



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

License for Diversion and Use of Water

APPLICATION 12129

PERMIT 7235

LICENSE 4037

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
an unnamed stream in Mono County

tributary to Desert Creek

for the purpose of irrigation use
under Permit 7235 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 October 14, 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 thirty-five (35) acre-feet
per annum to be collected from about May 1 to about July 1 of each year.

Maximum rate of diversion to off stream storage is ten (10) cubic feet per
second.

The point of diversion of such water is located due west two thousand six
hundred (2600) feet from SE corner of Section 16, T 7 N, R 24 E, MDB&M, being
within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 16.

Point of rediversion No. 1 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 NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 20.

Point of rediversion No. 2 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 SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 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
12130, Permit 7236, License 4038.

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



11-21-60 RECEIVED NOTICE OF ASSIGNMENT TO Ray Arbuthnot

10-3-66 RECEIVED NOTICE OF ASSIGNMENT TO Warren Simpson to L.S. Day, Jr.

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 4037 assigned to Charles E. Day and Lucile M. Day 1/13/96

LICENSE 4037

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 12129 Permit 7235 License 4037

ORDER AMENDING LICENSE

WHEREAS:

1. License 4037 was issued to Warren Simpson and recorded at the office of the Mono County Recorder on March 4, 1955.
2. License 4037 was subsequently assigned to Charles E. and Lucile M. Day.
3. License 4037 confers upon Charles E. and Lucile M. Day an appropriate right to use water from an Unnamed Stream tributary to Desert Creek 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 4037 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) and 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 13 1997**


Walt Pettit
Executive Director