 6, 1924.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

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 of 1913, as amended, which is as follows:

Sac. 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 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. 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 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 under the provisions of this act, in respect to the regulation 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 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 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 my hand and the seal of the Department of Public Works of the State of California, this ~~nineteenth~~ day of February, 1940.

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy



2/15/52 RECEIVED NOTICE OF ASSIGNMENT TO John R. W. E. Bassman
D. William D. Rowe Trust

2-29-60 Name changed from Fred Gansberg to Estate of Fred Gansberg

2-29-60 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of Estate of Fred Gansberg
to Chris Gansberg

2-29-60 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of Fred Bruns to
Hubert + Eugenia Bruns

9/18/67 Interest of William D. Rowe Trust asgd to
Chris Gansberg

9/24/70 - Int. of Wendell B. B. changed to show
Richard + Ida Wendell and Harry and Ann

3-26-99 ASGD to Hubert Bruns, Chris Gansberg Sr, Arthur Hall
11-28-01 ASGD to Carson Water Subconservancy District

LICENSE 2002
STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO R. W. Bassman, et al.
DATED February 19, 1940

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