

State OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

In the Matter of License 4596 (Application 11072)
Mary Michels, Bruce Michels, Fred Yarcho, Ruth Yarcho and Richard Peterson

ORDER REVOKING LICENSE

SOURCE: Barrel Springs tributary to Mazourka Canyon thence Owens River

COUNTY: Inyo

WHEREAS:

1. The State Water Board issued License 4596 on April 24, 1957. The Division of Water Rights' (Division) records show James H. Broady and Lois Broady (Licensees) as the owners of License 4596. The license authorizes the Licensees to divert 0.45 cubic foot per second to be diverted from January 1 to December 31 of each year.
2. The license was assigned to Percival P. Cox and Eugenia Cox on March 23, 1961. On May 17, 1962, the license was assigned to Cletus W. Michels. On March 6, 1990, the license was assigned to Mary M. Michels and Bruce A. Michels. On October 3, 1995, the Division added Fred Terrance Yarcho, Ruth Ellinor Yarcho and Richard C. Peterson to the license based on an information sheet submitted with the triennial Report of Licensee for 1992, 1993 and 1994 dated September 21, 1995. The Division confirmed the change in ownership in a June 16, 1997 Order.
3. Section 1675 of the Water Code provides: "If at any time after a license is issued, the board finds that the licensee has not put the water granted under the license to a useful or beneficial purpose in conformity with this division or that the licensee has ceased to put the water to such useful or beneficial purpose, or that the licensee has failed to observe any of the terms and conditions in the license, the board, after due notice to the licensee and after a hearing, when a hearing is requested by the licensee pursuant to section 1675.1, may revoke the license and declare the water to be subject to appropriation in accordance with this part."
4. When a person entitled to the use of water fails to use beneficially all or any part of the water claimed by him, for which a right has vested, for the purpose for which it was appropriated or adjudicated, for a period of five years, such unused water may revert to the public and shall, if reverted, be regarded as unappropriated public water."
5. The Division has no records to show that any water has been diverted under License 4596 since the triennial Report of Licensee for 1992, 1993 and 1994.
6. On April 27, 2006, Division staff contacted the U. S. Forest Service, Inyo National Forest and talked to Lynn Oliver regarding License 4596. Mr. Oliver said the mining rights have been expired for close to ten years and they are currently participating in a "clean up" of the surrounding area from past mining and milling projects.

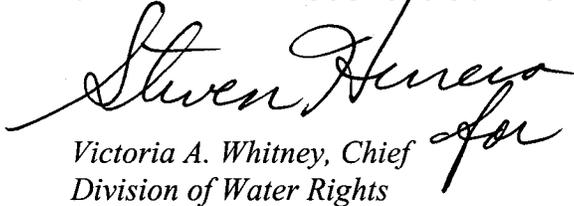
7. On May 18, 2006, Mr. Oliver e-mailed the Division stating he had reviewed the Barrel Springs case file held by the Forest Service at the White Mountain Ranger Station, Bishop CA. Mary M. Michels and Bruce Michels have been associated with the site from 1979 to 1994. A July 15, 1994 quit claim deed indicated the Michels sold the unpatented mining claim to Fred T. Yarcho, Ruth E. Yarcho, and Richard Peterson. These individuals had apparently been leasing the claim from the Michels since 1990. The Bureau of Land Management terminated the Barrel Springs Lode Claims in 1996. When the claims were terminated, all forms of ownership ceased for the mineral rights. Since the claim was in the Inyo Wilderness they could not be re-filed or re-staked. The mineral rights reverted to the U. S. Government.

Based on the above facts, the Division of Water Rights concludes that:

1. The State Water Board has found that Licensees failed to apply the water to beneficial use under the terms and conditions of this license.
2. Licensees have not applied the water to beneficial use for at least five consecutive years. Licensees' water right should, therefore, be revoked pursuant to Water Code section 1675. The unused water should be deemed to have reverted to the public and be regarded as unappropriated public water under pursuant to Water Code section 1675 because Licensees have provided no basis for determining that it should not revert.
3. On May 25, 2007, Licensees were provided notice by certified mail of the proposed revocation. The notice provided the Licensees the opportunity to object to the proposed revocation and request a hearing.
4. Licensees did not submit a request for a hearing to the Division.

Therefore, it is ordered that License 4596 is hereby revoked by the State Water Board pursuant to Water Code section 1675, 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 State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **JAN 02 2008**



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

Notice of Assignment (Over)

APPLICATION 11072

PERMIT 6443

LICENSE 4596

THIS IS TO CERTIFY, That James H. & Lois Broady
Box 275, Big Pine, Inyo County, California

have made proof as of April 16, 1956
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Barrel Springs in Inyo County

tributary to Mazourka Canyon and Owens River

for the purpose of mining and domestic uses
under Permit 6443 of the State Water Rights Board 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 State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from June 18, 1945;
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 forty-five hundredths (0.45)
cubic foot per second to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located east two hundred (200) feet from W $\frac{1}{4}$
corner of Section 20, T 12 S, R 36 E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
Section 20.

A description of the lands or the place where such water is put to beneficial use is as follows: mining and domestic
use within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T 12 S, R 36 E, MDB&M.

Water is returned to Mazourka Canyon within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T 12 S,
R 36 E, MDB&M.