

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 4349 (Application 14355)

**Charles F. Crabtree**

**ORDER REVOKING LICENSE**

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SOURCE: Homewood Spring

COUNTY: Inyo

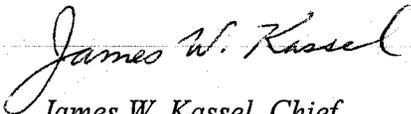
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**WHEREAS:**

1. A request dated February 2, 2004 has been received from the Licensee that the license be revoked by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1410 and 1410.1.
3. The SWRCB has found that Licensee failed to apply the water to beneficial use under the terms and conditions of this license.

**THEREFORE:**

It is ordered that License 4349 is hereby revoked by the SWRCB, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past SWRCB decisions regarding water availability.



*James W. Kassel, Chief  
Hearings and Special Projects Section*

Dated: **FEB - 8 2005**

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

**ORDER**

Application 14355 Permit 8844 License 4349

**ORDER AMENDING LICENSE**

**WHEREAS:**

1. License 4349 was issued to Patrick Hilliard and recorded at the office of the Inyo County Recorder on April 30, 1956.
2. License 4349 was subsequently assigned to Charles and Eva Crabtree
3. License 4349 confers upon Charles and Eva Crabtree an appropriative right to use water from Homewood Spring in Inyo 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 4349 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 16 1997**

  
Walt Pettit  
Executive Director



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

## License for Diversion and Use of Water

APPLICATION 14355

PERMIT 8844

LICENSE 4349

THIS IS TO CERTIFY, That Patrick Hilliard  
P. O. Box 71  
Trona, California

Notice of Assignment (Over)  
has made proof as of April 12, 1954,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of  
Homewood spring in Inyo County

tributary to Homewood Canyon thence Searles Lake

for the purpose of domestic use

under Permit 8844 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 June 21, 1951;  
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 three thousand (3,000)  
gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located south thirty-nine degrees, thirty-seven  
minutes east (S39°37'E) one thousand seven hundred eighty-eight and eight tenths  
(1,788.8) feet from NW corner of Lot 2 of Section 31, T23S, R43E, MDB&M, being  
within Lot 5 of said Section 31.

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

Within SW1/4 of NE1/4 and SE1/4 of NE1/4 of Section 31, T23S, R43E, MDB&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 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 24th day of April, 1956

HARVEY O. BANKS,  
~~XXXXXXXXXXXX~~ State Engineer

By *[Signature]*  
~~XXXXXXXXXXXX~~ L. C. Jopson  
Assistant State Engineer



9-29-66 RECEIVED NOTICE OF ASSIGNMENT TO *John F. Thelma*  
*V. Mae Pherson*

3-5-80 Assign to Charles F. & Eva Crabtree

LICENSE 4349  
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

LICENSE TO APPROPRIATE WATER

ISSUED TO Patrick Hilliard  
DATED APR 24 1956

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