STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 8183 PERMIT 4513 LICENSE 6343

ORDER CORRECTING THE PURPOSE OF
USE AND AMENDING THE LICENSE

WHEREAS:

1. License 6343 was issued to U.S. Death Valley National Monument, on July 6, 1961, pursuant to Application 8183.

2. On July 7, 1961, License 6343 was recorded with the County Recorder of San Bernardino in Book 5477, Page 464.

3. On June 28, 1988, the National Park Service informed the State Water Resources Control Board (State Board) that water is no longer used for domestic use, but is used for recreational, fish and wildlife purposes.

4. Section 798 of Title 23, California Code of Regulations (CCR) provides that fish and wildlife uses at a reservoir are incidental uses and can be added as a correction.

5. The State Board has determined that said correction will not initiate a new right nor operate to the injury of any legal user of the water.

6. The State Board's continuing authority condition should be amended to conform to CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of the license regarding the Purpose of Use be amended to read:
   Purposes of Use are Recreational, and Fish and Wildlife Enhancement (0000003)

2. The condition regarding the State Board's continuing authority be amended to read:

   Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the

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State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: MAY 29 1991

Roger Johnson

for Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 8183 PERMIT 4513 LICENSE 6343

THIS IS TO CERTIFY, *That* U. S. - Death Valley National Monument
Death Valley, California

has made proof as of March 30, 1960,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of Saratoga Springs in San Bernardino County

tributary to Amargosa River thence Death Valley

for the purpose of domestic and recreational uses
under Permit 4513, *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* November 30, 1934
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 four thousand eight hundred (4800) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is *located:*

North six hundred twenty (620) feet and east one hundred twenty-six (126) feet from SW corner of SW¼ of NW¼ of Section 2, T18N, R5E, SBB&M, being within SW¼ of NW¼ of said Section 2.

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

Within SW¼ of NW¼ of Section 2, T18N, R5E, SBB&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 State Water Rights Board 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 Water Rights Board.

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 board.

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.

Dated: JUL 6 1961

L. K. Hill
L. K. Hill
Executive Officer

LICENSE 6343

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO U. S. - Death Valley National Monument

DATED JUL 6 1961

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