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

License for Diversion and Use of Water

APPLICATION 12023 PERMIT 7195 LICENSE 4035

THIS IS TO CERTIFY, *That* Warren Simpson
Wellington, Nevada

Notice of Assignment (Over)

has made proof as of August 21, 1951, *(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of* Desert Creek in Mono County

tributary to West Walker River

for the purpose of irrigation use *under Permit* 7195 *of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from* August 4, 1947; *and 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* two hundred (200) acre-feet per annum to be collected from about November 1 of each year to about July 1 of the succeeding year.

The point of diversion of such water is located south six hundred (600) feet and west eight hundred (800) feet from NE corner of Section 20, T 7 N, R 24 E, MDB&M, being within NE¼ of NE¼ of said Section 20.

The point of rediversion is located north one thousand two hundred (1200) feet and east six hundred (600) feet from SW corner of Section 8, T 9 N, R 24 E, MDB&M, being within SW¼ of SW¼ of said Section 8.

A description of the lands or the place where such water is put to beneficial use is as follows: an area within the State of Nevada consisting of

26 acres within Section 28, T 10 N, R 24 E, MDB&M
58 acres within Section 29, T 10 N, R 24 E, MDB&M
440 acres within Section 32, T 10 N, R 24 E, MDB&M
176 acres within Section 33, T 10 N, R 24 E, MDB&M
408 acres within Section 4, T 9 N, R 24 E, MDB&M
480 acres within Section 5, T 9 N, R 24 E, MDB&M
193 acres within Section 8, T 9 N, R 24 E, MDB&M
1781 acres total as shown on map filed with State Engineer

The right under this license is of equal priority with the right under Application 12024, Permit 7196, License 4036

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 Department acting through the State Engineer 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 State Engineer.

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.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

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 therefor 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).

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.

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 can not 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 17th *day of* December *, 19* 54

A. D. EDMONSTON, *State Engineer*

By Harvey O. Banks
HARVEY O. BANKS
Assistant State Engineer

10/14/58 RECEIVED NOTICE OF ASSIGNMENT TO Partial R. J. Arbathnot

10-22-64 RECEIVED NOTICE OF ASSIGNMENT TO of Int of Warren Simpson to L. S. Day, Inc.

12-26-72 Int of R. J. Arbuthnot asgd to William M. Weaver, Jr

9-17-87 Asgd to: C.E. Day & Lucile Day

LICENSE 4035 assigned to Charles E. Day and Lucile M. Day 1/13/96

LICENSE 4035
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Warren Simpson

DATED

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 12023 Permit 7195 License 4035

ORDER AMENDING LICENSE

WHEREAS:

1. License 4035 was issued to Warren Simpson and recorded at the office of the Mono County Recorder on March 4, 1955.

2. License 4035 was subsequently assigned to Charles E. and Lucile M. Day.

3. License 4035 confers upon Charles E. and Lucile M. Day an appropriative right to use water from Desert Creek tributary to West Walker River in Mono County.

4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.

5. The License was issued without referencing compliance with Section 5937.

6. Since amendment of License 4035 to require compliance with Fish and Game Code Section 5937 is a ministerial action. this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) of the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: JUNE 16 1997

Walt Pettit

Walt Pettit
Executive Director