



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

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 17770
Page 1 of 5

PERMIT 11463

LICENSE 12593

THIS IS TO CERTIFY, That

Mammoth Community Water District
P.O. Box 597
Mammoth Lakes, CA 93546

has the right to the use of the waters of **Lake Mary in Mono County**
tributary to **Mammoth Creek thence Hot Creek thence Owens River**
for the purpose of **Municipal use**.

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

Additionally, the State Water Board has complied with its independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.)

This amended license is being issued in accordance with the redelegations of authority (Resolution No. 2012-0029). Therefore, this amended license on **Application 17770** filed on **August 13, 1957** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 12593 supersedes the license originally issued on **April 13, 1990**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 11463**. The priority of this right dates from **August 13, 1957**. Proof of maximum beneficial use of water under this license was made as of **October 20, 1989** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **two (2) cubic feet per second to be diverted from January 1 to December 31 of each year**. The maximum diverted under this license shall not exceed **1,448** acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

(0000027)

The maximum amount of water diverted under this license and License 5715 (Application 12079) shall not exceed 1,463 acre-feet per year.

(0000114)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Lake Mary Diversion Pipe: By California Coordinate System of 1983, Zone 3, North 2,046,147 feet and East 6,995,421 feet, being within NE¼ of NW¼ of Section 16, T4S, R27E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Within the Mammoth Community Water District service area boundary within Sections 25, 27, 28, 33, 34, 35 and 36, T3S, R27E, MDB&M; Sections 1, 2, 3, 4, 8, 9 and 10, T4S, R27E, MDB&M; and Section 6, T4S, R28E, MDB&M as shown on map on filed with the State Water Board.

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.

(0140069)

For the purposes of meeting its obligations under Fish and Game Code section 5937, Licensee shall not collect water to storage or directly divert water whenever the mean daily stream flows are less than 4 cubic feet per second (cfs) measured at the LADWP Gauge at Highway 395, and Licensee shall not collect water to storage or directly divert water whenever the mean daily stream flows, measured at the Old Mammoth Road Gage, are less than the following rates:

<u>Month</u>	<u>Mean Daily Flow</u>
January	6.4 cfs
February	6.0 cfs
March	7.8 cfs
April	9.8 cfs
May	18.7 cfs
June	20.8 cfs
July	9.9 cfs
August	7.2 cfs
September	5.5 cfs
October	5.5 cfs
November	5.9 cfs
December	5.9 cfs

(0140400)

Licensee shall not directly divert or collect water to storage whenever the outflow from Twin Lakes, measured at the Twin Lakes outlet weir, is less than 3 cubic feet per second.

(0350400)

Licensee shall manage Lake Mary as follows:

- a. Lake Mary shall be at maximum seasonal storage prior to July 1 of each year.
- b. Drawdown is not to exceed 3 feet prior to September 15, without prior approval of USFS and the Deputy Director for Water Rights.
- c. Drawdown shall never exceed 5.7 feet below the maximum storage water level.
- d. The maximum storage water level is elevation 8,912.70 feet above sea level, as referenced to a previous USFS benchmark located in the Lake Mary Campground, which was a brass cap set in concrete and designated "Heather", and from which the present brass cap on the right dam abutment was established at elevation 8,912.70 feet above sea level. The water

level shall be managed so that the lake will be at maximum storage level before July 1 of each year.

(0430800)

In the event that the natural flows in Mammoth Creek and its tributaries are insufficient to meet:

- a. the fishery bypass flow requirements specified in Permit 17332 and Licenses 5715 and 12593,
- b. the municipal supply needs of the Licensee, and
- c. the Lake Mary minimum lake level requirements,

the Licensee, subject to and to the extent of natural stream flow entering Lake Mary, and to the extent of Licensee's control, shall fully comply with the bypass flow requirements for protection of fish before diverting any such natural flow water to either meet the municipal demands of Licensee or to comply with the minimum lake level requirements.

(0430400)

Licensee shall install and maintain flow measurement devices that meet current standards for open channel flow measurement, as periodically published by the USGS and USBR, satisfactory to the Deputy Director for Water Rights, for the purpose of measuring all natural flow entering Lake Mary from Mammoth Creek, Coldwater Creek, Coldwater Creek Diversion and George Creek, and at the Lake Mary outlet, Lake Mamie outlet at Twin Falls flume, Twin Lakes outlet weir, and in the vicinity of Old Mammoth Road. Replacement and repair costs, and state and federal permits needed for the flow measurement structures and devices are the responsibility of Licensee.

(0060400)

Subject to safe and reasonable access to the measuring locations, Licensee shall make daily flow measurements from April 1 to November 1 and weekly measurements from November 2 to March 31 at the following locations: inflow to Lake Mary from Mammoth Creek, Coldwater Creek, Coldwater Creek Diversion and George Creek, and at Lake Mary outlet, Lake Mamie outlet at Twin Lakes flume and Twin Lakes outlet weir. Licensee shall make daily flow measurements at the following locations: Mammoth Creek in the vicinity of Old Mammoth Road, and Mammoth Creek at Highway 395. The flow measurements shall be submitted quarterly to the Department of Fish and Game by January 15, April 15, July 15 and October 15 of each year, and in electronic format with report of licensee to the Division. The records of such measurements shall be posted on the Licensee's web site within 30 days of collection and maintained on the Licensee's web site for a period of 10-years from the date of measurement. If weather conditions prohibit the taking of measurements, a description of the conditions that prevented the measurement shall be submitted in lieu of the stream flow data.

(0050400)

(0060999)

Licensee shall not directly divert water or collect water to storage whenever the mean daily stream flows in the stream portion between the Lake Mary outlet and the Lake Mamie backwater are less than 1.5 cubic foot per second, or the natural inflow to Lake Mary, whichever is less, from June 1 to November 1. This requirement shall be measured at the Lake Mamie outlet (Twin Falls Gage), with accounting for the additional outflow from Lake Mamie through the separate USFS Twin Falls Diversion located near the Lake Mamie outlet. The upstream flow between the Lake Mary outlet and backwater of Lake Mamie shall be measured as the sum of the Twin Falls Gage and the USFS diversion. The term "natural inflow to Lake Mary" means the sum of the daily average flows from measurement points at inflows to Lake Mary from George Creek, Coldwater Creek, Coldwater Creek Diversion and Mammoth Creek.

(0140400)

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.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, 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 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the 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 State Water 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 (of the Water Code) 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.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL

*Barbara E. Evoy, Deputy Director
Division of Water Rights*

Dated: JAN 31 2013



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

License for Diversion and Use of Water

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APPLICATION 17770 PERMIT 11463 LICENSE 12593

THIS IS TO CERTIFY, That

Mammoth County Water District
P.O. Box 597
Mammoth Lakes, CA 93546

has made proof as of **October 20, 1989** (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
Lake Mary in Mono County

tributary to **Mammoth Creek thence Hot Creek thence Owens River**

for the purpose of **Municipal use**

under Permit **11463** of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from **August 13, 1957** and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed **two (2) cubic feet per second to be diverted from January 1 to**
December 31 of each year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time
provided there be no interference with other rights and instream beneficial uses and provided further that all
terms or conditions protecting instream beneficial uses are observed. (0000027)

The total quantity of water diverted under this license and License 5715 (Application 12079) shall not exceed
1,463 acre-feet per year. (0000114)

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

South 67°15' West 2,400 feet from N $\frac{1}{4}$ corner of Section 16, T4S, R27E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
Section 16.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

Within the boundaries of the Mammoth County Water District within Sections 27, 28, 33, 34, 35, and 36, T3S,
R27E, MDB&M, and Sections 2, 3, 4, and 10, T4S, R27E, MDB&M, as shown on map on file with State Water Resources
Control Board.

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. (0140066)
(0150066)

Licensee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, 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 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.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license 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 licensee 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, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the 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: **APRIL 13 1990**

STATE WATER RESOURCES CONTROL BOARD

Roger J. Miller
101 Chief, Division of Water Rights