

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

ORDER

Application 11406 Permit 7535 License 4354

ORDER AMENDING LICENSE

WHEREAS:

1. License 4354 was issued to Lyle H. and Arline L. Cheney and recorded at the office of the Mono County Recorder on June 8, 1956.
2. License 4354 was subsequently assigned to Robert L. Cheney and Lois M. Heath.
3. License 4354 confers upon Robert L. Cheney and Lois M. Heath an appropriative right to use water from Mammoth Creek tributary to Hot Creek thence Owens 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 4354 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
Walt Pettit
Executive Director



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

License for Diversion and Use of Water (over)

APPLICATION 111406

PERMIT 7535

LICENSE 4354

THIS IS TO CERTIFY, That Lyle H. and Arline L. Cheney
3551 Yorkshire Road
Pasadena 10, California
have made proof as of July 18, 1955,
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Mammoth Creek in Mono County

tributary to Hot Creek thence Owens River

for the purpose of domestic use
under Permit 7535 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 May 24, 1946;
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 hundred (300) gallons
per day to be diverted from about June 1 to about October 1 of each year.

The point of diversion of such water is located north two hundred seventy-five (275)
feet and east three hundred fifteen (315) feet from SW corner of NW1/4 of
SW1/4 of Section 9, T4S, R27E, MDB&M, being within NW1/4 of SW1/4 of said
Section 9.

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

Within Lot 42 of Twin Lakes Tract and being also within NW1/4 of SW1/4
of Section 9, T4S, R27E, 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 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.



Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of May, 1956

HARVEY O. BANKS, State Engineer

By L. C. Jopson
L. C. JOPSON
Assistant State Engineer

11/15/95 ASGD to Robert L. Cheney and Lois M. Heath

LICENSE

4354

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

LICENSE
TO APPROPRIATE WATER

ISSUED TO Lyle H. and Ailine L. Cheney

MAY 21 1956

DATED

2