

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

ORDER

Application 5928 Permit 3107 License 2133

ORDER AMENDING LICENSE BY CORRECTING THE PLACE OF USE AND POINT OF DIVERSION, ADDING MEASURING AND MONITORING REQUIREMENTS AND REVISED LICENSE TERMS

WHEREAS:

1. License 2133 was issued to United States Inyo National Forest on December 14, 1940, pursuant to Application 5928 and was recorded with the County Recorder of Mono County on December 31, 1940.
2. License 2133 was subsequently revoked on July 24, 1980, and the order revoking License 2133 was recorded with the County Recorder of Mono County on July 28, 1980.
3. License 2133 was reinstated on March 27, 1985, and was recorded with the County Recorder of Mono County on April 2, 1985.
4. The Division of Water Rights (Division) conducted an inspection of the project covered by License 2133 on September 22, 1999. This inspection found that the maximum amount of water authorized for diversion under License 2133 had been exceeded in both 1998 and 1999. The inspection also found that a correction in the description of the place of use is required.
5. The State Water Resources Control Board (SWRCB) has determined that in order to ensure compliance with License 2133, a term requiring measuring and monitoring of diversions is necessary. Additionally, corrections in the point of diversion and place of use descriptions are needed.
6. The SWRCB will also add or update a standard continuing authority term, a water quality objective term and a term to prevent any act which results in the taking of a threatened or endangered species that has been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

License 2133 is amended to include the following changes, corrections and new or revised terms and conditions:

1. The Point of Diversion authorized by this license is corrected as follows:

Lake Mary Intake – South 1,160 feet and West 530 feet from the N $\frac{1}{4}$ corner of Section 16, T4S, R27E, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 16.

2. The place of use authorized by this license is corrected as follows:

At Twin Lakes Campground within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 8, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T4S, R27E, MDB&M, as shown on map on file with the State Water Resources Control Board.

3. The following measuring device and monitoring requirement under this license is added as follows:

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, that is capable of measuring the cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

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4. The continuing authority condition, is updated to read as follows:

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 SWRCB 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 SWRCB 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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.

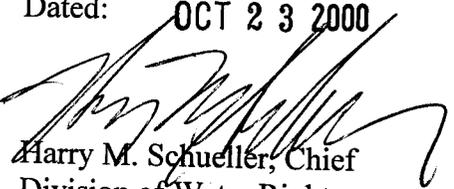
5. The water quality objectives condition, is updated to read as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB 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 California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB 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.

6. An endangered Species term is added to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) 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, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: OCT 23 2000


Harry M. Schueller, Chief
Division of Water Rights

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

ORDER

APPLICATION 5928

PERMIT 3107

LICENSE 2133

ORDER ALLOWING REINSTATEMENT OF LICENSE,
CHANGE IN THE POINT OF DIVERSION AND
A REDUCTION IN THE PLACE OF USE

WHEREAS:

1. License 2133 was issued to United States-Inyo National Forest and was filed with the County Recorder of Mono County on December 31, 1940.
2. License 2133 was subsequently revoked on July 24, 1980 and was recorded with the County Recorder of Mono County on July 28, 1980.
3. A petition requesting reinstatement of the license and to change the 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.
4. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Revoked License 2133 shall be reinstated to full status subject to the terms and conditions of the original license, and include the current policies of the Board.

2. The point of diversion under this license shall be as follows:

Lake Mary - South 1,000 feet and East 2,150 feet from the NW corner of Section 16, T4S, R27E, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 16.

3. The place of use under this license shall be as follows:

Twin Lakes Campground located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T4N, R27E, MDB&M.

4. The following condition shall be made part of this license:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights privileges under this license 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 permittee 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) to 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: MARCH 27 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE **2138**

PERMIT **2107**

APPLICATION **5928**

THIS IS TO CERTIFY, That **United States - Inyo National Forest
Bishop, California**

has made proof to the satisfaction of the Division
of Water Resources of California of a right to the use of the waters of **an unnamed spring in Mono
County,**

tributary of **Twin Lakes and Mammoth Creek**

for the purpose of **domestic use**

under Permit **2107** 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 **May 31, 1928;**

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 **sixteen hundred (1600)**
gallons per day from about **May 15** to about **October 15** of each season.

The point of diversion of such water is located **North fifty three degrees thirty minutes
West (N. 53° 30' W.) nine hundred ninety seven (997) feet from the East ½ corner
of Section 8, T 4 S, R 27 E, N.D.B. & M., and being within the SW¼ of NE¼ of said
Section 8.**

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

**Lots 28 to 32 inclusive and lots 34 to 38 inclusive of Twin Lakes Tract, and
Twin Lakes Public Camp Ground, all within Inyo National Forest and being within
the SW¼ of NE¼ of Section 8 and the SW¼ of NW¼ of Section 9, T 4 S, R 27 E,
N.D.B. & M.**

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 Division of Water Resources in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

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.

