

WRID, Lyon County and Bowman Protestants

EXHIBIT

173

California Water Right License No. 3987, Topaz Reservoir



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

License for Diversion and Use of Water

APPLICATION 2615

PERMIT 2538

LICENSE 3987

THIS IS TO CERTIFY, That Walker River Irrigation District
Yerington, Nevada

has made proof as of July 21, 1953
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
an unnamed stream in Mono County

tributary to Topaz Lake (Formerly Alkali Lake)

for the purpose of irrigation and domestic uses
under Permit 2538 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 October 28, 1921;
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 two hundred (200) acre-
feet per annum by storage to be collected from January 1 to December 31 of each year.

The point of diversion to storage of such water is located north one thousand
fifty (1050) feet and west one thousand six hundred eighty (1680) feet from SE
corner of Section 27, T 10 N, R 22 E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section
27.

North end of impounding embankment lies at NE corner of Section 2, T 9 N, R 22 E,
MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 2.

Point of diversion from storage (Tunnel) lies south forty-four degrees twenty-
four minutes west (S44°24'W) nine hundred sixty-eight and eight tenths (968.8) feet
from NE corner of Section 33, T 10 N, R 22 E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$
of said Section 33.

Points of re-diversion of stored waters are at intakes of forty (40) small
existing ditches on lands of the District diverting from the river as shown on the
general map.

A description of the lands or the place where such water is put to beneficial
use is as follows: a net area of 79174 acres within a gross area of 132573 acres
being within the boundaries of Walker River Irrigation District, as shown on map
filed with State Engineer.

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 5th day of August, 19 54

A. D. EDMONSTON, State Engineer

By *Harvey O. Banks*
HARVEY O. BANKS
Assistant State Engineer



LICENSE 3987

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

LICENSE TO APPROPRIATE WATER

ISSUED TO Walker River Irrigation District

DATED

FORM 6-23 314 870

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

ORDER

APPLICATION 2615 PERMIT 2538 LICENSE 3987

ORDER AMENDING LICENSE

WHEREAS:

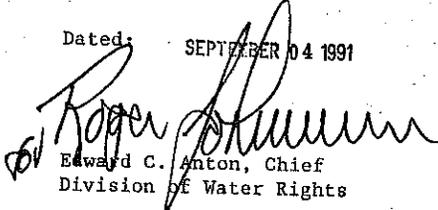
1. License 3987 was issued to Walker River Irrigation District and was recorded with the County Recorder of Mono County on August 24, 1954.
2. The place of use described in License 3987 is located within the State Department of Fish and Game, District 4 $\frac{1}{2}$. The license was issued after the effective date of the Department of Fish and Game Code Section 5946. The license should have been coordinated to meet that code section.
3. At Board Meeting held on July 21, 1990, the Board determined that License 3987 should be amended to include a special condition requiring the licensee to comply with Section 5937 of the Fish and Game Code.

NOW, THEREFORE, IT IS ORDERED THAT:

1. 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: SEPTEMBER 04 1991


Edward C. Anton, Chief
Division of Water Rights