

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

ADOPTED FEB 2 '60

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| In the Matter of Application) | |
| 15645 of Freeman E. Fairfield) | DECISION AND ORDER |
| to appropriate from an unnamed) | APPROVING APPLICATION |
| stream in Mono County) | AND DIRECTING ISSUANCE |
| | OF PERMIT |
| | No. D 950 |

Freeman E. Fairfield having filed Application 15645 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Rights Board conducted by Member W. P. Rowe on August 4, 1959, in Sacramento, California; due notice of said hearing having been given to all parties; the applicant having appeared and no other party having appeared or shown good cause within five days after said hearing for failure to appear; evidence having been received and the Board having considered same and now being fully informed in the premises, finds as follows:

1. There is unappropriated water available to supply the applicant, and such water may be diverted and used in the manner proposed by the applicant without causing substantial injury to any lawful user of water.

2. The intended use is beneficial.

3. Protestant Koenig's cattle require access to the spring and facilities at the proposed point of diversion so long as he continues to lease the Taylor Grazing Act lands.

4. Deer and other wildlife indigenous to the area require access to the spring on the Taylor Grazing Act lands.

5. The point of diversion described in the application is within Fish and Game District 4 $\frac{1}{2}$.

From the foregoing findings the Board concludes that Application 15645 should be approved and that a permit should be issued to the applicant subject to the usual terms and conditions and to a special condition protecting access to the spring on the Taylor Grazing Act lands and facilities at the proposed point of diversion, by wildlife, and by domestic stock of protestant Koenig as lessee of Taylor Grazing Act lands, and further subject to Section 5937 of the Fish and Game Code.

ORDER

It is hereby ordered that Application 15645 be and the same is hereby approved, and it is ordered that a permit be issued to the applicant subject to vested rights and to the following terms and conditions, to wit:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed one cubic foot per second to be diverted from January 1 to December 31 of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before June 1, 1960, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

4. Said construction work shall be completed on or before September 1, 1961.

5. Complete application of the water to the proposed use shall be made on or before December 1, 1962.

6. Permittee shall not construct or maintain fences or other works which may prevent access by the public and wildlife to the spring on the Taylor Grazing Act lands and shall at all times permit access to be had to said spring and to the reservoir at the point of diversion under the permit, by domestic livestock of the lessee of the Taylor Grazing Act lands whereon the facilities are located so long as a lease is held by a party or parties other than the permittee.

7. The permit is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

8. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

9. All rights and privileges under this permit, 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.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on the _____ day of _____, 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member