

June 27, 2014
Special Meeting

Item #1a

Conway Ranch
Conservation
Easement

ADDITIONAL
COMMENTS/LETTERS/
PETITIONS RECEIVED

MY NAME IS GARY CINO. I AM A LIFE LONG VISITOR & RESIDENT OF MONO COUNTY. I AM THE OWNER/OPERATOR OF GULL LAKE MARINA.

I WRITE THIS LETTER IN SUPPORT OF REOPENING THE CONWAY RANCH FISH HATCHERY. MONO COUNTY'S ~~PRESENT~~^{PRESENT} DECISION TO TERMINATE THEIR AGREEMENT WITH THE INLAND AQUACULTURE GROUP IS A MISGUIDED ATTEMPT TO OBFUSCATE THEIR RESPONSIBILITY AND COMMITMENT. THE ORIGINAL INTENT OF THE AGREEMENT WAS TO LEASE A ~~CERTAIN~~ PORTION OF THE CONWAY RANCH FOR THE PRIMARY PURPOSE OF FISH ENHANCEMENT. AFTER THE AGREEMENT WAS SIGNED AND ACTED UPON, THE COUNTY LEARNED OF CERTAIN GRANT RESTRICTIONS THAT PROHIBITS THEIR ABILITY TO APPROVE A NEW WELL ON THE PROPERTY AS CONTEMPLATED IN THE AGREEMENT. THE COUNTY'S LACK OF KNOWLEDGE ABOUT THIS RESTRICTION DOES NOT REMOVE THEIR RESPONSIBILITY. THE COUNTY HAS CITED THEIR REASON TO TERMINATE THE AGREEMENT WAS BASED UPON THEIR "INABILITY TO REACH A MUTUALLY ACCEPTABLE SOLUTION," I BELIEVE THIS INABILITY STEMS FROM A LACK OF EFFORT FROM THE COUNTY TO RESOLVE THEIR OVERSIGHT.

CONT - ON NEXT PAGE

SEEKING SOLUTIONS ARE NOT ALWAYS EASY, BUT THE CHALLENGES FACED BY THE COUNTY TO REMAIN IN COMPLIANCE ON THIS ISSUE ARE NOT ^{FUTILE OR} INSURMOUNTABLE.

I PURPOSE THE FOLLOWING AS ONE POSSIBLE SOLUTION TO CONSIDER. SEEK TO AMEND ~~AMENDMENT FOR A MINOR~~ AMEND RESTRICTED USE MANY LAND GRANTS THAT CALL FOR RESTRICTED USES ARE FREQUENTLY AMENDED WITH ~~THE~~ CHANGING TIMES AND CIRCUMSTANCES. AMENDMENTS THAT ARE ~~REASONABLY~~ RELATIVELY MINOR IN NATURE OCCUR OFTEN ESPECIALLY WHEN THE AMENDMENT ^{IS} FOR THE GREATER GOOD AND CONSISTENT WITH THE INTENTIONS OF THE GRANTOR. WHILE THIS CONSIDERATION MAY BE TIME ~~CONSUMING~~ CONSUMING, I BELIEVE IT TO BE WELL WORTH THE EFFORT. GIVEN THE ONGOING LITIGATION WITH I.A.G., I BELIEVE IT TO BE IN ALL PARTIES BEST INTEREST TO CONTINUE TO SEEK RESOLUTION THROUGH "MUTUAL COMPROMISE". PERHAPS AN ~~INTERIM~~ INTERIM RESTRICTED USE PERMIT COULD BE APPROVED. THE RESTRICTIONS OF USE COULD INCLUDE BUT NOT BE LIMITED TO USE ONLY DURING DROUGHT CONDITIONS.

OTHER RESTRICTIONS TO BE NEGOTIATED, MIGHT INCLUDE; "LIMITED PRESENCE", NOISE, HOURS OF OPERATION ETC. THE GOAL IS TO END THE ONGOING LITIGATION AND RESUME OPERATIONS OF THIS MUCH NEEDED FISH ENHANCEMENT PROGRAM.

SINCE OPERATING GULL LAKE MARINA OVER THE PAST 16 YEARS, ~~AS~~ I CAN REPORT FIRST HAND THE IMPORTANCE OF STOCKING LARGER FISH.

GULL LAKE MARINA HAS INVESTED WELL OVER 100K PURCHASING ADDITIONAL TROPHY SIZED RAINBOW TROUT.

THE APPEAL OF CATCHING LARGER FISH IS A BIG DRAW, BENEFITTING THE ENTIRE COUNTY AND SHOULD NOT BE UNDER ESTIMATED!

MOST HATCHERYS IN THE STATE OF CALIF. DO NOT RAISE FISH FOR PURCHASE IN THE 3-5 LB RANGE. OUR CLOSEST ALTERNATIVE "CLEAN WATER" HATCHERY THAT PROVIDES THIS SIZE FISH COMES FROM THE DESERT SPRINGS HATCHERY IN OREGON!

THIS SEASON ALONE, GLM IS HAVING TO SPEND NEARLY 20K TO IMPORT THESE FISH. THE LOGISTICS AND COSTS TO TRANSPORT THESE FISH FROM 452 MILES AWAY IS COMPLETELY ILLOGICAL AND UNNECESSARY!

THE INSANITY OF HAVING TO IMPORT FISH
 TO MONO COUNTY IS TANTAMOUNT ~~TO HAVING TO GO~~
~~TO CHINA~~ TO CHINA NEEDING
 TO IMPORT RICE FROM ~~THE~~ DISTANT LANDS!
 IT'S Ridiculous!

EVERYONE AGREES THAT THE REVENUE
 GENERATED BY THE FISHING INDUSTRY FOR
 MONO COUNTY IS CRITICAL.

FISH ENHANCEMENT PROGRAMS IN OUR
 COUNTY PROVIDES A PATH OF SELF RELIANCE
 AND ECONOMIC SECURITY.

I ADMONISH AND ENCOURGE ALL CONCERNED
 TO NEGOCIATE AND RESUME EFFORTS IN FINDING
 A MUTUALLY ACCEPTABLE RESOLUTION.

Sincerely,

CARY CINO



United States Department of the Interior



Pacific Southwest Region FISH AND WILDLIFE SERVICE

Nevada Fish and Wildlife Office
1340 Financial Blvd., Suite 234
Reno, Nevada 89502

Ph: (775) 861-6300 ~ Fax: (775) 861-6301



June 17, 2014

Board of Supervisors
Mono County
P. O. Box 715
Bridgeport, California 93517

Dear Mono County Board of Supervisors;

Subject: Mono County Draft Grant Deed of Conservation Easement Conway and Mattly Ranches

We have reviewed the draft Grant Deed of Conservation Easement Conway and Mattly Ranches and associated documents. We commend Mono County's efforts to protect the natural, scenic, open space, habitat, and historic values (referred to as "Conservation Values") present on the Conway and Mattly Ranches (collectively referred to in the associated documents as "Conway Ranch"). We also support the development of a conservation easement between Mono County and the Eastern Sierra Land Trust to preserve, protect, and maintain these Conservation Values. However, we do have concerns regarding the activities and uses, operations, and management of these properties and potential effects to the federally endangered Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*; Sierra bighorn), and the federally proposed Bi-State Distinct Population Segment of the Greater sage-grouse (*Centrocercus urophasianus*; sage-grouse) and its proposed critical habitat.

The U.S. Fish and Wildlife Service's (Service) responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(19) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills

or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species.

Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways. If the subject project is to be funded, authorized, or carried out by a Federal agency and may affect a listed species, the Federal agency must consult with the Service, pursuant to section 7(a)(2) of the Act. If a proposed project does not involve a Federal agency but may result in the take of a listed animal species, the project proponent should apply for an incidental take permit, pursuant to section 10(a)(1)(B) of the Act. At present, we believe that several activities proposed or already occurring on these properties have the potential to result in take of federally listed or proposed species. We offer these comments to call your attention to these activities, and the need for further discussion with our agency.

Domestic Sheep Grazing and Sierra Bighorn

Domestic sheep can transfer bacteria that cause pneumonia to bighorn sheep (Lawrence et al. 2010). The 2007 Sierra Nevada Bighorn Sheep Recovery Plan identifies disease transmission and associated die-offs as a potentially significant source of mortality for this species (Service 2007). Additionally, disease can affect bighorn sheep populations well-beyond the initial mortality event. Disease may persist in a population and cause high mortality of lambs, which results in low recruitment and limits population recovery (Cassirer et al. 2013). In recent years, between 2009 and 2010, a bighorn sheep die-off occurred in nine herds located across five western states and resulted in a mortality rate of between 5 and 95 percent, depending upon the herd (WAFWA 2010). Three of the nine herds had observed or suspected association with domestic sheep or goats and the other herds occupied range near allotments where domestic sheep or goats were grazed (WAFWA 2010). Therefore, the transmission of disease from domestic sheep to Sierra bighorn could result in the take of a listed species and also negatively affect its recovery.

In 2010, representatives from the Service, California Department of Fish and Wildlife (CDFW), and members of the Mono County Board of Supervisors met to discuss the Service's and CDFW's concerns regarding domestic sheep grazing on Conway Ranch and the risk of disease transmission to Sierra bighorn. We have attached the letter that was sent to Mr. Dan Lyster following this meeting (Attachment 1). As mentioned in the attached letter, we discussed findings from a disease risk assessment model that was developed by a subgroup of the Sierra bighorn recovery team to assess the disease risk associated with domestic sheep grazing allotments in the eastern Sierra Nevada. While the model specifically addresses domestic sheep grazing allotments on federal land, it can also be used to inform decisions about domestic sheep grazing on private property. The results of this model indicate that both the Conway and Mattly

Ranch properties are located within a predicted area of potential contact (Croft et al. 2009; Attachment 2). This predicted area of potential contact indicates that there is a high risk of Sierra bighorn coming into contact with domestic sheep.

It is unclear in the draft Conway Ranch Conservation Easement Management Plan as to when domestic sheep graze the Conway and Mattly Ranches. We ask that Mono County and the Eastern Sierra Land Trust clarify when domestic sheep will be grazed on these two properties. In 2012, we received a letter from the Los Angeles Department of Water and Power stating that, in late October, domestic sheep were observed trespassing on their property, which is adjacent to Mattly Ranch. The risk of contact between Sierra bighorn and domestic sheep increases during the Sierra bighorn breeding season (September through November) when rams are likely to make long-distance movements in search of females. Consequently, grazing this late in the season poses a serious risk to Sierra bighorn.

Greater Sage-Grouse

On October 28, 2013, the Service issued a proposed rule to list the Bi-State Distinct Population Segment of Greater sage-grouse (sage-grouse) as a threatened species and designate critical habitat. The Conway and Mattly Ranches are both located within proposed critical habitat for the sage-grouse. We encourage Mono County, as a partner in the Bi-State Local Area Working Group, to consider any potential impacts to sage-grouse and its habitat associated with the activities and uses, operations, and management of these properties.

Aquaculture

The draft Conway Ranch Conservation Easement Management Plan and associated documents do not indicate what fish species will be used for commercial fish-rearing. However, it is our understanding that, in the past, Mono County has expressed interest in rearing the federally threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*) on these properties. In the draft Grant Deed of Conservation Easement Conway and Mattly Ranches, it states that the construction of a fish-rearing raceway in the "Mattly Ranch Aquaculture Area" could occur if "a State or Federal wildlife agency identifies the development of a site as important to the recovery of endangered species and provide funding for a facility, operations and maintenance". The rearing of a federally threatened fish species on private property will require further discussions with the Service.

We appreciate the opportunity to review the draft Grant Deed of Conservation Easement Conway and Mattly Ranches Grant Deed and associated documents. We would like to coordinate with representatives from Mono County and the Eastern Sierra Land Trust to refine

June 16, 2014

the draft Conway Ranch Conservation Easement Management Plan and identify measures that would meet the needs of the county, while also, protecting federally listed and proposed species. If you have any questions regarding this letter, please contact Erin Nordin at (760) 872-5020.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward D. Koch". The signature is stylized and cursive.

Edward D. Koch
State Supervisor

Enclosures

ccs:

Tony Dublino, Mono County, South county Office, Mammoth Lakes, California
Dr. Tom Stephenson, Senior Environmental Scientist, California Department of Fish and
Wildlife, Inland Deserts Region, Bishop, California
Kay Ogden, Executive Director, Lands Director, Eastern Sierra Land Trust, Bishop,
California
Aaron Johnson, Lands Director, Eastern Sierra Land Trust, Bishop, California

LITERATURE CITED

- Cassirer, E.F., R.K. Plowright, K.R. Manlove, P.C. Cross, A.P. Dobson, K.A. Potter, and P.J. Hudson. Spatio-temporal dynamics of pneumonia in bighorn sheep. 2013. *Journal of Animal Ecology* 82:518–528.
- Croft, B., M. Haworth, M. Hennessy, R. Mazur, S. Nelson, R. Perloff, J. Robson, and T. Stephenson. 2009. Revised February 25, 2010. Application of the document entitled, a process for identifying and managing risk of contact between Sierra Nevada bighorn sheep and domestic sheep. April 2009. 19 pp.
- Lawrence, P.K., S. Shanthalingam, R.P. Dassanayake, R. Subramaniam, C.N. Herndon, D.P. Knowles, F.R. Rurangirwa, W.J. Foreyt, G. Wayman, A.M. Marciel, S.K. Highlander, and S. Srikumaran. 2010. Transmission of *Mannheimia haemolytica* from domestic sheep (*Ovis aries*) to bighorn sheep (*Ovis canadensis*): unequivocal demonstration with green fluorescent protein-tagged organisms. *Journal of Wildlife Disease* 46(3): 706-717.
- U.S. Fish and Wildlife Service. 2007. Recovery Plan for the Sierra Nevada bighorn sheep. Sacramento, California. 199 pp.
- Western Association of Fish and Wildlife Agencies (WAFWA). 2010. Summary of nine bighorn sheep herds that died across five western states. Wild Sheep Working Group. June 22, 2010. 2 pp.

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United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

VFWO	INITIAL	DATE
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A.F.S.	CS	12-9-10
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COORD		
DIV. CHIEF		December 9, 2010
I&E		
BIO.		
A.A.		
O.A.	JA	12-9-2010

IN REPLY REFER TO:
81440-2011-CPA-00486

Dan Lyster
Mono County
P. O. Box 2415
Mammoth Lakes, California 93546

Dear Mr. Lyster:

We appreciated the opportunity to meet with you and discuss ~~new or existing~~ ^{NEW OR EXISTING} concerns regarding domestic sheep grazing at Conway Ranch and the risk of disease transmission to the federally endangered Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*). This meeting was part of the U.S. Fish and Wildlife Service's effort to closely coordinate with you and other non-federal entities that authorize domestic sheep grazing in areas that have a potential for disease transmission between domestic sheep and Sierra Nevada bighorn sheep.

At the meeting, we presented findings from a risk assessment model that are relevant to domestic sheep grazing on Conway Ranch. As directed in the 2007 *Recovery Plan for the Sierra Nevada Bighorn Sheep*, the U.S. Fish and Wildlife Service established a subgroup of the recovery team to assess the disease risk associated with domestic sheep grazing allotments in the eastern Sierra Nevada. The model developed by the risk assessment team, and presented at our meeting, allows land managers to assess the relative risk of Sierra Nevada bighorn sheep rams entering areas where domestic sheep are grazed. The relative risk values, calculated by the model, provide information on the likelihood of a Sierra Nevada bighorn sheep ram entering an area based on habitat type and proximity to Sierra Nevada bighorn sheep populations. Based on these values, a land manager can determine which grazing allotments pose a higher risk of disease transmission. The risk assessment model indicates that Conway Ranch is located within an area of high risk; therefore, it is important to develop a land management plan for Conway Ranch that addresses the potential for disease transmission.

We would like to coordinate with you on development of a land management plan for Conway Ranch. We hope that the outcome of this process will provide benefits for Mono County and increased protection for Sierra Nevada bighorn sheep. As discussed at our meeting, we will continue to search for funding opportunities to aid in the development of a land management plan for Conway Ranch. In the meantime, we hope that you will continue to work with us on this endeavor. We will contact you at a future date to discuss this proposed plan in more detail.





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003

IN REPLY REFER TO:
81440-2011-CPA-0045

December 9, 2010

Dan Lyster
Mono County
P. O. Box 2415
Mammoth Lakes, California 93546

Dear Mr. Lyster:

We appreciated the opportunity to meet with you and discuss our concerns regarding domestic sheep grazing at Conway Ranch and the risk of disease transmission to the federally endangered Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*). This meeting was part of the U.S. Fish and Wildlife Service's effort to closely coordinate with you and other non-federal entities that authorize domestic sheep grazing in areas that have a potential for disease transmission between domestic sheep and Sierra Nevada bighorn sheep.

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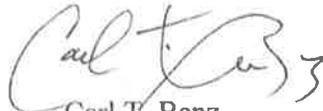
TAKE PRIDESM
IN AMERICA 

Dan Lyster

2

Should you have any questions regarding this matter, contact Erin Shapiro at the Ventura Fish and Wildlife Office at (805) 644-1766, extension 369.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl T. Benz". The signature is written in a cursive style with a large initial "C" and a stylized "B".

Carl T. Benz
Assistant Field Supervisor

Application of the Document Entitled *A Process for Identifying and Managing Risk of Contact between Sierra Nevada Bighorn Sheep and Domestic Sheep*

Original April 3, 2009

Brian Croft¹, Marcy Haworth², MaryBeth Hennessy³, Rachel Mazur⁴, Steven Nelson⁵, Richard Perloff³, Joe Robson⁶, and Tom Stephenson⁷

Revised February 25, 2010

Brian Croft¹, Amy Fesnock⁸, Marcy Haworth², Rachel Mazur⁴, Leeann Murphy³, Steven Nelson⁵, Richard Perloff³, and Tom Stephenson⁷

INTRODUCTION

On February 12, 2009, representatives of the U.S. Forest Service (Inyo and Humboldt-Toiyabe National Forests), Bureau of Land Management (Bishop Field Office), U.S. Fish and Wildlife Service (Ventura and Nevada Fish and Wildlife Offices), and the California Department of Fish and Game (Bishop Field Office) held a meeting in Bishop, California, to discuss implementation of *A Process for Identifying and Managing Risk of Contact between Sierra Nevada Bighorn Sheep and Domestic Sheep* (Baumer *et al.* 2009; Risk Assessment). During this meeting, the land managers requested further assistance interpreting and applying the information provided in the Risk Assessment. They also expressed a need for guidance that would facilitate consistency in application of the Risk Assessment among the various agencies and jurisdictions. This guidance was requested within the context of recommendations 1, 2, and 8 provided in Section E of the *Recovery Plan for the Sierra Nevada Bighorn Sheep* (U.S. Fish and Wildlife Service 2007), which outlined a Recommended Strategy for Preventing Contact between Domestic Sheep or Goats and Sierra Nevada Bighorn Sheep.

Individuals representing the above-mentioned agencies met on February 19, 2009, to further discuss the information provided in the Risk Assessment and to develop recommendations for land managers to use when applying this information in their analyses of management options to prevent contact between domestic sheep and Sierra Nevada bighorn sheep. This document (Application Document) was developed as a result of this interagency coordination and provides recommendations specific to implementation of the Risk Assessment.

¹ U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office, Ventura, California; ² U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, Reno, Nevada; ³ U.S. Forest Service, Inyo National Forest, Forest Headquarters, Bishop, California; ⁴ U.S. Forest Service, Humboldt-Toiyabe National Forest, Forest Headquarters, Sparks, Nevada; ⁵ Bureau of Land Management, Bishop Field Office, Bishop, California; ⁶ U.S. Forest Service, Inyo National Forest, White Mountain Ranger District, Bishop, California; ⁷ California Department of Fish and Game, Bishop, California; ⁸ Bureau of Land Management, California State Office, Sacramento, California.

2. Assess whether grazing domestic sheep in a specific allotment could result in contact with Sierra Nevada bighorn sheep;
3. Determine whether changes in the temporal (*e.g.*, seasonal closures) or spatial use of allotments would prevent contact between Sierra Nevada bighorn sheep and domestic sheep;
4. Determine whether implementing the grazing practices detailed in Section III of the Risk Assessment would prevent contact between Sierra Nevada bighorn sheep and domestic sheep; and
5. Monitor and verify whether grazing practices are being implemented and assess their effectiveness in reducing straying of domestic sheep.

Below, we describe a method for applying this five-step process on lands managed by the Inyo and Humboldt-Toiyabe National Forests and the Bureau of Land Management (Bishop Field Office). For more information on the five-step process, please refer to Section IV of the Risk Assessment.

Step 1 - Determine the relative likelihood that a Sierra Nevada bighorn sheep will utilize habitat where domestic sheep are grazed.

Please refer to the Risk Assessment (Section II pages 3-6; Attachment 6; Figure 2; Table 1) for a more complete description including the outcome of this previously completed step. Briefly, a geographic information system (GIS) based model was developed that incorporated Sierra Nevada bighorn sheep habitat suitability and proximity to herd use areas to determine the relative likelihood of Sierra Nevada bighorn sheep use of any particular location within the modeled area.

First, a GIS layer of *habitat suitability* was developed to indicate habitat preferences based on elevation, slope, aspect, hillshade, distance to escape terrain, terrain ruggedness, and vegetation (forest-nonforest). The final habitat suitability layer combines the habitat variables and incorporates each based on its importance. This GIS layer, with thousands of pixels (*i.e.*, geographic parcels) each representing the habitat suitability of 30 meter x 30 meter cells, was applied across the eastern Sierra landscape. In order to determine the relative resistance to bighorn sheep movement for a particular portion of the landscape, the habitat suitability layer was inverted to create a *resistance to movement* layer. In this layer, each pixel now represents the lack of habitat suitability for bighorn sheep at each location.

Second, to determine the relative likelihood of contact between bighorn sheep and domestic sheep at any location, a measure of the actual or potential presence of bighorn sheep was needed for each location. To do that, all known locations of radio-collared bighorn sheep, including GPS, ground, and aerial telemetry locations, were used to create home ranges for each herd unit. Core areas of these home ranges were then delineated using 50 percent kernels to create a *core home range* layer. Only those locations within each core home range were then used as source points for indentifying potential movement paths for bighorn sheep.

Step 2 - Assess whether grazing domestic sheep in a specific allotment could result in contact with Sierra Nevada bighorn sheep.

The Risk Assessment provided an equation for determining a relative risk of contact between Sierra Nevada bighorn sheep and domestic sheep for each allotment based on the allotment's mean relative likelihood that a bighorn sheep would occur there and the dates and length of time the allotment would be grazed (*i.e.*, Relative Risk = MIWD X (number of grazing days + Julian Date; Section II, page 5). The resulting value provides a relative value, but not a threshold value for the risk of contact for each allotment.

After further evaluation of this equation, a few issues also became evident about whether this is an appropriate way to represent risk. These issues include: 1) uncertainty about how the variables relate to one another and whether some are more important than others, 2) equation variables are expressed using different scales, 3) the likelihood that a Sierra Nevada bighorn sheep would occur in an allotment is based on the mean likelihood which ignores the variability of risk across an allotment, and 4) the timing of use of an allotment is more influential in the equation than the bighorn sheep location information.

The equation is, therefore, inappropriate to use in determining whether use of an allotment crosses a threshold of acceptable risk of contact between domestic sheep and Sierra Nevada bighorn sheep. It may be appropriate to use the equation to make modifications to grazing seasons to reduce risk of contact for allotments located further away from Sierra Nevada bighorn sheep core population areas that have a low likelihood of Sierra Nevada bighorn sheep use (see Step 4). For allotments with a high likelihood of Sierra Nevada bighorn sheep use, employing the equation to make modifications to grazing seasons to reduce risk of contact is not appropriate. As a result of these concerns, it is recommended that this equation's role in the determination of the risk of contact between domestic sheep and Sierra Nevada bighorn sheep be diminished.

A more direct approach to assessing the level of risk of contact between domestic sheep and Sierra Nevada bighorn sheep by allotment is to determine whether an allotment or portion of an allotment crosses a threshold of acceptable risk. There are two parts to this analysis. One part is to determine a threshold of acceptable risk and the other is to determine whether this threshold is crossed in an allotment or portion of an allotment.

To determine a threshold of acceptable risk, the final GIS layer (as described in Step 1) was overlain with locations where Sierra Nevada bighorn sheep are known to have occurred. To reduce error and ensure spatial accuracy, only those locations collected using GPS were used, resulting in 6,719 Sierra Nevada bighorn sheep ram locations (2002-2007). Data from these years was utilized because this was the most up to date data available at the time the model and the Risk Assessment were completed. It is important to use a multi-year data set to capture the full range of potential bighorn sheep movement patterns under various conditions. Use of a smaller range of years would reduce the amount of interannual variability that is captured and would provide a narrower view of potential Sierra Nevada bighorn sheep use than is likely to occur.

The current threshold of 0.833 is based on the best available data at this time. Based on a preliminary review, additional Sierra Nevada bighorn sheep GPS location data collected from 2007 to 2009 (but not yet included in the model) remain within the 0.833 and above values of habitat modeled. Over time, new Sierra Nevada bighorn sheep location data could change the threshold. The value will be at least 0.833 (unless a dramatic loss of a herd occurred), but it will likely become lower as Sierra Nevada bighorn sheep increase in number and expand geographically as is necessary for recovery.

Distances between domestic sheep grazing areas and bighorn sheep locations have been considered by others when evaluating the risk of contact and disease transmission, and distance buffers to separate the two species have been previously recommended. Guidance developed by the Bureau of Land Management (1998) recommended buffer distances up to 9 miles around native wild sheep habitat unless topographic features or other barriers minimized the risk of contact. Singer *et al.* (2001) recommended bighorn sheep be restored to areas that are greater than 14.3 miles from domestic sheep grazing areas. A number of other documents address the concerns associated with domestic sheep grazing near Sierra Nevada or other bighorn sheep habitats. These documents discuss the need for buffers but do not recommend specific distances, or they suggest effective separation through spatial or temporal measures to reduce the risk of contact between the two species (Onderka *et al.* 1988, Sweeney *et al.* 1994, Ward *et al.* 1997, Schommer and Woolever 2001, Western Association of Fish and Wildlife Agencies 2007, George *et al.* 2008, Miller *et al.* 2008, Clifford *et al.* 2009). While a specific distance is not recommended in this Application Document to prevent contact, it is recognized that the proximity between these two species relates to the risk of contact.

The likelihood of contact plays an important role in the risk of disease transmission between domestic sheep and Sierra Nevada bighorn sheep in the Sierra Nevada. Contact may result in the possible introduction of new pathogens from domestic sheep to Sierra Nevada bighorn sheep that may cause pneumonia. There is concern that this could lead to the loss of entire bighorn sheep herds in the Sierra Nevada.

Clifford *et al.* (2009) developed a spatially explicit disease transmission model to quantitatively assess the risk of respiratory disease transmission from domestic sheep to Sierra Nevada bighorn sheep. This model was used to predict the impacts of a respiratory disease outbreak within and among populations in the Northern, Central, and Southern Recovery Units. We acknowledge several of the study's limitations. These include: 1) disease transmission data was from enclosures or experimental situations, 2) all available Sierra Nevada bighorn sheep location data was not included which could have increased home range size, 3) future Sierra Nevada bighorn sheep movements based on growth or exploration were not modeled, and 4) quantifying husbandry practices that may have increased contact risk, such as grazing estrous domestic sheep females, was not possible. Clifford *et al.* (2009) reported that the most frequently predicted levels of population mortality due to disease (33 to 76 percent in the North; 45 to 77 percent in the Central) were consistent with other estimates of mortality ranging from 28 percent to 80 percent reported in respiratory disease outbreaks of free-ranging bighorn sheep populations located elsewhere (with or without suspected contact with domestic sheep)

sheep use equal to or greater than 0.833; Figures 1 and 2) that are separated from occupied Sierra Nevada bighorn sheep habitat by major bodies of water (e.g., Mono Lake, Crowley Lake) that inhibit bighorn sheep movement.

For allotments or portions of allotments that meet one or more of the four criteria listed above, land managers may determine that full closure is not required to prevent contact between domestic sheep and Sierra Nevada bighorn sheep. After allotment specific analysis, the responsible land management agency may determine that a given allotment that meets one or more of the above criteria does not require seasonal or spatial restrictions to prevent contact. Conversely, allotment specific analysis may reveal that an allotment that meets one or more of the above criteria does require seasonal and/or spatial restrictions to prevent contact. In such a case, seasonal closure or closure of a portion of the allotment would be a suitable alternative to full closure if the agency determines that grazing under these restrictions would prevent contact between domestic sheep and Sierra Nevada bighorn sheep. Allotment specific seasonal closure periods should be determined by the responsible land management agency in cooperation with the affected permittee and in coordination and consultation, if appropriate, with the U.S. Fish and Wildlife Service.

In addition to the four criteria listed above, land managers may use the equation (Relative Risk = MIWD X (number of grazing days + Julian Date) provided in Section II of the Risk Assessment to quantify the predicted change in the relative risk that would occur as a result of temporal and/or spatial restrictions for a given allotment or allotment subunit. Use of the equation may provide a useful decision-making tool if the land manager determines that seasonal and/or spatial restrictions are needed, but decision makers must keep in mind the equation limitations discussed in Step 2.

If land managers determine, through the allotment specific analysis process described above, that contact between domestic sheep and Sierra Nevada bighorn sheep cannot be prevented on a given allotment, the allotment or portions of the allotment should not be grazed by domestic sheep.

Step 4 - Determine whether implementing the grazing practices detailed in Section III of the Risk Assessment would prevent contact between Sierra Nevada bighorn sheep and domestic sheep (*i.e.*, prevent domestic sheep from straying into areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact with Sierra Nevada bighorn sheep)).

The Risk Assessment indicates that land managers can alleviate some risk of contact between domestic sheep and Sierra Nevada bighorn sheep through implementation of best management grazing practices. However, when evaluating the risk of contact, both domestic sheep movements and Sierra Nevada bighorn sheep movements must be considered. Land managers should not regard the implementation of best management grazing practices as an appropriate means of preventing contact between domestic sheep and Sierra Nevada bighorn sheep on an allotment or portion of an allotment where the analysis described above has determined that there is a high/unacceptable risk of contact

between Sierra Nevada bighorn sheep and domestic sheep (Figures 1 and 2), determined through application of Step 2, overlap 27 domestic sheep allotments or allotment subunits (Table 1, Figure 2). Of those, eight are vacant to prevent contact between domestic sheep and Sierra Nevada bighorn sheep. Five currently permitted allotments or allotment subunits are entirely within the predicted areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact; modeled areas of likely bighorn sheep use equal to or greater than 0.833) (Tamarack, Cameron Canyon, Dunderberg, Rock Creek – Hilton Unit, and Sherwin Deadman 1). Only a portion of the predicted areas of potential contact overlaps the remaining 13 allotments (Table 1, Figure 2). Table 1 identifies the allotments that overlap the predicted areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact; modeled areas of likely bighorn sheep use equal to or greater than 0.833). Table 1, column 6, indicates the mean relative likelihood that a Sierra Nevada bighorn sheep would use a given allotment. Table 1, column 7, indicates the maximum relative likelihood that a Sierra Nevada bighorn sheep would use any point within a given allotment.

RECOMMENDATIONS

We recommend that the Humboldt-Toiyabe and Inyo National Forests and the Bureau of Land Management (Bishop Field Office) analyze all of their respective allotments that overlap the predicted areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact; modeled areas of likely bighorn sheep use equal to or greater than 0.833) between domestic sheep and Sierra Nevada bighorn sheep (Table 1, Figures 1 and 2) as outlined in Steps 2 and 3.

If the responsible land management agency determines that a given allotment, or portion of an allotment, does not meet one or more of the criteria identified in Step 3, we recommend that the allotment, or portion of the allotment, identified as having a high/unacceptable risk of contact not be grazed by domestic sheep to prevent contact between domestic sheep and Sierra Nevada bighorn sheep. There is uncertainty associated with determining when contact may occur and the likely adverse effects to Sierra Nevada bighorn sheep populations that could result from a contact related disease outbreak. Therefore, it is recommended that any currently permitted allotment, or portion of an allotment, identified as having a high risk/unacceptable risk of contact as a result of the above analysis, be closed on either a temporary non-use or emergency basis until the responsible land management agency determines whether permanent closure to domestic sheep grazing is warranted.

If the responsible agency determines that a given allotment meets one or more of the criteria identified in Step 3, we recommend that the agency determine whether temporal and/or spatial restrictions are necessary to prevent contact through the appropriate agency analysis and decision making process. In instances where domestic sheep could stray from an open allotment into an areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact; modeled areas of likely bighorn sheep use equal to or greater than 0.833), we recommend the implementation of best management grazing practices from Section III of the Risk Assessment as outlined in Steps 4 and 5.

Decision Tree

A. Assess whether domestic sheep in an allotment could contact bighorn sheep

1. Does the allotment or portion of the allotment overlap modeled areas of likely bighorn sheep use equal to or greater than 0.833 as indicated in Table 1?

Yes. The allotment or portion of the allotment equal to or greater than 0.833 should not be grazed by domestic sheep and closure of the allotment should be considered, unless it meets one or more of the four criteria in Step 3.

No. Domestic sheep grazing may be permitted. Best management grazing practices should be implemented in areas where domestic sheep might stray off of a low risk allotment into a high risk allotment. Go to C.

B. Determine if the allotment meets one of the Step 3 criteria and whether changes in temporal or spatial use of the allotment would prevent contact

1. Does the allotment meet one or more of the criteria in Step 3?

Yes. The responsible land management agency may determine that full closure is not required to prevent contact. The equation in Step 2 may be used to determine what changes in temporal and/or spatial restrictions would reduce the risk of contact to a low level. Go to B 2. Also go to C.

No. The allotment or portion of the allotment that overlaps modeled areas of likely bighorn sheep use is equal to or greater than 0.833. The allotment or portion of the allotment should not be grazed by domestic sheep and closure of the allotment should be considered.

2. Will changes in temporal or spatial use of the allotment prevent contact?

Yes. Domestic sheep grazing may be permitted under temporal and/or spatial restrictions.

No. The allotment should not be grazed by domestic sheep.

C. Determine whether best management grazing practices would prevent contact

1. Will the use of best management grazing practices prevent contact?

Yes. The allotment or portion of an allotment is less than 0.833 and/or meets one or more of the Step 3 criteria. The allotment may be grazed by domestic sheep with implementation of best management grazing practices. Also go to D.

TABLES AND FIGURES

Table 1. Allotments that overlap the predicted areas of potential contact (*i.e.*, areas with a high/unacceptable risk of contact; modeled areas of likely bighorn sheep use equal to or greater than 0.833) between Sierra Nevada bighorn sheep and domestic sheep described in Step 2. The Allotment Mean Likelihood of Use values are taken from the Risk Assessment. The values represent the mean likelihood that a Sierra Nevada bighorn sheep will use an allotment. The Allotment Maximum Likelihood of Use values represent the maximum likelihood that a Sierra Nevada bighorn sheep will use a location within an allotment.

Allotment Name	Jurisdiction ^a	Status	Total Permitted Days	Permitted Julian Day	Allotment Mean Likelihood of Use	Allotment Maximum Likelihood of Use
Alger's Lake	INF	Vacant	NA ^b	NA	0.929	0.966
Bloody Canyon	INF	Vacant	NA	NA	0.936	0.974
Cameron Canyon	HTNF	Permitted	95	289	0.911	0.949
Dog Creek	BLM	Permitted	153	305	0.881	0.949
Dunderberg	HTNF	Permitted ^c	95	274	0.970	0.997
Green Creek	BLM	Permitted	153	305	0.852	0.911
Green Creek	HTNF	Vacant	NA	NA	0.929	0.960
Horse Meadow	INF	Vacant	NA	NA	0.937	0.963
Jordan Basin	HTNF	Vacant	NA	NA	0.971	0.999
June Lake (East)	INF	Permitted	62	244	0.800	0.864
June Lake (West)	INF	Vacant	NA	NA	0.836	0.907
Little Mormon	BLM	Permitted	153	305	0.805	0.864
Little Round Valley 1	BLM	Permitted	14	292	0.850	0.873
Little Round Valley 3	BLM	Permitted	14	292	0.831	0.840
McGee	INF	Permitted ^d	92	251	0.903	0.952
Rancheria Gulch	BLM	Permitted	153	305	0.784	0.932
Rickey (South)	HTNF	Permitted	NA	NA	0.827	0.848
Rock Creek 1 (West)	INF	Vacant	NA	NA	0.864	0.906
Rock Creek 2 (Highway)	INF	Vacant	NA	NA	0.865	0.885
Rock Creek 3 (East)	INF	Permitted	92	243	0.819	0.868
Rock Creek 4 (Hilton)	INF	Permitted	66	227	0.860	0.876
Sherwin/Deadman 1 (Mammoth)	INF	Permitted	87	274	0.915	0.931
Sherwin/Deadman 2 (Sawmill)	INF	Permitted	87	274	0.844	0.917
Sherwin/Deadman 4 (Smokey Bear)	INF	Permitted	87	274	0.794	0.882
Summers Meadow S&G	HTNF	Permitted	30	305	0.855	0.885
Tamarack	HTNF	Permitted	95	289	0.912	0.958
Volcanic Tablelands	BLM	Permitted	46	167	0.716	0.871

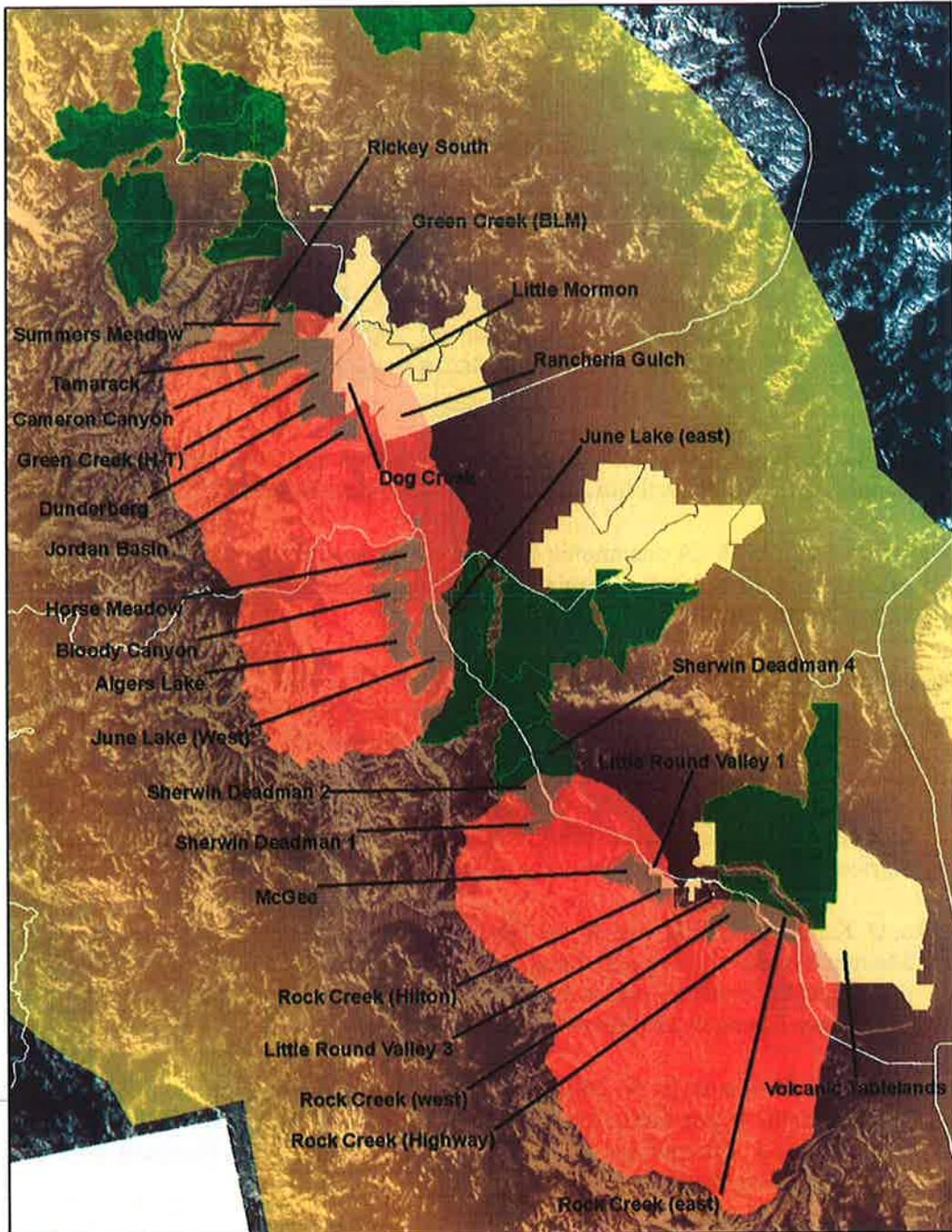
^a Bureau of Land Management (BLM), Humboldt-Toiyabe National Forest (HTNF), Inyo National Forest (INF).

^b Not applicable (NA).

^c Not grazed in 2007-2009.

^d Closed since finalization of original Application Document

Figure 2 – Labeled allotments overlap the predicted areas of potential contact in red (i.e., areas with a high/unacceptable risk of contact) between Sierra Nevada bighorn sheep and domestic sheep.

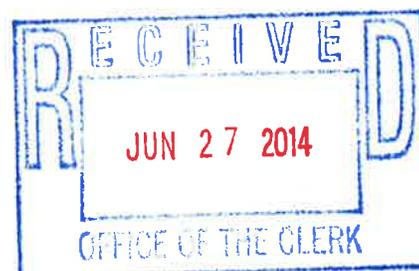


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The
Fred Hall
Long Beach • San Diego Shows

May 13, 2014

Mono County
Board of Supervisors
Supervisor Larry Johnston, Chairman
P.O. Box 715
Bridgeport, CA 93517



Subject: Trophy Trout in the Eastern Sierra

Dear Supervisor Johnston,

First of all I want to take this opportunity to thank you, and the entire board, for honoring me in 2013 with a very clever and deeply appreciated award recognizing me, and indirectly my father, for the work we have done at the Fred Hall Shows in support of the Eastern Sierra region. That award meant a lot to me as does the entire Eastern Sierra region. That is why we place all Eastern Sierra exhibitors in the "100" row of our show. It is the first and most important row that we have.

Secondly, I have been following the media coverage and have had some conversations with selected individuals in the county about the future of the trophy trout program in the Eastern Sierra. The past history of the trophy trout program was wildly successful. The trophy trout in the Eastern Sierra are legendary and are renowned around the world.

The great work done by Tim Alpers and his family in the past and most recently by the Conway Ranch folks have provided California, America and international anglers with possibly the best destination on the planet to catch trophy trout. This resource is a valuable asset to not only the citizens of Mono County, and all of the surrounding regions in the Eastern Sierra range, but also, to all Californians.

I am the producer of the Fred Hall Shows... The Ultimate Outdoor Experience. We produce the two largest consumer fishing shows in the world. We have been doing this for 68 years! Trout are the single most important aquatic species to the fishing community in California. Trout are the lifeblood of the Eastern Sierra communities! The activity of trout fishing, and all that it entails, help the local business owners to survive. Trout fishermen buy large vehicles, purchase fuel, buy supplies, utilize local lodging, frequent restaurants, buy clothing, fishing tackle and generally support the communities of the Eastern Sierra.

The trophy trout program is not only vital to the Eastern Sierra communities but also to all California anglers and to the international fishing industry. I urge you, and all of those concerned, to do everything you can to ensure that the trophy trout program, and all of the beautiful fish that it produces, will not only continue but will even get better. Conway Ranch is necessary to provide the unique kind of customer service that is

necessary in the Eastern Sierra. A local producer can tailor the trout deliveries that help not only the lakes involved but also the entire business community in the Eastern Sierra.

I believe that I speak for a large community of anglers and a large community of fishing manufacturers and retailers. Please help restore Conway Ranch as soon as possible so that the unique trophy trout program in that region can continue.

Thank you.

Bart Hall

Producer

The Fred Hall Shows...

The Ultimate Outdoor Experience

office 805-389-3339

Fax 805-389-1219

Cell 805-218-7481

Los Angeles  Department of Water & Power

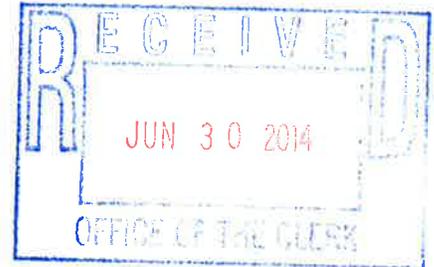
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Mayor

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MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
MICHAEL F. FLEMING
CHRISTINA E. NOONAN
BARBARA E. MOSCHOS, *Secretary*

MARCIE L. EDWARDS
General Manager

June 25, 2014

Mono County Board of Supervisors
c/o Clerk of the Board
P.O. Box 715
Bridgeport, California 93517-0715



Ms. Kay Ogden
Executive Director
Eastern Sierra Land Trust
P.O. Box 755
Bishop, California 93515-0755

Dear Honorable Supervisors and Ms. Ogden:

Subject: Draft Grant Deed of Conservation Easement for the Conway and Mattly Ranches

The City of Los Angeles' Department of Water and Power (LADWP) has reviewed the Draft Grant Deed of Conservation Easement for the Conway and Mattly Ranches in Mono County (Draft Easement).

LADWP's comments regarding the proposed conservation easements for the Conway and Mattly Ranches are contained herein. The City of Los Angeles retains approximately one-half of the decreed water rights from Mill Creek, as detailed by the 1914 Judgment and Decree (enclosed as Attachment A and incorporated by reference) and by the subsequent interpretation by the California State Water Resources Control Board (SWRCB) in Decision 455 in 1940 (enclosed as Attachment B and incorporated by reference). LADWP's comments below pertain directly to the protection of the water rights originating in the Mill Creek watershed held by the City of Los Angeles.

LADWP expects the Mono County Board of Supervisors and the Eastern Sierra Land Trust Board of Directors to acknowledge LADWP's water rights from Mill Creek and explicitly acknowledge all water right holders, their priority, and the limits of Mono County's (County) water rights, both due to decree requirements and state water law in

Los Angeles Aqueduct Centennial Celebrating 100 Years of Water 1913-2013

Bishop, California mailing address: 300 Mandich Street • Bishop, CA 93514-3449 • Telephone: (760) 873-0208 • Fax: (760) 873-0266
111 North Hope Street, Los Angeles, CA 90012-2607 Mailing address: Box 51111, Los Angeles, CA 90051-5700
Telephone: (213) 367-4211 www.LADWP.com

Honorable Supervisors
Ms. Kay Ogden
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June 25, 2014

any action pertaining to the proposed Draft Easement.. The water allocations from Mill Creek, based on the average monthly flows, are illustrated in the bar graph (enclosed as Attachment C and incorporated by reference) for each water right holder.

In its current form, the Draft Easement does not acknowledge the City of Los Angeles' water rights or how those rights will be addressed under the enforcement of the conservation easement or the associated Management and Operations plans. Additionally, Recital B of the Draft Easement indicates that the Grantor is the owner of water rights historically used or otherwise appurtenant to the property, and the easement reserves rights to "all Water and Water Rights in, on, under, to and benefiting or associated with or appurtenant to the Property." However, the recital does not distinguish the portion of the water to which the County is entitled in consideration of and acknowledgement of water that traverses the County's property via Southern California Edison's (SCE) powerhouse tailrace/return ditch but is fully adjudicated to the City of Los Angeles and other right holders.

LADWP has requested that the full allotment of the City of Los Angeles' water rights to Mill Creek flow shall be returned to Mill Creek via Return Ditch after flowing through SCE's powerhouse, which is located within the limits of the 160-acre property depicted on Exhibit B-1 ("Property Sketch Map") of the Draft Easement. According to the 1914 Judgment and Decree (Attachment A) the City of Los Angeles' water rights amount to approximately one-half of the decreed rights on Mill Creek. This is clearly recognized by the SWRCB's subsequent interpretation in Decision 455 in 1940 (Attachment B), at page 27:

"The sum of the decreed rights, other than for power (Priorities 1 to 15 inclusive) amounts to 3730 miners inches measured under a four inch pressure or 74.6 cubic feet per second of which the City [of Los Angeles] has acquired approximately one-half by purchase."

In addition, LADWP, as the successor to the plaintiff in the Mill Creek adjudication, would like to be ensured that all non-decreed and unallocated water also be returned to Mill Creek, per the 1914 Judgment and Decree (Attachment A), at page three:

"It is Further Ordered, Adjudged and Decreed, that the lands of the plaintiff are riparian to the said Mill Creek and for the bed and banks of said creek and stream, and that the plaintiff herein by virtue of its ownership of said land is entitled to have the said stream and all the waters thereof flow down, through, over, and upon the said lands undiminished in quantity and unpolluted in quality, subject only to the rights and priorities and user of the defendants herein as by

Honorable Supervisors
Ms. Kay Ogden
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June 25, 2014

this Court herein and herewith decreed, the said riparian right being in addition to the rights specifically decreed to plaintiff and subjected to the rights of the defendants as herein set forth."

And further, in conformity with the above statements, releases of Mill Creek water into Wilson Ditch over and above that must be limited to the amount to satisfy the decreed Mill Creek water rights to the parties on Wilson Ditch.

To satisfy the points made above, and for the provisions of the 1914 Judgment and Decree (Attachment A) to be fully met every year, the greatest flexibility in managing tailrace flows should be afforded to SCE in their operations. The Draft Easement in its current form, does not acknowledge existing SCE easements and uses of the property; In particular, the tailrace and return ditch. Additionally, the Draft Easement would prohibit construction of new roads on the property (excepting the aquaculture area) or any activity or use of the property, which is inconsistent with the Conservation Purpose or terms of the Draft Easement. This could restrict SCE's activities and future improvements necessary to deliver water to right holders in accordance with the 1914 Judgment and Decree (Attachment A), in which case LADWP objects to any action that could impact delivery of its full, legal water rights allocation.

If you have any questions, please contact me at (213) 367-0910 or (760) 873-0396 or Dr. Saeed Jorat, Civil Engineering Associate IV, at (213) 367-1119.

Sincerely,



James G. Yannotta
Manager of Aqueduct

SMJ:jmm/src
Enclosures

c/enc: Supervisor Tim Alpers
Supervisor Tim Fesko
Supervisor Byng Hunt
Supervisor Larry Johnston
Supervisor Fred Stump
Dr. Saeed Jorat

Attachment A

1914 Judgment and Decree

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR
2 THE COUNTY OF MONO

3 Hydro Electric Company,
4 a Corporation,

Plaintiff

5 vs.

6 J. A. Conway, F.D.Mattly, H.F.Cavin,
7 J. N. Anderson, Mary Felosina, J. S.
8 Cain, L.W.Dechambeau, C.W.Fulton, Thomas
9 Silvester, C. H. Currie, C.A.Lundy, Jane
10 Doe Lundy, William Y. Currie, A.A.Travis,
11 R.T.Pierce, A.G.Allen, Pacific Power Com-
12 pany, sued herein as John Doe, James Doe,
13 Peter Doe, Richard Roe, Jane Roe, Sadie Roe,
14 and George Roe.

Defendants

No. 2088

15 JUDGMENT AND DECREE

16 This cause came on regularly for trial on the 30th day of November
17 1914, Messrs Parker & Parker appearing as Attorneys for plaintiff and Messrs.
18 Mack and Green appearing for the defendant John A. Conway, and said Messrs.Mack
19 and Green further appearing for the defendants F.D.Mattly, Mary Felosina, L.W.
20 Dechambeau, Thomas Sylvester and A.G.Allen, having been substituted as counsel
21 in the place and stead of William B. Himrod heretofore appearing, and Messrs.
22 Metson, Drew and Mackenzie appearing as attorneys for the defendant Pacific
23 Power Company, a corporation, and appearing also as Attorneys for the defen-
24 dant J. S. Cain, substituted herein as defendant in lieu of defendant H.F.Cavin,
25 said substitution of parties having been made by agreement of counsel and on
26 the ground of successorship in interest and in open Court dismissal having been
27 entered as to J.N.Anderson, C.H.Currie, C.A.Lundy, Jan_ Doe Lundy, William Y.
28 Currie, A.A.Travis, R.T.Pierce, and the default of C.W.Fulton herein having been
29 entered after proof of service and failure to appear, and the said cause having
30 been regularly tried by the Court before the Hon. L. T. Price, Judge of the
31 Superior Court of the State of California in and for the County of Alpine, (the
32 said Judge having been duly appointed, ordered and commissioned to try said
cause by his Excellency the Governor of the State of California on account of
the disability of the Judge of the Superior Court of said Mono County), a jury

1 having been expressly waived whereupon witnesses the part of the plaintiff
2 and the several defendants were duly sworn and examined and documentary evidence
3 introduced by the respective parties, and the Court having heard the proofs and
4 evidence of the respective parties and the arguments of counsel and being fully
5 advised in the premises, and findings of fact and conclusions of law having
6 been in open Court by all of the parties specifically waived, the Court now
7 makes and enters its judgment and decree herein as follows

8 It is Hereby Ordered, Adjudged and Decreed that the plaintiff, the
9 Hydro Electric Company, is a corporation duly organized and existing under and
10 by virtue of the laws of the State of California.

11 It is Further Ordered, Adjudged and Decreed that long prior to the
12 commencement of this action, and ever since and now, the said plaintiff was
13 and now is the owner of, in the possession of and entitled to the possession of
14 that certain water right, privilege and water property below described and of
15 those certain tracts of land and premises in the Complaint herein described, all
16 situated, lying and being in the County of Mono, State of California and describ-
17 ed as follows to-wit:- The Northeast quarter of the Southwest quarter of
18 Section Fourteen (14), Township Two (2) North, Range Twenty-five (25) East, the
19 South half of the Northwest quarter, the Southwest quarter of the Northeast
20 quarter, and the Northeast quarter of the Southwest quarter of Section 19, Town-
21 ship 2, North, Range 26 East, the fractional Northwest quarter of the Southeast
22 quarter, fractional Southwest quarter of Southeast quarter of Section 19, Town-
23 ship 2 North, Range 26 East, the Southeast quarter of the Southwest quarter of
24 Section 19, Township 2 North, Range 26 East, the Northeast quarter of Northwest
25 quarter of Section 19, Township Two North, Range 26 East, the Northwest quarter
26 of the Southwest quarter of Section 19, Township 2 North, Range 26 East, North-
27 east quarter of the Southeast quarter of Section 24, Township 2 North, Range
28 25 East all in Mt. Diablo Base and Meridian, The Northeast quarter of the
29 Northwest quarter of Section 20; East half of Southwest quarter, and Southwest
30 quarter of Southwest quarter of Section 17, Township 2 North, Range 26 East,
31 the West half of the Northwest quarter, and the Northwest quarter of the South-
32 west quarter of Section 16, Township 2 North, Range 26 East, the South half of

1 the Northeast quarter, the Northwest quarter of the Southeast quarter and the
2 Southeast quarter of the Northwest quarter of Section 17, Township 2 North,
3 Range 26 East all in the Mt. Diablo Base and Meridian.

4 It is Ordered Adjudged and Decreed that plaintiff is the owner of
5 and entitled to the ownership and possession of the undisputed usufructory right
6 to all of the natural flow of that certain stream of water situated in Mono
7 County, State of California, and known as and called Mill Creek, to the extent
8 of One thousand miners inches measured under a four inch pressure and of the
9 undisputed usufructory right to use in a reasonable way and manner, for the
10 irrigation of said tracts of land and for the benefit and improvement of the soil
11 thereof, and for watering cattle and stock, for domestic, culinary and other
12 household purposes, all of the natural flow of said stream to the extent of One
13 thousand standard miners inches measured under a four inch pressure, as afore-
14 said, subject only to the rights of other parties defendant herein specifically
15 determined and decreed as follows. The right of the plaintiff to the undis-
16 puted usufructory right to all of the natural flow of said Mill Creek to the
17 extent of three hundred standard miners inches measured under a four inch pres-
18 sure, is and is hereby decreed to be absolute and subject only to the priority
19 and rights of the defendant J. A. Conway as hereinafter decreed. The rights
20 and right of the plaintiff herein, in and to the undisputed usufructory right
21 to all of the natural flow of Mill Creek to the extent of Seven hundred standard
22 miners inches in addition to the amount of three hundred inches hereinbefore
23 decreed, is, and is hereby decreed to be absolute and subject only to the rights
24 and priorities of the defendants J.A. Conway, Mary Felosina, A.G. Allen and Thomas
25 Sylvester as hereinafter determined and decreed.

26 It is Further Ordered, Adjudged and Decreed, that the lands of the
27 plaintiff are riparian to the said Mill Creek and form the bed and banks of said
28 Creek and stream, and that the plaintiff herein by virtue of its ownership of
29 said land is entitled to have the said stream and all the waters thereof flow
30 down through, over and upon the said lands undiminished in quantity and unpollut-
31 ed in quality, subject only to the rights and priorities and user of the defen-
32 dants herein as by this Court herein and herewith decreed, the said riparian

1 right being in addition to the rights specifically decreed to plaintiff and
2 subjected to the rights of the defendants as herein set forth.

3 It is Further Ordered, Adjudged and Decreed that the defendant,
4 Pacific Power Company, was at the time of the commencement of this action, for
5 a long time thence hitherto had been and now is the owner in fee simple, in the
6 possession of and legally entitled to the possession of all those certain lands
7 and premises, situate, lying and being in the County of Mono, State of California,
8 more particularly described as follows, to-wit:- The South half of the North
9 half of Section Fifteen (15) all in Township 2 North, Range 25 East M.D.B. & M.
10 That said last named defendant was at the time of the commencement of this act-
11 ion and for a long time thence hitherto had been, and now is the owner of, in
12 the possession and entitled to the possession of a certain water right and pri-
13 vilege appurtenant to said lands last above described, consisting of an undis-
14 puted usufructory right to the natural flow of that certain stream of water
15 situated in the County and State aforesaid, and known as and called Mill Creek
16 to the extent of fifty (50) standard miners inches of the flow of said stream
17 and of the right to use the same in a reasonable way and manner for the culti-
18 vation and irrigation of said tract of land and for the benefit and improvement
19 of the soil thereof, and for water live stock and domestic animals, and for
20 household, domestic and culinary purposes, to the extent of said fifty (50)
21 standard miners inches, which said last above described water right and privi-
22 lege is prior and superior to the rights of plaintiff and to the rights of all
23 the defendants herein decreed. That the said waters last above described are
24 now being diverted and the said water right and privilege exercised through the
25 ditch of defendant John A. Conway under and pursuant to license revocable at the
26 will of said John A. Conway.

27 It is Further Ordered, Adjudged and Decreed that long prior to the
28 commencement of this action, and ever since and now the defendant John A. Conway
29 was and now is the owner of, in the possession of and entitled to the possession
30 of that certain water right, privilege and water property below described and of
31 those certain tracts of land and premises described in the Answer of said defen-
32 dant Conway herein, all situated, lying and being in the County of Mono, State

1 of California, described as follows, to wit:- Northeast quarter of Section 1,
2 North half of the Southeast quarter of Section 1, in Township 2 North, Range
3 25 East, M.D.B. & M., the West half of the Northeast quarter of Section 6, the
4 West half of the Northwest quarter of Section 6, the Northeast quarter of the
5 Northwest quarter of Section 6, the West half of the Southwest quarter of Sec-
6 tion 6 and the Northwest quarter of the Southeast quarter of Section 6, in Town-
7 ship 2 North, Range 25 East, M.D.B. & M., the South half of the Southeast quar-
8 ter of Section 36, Township 3 North, Range 25 East, M.D.B. & M. and the South
9 half of the Southwest quarter of Section 31, in Township 3 North, Range 25 East,
10 M.D.B. & M., and of the undisputed usufructory right to all of the natural flow
11 of that certain stream of water situated in said County and State aforesaid,
12 and known as and called Mill Creek to the extent of seven hundred inches measur-
13 ed under a four inch pressure and of the undisputed usufructory right to use
14 in a reasonable way and manner for the irrigation of said tracts of land and
15 for the benefit and improvement of the soil thereof, and for water/cattle and
16 stock, for domestic, culinary and other household purposes, all of the natural
17 flow of said stream to the extent of seven hundred inches thereof measured under
18 a four inch pressure as aforesaid, which seven hundred inches as aforesaid, is
19 decreed to be absolute and subject to the rights of the plaintiff and other
20 parties defendant herein only as follows. That six hundred inches of the waters
21 of said Mill Creek are herewith and hereby decreed to said defendant John A.
22 Conway, as a first and prior right to the use of said waters of Mill Creek, and
23 to which all the other rights herein determined and decreed are subject and sub-
24 ordinate (except the rights of defendant Pacific Power Company to said first
25 fifty standard miners inches of water as hereinbefore decreed), also the right
26 to one hundred standard miners inches of the waters of Mill Creek being in addi-
27 tion to the said six hundred inches hereinbefore set out (and with the said
28 amount of six hundred inches comprising the total amount of seven hundred inches
29 decreed said defendant Conway), is subject and subordinate to the rights of
30 the Hydro Electric Company, a corporation plaintiff herein as hereinbefore de-
31 creed, and to the rights of the defendant Pacific Power Company, Sylvester, Allen,
32 Felosina and Mattly as hereinafter determined and decreed.

1 It is Further Ordered, Adjudged and Decreed that long prior to the
2 commencement of this action, and ever since and now the defendant Mary Felosina
3 was and now is the owner of, in the possession of and entitled to the possession
4 of that certain water right, privilege and water property below described and
5 of those certain tracts of land and premises described in the Answer of said
6 defendant Mary Felosina herein, all situated, lying and being in the County of
7 Mono, State of California, described as follows to-wit:- The Northwest quarter
8 of the Northwest quarter of Section 19, Township 2 North, Range 26 East, M.D.
9 B & M., and the Northeast quarter of the Northeast quarter of Section 24, all
10 in Township 2 North, Range 24 East, M.D.B. & M., containing 80 acres and of the
11 undisputed usufructory right to all the natural flow of that certain stream of
12 water situate in said County and State aforesaid, and known as and called Mill
13 Creek to the extent of 120 standard miners inches measured under a four inch
14 pressure and of the undisputed usufructory right to use in a reasonable way and
15 manner for the irrigation of said tracts of land and for the benefit and im-
16 provement of the soil thereof, and for watering cattle and stock, for domestic
17 and culinary and other household purposes, all of the natural flow of said
18 stream, to the extent of 120 standard miners inches thereof measured under a
19 four inch pressure, as aforesaid which said right, however, is subject and sub-
20 ordinate to that right of the plaintiff herein to the first 300 standard miners
21 inches of the waters of said stream herein decreed to it, but not subject to,
22 herein decreed in additional to the amount of the first 300 standard miners inches
23 plaintiff, and the right of the defendant Mary Felosina, herein decreed being
24 subject to the prior right of the defendants Pacific Power Company in and to
25 fifty miners inches and John A. Conway in and to the undisputed usufructuary
26 right to six hundred inches of the waters of said stream.

27 It is Further Ordered, Adjudged and Decreed that long prior to the
28 commencement of this action, and ever since and now the defendant Mary Felosina
29 was and now is the owner of, in the possession of, and entitled to the possession
30 of that certain water right privilege and water property below described and of
31 those certain tracts of land and premises described in the Answer of Mary
32 Felosina herein, all situated, lying and being in the County of Mono, State of

1 California, described as follows: The West half the Southwest quarter of
2 Section 18 and the East half of the Southeast quarter of Section 13, all in
3 Township 2 North, Range 25 East, containing 160 acres of land and of the undis-
4 puted usufructuary right to all the natural flow of that certain stream of water
5 situated in said County and State aforesaid and known as and called Mill Creek
6 to the extent of 150 standard miners inches measured under a four inch pressure
7 and of the undisputed usufructuary right to use in a reasonable way and manner,
8 for the irrigation of said tracts of land, and for the benefit and improvement
9 of the soil thereof, and for watering cattle and stock, for domestic, culinary
10 and other household purposes, all of the natural flow of said stream to the ex-
11 tent of 150 standard miners inches thereof, measured under a four inch pressure
12 as aforesaid, which said right is subject and subordinate to the rights of the
13 plaintiff herein, including all of the rights as herein decreed to plaintiff to
14 the extent of 1,000 standard miners inches, and subject also and further to the
15 rights of the defendants Pacific Power Company, John A. Conway, A.G. Allen,
16 Thomas Sylvester, F.D. Mattly and L.W. Dechambeau as hereinbefore and hereinafter
17 set out and determined.

18 It is Further Ordered, Adjudged and Decreed that long prior to the
19 commencement of this action, and ever since and now the defendant A.G. Allen was
20 and now is the owner of, in the possession of, and entitled to the possession
21 of that certain water right, privilege and water property below described and
22 of those certain tracts of land and premises described in the Answer of said
23 defendant Allen herein, all situated, lying and being in the County of Mono,
24 State of California, and described as follows, to-wit: West half of South-
25 west quarter of Northeast quarter, and West half of East half of Southwest
26 quarter of Northeast quarter of Section 24, Township 2 North, Range 26 East,
27 M.D.B. & M., containing 30 acres and the Northwest quarter of the Northeast
28 quarter, and the Northwest quarter of the Southeast quarter of Section 24, in
29 Township 2 North, Range 25 East, M.D.B. & M., containing 80 acres, the total
30 being 110 acres, and of the undisputed usufructuary right to all the natural
31 flow of that certain stream of water situate in said County of Mono, State of
32 California, and known as and called Mill Creek to the extent of 50 standard

1 miners inches measured under a four inch pressure of the undisputed usufruc-
2 tuary right to use in a reasonable way and manner for irrigation of said tracts
3 of land and for the benefit and improvement of the soil thereof and for watering
4 cattle and stock, for domestic, culinary and other household purposes, all of
5 the natural flow of said stream to the extent of 50 inches thereof, measured
6 under a four inch pressure as aforesaid, which said right, however, is subject
7 and subordinate to the right of the plaintiff herein in and to the use decreed
8 of 300 inches of the waters of Mill Creek, but not subject to the additional
9 right of 700 standard miners inches hereinbefore decreed to plaintiff and the
10 said right of this defendant Allen, being further subject and subordinate to the
11 prior right of the defendants Pacific Power Company and J.A. Conway as herein
12 set forth.

13 It is Further Ordered, Adjudged and Decreed that long prior to the
14 commencement of this action and ever since and now the defendant Thomas Sylvester
15 was, and now is the owner of, in the possession of and entitled to the possession
16 of that certain water right and privilege and water property below described,
17 and of those certain tracts of land and premises described in the Answer of said
18 defendant Thomas Sylvester herein, all situated, lying and being in the County
19 of Mono, State of California described as follows:- The Southeast quarter of
20 the Northeast quarter of Section 24, and the East half of the East half of the
21 Southwest quarter of Northeast quarter of Section 24, all in Township 2 North,
22 Range 25 East, M.D.B. & M. containing 50 acres of land and of the undisputed
23 usufructuary right to all the natural flow of that certain stream of water,
24 situated in the said County of Mono, State of California, and known as and
25 called Mill Creek to the extent of 80 standard miners inches measured under a
26 four inch pressure and of the undisputed usufructuary right to use in a reason-
27 able way and manner for the irrigation of said tracts of land and premises and
28 for the benefit and improvement of the soil thereof, and for watering cattle
29 and stock, for domestic, culinary and other household purposes, all of the
30 natural flow of said stream to the extent of 80 standard miners inches measured
31 under a four inch pressure as aforesaid, which said right, however, is subject
32 and subordinate to that right of the plaintiff herein decreed in and to the 300

1 standard miners inches of the waters of said creek and further subject and sub-
2 ordinate to the prior right of the defendants Pacific Power Company and J. A.
3 Conway as hereinbefore set out and decreed.

4 It is Further Ordered, Adjudged and Decreed that the right and use
5 of, in and to the waters of Mill Creek as decreed to the defendants Mary Felosina
6 A.G.Allen and Thomas Sylvester as between the said defendants Mary Felosina, A.
7 G. Allen and Thomas Sylvester are without priority or priorities one against the
8 other, but that said rights are co-equal and co-extensive proportionate to the
9 amounts decreed to each defendant.

10 It is Further Ordered, Adjudged and Decreed that long prior to the
11 commencement of this action and ever since and now defendant F.D.Mattly was and
12 now is the owner of, in the possession of, and entitled to the possession of
13 that certain water right, privilege and water property below described, and of
14 those certain tracts of land and premises described in the Answer of said defen-
15 dant Mattly herein, all situated, lying and being in the County of Mono, State
16 of California, described as follows:- The South half of the Northwest quarter
17 and the North half of the Southwest quarter of Section 12, Township 2 North,
18 Range 25 East, containing 160 acres of land and of the undisputed usufructuary
19 right to all the natural flow of that certain stream of water situated in said
20 County and State aforesaid and known as and called Mill Creek to the extent of
21 150 standard miners inches measured under a 4 inch pressure, and of the undis-
22 puted usufructuary right to use in a reasonable way and manner for the irriga-
23 tion of said tracts of land and for the benefit and improvement of the soil
24 thereof and for watering cattle and stock, for domestic, culinary and other house-
25 hold purposes, all the natural flow of said stream to the extent of 150 stand-
26 ard miners inches thereof, measured under a four inch pressure as aforesaid,
27 which said right is subject and subordinate to the rights of the plaintiff herein,
28 including both rights hereinbefore decreed plaintiff to the extent of 1000 inches
29 and which said right of defendant Mattly is further subject and subordinate to the
30 rights of the defendants Pacific Power Company, John A. Conway, Mary Felosina,
31 A. G. Allen and Thomas Sylvester as hereinbefore set out, save and except that
32 this said right decreed defendant F.D.Mattly is prior to the right of defendant

1 Felsonia in and to the additional 150 inches decreed said Mary Felosina over
2 and above the 120 inches first decreed to her herein.

3 It is Further Ordered, Adjudged and Decreed that for a long time
4 prior to the commencement of this action and ever since and now the defendant
5 F.D. Mattly was and now is entitled to the undisputed usufructuary right to all
6 the natural flow of that certain stream of water situated in said County and
7 State aforesaid and known as and called Mill Creek to the extent of 50 standard
8 miners inches measured under a four inch pressure in addition to the 150 inches
9 hereinbefore decreed to said defendant Mattly and of the undisputed usufruct-
10 uary right to use in a reasonable way and manner for the irrigation of his
11 tracts of land hereinbefore described and set out and for the benefit and im-
12 provement of the soil thereof, and for watering stock and for domestic, culinary
13 and other household purposes, all of the natural flow of said stream to the ex-
14 tent of 50 standard miners inches in addition to the 150 inches hereinbefore
15 decreed and awarded to him, which said right to said additional 50 inches measur-
16 ed as aforesaid is subject and subordinate to the rights of all the other
17 parties to this action as hereinbefore and hereinafter set out and determined
18 except the rights of Pacific Power Company hereinafter decreed and determined.

19 It is Further Ordered, Adjudged and Decreed that long prior to the
20 commencement of this action and ever since and now the defendant L.W. Dechambeau
21 was and now is the owner of, in the possession of and entitled to the possession
22 of that certain water right, privilege and water property below described, and
23 of those certain tracts of land and premises described in the Answer of said
24 defendant Dechambeau herein, all situated, lying and being in the County of
25 Mono, State of California, and described as follows, Northwest quarter of
26 Northwest quarter of Section 11, Southwest quarter of Northeast quarter, North
27 half of the Northeast quarter, Northeast quarter of Northwest quarter, South
28 half of Northwest quarter, and Northeast of Southwest quarter of Section 10, all
29 in Township 2 North, Range 26 East, M.D.B. & M and of the undisputed usufructuar-
30 right to all the natural flow of that certain stream of water situated in said
31 County and State aforesaid, and known as and called Mill Creek, to the extent
32 of 630 standard miners inches measured under a four inch pressure and of the

1 undisputed usufructuary right to use in a reasonable way and manner for the
2 irrigation of said tracts of land, and for the benefit and improvement of the
3 soil thereof, and for watering cattle and stock, for domestic, culinary and
4 other household purposes, all the natural flow of said stream to the extent
5 of 650 standard miners inches thereof, measured under a four inch pressure as
6 aforesaid, which right is subject and subordinate to the rights of plaintiff
7 herein, including all the rights of plaintiff to the extent of 1000 standard
8 miners inches hereinbefore decreed and which right of defendant Dechambeau is
9 subject and subordinate to the rights of the defendants Pacific Power Company,
10 J.A.Conway, Mary Felosina, A.G.Allen, Thomas Sylvester, F.D.Mattly as hereinbe-
11 fore set out and determined.

12 It is Further Ordered, Adjudged and Decreed that long prior to the
13 commencement of this action, and ever since, and now the defendant J.S.Cain was
14 and now is the owner of, in the possession, and entitled to the possession of that
15 certain water right, privilege and water property below described, and to those
16 certain tracts of land and premises described in the Answer of the said defen-
17 dant Cain herein all situated, lying and being in the County of Mono, State of
18 California and described as follows:- The Northeast quarter of Section 12,
19 Township 2 North, Range 25 East, M.D.B. & M., and of the undisputed right to
20 use in a reasonable way and manner for the irrigation of said tracts of land
21 and for the benefit and improvement of the soil thereof, and for watering cattle
22 and stock and for domestic, culinary and other household purposes such quantity
23 of the surplus waters of Lundy Lake, situated on Mill Creek, above and which
24 said Lundy Lake is west of all the lands hereinbefore set forth as he may de-
25 velop by means of dams and headgates erected at the foot of said Lake to the
26 extent of 300 standard miners inches measured under a four inch pressure.

27 It is Further Ordered, Adjudged and Decreed that the plaintiff here-
28 in in addition to the rights hereinbefore decreed it, is the owner of, in the
29 possession of and entitled to the possession of that certain water right, pri-
30 vilege and water property described as follows, being the undisputed usufructuary
31 right to the natural flow of that certain stream of water situated in said
32 County and State aforesaid, and known as and called Mill Creek to the extent of

1 100 inches measured under a four inch pressure as aforesaid, which said right
2 is subject and subordinate to the rights of all of the defendants hereinbefore
3 decreed.

4 It is Further Ordered, Adjudged and Decreed that the Pacific Power
5 Company is a corporation duly organized and existing under and by virtue of the
6 laws of the State of California, that said Pacific Power Company, corporation as
7 aforesaid, and its predecessors in interest were long prior to the commencement
8 of this action, and ever since and now, the said Pacific Power Company is the
9 owner of, in the possession of, and entitled to the possession of those certain
10 lots, pieces, parcels or tracts of land, situate, lying and being in the County
11 of Mono, State of California, and described as follows to-wit: The South half
12 of the Northeast quarter, and the North half of the Southeast quarter of Sec-
13 tion 16, South half of the North half of Section 15, South half of Northwest
14 quarter of Section 14, all in Township 2 North, Range 25 East M.D.E. & M., and
15 that all of said lands have been and now are riparian to and irrigable from
16 said Mill Creek, and that the waters of said Creek flow in their natural course
17 through, over and upon the said lands.

18 It is Further Ordered, Adjudged and Decreed that the defendant
19 Pacific Power Company, a corporation as aforesaid is the owner of, in the pos-
20 session of and entitled to the possession of all the real property situate in
21 the County of Mono, State of California and particularly described as follows:-
22 A certain reservoir site for the storage of water, which consists of the basin
23 of Lundy Lake and lands surrounding the same, and which is bounded by a line
24 beginning at a point on the North and South center line of Section 16, Township
25 2 North, Range 25 East M.D.E. & M., said points being 60 feet Southerly from
26 the center line of Section 16, Township 2 North, Range 25 East, and running
27 thence along a countour line as specifically described in the Amendment to the
28 Answer of the Pacific Power Company, which description is made a part hereof,
29 above the ordinary water level of said Lundy Lake entirely around the basin of
30 said Lake to the point of beginning, and containing an area of 198.44 acres
31 and also a strip of land of the uniform width of 50 feet completely surrounding
32 and adjacent to said reservoir site.

1 It is Further Ordered, Adjudged and Decreed that the said defendant
2 Pacific Power Company, a corporation as aforesaid, is the owner of, in the
3 possession of and entitled to the possession of a certain water right consist-
4 ing of the right to take, divert and appropriate and use for any and all benefi-
5 cial purposes and for the generation of electrical energy or power for mechanical
6 purposes, or for any other lawful purpose, all of the waters of that certain
7 lake known as Lundy Lake, together with all surplus waters of that certain stream
8 known as Mill Creek to the extent of thirty thousand standard miners inches
9 measured under a four inch pressure, which may flow through or from said Lake
10 and stream during the high water season of each year.

11 It is Further Ordered, Adjudged and decreed that the defendant
12 Pacific Power Company, a corporation as aforesaid, is the owner of, in the pos-
13 session of and entitled to the possession of a dam, headgate, intake and water
14 pipe lines, with all the rights, privileges and appurtenances thereunto in any-
15 wise belonging and the rights of way of, and for the same in the County of Mono
16 State of California, said dam, headgate and intake being located at the lower
17 or eastern end of Lundy Lake upon the North half of the Southeast quarter of
18 Section 16, Township 2 North, Range 25 East, M.D.B. & M., and said right of way
19 and pipe lines and appurtenances extending from said dam and headgate through
20 and across and upon the North half of the Southeast quarter and the South half
21 of the Northeast quarter of Section 16, Township 2 North, Range 25 East M.D.B. &
22 M., thence through, over, across and upon the South Half of the North half of
23 Section 15, Township 2 North, Range 25 East, M.D.B. & M., thence through, over
24 and across and upon the South half of the Northwest quarter of Section 14, Town-
25 ship 2 North, Range 25 East, M.D.B. & M., thence through, over, across and upon
26 the Northeast quarter of Section 14, Township 2 North, Range 25 East, M.D.B. &
27 M., thence through, across, over and upon the Southwest quarter of Section 12,
28 Township 2 North, Range 25 East, M.D.B. & M., to the power plant and power
29 station which is located upon the Southwest quarter of Section 12, Township 2
30 North, Range 25 East, M.D.B. & M.

31 It is Further Ordered, Adjudged and Decreed that the Pacific Power
32 Company, a corporation as aforesaid is the owner of the undisputed usufructuary
right to all the natural flow of that certain stream of water situated in said

1 County and State aforesaid and known as and called Mill Creek to the extent of
2 fifteen thousand standard miners inches measured under a four inch pressure and
3 of the undisputed usufructuary right to use in a reasonable way and manner for
4 the irrigation of the tracts of land above described and for the benefit and
5 improvement of the soil thereof, and for water^{ing}/cattle and stock and for domestic
6 culinary and other household purposes, all of the natural flow of said stream
7 to the extent of fifteen thousand standard miners inches thereof, measured under
8 a four inch pressure as aforesaid, which said right is subject and subordinate
9 to the rights of the plaintiff herein and to the rights of all the defendants
10 herein as hereinbefore decreed.

11 It is Further Ordered, Adjudged and Decreed that the defendant
12 Pacific Power Company is the owner of the undisputed usufructuary right to all
13 the surplus flow of that certain stream of water known as Mill Creek, situated
14 in said County of Mono and State as aforesaid, to the extent of fifteen thousand
15 standard miners inches (but subject to the rights of J.S.Cain as hereinbefore
16 set forth).

17 It is Further Ordered, Adjudged and Decreed that the defendant Paci-
18 fic Power Company, a corporation, as aforesaid is the owner of the undisputed
19 right to have all the waters of said Mill Creek flow in the natural course of
20 stream down, through, across and over and upon the said lands hereinbefore des-
21 cribed as riparian to said stream undiminished in quantity and unpolluted in
22 quality, subject only to the reasonable use thereof by other upper riparian
23 owners and prior appropriators as hereinbefore set forth and decreed.

24 It is Further Ordered, Adjudged and Decreed that the defendant
25 Pacific Power Company, a corporation as aforesaid is the owner of and entitled
26 to the sole and undisputed right to impound in Lundy Lake all of the waters of
27 said Mill Creek over and above the amounts hereinbefore decreed as part of the
28 natural flow of said stream, subject to the rights of J.S.Cain as hereinbefore
29 set forth. That the said right to impound and use for the generation of elec-
30 trical energy or power for mechanical purposes or for any other lawful purpose,
31 the waters of Mill Creek is to be determined and is herewith determined and
32 measured with reference entirely to the natural flow of Mill Creek, irrespective

1 of the amounts of water or rights in said stream hereinbefore decreed.

2 It is Further Ordered, Adjudged and Decreed that the defendant
3 Pacific Power Company a corporation as aforesaid, is now the owner of the un-
4 disputed right to use for the generation of electrical energy and other mechan-
5 ical purposes, all of the waters of Mill Creek, to the extent of Seven hundred
6 standard miners inches measured under a four inch pressure heretofore decreed
7 to John A. Conway subject and subordinate to the rights of said defendant John
8 A. Conway hereinbefore decreed, and also to the rights hereinafter decreed to
9 said defendant John A. Conway and the right to have the said quantity of water
10 returned to the ditches owned by said defendant John A. Conway unpolluted and
11 free from sand and slimes.

12 It is Ordered, Adjudged and Decreed that this right shall be enjoy-
13 ed and decreed to the said defendant Pacific Power Company to be used by it
14 for the purposes aforesaid, without injury or detriment to the rights of the
15 defendant John A. Conway, and the said right is decreed to it as a right of
16 user conditioned upon its non-interference with the rights of the said defen-
17 dant Conway.

18 It is Adjudged and Decreed, that the use and right of the said de-
19 fendant Pacific Power Company and in and to the said amount of water shall be
20 used by said defendant Pacific Power Company without interference from or by
21 dictation of any of the defendants herein except that the amount used shall
22 not exceed the amount decreed herein, but conditioned that the said waters, and
23 all thereof, shall be by the defendant Pacific Power Company returned unpolluted
24 and free from sand or slimes to the ditches of the defendant J.A. Conway for use
25 upon the lands of said Conway as hereinbefore decreed.

26 It is Further Ordered, Adjudged and Decreed that the defendant
27 Pacific Power Company, a corporation as hereinbefore set forth is the undis-
28 puted owner of, and entitled to the right and privilege in and to the use of
29 all the waters of Mill Creek, its tributaries and lakes for the purposes of the
30 generation of electrical energy and power and for mechanical purposes, which
31 use is irrespective of the amount or quantity of water flowing in said stream,
32 and which said use is unaffected by any of the provisions of this decree but

1 determined and decreed herein to be so used and enjoined in subrogation of all
2 the rights herein decreed to the end that none of the prior rights herein be-
3 fore decreed shall be impaired by the exercise or user of this right.

4 It is Further Ordered, Adjudged and Decreed that the defendant C.
5 W. Fulton having made default in this said action, which default has been duly
6 entered, has no right or rights in or to any of the water or waters of Mill
7 Creek, or in or to any of the tributaries thereof.

8 It is Further Ordered, Adjudged and Decreed, that the lands herein
9 described as owned by each and all the parties hereto are described with re-
10 ference to the records of Mono County, State of California, which records are
11 made a part and parcel of this decree for a full and complete description of
12 all of the lands herein referred to, to the end that should it appear herein
13 that any of the land or lands have been herein incorrectly described or that
14 such incorrection or mistake of identify should appear upon the records of Mono
15 County, then this decree shall apply with equal binding force and effect to the
16 lands correctly described and to the lands affected by said decree though in-
17 correctly described, and the Court hereby reserves jurisdiction to reform this
18 decree by causing to be inserted herein or by amendment hereto the correct
19 description of any and all lands incorrectly or erroneously described upon
20 notice to the parties to this action and satisfactory proof of such error of
21 description.

22 It is Further Ordered, Adjudged and Decreed that the plaintiff and
23 each of the defendants, and the servants, agents and employees and each of them,
24 be and they are, and each of them is hereby perpetually enjoined and restrained
25 from and commanded absolutely to refrain and desist from diverting or taking
26 out of the said Mill Creek any water in any manner or way whereby any party
27 hereto may be deprived of the use thereof, to the extent hereinbefore decreed
28 to each party, save and except under and by virtue of this decree and the
29 priorities and rights herein determined.

30 It is Further Ordered, Adjudged and Decreed hereby and herein that
31 there be no allowance of costs to any party hereto and that each party pay and
32 defray his own costs already incurred or that may be hereafter incurred in the

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course of this action.

Done in open Court this 17th day of June 1915.

L. T. Price
Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
Action.

Enter munc pro tunc as of November 30, 1914

L. T. Price
Judge of the Superior Court of the County
of Alpine, presiding at the trial of this
Action.

Entered in Book C, page 203 of Civil Judgments

The foregoing instrument is a full, true and correct copy of the
original on file in this office.

Attest OCT 19 1937 19
GEO. C. DELURY, JR. County Clerk and Clerk of the Superior
Court, of the State of California, in and for the County of Monc.

By Grace J. Brando Deputy

Attachment B

State Water Resources Control Board Decision 455

BEFORE THE DIVISION OF WATER RESOURCES
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

c00

In the Matter of Application 551 of the City of Los Angeles and Board of Water and Power Commissioners of the City of Los Angeles to appropriate from Owens River, Tributary to Owens Lake in Mono and Inyo Counties for Power Purposes; Application 2432 of Sierra Land and Water Company to appropriate from Rush Creek and Tributaries, Tributary to Mono Lake in Mono County for Irrigation and Domestic Purposes; Application 3511 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles to appropriate from Leevining Creek, Walker Creek, Parker Creek and Rush Creek, Tributaries to Mono Lake in Mono County for Municipal Purposes; Application 3512 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles to appropriate from Leevining Creek, Walker Creek, Parker Creek and Rush Creek, Tributaries to Mono Lake in Mono County for Power Purposes; Application 3580 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles to appropriate from Rock Creek, Tributary to Owens River in Mono County for Power Purposes; Application 7052 of the City of Los Angeles and Department of Water and Power of the City of Los Angeles to appropriate from Leevining Creek, Tributary to Mono Lake in Mono County for Domestic and Municipal Purposes; Application 7055 of the City of Los Angeles and Department of Water and Power of the City of Los Angeles to appropriate from Rush Creek, Tributary to Mono Lake in Mono County for Domestic and Municipal Purposes; Application 7721 of Sierra Land and Water Company to appropriate from Leevining Creek and Rush Creek, Tributary to Mono Lake in Mono County for Irrigation and Domestic Purposes; Application 8042 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles to appropriate from Hill Creek, Leevining Creek, Walker Creek, Parker Creek and Rush Creek, Tributaries to Mono Lake in Mono County for Municipal Purposes and Application 8048 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles to appropriate from Hill Creek, Leevining Creek, Walker Creek, Parker Creek and Rush Creek, Tributaries to Mono Lake in Mono County for Power Purposes.

c00

Decision A, 551, 2432, 3511, 3512, 3580, 7052, 7055, 7721, 8042, 8048 D-455

DECIDED: *April 11, 1940*

APPEARANCES AT HEARING HELD AT LOS ANGELES FEBRUARY 6 and 7, 1938, IN CONNECTION WITH APPLICATION 2432 OF SIERRA LAND AND WATER COMPANY.

For Applicant

Sierra Land and Water Company

Kelby & Lawson by
James E. Kelby

For Protestants:

City of Los Angeles and the Board of
Public Service Commissioners of the
City of Los Angeles

Jesse E. Stephens
W. B. Matthews
E. B. Robinson
Trent G. Anderson

Cain Irrigation Company and
Nevada California Power Company

W. L. Huber
Henry M. Coyle

L. S. Amiot

No appearance

EXAMINER: Harold Conkling, Hydraulic Engineer, Division of Water Rights,
Department of Public Works, State of California

APPEARANCES AT HEARING HELD AT INDEPENDENCE SEPTEMBER 22 and 23, 1953, IN CON-
NECTION WITH APPLICATIONS 531, 2452, 3211, 3212, 3860, 7053, 7055, 7721, 8042 & 8045

For Applicants

(1) City of Los Angeles and Dept. of Water
and Power of the City of Los Angeles

C. A. Davis

(2) Sierra Land and Water Company

C. C. Loomis
J. E. Clover
George B. Bush

For Protestants

(1) Gene Crosby, Gladys Crosby and Katie Adair
Katie Adair & Gladys Crosby, executors of the
Estate of Mary Conway, et al

Robert Richards

(2) Frankie G. Leibley, William H. Birchim
and James F. Birchim

Allan G. Campbell

(3) Caroline Arcularius Knecht and Caroline
Arcularius Knecht as administratrix of the
Estate of George Arcularius and guardian of
the Estate of Lisetta, Mary and Georgia Arcularius

Walter T. Lyon

(4) Emmet W. Knapp, June Knapp, T. J. Watterson
and Estate of Kate Watterson, deceased

Emmet W. Knapp and
Robert Richards

(5) Bush Creek Mutual Ditch Company and
Sierra Land and Water Company

C. C. Loomis
George B. Bush

(6) County of Mono

Arthur De Chambeau

(7) Veneta Reche McPherson, Joe Scanavino, Gus
L. Hess, George Mitchell, Olive Mitchell, Mary
Donnelly, Clay Calheun, Margaret Calheun, Anna
M. Currie, Pearl M. Silva, George D. LaBrague,
John Dondoro, Robert Gerth and Eva Gerth, and
Hugh McDonald, Robert Hankins, Arthur J. Frey
and Louise C. Fry, D. G. DeChambeau, Vernon A.
Meacham, Frank Williams, Claude and Luanna
Walborn, L. L. Tatum, William Santa, Harry Blaver,
Michael Lasovitch, Pete Zano, Robert Calhoun,
Mrs. Ruby Cunningham, Edythe V. Smith, C. P.
Riner, Anna S. Diacelliss

Thomas W. Cochran

- 3211
2112
2012
2013
- 3830
- 2830
- 3830
- 1211, 2112, 2012, 2013
- | | |
|---|--------------------|
| (8) M. Zuckerman, Inc., John S. Zuckerman, Maurice Zuckerman, R.W. Brown | R. W. Brown |
| (9) J. B. Clover as stockholder in Rush Creek Mutual Ditch Company and Sierra Land and Water Company. Sierra Land and Water Company | J. B. Clover |
| (10) Title Insurance and Trust Company | Ward Chapman |
| (11) Anna M. Currie T. J. and Hazel J. Terby | Glenn B. Tinker |
| (12) Henry Hayman | In propria persona |
| (13) Gordon McBride | In propria persona |
| (14) Harry S. Brown | In propria persona |
| (15) Ode C. Nichols | In propria persona |
| (16) Charles O. Perkins | In propria persona |
| (17) Wallace McPherson, Sr. | George E. Bush |
| (18) City of Los Angeles and Dept. of Water and Power of the City of Los Angeles | C. A. Davis |

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights, Division of Water Resources, Department of Public Works, State of California.

APPEARANCES AT HEARING CONTINUED AT BRIDGEPORT, NOVEMBER 17, 1936

For Applicant

- | | |
|---|------------------------------------|
| (a) City of Los Angeles and Dept. of Water and Power of the City of Los Angeles | C. A. Davis,
Deputy City Att'y. |
| (b) Sierra Land and Water Company | J. B. Clover |

For Protestants

- | | |
|---|-----------------|
| (1) Katie Adair and Gladys Crosby as executrix of the Estate of M. A. Conway. Katie Adair, Gladys Crosby, R. F. Conway, Pearl Silvia, Gladys Crosby as testamentary trustee, Gene G. Crosby and Gladys Crosby | Robert Richards |
| (2) Venita Roche McPherson, Claude and Luanna L. Walborn, Margaret Calhoun, Clay Calhoun, Robert Calhoun, Gus Hess, George Mitchell, Olive Mitchell, Gerth Brothers, Mrs. Ruby Cunningham, Thomas H. and Elizabeth McKee, Joe Scansvino, Mrs. Anna Currie, George LaBraga, B. C. Honea, Anna Diassellias, H. S. Brown, Arthur J. Fray | |

and Louis C. Frey, Vernon A. Meacham, Mike Lasavich, Pete Zano, Pearl M. Silva, John Dondoro, Mary Donnelly, Earl Heavin, Wm. Y. Gurrie, Robert Hankins, Hugh McDonald, Frank Williams, William Santa, Harry Blaver, L. L. Tatum, Edythe L. Smith, C. P. Riner.

Thomas W. Cochran

(3) Mr. and Mrs. Tom Yerby, B. C. Hones

W. R. Evans

(4) Sierra Land and Water Co., J. B. Glover,
Philip Wiseman and P. Kenneth Wiseman

J. B. Glover and
Thos. W. Cochran

EXAMINER: Everett N. Bryan, Supervising Hydraulic Engineer, for Harold Conkling,
Deputy in Charge of Water Rights.

O P I N I O N

Description of Projects

Under Application 531 of City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles, it is proposed to develop a regulated flow of 500 c.f.s. by direct diversion from Owens River at the Long Valley Reservoir dam within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T 4 S, R 30 E, M.D.B.M. and by the storage of 329,926 acre feet per annum in the Long Valley Reservoir (Capacity 329,926 A.F.). It is proposed to use the water for the development of electrical energy through a series of three power houses located on the westerly bank of Owens River and one located on the easterly bank of Rock Creek near its junction with Owens River.

Water directly diverted without storage and/or water released from storage in Long Valley Reservoir will be used through Power House No. 1 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T 4 S, R 30 E, M.D.B.M. and returned to Owens River just below the power house. At a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, T 4 S, R 30 E, M.D.B.M. the water will be rediverted for use through Power House No. 2 within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T 5 S, R 31 E, M.D.B.M. and returned to Owens River just below the power house. At a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T 5 S, R 31 E, M.D.B.M. the water will be rediverted for use through Power House No. 3 within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, T 5 S, R 31 E, M.D.B.M. and returned to Owens River just below the power house. At a point within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T 5 S, R 31 E, M.D.B.M. the water will be rediverted for use through Power House No. 4 within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10, T 6 S, R 31 E, M.D.B.M. and returned to Owens River via Rock Creek at a point within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T 6 S, R 31 E, M.D.B.M.

Under Application 2452 of Sierra Land and Water Company, it is proposed to appropriate from Rush Creek and its tributaries, 500 cubic feet per second by direct diversion from about April 15th to about September 15th of each season and 44,048 A.F. per annum for storage to be collected throughout the entire year of which it is proposed to store 22,708 A.F. in Silver Lake Reservoir on Rush Creek (Capacity 22,708 A.F.) and 21,337 A.F. in Gull-June Lake Reservoir on the headwaters of Reversed Creek (Capacity 21,337 A.F.). The point of direct diversion and diversion to storage in Silver Lake Reservoir is located within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 4, T 2 S, R 26 E, M.D.B.M. The point of diversion to storage in Gull-June Lake Reservoir is located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T 2 S, R 26 E, M.D.B.M. Water stored in the two reservoirs will subsequently be released and

together with water directly diverted without storage from Rush Creek at the Silver Lake Reservoir dam will be conveyed through the canal of the Rush Creek Mutual Ditch Company to lands lying north, east and south of Mono Lake where it will be distributed for irrigation and domestic purposes by this company.

Under Application 3211 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles, it is proposed to appropriate from Leavining Creek at a point within Lot 8 (SW $\frac{1}{4}$) of Section 19, T 1 N, R 26 E, M.D.B.M. 300 cubic feet per second by direct diversion throughout the entire year and 3670 acre feet per annum by storage to be collected at a maximum rate of 300 cubic feet per second in the Silver Lake Reservoir on Rush Creek (Capacity 10,000 A.F.) from March 1st to September 1st of each season; from Walker Creek at a point within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T 1 N, R 26 E, M.D.B.M. 100 cubic feet per second by direct diversion throughout the entire year and 1290 acre feet per annum by storage to be collected at a maximum rate of 100 cubic feet per second in Silver Lake Reservoir from March 1st to September 1st of each season; from Parker Creek at a point within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, T 1 S, R 26 E, M.D.B.M., 75 cubic feet per second by direct diversion throughout the entire year and 870 acre feet per annum by storage to be collected at a maximum rate of 75 cubic feet per second in Silver Lake Reservoir from March 1st to September 1st of each season; from Rush Creek, at a point within Lot 2 of Section 17, T 2 S, R 26 E, M.D.B.M., 300 cubic feet per second by direct diversion throughout the entire year and from Rush Creek at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T 2 S, R 26 E, M.D.B.M., 3670 acre feet per annum to be collected to storage in Silver Lake Reservoir from March 1st to September 1st of each year. The point of redirection of storage in Silver Lake Reservoir is located within Lot 2 of Section 17, T 2 S, R 26 E, M.D.B.M. It is proposed to use the water for municipal purposes within the City of Los Angeles.

Application 3212 of the City of Los Angeles and the Board of Public Service Commissioners of the City of Los Angeles is identical with Application 3211 with the exception that the water is to be used for power purposes through the same power houses as are described in Application 531 and is thereafter to be returned to the Owens River at a point within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T 6 S, R 31 E, M.D.B.M.

Under Application 3850 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles it is proposed to appropriate from Rock Creek at a point within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T 4 S, R 30 E, M.D.B.M., 50 cubic feet per second by direct diversion and 40,000 acre-feet per annum by storage to be collected in the Long Valley Reservoir on Owens River (Capacity 329,928 A.F.) at a maximum rate of 100 cubic feet per second. The season of direct diversion and diversion to storage is throughout the entire year. It is proposed to divert the water from Rock Creek by gravity into Long Valley Reservoir through the "Little Round Valley Ditch" from which reservoir the water will be rediverted for use through the three power houses on the Owens River (described in Application 531) and when sufficient water is available to satisfy the prior rights on Rock Creek, through Power House No. 4 on Rock Creek (also described in Application 531). In the event that insufficient water is present in Rock Creek to supply the Rock Creek priorities it is proposed to return the water to this stream through a ditch which will extend from a point above Power House

No. 4 to a point on Rock Creek within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3E, T 5 S, R 31 E, N.D.B.M., where it will be made available for the users of water from this source. Water diverted through Power House No. 4 will be returned to Rock Creek at the tail race of this power house and thence to Owens River at a point within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T 6 S, R 31 E, N.D.B.M.

Under Application 7055 of the City of Los Angeles and Department of Water and Power of the City of Los Angeles it is proposed to appropriate from Leevining Creek at a point within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T 1 N, R 26 E, N.D.B.M., 14,000 acre feet per annum to be diverted to storage throughout the year at a maximum rate of 20 cubic feet per second in the Grant Lake Reservoir on Rush Creek (Capacity 49,300 A.F.) in the Long Valley Reservoir on Owens River (Capacity 520,926 A.F.), in the Tinemaha Reservoir on Owens River (Capacity 16,500 A.F.) and in the Haiwee Reservoir on the Los Angeles Aqueduct (Capacity 59,000 A.F.). It is proposed to pump water from Leevining Creek into the Mill Creek conduit at a point above its junction with Leevining Creek and whence it will be taken by gravity to storage in Grant Lake, Long Valley and Tinemaha Reservoirs where a portion of the water will be stored, and subsequently released into the Owens River whence it will be rediverted through the Los Angeles Aqueduct to the City of Los Angeles for municipal and domestic purposes. En route to the City a portion of the water will be stored in the Haiwee Reservoir.

Under Application 7055 of the City of Los Angeles and Department of Water and Power of the City of Los Angeles, it is proposed to appropriate from Rush Creek at a point within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T 1 N, R 26 E, N.D.B.M., 26,000 A.F. per annum to be diverted to storage throughout the year at a maximum rate of 50 cubic feet per second in the four reservoirs described in Application 7055. It is proposed to pump water from Rush Creek into the Leevining conduit at a point above its junction with Walker Creek, a tributary of Rush Creek, whence it will flow by gravity to storage in Grant Lake, Long Valley and Tinemaha reservoirs where a portion of the water will be stored and subsequently released into the Owens River whence it will be rediverted through the Los Angeles Aqueduct to the City of Los Angeles for municipal and domestic purposes. En route to the City a portion of the water will be stored in the Haiwee Reservoir.

Under Application 7721 of Sierra Land and Water Company it is proposed to appropriate from Leevining Creek at a point within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T 1 N, R 26 E, N.D.B.M., 150 cubic feet per second and from Rush Creek at a point within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26, T 1 N, R 26 E, N.D.B.M., 75 cubic feet per second, diversion to be made throughout the entire year and the water to be used for irrigation and domestic purposes on 12,000 acres of land lying on the north, east and south shores of Mono Lake.

Under Application 8042 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles it is proposed to appropriate (1) from Mill Creek at a point within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T 2 N, R 25 E, N.D.B.M., 50 cubic feet per second by direct diversion throughout the year and 3,500 acre feet per annum by storage to be collected throughout the year at a maximum rate of 50 cubic feet per second; (2) from Leevining Creek, at a point

within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T 1 N, R 26 E, M.D.B.M., 200 cubic feet per second by direct diversion throughout the year and 32,000 acre feet per annum by storage to be collected at a maximum rate of 300 cubic feet per second; (3) from Walker Creek at a point within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 4, T 1 S, R 26 E, M.D.B.M., 100 cubic feet per second by direct diversion throughout the year and 7,740 acre feet per annum by storage to be collected throughout the year at a maximum rate of 400 cubic feet per second; (4) from Parker Creek at a point within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, T 1 S, R 26 E, M.D.B.M., 75 cubic feet per second by direct diversion throughout the year and 8,900 acre feet per annum by storage to be collected throughout the year at a maximum rate of 475 cubic feet per second and (5) from Rush Creek at a point within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 15, T 1 S, R 26 E, M.D.B.M., 200 cubic feet per second by direct diversion throughout the year and 48,000 acre feet per annum by storage to be collected throughout the year in Grant Lake Reservoir on Rush Creek (Capacity 49,500 A.F.), provided, however, that the simultaneous direct diversion from all five sources shall not exceed 200 cubic feet per second.

It is proposed to store water in Grant Lake Reservoir on Rush Creek (described above), Long Valley Reservoir on Owens River (Capacity 329,926 A.F.), Tinemaha Reservoir on Owens River (Capacity 16,500 A.F.) and Haiwee Reservoir on Los Angeles Aqueduct (Capacity 59,000 A.F.).

Water appropriated by direct diversion and that released from storage will be conveyed to the City of Los Angeles where it will be used for municipal purposes.

Application 8043 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles is identical with Application 8042 with the exception that the water is to be utilized for the development of power through the power houses described in Application 551 and is thereafter to be returned to Owens River at a point within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T 6 S, R 31 E, M.D.B.M.

Protests

Protests against the Approval of Application 551

Application 551 was protested by Owens River Canal Company, Mono Power Company, Bishop Creek Ditch Company, Frank Shaw Land and Cattle Company, Owens River and Big Pine Canal Company, McNally Ditch Company, Farmers Ditch Company, Rawson Ditch Company, Silver Lake Power and Irrigation Company, Round Valley Irrigation Company, Owens Valley Irrigation District and Southern Sierras Power Company.

The rights of Owens River and Big Pine Canal Company, McNally Ditch Company, Farmers Ditch Company and Rawson Ditch Company have been purchased by the applicant and these companies are non-existent. By letter dated August 8, 1938, the protests of Silver Lake Power and Irrigation Company and the Nevada-California Electric Corporation as successors in interest of Southern Sierras Power Company and Mono Power Company were withdrawn. The Owens Valley Irrigation District and the Round Valley Irrigation District have been dissolved.

The only remaining protests against the approval of Application 531 are those of Frank Shaw Land and Cattle Company, Bishop Creek Ditch Company and Owens River Canal Company.

Protestant Frank Shaw Land and Cattle Company claims the ownership of some 1300 acres of land known as the "Frank Shaw River Ranch" located within Sections 19 to 24 inclusive and Sections 29 and 30, T 6 S, R 32 E, M.D.B.M., which he claims is riparian to Owens River and have been used for grazing purposes and the production of valuable crops of hay by means of "annual natural overflow and irrigation" from the waters of Owens River. It alleges in effect that should applicant interfere with the normal average flow of the Owens River its lands will be rendered unproductive and it will necessitate the construction of ditches and artificial means at considerable expense for conducting the water to the lands for irrigating purposes.

The Bishop Creek Ditch Company claims an appropriative right initiated prior to the effective date of the Water Commission Act to 6000 miners inches of water measured under a 4" pressure of the waters of Owens River and the ownership of a canal the intake of which is located on the Owens River at a point within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T 6 S, R 32 E, M.D.B.M. It claims that water is supplied to approximately 68 stock holders for irrigation and domestic purposes on some 10,000 acres of land and alleges in effect that any interference with the normal flow of Owens River will prevent the diversion and use of water under its prior vested right.

The Owens River Canal Company claims an appropriative right initiated prior to the effective date of the Water Commission Act to 5000 miners inches of water measured under a 4" pressure of the waters of Owens River and the ownership of a canal, the intake of which is located on the Owens River at a point within Section 24, T 6 S, R 31 E, M.D.B.M. It claims that water is supplied to approximately 100 stock holders for irrigation and domestic use on some 6000 acres of land and alleges in effect that any interference with the normal flow of Owens River will interfere with its prior vested right.

Protests Against the Approval of Application 2432

Application 2432 was protested by Cain Irrigation Company, Nevada California Power Company and L. S. Amiot.

The Cain Irrigation Company claimed appropriations from Bush Creek initiated prior to the effective date of the Water Commission Act and confirmed by decree of Superior Court of Mono County in Case 2091 (Cain Irrigation Company vs. J. S. Cain, et al). Water was diverted at the following points:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T 1 S, R 26 E, M.D.B. & M.
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, T 1 S, R 26 E, M.D.B. & M.
NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, T 1 S, R 26 E, M.D.B. & M.
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, T 1 S, R 26 E, M.D.B. & M.

Protestant alleged in effect that there was no unappropriated water in Bush Creek and that the necessary rights of way had not been obtained.

The water rights of the Cain Irrigation Company on Rush Creek and its tributaries were acquired by the City of Los Angeles by deed dated May 6, 1935.

Nevada California Power Company had Application 51, License 622 and Application 5068, License 625 to appropriate from Leevining Creek and Application 52, License 28, Application 1026, License 61 and Application 3969, License 564 to appropriate from Rush Creek. It also claimed riparian rights to the waters of Rush Creek and alleged in effect that the proposed appropriation would interfere with its prior rights. Subsequent to the filing of its protest the rights of the Nevada-California Power Company were acquired by the Nevada California Electric Corporation and the licenses now stand upon the records of this office in the name of the latter company.

L. S. Amiet claims a right to the use of water from Rush Creek based upon a "Patent Right" to property within Sections 23 and 24, T 1 N, R 26 E, M.D.B. & M. and by "use of water commenced prior to the effective date of the Water Commission Act" and alleges in effect that should Application 2432 be approved it would interfere with his prior rights to divert water from Rush Creek at three points located "along the southern half of Section line between Sections 23 and 24, T 1 N, R 26 E, M.D.B. & M."

Protests Against the Approval of Applications 3211 and 3212

Applications 3211 and 3212 were protested by Elizabeth Yarrington, Chris Mattly, J. A. Mattly, Louis S. Amiet, Southern Sierras Power Company, Nevada California Power Company, Cain Irrigation Company, J. B. Clover, Title Insurance and Trust Company, Sierra Land and Water Company, Rush Creek Mutual Ditch Company, Venita Raehs McPherson, Robert L. Currie, Philip and Philip Kenneth Wiseman, Wallis D. McPherson, administrator of the Estate of S. W. McPherson, deceased, Jacob E. Birkenmaier, Edythe V. Smith, Harry S. Brown and Anna S. Biassellias.

It is not deemed necessary to set forth the several grounds of protest against the approval of these two applications as applicant has requested that they be cancelled. (Transcript of hearing November 17, 1939, p. 21).

Protests Against the Approval of Application 3850

Application 3850 was protested by Round Valley Irrigation District, W.D. and Mrs. H. L. Roberts, Owens Valley Irrigation District, Rock Creek Water Users, Inc., Caroline Arcularius, administratrix of the Estate of George Arcularius and guardian of the Estate of Lisetta, Mary and Georgia Arcularius, R. W. Brown, Gene and Gladys Crosby, Inyo National Forest, Frankie G. Leibly, William H. Birchim and James F. Birchim, T. J. and Hazel J. Yerby, W. Zuckerman, Inc. by W. Zuckerman, President, and John S. Zuckerman, Henry Heyman and Ode C. Nichols. Gordon McBride appeared as protestant at the hearing.

The Owens Valley Irrigation District and the Round Valley Irrigation District have been dissolved and the organization under the name of Rock Creek Water Association are non-existent; therefore there is no need to state their ground of protest.

W.D. and H.L. Robert, W.H. and J.F. Birchim claim rights by appropriation initiated prior to the effective date of the Water Commission Act.

Gene G. and Gladys Grosby, Frankie G. Leibly and William H. Birchim and James F. Birchim and Caroline Arcularius claim rights by virtue of riparian ownership.

T. J. and Hazel J. Yerby, M. Zuckerman, Inc., John S. Zuckerman, Maurice Zuckerman, R. W. Brown, Henry Heyman and Gordon McBride and Inyo National Forest claim rights initiated under the Water Commission Act.

The right upon which the use of water by Ode C. Nichols is based is not stated in his protest. On August 30, 1939 he filed Application 9716.

All of these protestants allege in effect that the proposed diversion of applicant if approved will deprive them of water to which they are entitled.

Protests Against the Approval of Applications 7053 and 7055

Applications 7053 and 7055 were protested by Harry S. Brown, Thomas H. and Elizabeth W. McKee, Arthur J. Frey and Louise C. Frey, trustee, Claude and Luanna Walborn, Vernon A. Meacham, County of Mono, L. L. Tatum, D. C. De Chambeau and J. Scanavino, Venita Roche McPherson, B. C. Honea, Frank Williams, Mike Lazovich and Pete Zano, J. B. Clever as a stock holder in both Sierra Land and Water Company and Rush Creek Mutual Ditch Company and as a property owner and tax payer in Mono County, John Dondoro, Robert and Eva Gerth and Wallace and Marie Gerth, Robert Hankins, Hugh McDonald, Sierra Land and Water Company, Philip Wiseman and P. Kenneth Wiseman, Owners of Town Lots in Leevining townsite (including Joe Scanavino, Gus I. Hess, William M. Hess, George Mitchell, Olive Mitchell, Mary Donnelly, Clay Calhoun, Margaret Calhoun, Anna M. Currie, Earl Hearrin, Wm. Y. Currie, Pearl M. Silva, George L. La Bague and Robert Calhoun).

The following protestants own or occupy property within the recreational area surrounding June and Gull Lakes and vicinity above the proposed points of diversion of the City. A number of them are appropriating water from springs under filings before this office.

Thomas H. and Elizabeth W. McKee
Robert and Eva Gerth
Wallace and Marie Gerth
Arthur J. Frey and Louise C. Frey, Trustee
Claude and Luanna Walborn
Vernon A. Meacham
Robert Hankins
Frank Williams
L. L. Tatum

These protestants claim that the diversion of water as proposed by the City under Applications 7053 and 7055 would result in the drying up of Mono Lake and in destroying the value of Mono Basin as a recreational center. They have invested in summer resorts and homesites, the value of which is dependent upon the natural beauty of the surrounding property and allege in effect that the exportation of water from Mono Basin will render their investments valueless.

The following protestants own or occupy lots in the townsite of Leevining, located within the SW $\frac{1}{4}$ of Section 9, T 1 N, R 26 E, M.D.B. & M.

Joe Scanavino
Gus I. Hess
William M. Hess
George Mitchell
Olive Mitchell
Mary Donnelly
Clay Calhoun
Margaret Calhoun
Anna M. Currie
Earl Hearnin
William Y. Currie
Pearl M. Silva
George L. La Braque
Robert Calhoun
Mike Lazovich
Pete Zano
B. C. Honea

These protestants claim a right by appropriation initiated prior to the effective date of the Water Commission Act and by virtue of riparian ownership to approximately 13 miners inches of water from Leevining Creek. They allege in effect that should Applications 7053 and 7055 be approved it would result in depriving the townsite of a future water supply, in drying up Mono Lake and in destroying the recreational value of Mono Basin and hence their means of livelihood.

Protestants Hugh McDonald, John Bondero, Joe Scanavino, B. C. De Chambeau and Harry S. Brown own lands lying north and west of Mono Lake. These protestants allege in effect that the proposed diversions will take from Mono County two of its largest streams thereby laying waste and desert a large area of the County, reducing the recreational value of the basin and lowering the underground water table in the vicinity of Mono Lake. They assert that applicant should not be allowed to export water which is needed for irrigation purposes in Mono Basin except for domestic purposes.

Philip Wiseman owns the E $\frac{1}{2}$ (fractional) of NE $\frac{1}{4}$ of Section 12, T 1 N, R 27 E, and NE $\frac{1}{4}$ and S $\frac{1}{2}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 7, T 1 N, R 28 E, M.D.B. & M. Kenneth Wiseman owns the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 and the E $\frac{1}{2}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T 1 N, R 28 E, M.D.B. & M. These protestants allege in effect that the proposed diversions under Applications 7053 and 7055 would result in depleting the underground basin over which their property lies, furthermore that applicants have no right to divert water from Mono Basin which is needed within the Basin itself.

Protestant Venita Reche McPherson owns the "Mono Inn" property on the westerly shore of Mono Lake being Lots 1, 2, 4, 5 and 6 of Section 30, T 2 N, R 26 E, M.D.B.M. upon which there are perennial springs which supply more than

60 miners inches of water measured under a 4 inch head which are used for domestic and irrigation purposes. It is her opinion that these springs are fed by the underground waters of Rush Creek. She claims that these springs were expressly excepted and reserved to her use in the condemnation suit which resulted in an interlocutory decree wherein all of the littoral rights appurtenant to the Mono Inn property were condemned. She claims the right to have this source of supply retained and protests against any diversion of water which may constitute any part of the source of supply of the springs on the Mono Creek property and specifically requests that any permit which may be issued to the applicant shall expressly recite that it is subject to all vested rights without prejudice to any right of this protestant.

The County of Mono alleges in effect that should Applications 7053 and 7055 be approved it would result in depriving the County of the waters of two of its largest streams and in laying waste to and making desert a large area of Mono County; that the recreational area will be greatly reduced causing great injury to owners of property located in Mono Basin who rely upon the revenue obtained from tourists; that the small holdings not purchased by the City will depreciate in value, that the County will suffer the loss of taxable property and the revenue derived therefrom and that the increased burden will necessarily be thrown upon the remaining residents of the County.

Protestant believes that the greater portion of the water will be used by the applicant for irrigation purposes and only a small amount for domestic purposes and in no event should applicant be allowed to divert water to the detriment of Mono County for any purpose than for domestic use.

The Sierra Land and Water Company claims rights initiated under Applications 2432 and 7721, action upon which is still pending before the Division and also under a right initiated April 6, 1914 by the posting of a notice to appropriate from Rush Creek at a point within Section 15, T 1 S, R 26 E, M.D.B.M. Protestant states that while no use of water has been made under the old right except for domestic purposes, 15 miles of ditch have been constructed under a permit granted by the U. S. Forest Service and rights of way granted by the U.S. Land Office.

Protestant claims that Application 2432 was filed long before Applications 7053 and 7055 and therefore should have the earlier priority. It claims also that Applications 7053 and 7055 were originally filed by the California Municipal Water Supply Company for the purpose of serving the Coastal Plain area exclusive of the City of Los Angeles, a purely speculative purpose and not until the applications were assigned to the City of Los Angeles and amended applications filed did the applications reveal the present intent of the applicant; that the amended applications filed were so variant from the original applications as to constitute in effect new applications having a priority as of January 16, 1937, the date upon which the new applications were filed, which date is subsequent to the date upon which its Application 7721 was filed.

Protestant alleges in effect that the rights initiated by the Company are for the irrigation and development of lands within the Mono Lake watershed requiring practically all of the unappropriated water flowing in the streams tributary thereto whereas applicant proposes to divert the water into a foreign

watershed when it already has under its control and available to its use water in excess of any present or future need of the City and that the laws of the State of California do not sanction the diversion of water from one watershed to another until the needs of the watershed wherein the water has its source have been provided for.

J. B. Glover, a stockholder in the Sierra Land and Water Company and Rush Creek Mutual Ditch Company, claims the ownership of land in Mono Basin and alleges in effect that the proposed diversions by applicant are not made in good faith for the purpose of securing water for domestic and municipal purposes but that the City intends to acquire the same for irrigation purposes outside of Mono Basin; that his lands are susceptible of irrigation under the applications of the Sierra Land and Water Company and were acquired under the provisions of the desert land laws of the United States; that at the time of entry of said lands the United States Land Office approved stock in said companies as an ample and satisfactory right for the irrigation and reclamation of said land and that the diversion of water as proposed by applicant will prevent the companies from completing their irrigation project.

Moreover, protestant alleges in effect that the proposed diversions will deplete the underground water underlying his lands and that this water is a natural resource of Mono County and should be used for the development of the County.

Protests Against the Approval of Application 7721

Application 7721 was protested by Cain Irrigation Company, Nevada-California Electric Securities Company, California Municipal Water Supply Company, Thomas G. and Kate Watterson and June Knapp, City of Los Angeles and Archibald Farrington.

The protests of Cain Irrigation Company, Nevada California Electric Securities Company and California Municipal Water Supply Company need not be considered as the rights of these interests have been assigned to the City of Los Angeles.

The City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles claims rights to appropriate from Leevining Creek and Rush Creek initiated by the filing of Applications 7053, 7055, 8042 and 8043; that although subsequent in time Applications 8042 and 8043 have a preferred priority and alleges in effect that there is insufficient unappropriated water in the sources from which it proposes to divert to warrant the approval of Application 7721. Also that the necessary rights of way and easements have not yet been acquired by the Company.

Thomas G. and Kate Watterson and June Knapp claim rights by virtue of riparian ownership and use for many years on lands located within Sections 16, 17 and 19, T 1 N, R 26 E, M.D.B.M. and allege in effect that should Application 7721 be approved it would deprive them of water to which they are entitled to divert and use from Leevining Creek.

Archibald Farrington claims rights to use water from Walker Creek and Boulder Canyon, tributaries of Rush Creek and from Gibbs Canyon, a tributary of Leevining Creek and alleges in effect that any diversions from Leevining and Rush Creeks will interfere with his prior vested rights.

Protests Against the Approval of Applications 8042 and 8043

Applications 8042 and 8043 were protested by Title Insurance and Trust Company (N.W. Thomson), Harry S. Brown, Hugh McDonald, E. W. Billebe (predecessor in interest to Mrs. Ruby H. Cunningham), Sierra Land and Water Company, Ruby H. Cunningham, June Knapp and T. J. Watterson, Katie Adair and Gladys Crosby, as executors of the Estate of Mary A. Conway, deceased, and individually, Gladys Crosby as Testamentary Trustee of Pearl Conway Silva and Pearl Conway Silva and Richard P. Conway, J. B. Clever as a stockholder in both Sierra Land and Water Company and Rush Creek Mutual Ditch Company and as a property owner and tax payer in Mono County, and Anna S. Diassellias.

N. W. Thompson in behalf of Title Insurance and Trust Company claims an adjudicated right to the use of water from Mill Creek, which is diverted at a point within NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, T 2 N, R 28 E, M.D.B.M. A right is claimed to 45 miners inches measured under a 4" head for the irrigation of 110 acres of land located within the W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 24, T 2 N, R 28 E, M.D.B.M. This water together with spring water has also been used on the so-called "Mono Inn" property on the shores of Mono Lake being Lots 1, 2, 4, 5 and 6 of Section 30, T 2 N, R 28 E, M.D.B.M., containing 154.71 acres. Protestant alleges in effect that should Applications 8042 and 8043 be approved it would result in not only depriving protestant of the water to which he is entitled to divert from Mill Creek but would also result in the drying up of the springs on the "Mono Inn" property. Harry S. Brown claims the ownership of Lots 1 and 2 of SW $\frac{1}{4}$, Section 18, T 3 N, R 28 E, M.D.B. & M.

Hugh McDonald owns lands within the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 28 and W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 27, T 3 N, R 27 E, M.D.B.M.

Anna S. Diassellias claims the ownership of the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 23, T 3 N, R 27 E, M.D.M.

These protestants allege in effect that diversions as proposed under Applications 8042 and 8043 would result in depriving them of the underground water as overlying land owners, would prevent future development of their property, would result in the lowering of the water surface level in Mono Lake and deprive the Basin of its recreational advantages.

E. W. Billebe, predecessor in interest of Ruby H. Cunningham, claimed the ownership of property bordering on the westerly shore of Mono Lake and riparian rights to the waters of the streams from which applicant seek to appropriate; also to the drainage and underground sources thereof for the maintenance of the water level and littoral rights to Mono Lake.

Protestant alleges in effect that the proposed diversions from the Mono Basin would eventually cause the drying up of Mono Lake and destroy the value of his property which is situated in Sections 30 and 31, T 2 N, R 28 E, M.D.B.M.

and also affect adversely the value of his property within Sections 7 and 18, T 1 S, R 26 E, M.L.B.M; that the City already has an adequate supply of water and is now selling water for irrigation purposes instead of using the same for domestic purposes. Protestant states that the City now has suits pending in the courts involving his lands as well as the lands of other property owners in Mono Basin and requests that action upon Applications 8042 and 8043 be deferred until the final disposition of these suits.

The protests of Sierra Land and Water Company and J. B. Clover as a stock holder in both the Sierra Land and Water Company and Rush Creek Mutual Ditch Company and as a property owner and tax payer in Mono County are identical to those filed against the approval of Applications 7053 and 7055 to which reference is made.

Ruby H. Cunningham owns Lot 6 of Section 31, T 2 N, R 26 E, M.D.B.M. bordering on the west shore of Mono Lake and claims littoral ownership to navigable water. She states in effect that in the case City of Los Angeles et al, vs. Aitken, et al, the applicants sought to condemn the littoral rights of the owners of land bordering on Mono Lake including the littoral rights to the lands described above, that the case involved the diversion of all waters of Rush Creek and its tributaries, Parker Creek and Walker Creek, and Leevining Creek and its tributary Gibbs Canyon Creek; that Mill Creek was the only creek named as a source of appropriation in Applications 8042 and 8043 which was not involved in the condemnation suit, that the suit was tried in January-June 1934 and resulted in a judgment awarding damages to her and other littoral owners on Mono Lake. She alleges in effect that the littoral rights on Mono Lake will be entirely destroyed by the recession of the waters thereof resulting from the diversion proposed under Applications 8042 and 8043.

June Knapp and T. J. Watterson claim the ownership of lands riparian to Leevining Creek within the S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 16, T 1 E, R 26 E, M.D.B.M. and that use of water has been made for irrigating trees and pasture from about June 1 to about December 1 of each year. The lands are involved in the case of City of Los Angeles et al, vs. Nina B. Aitken, et al, which is now on appeal, which case is still pending. They allege in effect that the City has no right or rights to divert waters outside of the watershed wherein they originate and that the water does not actually exist in the amounts sought to be appropriated.

Katie Adair and Gladys Crosby as executors of the Estate of Mary A. Conway, deceased, and individually, Gladys Crosby as Testamentary Trustee of Pearl Conway Silva, and Pearl Conway Silva and Richard P. Conway own what is commonly known as the Conway Ranch consisting of approximately 1000 acres of land through which the waters of Virginia Creek and Mill Creek flow. They claim that for a period of over 40 years last past they have applied to beneficial use 700 miners inches of water from Mill Creek and 300 miners inches from Virginia Creek and allege in effect that diversion from Mill Creek as proposed under Applications 8042 and 8043 would in effect render their lands valueless.

The protests of Sierra Land and Water Company and J. B. Clover are similar to those filed in connection with Applications 7053 and 7055.

Hearings Set in Accordance with Section 1a
of the Water Commission Act

The several applications were completed sufficiently for advertising in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Resources and being protested were set for public hearings in accordance with Section 1a of the Water Commission Act as follows:

Application 2432 on February 6, 1933, at 9:30 o'clock A.M. at 1122 Pacific Finance Building, Los Angeles, California.

Applications 531, 2432, 3211, 3212, 3650, 7053, 7055, 7721, 8042 and 8043 on September 22, 1938, at 10:00 o'clock A.M. in Court Room, Court House, Independence, California, and reconvened on November 17, 1938, at 10:00 o'clock A.M. in Superior Court Room, Court House, Bridgeport, California.

Of these hearings applicants and record protestants were duly notified.

General Discussion

Application 531 of the City of Los Angeles and the
Board of Water and Power Commissioners of the City of Los Angeles

The rights of the Owens River and Big Pine Canal Company, McNally Ditch Company, Farmers Ditch Company and Rawson Ditch Company have been purchased by applicant and these companies are non-existent.

The protests of Silver Lake Power and Irrigation Company and the Nevada-California Electric Corporation as successor in interest of Southern Sierra Power Company and Mono Power Company were withdrawn and the Round Valley Irrigation District and the Owens Valley Irrigation District have been dissolved.

As to the other protestants, Frank Shaw Land and Cattle Company, Bishop Creek Ditch Company and Owens River Canal Company, no appearances were made in their behalf at the hearing although these companies received notice thereof and no cause was shown for failure to appear. The failure on the part of these protestants to appear or show cause for non-appearance may be taken as presumptive evidence that they are no longer concerned in the matter and their protests are accordingly dismissed and Application 531 may be approved.

Applications 3211 and 3212 of the City of Los Angeles and the
Board of Public Service Commissioners of the City of Los Angeles

The City of Los Angeles asks to be allowed to proceed under Applications 8042 and 8043 rather than under Applications 3211 and 3212. They have

no present plans for proceeding under the earlier filings having apparently held on to them in the thought that as Applications 8432 and 7721 of the Sierra Land and Water Company were prior in time to Applications 8042 and 8043, the earlier priority under Applications 3211 and 3212 should be preserved.

However, at the hearing held at Bridgeport on November 17, 1936, applicant's attorney moved that Applications 3211 and 3212 be dismissed and was assured by the Examiner that this would be done. (Transcript, page 21.)

Applications 3211 and 3212 may therefore be cancelled.

Applications 2432 and 7721 of
Sierra Land and Water Company

The Rush Creek Mutual Ditch Company organized in 1912 made application to the Forest Service for rights of way on Grant Lake on September 6, 1912. This application was rejected as a similar application had not been made to the Department of the Interior for lands outside of the Forest Reserve. On May 15, 1914, a complete filing for rights of way was made by Sierra Land and Water Company, organized in 1914, but the application was finally rejected on October 27, 1920, by the Department of the Interior upon the grounds that the Company failed to show that it had a valid water right and by letter dated March 16, 1921, the General Land Office rejected the projects proposed by the Rush Creek Mutual Ditch Company and Sierra Land and Water Company as one not capable of delivering water for reclamation purposes. The denial of the application for right of way on Grant Lake by the Secretary of the Interior and injunctions against the use of right of way over certain private lands resulted in depriving the Sierra Land and Water Company of right of access to Rush Creek.

In order to initiate an appropriative right to the waters of Rush Creek Application 2432 was filed by Sierra Land and Water Company on July 6, 1921, notwithstanding the fact that all of the waters of the Creek were adjudicated under the so-called "Hancock Decree" and there were well established water rights on the stream. The application was advertised under date of January 11, 1922, and being protested was set for public hearing in Los Angeles on February 6, 1923.

After giving due consideration to the matters brought out at the hearing and the various briefs filed in connection therewith the Company was advised under date of November 23d that the following conclusions had been reached:

1. In view of the judgment entered in the case of Cain Irrigation Company v. J. S. Cain et al. (No. 2091 Sup. Ct. of Mono County) no action could be taken on any application on Rush Creek which contemplated a depletion of the waters thereof, while this decree still stands.
2. The standing of the Sierra Land and Water Company as an applicant for the use of water from Rush Creek for agricultural purposes should give it sufficient interest in the matter to initiate whatever

proceedings that might be necessary to obtain a modification of said decree, provided that it was in no manner a party thereto.

3. In the event that the Sierra Land and Water Company was a party to the decree, its failure to appeal same would render it impossible for the Division to issue a permit.

4. That before Application 2432 could be considered, disposal would have to be made of the earlier Application 1274 by G. W. Bowman as trustee for the proposed Inyokern Irrigation District for agricultural purposes, which application was pending before this office. (Note: Application 1274 was subsequently cancelled on February 6, 1926, for failure to complete.)

5. That all of the proposed points of diversion lay within the National Forest and the area embraced within the Reclamation Service withdrawal of April 5, 1920, and that the proposed diversions in Section 4, T 2 S. R 26 E, M.D.B.&M. lay within a power site withdrawal and that while the Division would not require the actual issuance of the necessary easements by Federal authorities as a condition precedent to action by itself, it would not consider favorable action until it was advised of the willingness of the Federal authorities to grant those easements provided permit issues from the Division.

On November 30, 1923, the Sierra Land and Water Company filed in the local land office at Independence, California, four applications for rights of way over the public domain. The applications were made under Act of Congress of March 3, 1891, 26 Stat. 1095, and Section 2 of the Act of May 11, 1898, 30 Stat. 404, as amended (43 U.S.C.A. Sec. 951), which provide for the granting of rights of way for canals and reservoirs to carry and store water for irrigation. In each application Rush Creek was named as the source of water supply, and the applications were based upon an appropriation of 75,000 miners inches of water from Rush Creek in accordance with the laws of the State of California.

On November 30, 1923, the Commissioner of the General Land Office rejected the four applications on the ground that there was no evidence to establish the existence of the water right claimed, or of the possibility of the Company's securing water for the carrying out of the irrigation project.

In the meanwhile the Sierra Land and Water Company brought suit to have the Hancock Decree set aside and to have the case retried on its own merits and an appeal was taken from the decision of the Commissioner to the Secretary of the Interior, and the Secretary requested by the Company to suspend action on the appeal pending an adjudication in the courts of California of the waters of Rush Creek.

On September 27, 1933, a final decision in the California litigation was reached by the Supreme Court holding that the Sierra Land and Water Company possessed no enforceable right to the waters claimed by it. (Sierra Land and Water Company v. Cain Irrigation Company, 219 Cal. 82, P. (2d) 223.)

After notice of the decision of the Supreme Court, the Secretary of the Interior by decision dated December 8, 1933, affirmed the office decision of November 30, 1923. Thereafter the Company raised the question as to the authority of the Secretary of the Interior to require evidence of a water right, or the sufficiency of the source of supply, as a condition precedent to the approval of its applications for ditch and reservoir rights of way and petitioned for rehearing. Upon refusal of the Secretary to reopen the case a suit was instituted, alleging the invalidity of these requirements by the Secretary and seeking a writ of mandamus to compel the Secretary to approve its several applications for rights of way notwithstanding the failure of the Company to furnish evidence of its right or ability to obtain water for carrying out its project. This case was tried in the U. S. Court of Appeals for the District of Columbia and resulted in affirmation of the decree of the Secretary of the Interior, United States ex rel. Sierra Land and Water Company (84 Fed. Rep. 2d 228) decided April 13, 1938.

On October 24, 1933, the Sierra Land and Water Company filed Application 7721 seeking to appropriate 150 cubic feet per second from Leevining Creek and 75 cubic feet per second from Rush Creek for the irrigation of 12,000 acres of land on the shores of Mono Lake. No storage was contemplated.

Under date of February 21, 1934, the Register of the Land Office at Sacramento was instructed by the Department of the Interior to accept no desert land annual proofs where the expenditures alleged were based upon the purchase of the capital stock of the Rush Creek Mutual Ditch Company and/or the Sierra Land and Water Company and to accept no desert land final proof where the water right was based on the ownership of the capital stock of the Rush Creek Mutual Ditch Company and/or the Sierra Land and Water Company.

The proposed irrigation project of the Sierra Land and Water Company according to competent investigators is entirely without merit as an irrigation enterprise. Its applications for rights of way and easements over government lands have been denied in connection with Rush Creek and the record indicates that the proposed point of diversion on Leevining Creek is on government land and in order to convey water from Leevining Creek to the proposed place of use it would not only be necessary for the Sierra Land and Water Company to obtain necessary easements from the Government but also from lands owned by the City of Los Angeles or the Nevada California Electric Corporation (Transcript Nov. 17, 1938, pages 22 and 23).

Under date of August 17, 1934, the Division was informed by the State Railroad Commission that the Sierra Land and Water Company had not applied for any certificate of public convenience and necessity covering service to the proposed place of use and no showing by the Company has been made to indicate that such an application has been made.

On August 20, 1934, the Secretary of State's office informed the Division that the franchise of the Sierra Land and Water Company was suspended on May 8, 1934, for failure to pay the franchise tax and under date of November 14, 1938, the office of the State Franchise Commissioner advised the Division that the corporate rights and powers of the Sierra Land and Water Company and the

Rush Creek Mutual Ditch Company were suspended as of March 5, 1957, for failure to satisfy tax liability of record. Subsequent to the hearing an affidavit was filed with this office over the signature of Mr. Clever stating that the State Franchise Tax of the Sierra Land and Water Company had been paid and that the Corporation was in good standing and entitled to do business.

This does not remedy the condition as to right of way and easements however, and under Section 20 of the Water Commission Act the City of Los Angeles has a preferred priority to the appropriation of the waters of Leavitt and Rush Creeks for municipal purposes and it appears that should the City exercise the rights under its Applications 7053, 7055 and 8042, and we have every reason to believe that it will, there will be no unappropriated water available for diversion under Applications 2432 and 7721 of the Sierra Land and Water Company.

The Sierra Land and Water Company is of the opinion that the delay in acting upon its Application 2432 was inexcusable and gave the City of Los Angeles an opportunity to obtain an alleged preferential right under its subsequent applications. In this connection it may be said that if immediate action had been taken in connection with Application 2432 after hearing this office would undoubtedly have cancelled the application as it was clearly indicated that the waters of Rush Creek were fully appropriated under the Hancock Decree and the Company was unable to secure the necessary rights of way. Action was delayed in order to afford the Company every opportunity to proceed with such action as was necessary to make available to its use unappropriated water and to obtain assurance from the Department of the Interior that should Application 2432 be approved the necessary rights of way and easements would be granted.

The conditions as stated above have not materially changed. The City of Los Angeles however has added the Colorado River to its various sources of supply and while under its Applications 7053, 7055 and 8042 the City may eventually use the entire flow of the sources named therein, there is a possibility that either the development may not be made to the extent contemplated or that the City may be agreeable to the use of the water by the Company to a limited extent. For these reasons it is believed that action should be withheld for a reasonable time in connection with Applications 2432 and 7721 of the Sierra Land and Water Company in order to afford it an opportunity to arrange for necessary rights of way and easements, and to formulate its plans for use of the water under existing conditions.

Application 3850 of the City of Los Angeles and the
Board of Water and Power Commissioners of the City of Los Angeles

Under Application 3850 it is proposed to appropriate from Rock Creek, 50 cubic feet per second by direct diversion and 40,000 acre feet per annum by storage to be collected in Long Valley Reservoir on Owens River at a maximum rate of 100 cubic feet per second. The season of direct diversion and diversion to storage is throughout the entire year. As advertised and as presented at the hearing the point of diversion was described as being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, T 4 S, R 30 E, M.D.B. & M. but at the hearing the attorney for the applicant moved the privilege of amending Application 3850 to describe the point of diversion as being approximately 125 feet below the highway bridge on Rock Creek located near the northeast corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 32

which point would be approximately 0.8 of a mile below the point of diversion originally described. The request was made as applicant was of the opinion that the effectiveness of the appropriation would not be lessened by the change and the grounds of protest of T. J. and Hazel A. Yorby and of Frankie G. Leibly and William E. and James P. Lorchin whose points of diversion are above the proposed new point of diversion would be eliminated.

In conformity with the action on May 8, 1939, there was received in this office a petition from the City requesting permission to change the point of diversion named in Application 3350 to a point which is described as being S. 20° 25' 15" W. 1100' from the corner common to Sections 28, 29, 32 and 33, T 4 S, R 30 E, S.D.B. & N. and being within the NE¼ of NE¼ of Section 32, T 4 S, R 30 E, S.D.B. & N. The location of the point of diversion is approximately the same as that specified at the hearing and as it was there agreed that the application would be considered in the amended form to avoid any further hearing, the discussion of this application will be based upon the amended location of the point of diversion (Transcript p. 63).

The Owens Valley Irrigation District and the Round Valley Irrigation District have been dissolved and the organization known as the Rock Creek Water Users Association is non-existent, therefore their protests may be dismissed.

H. G. and Mrs. M. L. Roberts, in their protest filed April 21, 1924, claim the right to divert water for power purposes and the irrigation of 240 acres of land in Inyo County which right is based upon use commenced prior to the effective date of the Water Commission Act. Apparently they were users of water in an irrigation district not now in existence. No appearance was made in their behalf at the hearing although they received notice thereof and apparently they have no further interest in the proposed appropriation. Their protest may therefore be dismissed.

Based upon Exhibit 47, Part 1 of the City of Los Angeles revised by records on file with this office and the fact that the proposed point of diversion under Application 3350 will be changed to a point below the Highway Bridge, the following tables have been prepared showing the users of water from Rock Creek both above and below the proposed point of diversion.

Users of Water from Rock Creek and Tributaries
above Point of Diversion

<u>Appl.</u>	<u>Permit</u>	<u>License</u>	<u>Appropriator</u>	<u>Amount</u>	<u>Reason</u>
6376	3347	1124	*Gordon McBride	200	g.p.d. May 1 - Nov. 30
7066	3945	1558	J. K. Eldridge	200	" May 1 - Nov. 30
7168	3930	1530	Ingle Carpenter	200	" June 1 - Sept. 30
7349	4051	1828	Mrs. Frankie M. Beatty	200	" May 15 - Oct. 15
8112	4571	--	A. D. Snyder	200	" Jan. 1 - Dec. 31
8128	4454	--	Chas. G. Kibbe	200	" May 1 - Nov. 15
8129	4455	1853	Orville E. Yochen	200	" May 15 - Nov. 1
8245	4610	--	Ingle Carpenter	1.3	c.f.s. Apr. 16 - Nov. 15
8248	4825	--	*R. W. Brown	1500	g.p.d. Jan. 1 - Dec. 31
8270	4582	--	Rock Creek Lodge	3250	" May 1 - Oct. 31
8352	4718	--	*T. J. Yerby	3.0	c.f.s. Mar. 1 - Dec. 31
8353	4955	--	*T. J. Yerby	15000	g.p.d. Mar. 1 - Dec. 31
8902	4954	--	*U.S. Inyo Nat. For.	1800	" May 1 - Oct. 15
9311	3978	--	John P. Dodge	200	" Apr. 15 - Nov. 15
9558	5415	--	W. E. Whorff and E. T. Albright	200	" May 1 - Dec. 1
Riparian Rights			*Frankie G. Leibly	448	Ac.Ft.
Riparian Rights			*Birchm and Leibly	2065	"

* Protestants against the approval of Application 3850.

Rock Creek Water Users Below Point of Diversion

Riparian Rights			*Arcularius Estate	1680	Ac.Ft.
Riparian Rights			*Gene G. and Gladys Crosby	35	"
6320	3325	1318	*John S. Zuckerman	100	g.p.d. Apr. 1 - Dec. 1
6674	3562	1618	Ruby Alanset	200	" Apr. 15 - Oct. 30
6686	3580	1592	Minnie Wittala	200	" Jan. 1 - Dec. 31
7170	3911	1529	Albert W. English	200	" Apr. 1 - Nov. 15
7171	3947	1556	Chas. O. Perkins	200	" Apr. 15 - Nov. 15
7265	3975	1689	H.C. and E. J. Farrington	200	" Apr. 1 - Oct. 30
8288	4607	--	*Henry Heyman	1500	" Jan. 1 - Dec. 31
8906	5064	--	Mrs. M. B. Lewis	200	" May 1 - Nov. 1
9025	5076	--	*M. Zuckerman	1500	" Mar. 1 - Jan. 1
9421	5269	--	R. L. Zink	200	" May 1 - Oct. 31
9552	5382	--	G. & A. Scheunemann	200	" Jan. 1 - Dec. 31
9716	5447	--	*Ode C. Nichols	200	" Jan. 1 - Dec. 31

*Protestants against the approval of Application 3850.

The protests of those who divert and use water above applicants' proposed point of diversion may be dismissed as the City's diversion will not interfere with whatever rights they may have.

As to those protestants who take and use water below the City's proposed point of diversion, the situation is one which may well concern them. Special use tracts have been surveyed and developed by the Inyo National Forest on Rock Creek and summer homes and resorts have been constructed on the assumption that the natural values of the mountain stream would be preserved and that they would be assured of an adequate domestic supply. Many of these users of water are applicants before this office.

Aside from the use of water from Rock Creek for domestic and recreational purposes under vested rights the Forest Supervisor directs attention to the fact that Rock Creek provides fishing for no less than 1000 trout fishermen annually, that Highway No. 395 traverses the creek for a distance of some five miles and that the aesthetic beauty of the stream and the forest cover along its banks contribute much to the enjoyment of the several thousand people who travel annually over the highway.

The City of Los Angeles admittedly seeks to divert the entire flow of Rock Creek at its proposed point of diversion leaving the channel below substantially dry except possibly for some seepage which may find its way into the channel which according to the record would be almost negligible in amount. The City admits also that it is doubtful whether the proposed diversion could be made without infringing upon or interfering with the rights below and proposes to initiate proceedings to quiet title to these rights.

The present use of water from Rock Creek for domestic purposes under applications before this office is about 13,000 gallons per day or approximately 0.02 of a cubic foot per second of which amount nearly one-third is diverted from Rock Creek below the proposed point of diversion. In addition thereto protestants Gene G. and Gladys Crosby claim a right to 9 cubic feet per second for power, domestic and recreational purposes and the Arcularius Estate claims a right to the use of water for the irrigation of 240 acres of land and for domestic use. No testimony was presented at the hearing relative to the actual use of these protestants but according to Exhibit 47, Part 1 of the City, the total rights do not exceed 1715 acre feet per annum as shown in the above table.

The testimony presented at the hearing indicated that the long time average seasonal flow of Rock Creek was approximately 45 or 50 cubic feet per second. In 1921 an estimate was made by the City of the monthly flow of Rock Creek using Bishop Creek runoff as a basis of calculation during the period from October 1, 1903 to December 31, 1920. In this estimate the watershed of Bishop Creek above the mouth of the canyon was considered as being 100.7 square miles and the Rock Creek catchment area above the mouth of the canyon as 36.0 square miles. From this estimate the following table has been prepared.

Average Monthly Runoff of Rock Creek at Mouth of Canyon
for the Period October 1, 1903, to December 31, 1920

Month	Average Discharge c.f.s.	Month	Average Discharge c.f.s.
October	21.2	April	23.8
November	16.7	May	56.5
December	15.9	June	111.5
January	17.4	July	115.3
February	15.3	August	60.8
March	18.1	September	28.4

Mean seasonal runoff 42 c.f.s.

The above table indicates that the maximum flow of Rock Creek occurs during the summer months.

The City expects to acquire all vested rights below by condemnation or if they cannot be so acquired will let sufficient water down to satisfy them. However it is believed that there is a great deal of merit in the contention of that group of protestants who are concerned lest Rock Creek be destroyed as a recreational stream.

In general, the Division feels that the Water Commission Act requires it to protect streams in recreational areas by guarding against depletion below some minimum amount consonant with the general recreational conditions and the character of the stream. In some instances, where the stream flow during the summer months is not above the amount required to safeguard the public interest in this particular, the season of diversion has been limited so as to exclude the vacation months. On Rock Creek however, the vacation season comprises the months of greatest runoff as indicated by the above table and to deny entirely appropriations during these months would not be within the limits of reason. This phase of the matter was not made an issue at the hearing to the extent that the amount of water which should be allowed to flow down the stream could be deduced from testimony. The Supervisor of the Inyo National Forest has suggested that the City's diversion from Rock Creek be limited to the flood waters or to amounts in excess of approximately 5 cubic feet per second during the winter months and 25 cubic feet per second during the summer months.

It is doubtful that this office can with propriety limit the diversion to the extent proposed by the Forest Service. The vacation season apparently extends from about April 1st to about November 30th of each year but in order to preserve fish life it is necessary that a certain amount of water be allowed to pass downstream throughout the entire year. Such a condition was incorporated in the permit issued in approval of Application 8768 to appropriate 2.0 c.f.s. from Strawberry Creek in El Dorado County. The Eldorado National Forest objected to the approval of this application upon the grounds that a diversion of 2.0 c.f.s. during the summer months would result in drying up the creek for some distance below but agreed to withdraw the protest pro-

vided that a clause be incorporated in the permit to the effect "that at least one-half second foot of water would be allowed to flow past the diversion dam at all times." The Forest Supervisor was informed that while in general this office was of the opinion that such agreements should be entered into privately between applicant and protestant, in this case public policy was involved and therefore such a term and condition as set forth above would be incorporated in any permit which might be issued in approval of Application 5768. The applicant in this case agreed to the clause and the following clause was incorporated in the permit:

"It is understood that permittee shall at all times by-pass a minimum of one-half second foot at the point of diversion."

We feel that there is insufficient information before this office at the present time upon which to determine what restrictions if any should be placed in any permit which may be issued in approval of Application 5850 in order to insure an adequate domestic supply to the Rock Creek Recreational Tract and to properly sustain fish life in the creek. While the petition to change the point of diversion may be approved action upon the application itself should be temporarily withheld until further information is obtained with respect to these matters.

Applications 7053 and 7055 of the City of Los Angeles and Department of Water and Power of the City of Los Angeles and Applications 8042 and 8043 of the City of Los Angeles and the Board of Water and Power Commissioners of the City of Los Angeles

As a result of condemnation proceedings instituted by the City of Los Angeles in the case of City of Los Angeles, a municipal corporation, and Department of Water and Power of the City of Los Angeles, a municipal corporation vs. Nina B. Aitken, et al., the City of Los Angeles has acquired the fee simple estate to all riparian rights to the waters of Rush, Parker and Walker Creeks and in and to all littoral or riparian rights to the maintenance of the level of the waters of Mono Lake by the discharge thereto of Rush and Leevining Creeks and their tributaries, together with all rights to the continued flow of the surface and percolating waters of said creeks and the right to the continued use of the same within the watersheds thereof involving some 7000 acres of land.

By purchase and agreement other rights have been acquired until the City of Los Angeles now owns and controls all water rights necessary to its purpose on Leevining, Walker, Parker and Rush Creeks except the rights of the

owners of lots in the townsite of Leevining. These lots were originally included in the proceedings but were subsequently withdrawn by motion of the plaintiff as the City felt that water should not be taken from one town to be given to another and that the townsite should receive the water to which it is entitled (Transcript p. 88).

As the points of diversions of the City are located downstream from those protestants who own or occupy property within the June-Gull Lake recreational area those protestants will not suffer any injury by the proposed diversion except by the effect which these diversions may have upon the general recreational advantages of Mono Basin. These protestants as well as others claim that the exportation of water from the sources tributary to Mono Lake will result in the drying up of the Lake and destroying the scenic beauty of the Basin upon which they are largely dependent for their livelihood.

It is indeed unfortunate that the City's proposed development will result in decreasing the aesthetic advantages of Mono Basin but there is apparently nothing that this office can do to prevent it. The use to which the City proposes to put the water under its Applications 7053, 7055 and 8042 is defined by the Water Commission Act as the highest to which water may be applied and to make available unappropriated water for this use the City has, by the condemnation proceedings described above, acquired the littoral and riparian rights on Mono Lake and its tributaries south of Mill Creek. This office therefore has no alternative but to dismiss all protests based upon the possible lowering of the water level in Mono Lake and the effect that the diversion of water from these streams may have upon the aesthetic and recreational value of the Basin.

No testimony was presented in support of those protests based upon the lowering of the underground water level in Mono Basin. If injury can be proved as a result of the City's diversions adequate recourse may be had through appropriate court action.

It was urged by some of the protestants that the City proposes to use the water of Mono Basin for irrigation purposes in Owens Valley until such a time as the City may have need of this water. The City emphatically denied however at the hearing that such use would be made. In fact the approval of these applications would give the City no right to such use as all of the water applied for under Applications 7053, 7055 and 8042 is to be used for domestic and municipal purposes in the City of Los Angeles and under Application 8043 water will be used for power purposes enroute to the City which is the same water as applied for under Application 8042.

The protests of J. B. Clover and Sierra Land and Water Company may be dismissed as the City has a preferential right under its applications to appropriate from Rush and Leevining Creeks and there is insufficient unappropriated water in these sources for appropriation by the Company, should the City proceed with its proposed developments.

As to the protest of June Knapp and T. J. Watterson, Mr. Watterson advised the Division by letter dated November 10, 1938, that he wished to be eliminated as a protestant; that the land in Mono Basin formerly jointly owned by the Wattersons and Knapps was now the property of the Knapps and that by court decree this land located in Section 16, T 1 N, R 26 E, M.D.B.M. had no water rights and consequently June Knapp had no basis of protest against the applications of the City. This statement was supported by testimony presented at the hearing (Transcript pages 81-86).

As to the proposed appropriation from Mill Creek named as one of the sources in Applications 8042 and 8043 the situation is different.

Under decrees of the court dated March 16, 1901, by Judge H. C. Rust and dated June 17, 1915, by Judge L. T. Price the water rights on Mill Creek were adjudicated as follows:

<u>Priority</u>	<u>Decree Name</u>	<u>Amount (m.i.)</u>	<u>Present Owner</u>
1	Pacific Power Company	50	City of Los Angeles
2	J. A. Conway	600	J. A. & R. P. Conway
3	Hydro-Electric Company	300	City of Los Angeles
4	Mary Felosina	120	City of Los Angeles
4	A. J. Allen	50	Title Insurance & Trust Co.
4	Thos. Sylvester	80	(1) Albert Sylvester (2) City of Los Angeles
5	Hydro-Electric Company	700	City of Los Angeles
6	F. D. Mattly	150	F. D. Mattly
7	J. A. Conway	100	J. A. & R. P. Conway
8	L. W. DeChambeau	630	L. W. DeChambeau
* 9	C. H. Currie	150	Anna W. Currie
10	Mary Felosina	150	City of Los Angeles
11	Hydro-Electric Company	100	City of Los Angeles
*12	W. O. Lundy	100	W. O. Lundy Estate
*13	B. B. McKnight	100	Wm. J. Farrington
14	J. S. Cain (Lundy Lake)	300	City of Los Angeles
15	F. D. Mattly	50	F. D. Mattly

*Not included in Price Decree

In addition to the above the Pacific Power Company was decreed 15,000 miners inches subject to prior rights, 15,000 miners inches of surplus waters, 30,000 miners inches in Lundy Lake and flood waters and storage rights in Lundy Lake of flood waters; also the right to use Conway's 700 miners inches for power purposes and the right to the use of all of the waters of Mill Creek for power purposes subject to prior rights. These rights are now held by the Nevada-California Power Company.

The sum of the decreed rights, other than for power (Priorities 1 to 15 inclusive) amounts to 3730 miners inches measured under a four inch pressure or 74.6 cubic feet per second of which the City has acquired approximately one-half by purchase.

Exhibit 47 submitted by the City of Los Angeles consists of records kept by the Southern Sierras Power Company of the actual flow of Mill Creek computed from the average K.W. output at the Mill Creek power house. From these records the mean monthly flows of Mill Creek during the period from January 1923 to September 1937 have been deduced and are set forth in the following table:

Mean Monthly Flow of Mill Creek at Mill Creek Power House
during the period from January 1923 to September 1937

<u>Month</u>	<u>Flow c.f.s.</u>	<u>Month</u>	<u>Flow c.f.s.</u>
January	7.23	July	52.90
February	9.78	August	37.78
March	12.11	September	23.77
April	23.10	October	10.30
May	36.69	November	9.49
June	53.49	December	7.32

The above table indicates, as well as the testimony introduced at the hearing (Transcript p. 135) that the total amount of water under the decree, exclusive of power rights is considerably in excess of what is normally available for use in Mill Creek.

The testimony also indicates that in ordinary years there is insufficient water in Mill Creek to satisfy all the adjudicated rights (Transcript page 139) and that the diversions are now substantially the same as they were at the time of the decree (Transcript page 140); that although at times there is waste water from Mill Creek it is not a regular event (Transcript p. 110); that only in certain years has there been an excess and in the spring the water is all used (Transcript p. 116-117).

The City has acquired by purchase approximately one-half of the decreed rights which is not now considered a surplus but in the event that the project is carried out as contemplated the water instead of being used for irrigation purposes on Mill Creek would be used for domestic purposes in the City of Los Angeles together with water acquired by purchase or condemnation of the remainder of the decreed rights. In this connection we quote from page 42 of the transcript as follows:

"Q. (To Van Norman by Cochran) Mr. Van Norman, in respect to the waters of Mill Creek, do you know whether or not it is definitely planned as set out in the application to divert the waters of that creek?

"A. Yes, the waters we propose to divert from Mill Creek purchased from the Power Company and subsequent purchases from others on the stream. We recognize the fact that there are owners of land with water rights on Mill Creek we have not purchased and we would not ask for any action on that we have purchased before we had made arrangements, through the purchase or condemnation to acquire that additional water.

"Q. How long before any water will be diverted from Mill Creek, according to your plans?"

"A. Several years, at least five years, possibly ten."

The testimony presented at the hearing indicates that there is no certainty that the proposed Mill Creek development will ever be consummated. The cost of constructing a conduit from Mill Creek to Leevining Creek would involve considerable expense for the amount of water to be secured and the City does not wish to incur the expense at this time. In fact, before proceeding with this phase of the development it wishes to have the system conveying the water to the City from the other sources in full operation. After five or ten years it may possibly decide not to construct the diversion works (Transcript p. 90).

It is contrary to the policy of the Division to issue a permit in approval of an application or to approve any phase of an application to appropriate water unless a bona fide interest is shown to proceed with construction work and use of water within a reasonable time. While in similar cases action has been deferred until the plans of the applicant were more mature, the protestants have requested that a decision be rendered as to whether this phase of the applications should be granted or denied and were assured by the Examiner at the hearing that the Division would render a definite decision (Transcript, p. 92).

The City of Los Angeles apparently controls the situation on Mill Creek having acquired approximately one-half of the decreed rights and being in a position to condemn the remaining rights if necessary. In the event that it should definitely decide to proceed with this phase of the project a new application may be filed to appropriate any surplus unappropriated water which may be available. In fact the attorney for the applicant has expressed the opinion that the rights of the Department can be fully protected whether or not the applications, in so far as they relate to Mill Creek, are approved at this time. (Letter received by Division on January 12, 1940).

In view of the above it is our opinion that those phases of Applications 8042 and 8043 relating to the proposed appropriations from Mill Creek be denied.

Summary and Conclusions

The purposes to which the City of Los Angeles proposes to apply the water under Applications 531, 3860, 7053, 7055, 8042 and 8043 are useful and beneficial ones. It has taken the necessary steps to obtain rights of way and easements over government lands and by appropriate action has made water available for appropriation. It is therefore the opinion of this office that Applications 531, 7053 and 7055 be approved subject only to the usual terms and conditions; that action on Application 3860 be temporarily suspended until further order is entered except that an order may now be issued granting the petition filed with the Division on May 3, 1939 to change the point of diversion, and that Applications 8042 and 8043 be approved in so far as they relate to appropriations from Leevining, Walker, Parker and Bush Creeks and denied in so far as they relate to appropriations from Mill Creek.

Applications 3211 and 3212 were withdrawn by the applicant at the hearing and these two applications may therefore be cancelled upon the records of this office.

As to Applications 2432 and 7721 of the Sierra Land and Water Company, action should be temporarily suspended until further order is entered pending a further showing as to the acquisition of necessary rights of way and easements and a formulation of its plans for the use of water under existing conditions.

ORDER

Applications 531, 2432, 3211, 3212, 3650, 7055, 7056, 7721, 8042 and 8045 to appropriate water having been filed with the Division of Water Resources as above stated, protests having been filed, public hearings having been held and the Division of Water Resources now being fully informed in the premises;

IT IS HEREBY ORDERED that Applications 531, 7055 and 7056 be approved and that permits be issued to the applicant subject to such of the usual terms and conditions as may be appropriate, and

IT IS FURTHER ORDERED that Application 3650 be amended in accordance with the petition filed with the Division of Water Resources on May 3, 1939 but that otherwise action be withheld until further order is entered, and

IT IS FURTHER ORDERED that Applications 8042 and 8045 be denied in so far as they relate to proposed appropriations from Mill Creek and approved in so far as they propose appropriations from Leovising, Walker, Parker and Kush Creeks only and that with this limitation permits be issued to the applicant subject to such of the usual terms and conditions as may be appropriate, and

IT IS FURTHER ORDERED that Applications 3211 and 3212 be rejected and cancelled upon the records of the Division of Water Resources, and

IT IS FURTHER ORDERED that action be withheld in connection with Applications 2432 and 7721 until further order is entered.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 11th day of April 1940.

EDWARD HYATT, State Engineer

By HAROLD GONKLING
Deputy

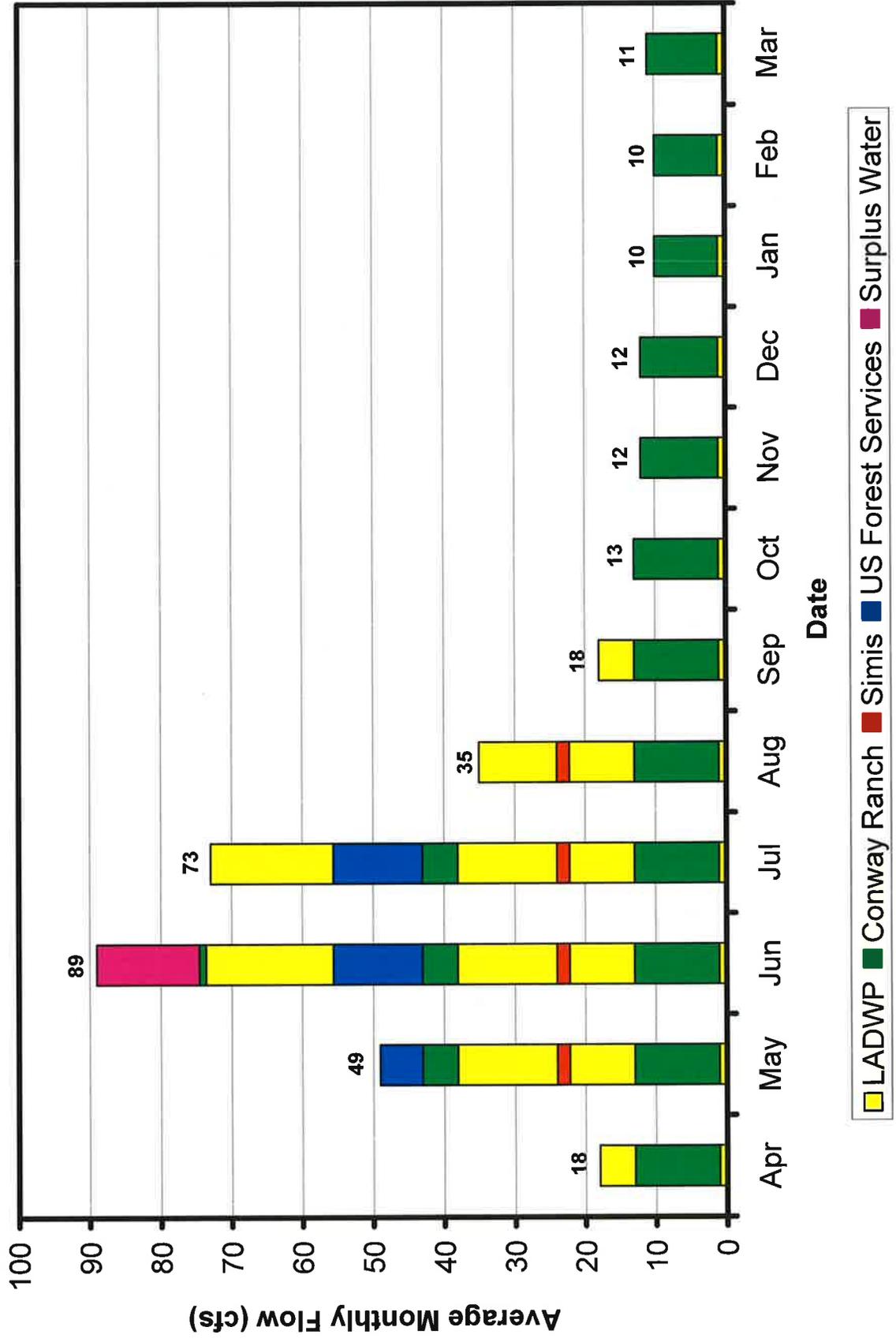
(Seal)

WES:m

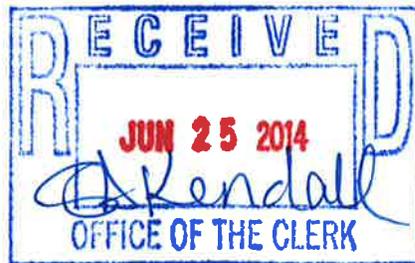
Attachment C

Hydrography of Mill Creek Water Right Holdings

Mill Creek Water Right Holdings Based on Water Availability (1914 Decree)



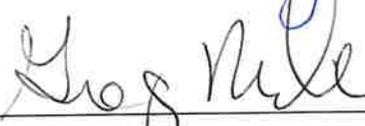
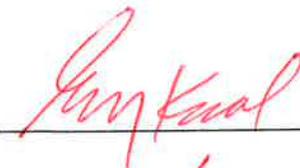
All following
documents:



Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

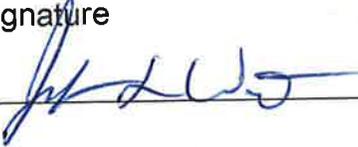
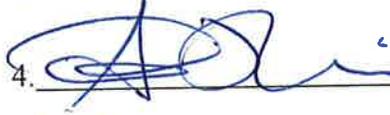
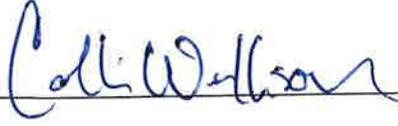
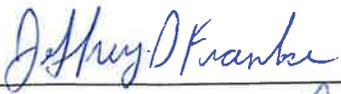
We the undersigned, believe that a trout stocking program is of utmost importance for Mono County. We strongly support the Trophy Trout Program and the need for a full functional fish hatchery on the Conway Ranch. This hatchery would produce and supply Mono County waters with outstanding trophy fish.

Signature	Print Name	Phone/Email	Date
1. 	Gerald Kreutzer	818-437-1851 Cotransplants46@aol	5/30/14
2. 	Greg Miller	760-935-4375 lilbadder1@gmail.com	
3. 	Matt Melia	761-635-2652	5/30/14
4. 	Matt Boskovich	(805)657-3593	5/30/2014
5. 	JULIANN SPRUNGER	760-709-1115	5/30/14
6. 	Victor A Villa	661-903-2390	
7. 	Ryan Ellis	(823)841 1764	5/31
8. 	BRUCE FREEMAN	(714)482 8465	5/31
9. 	GREG KASSEL	760-937-4183	6-1
10. 	JOE TOLEDO	760-709-1698	6-1

Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

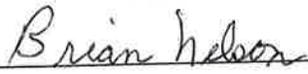
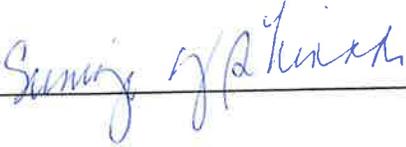
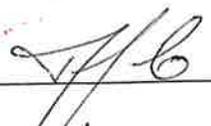
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Signature	Print Name	Phone/Email	Date
1. 	Jennifer Wright	(661) 243-5248 jwright0516@att.net	6/7/14
2. 	Danny Nelson	4dnelson4@gmail.com	6-7-14
3. 	PAUL BECKER	858/571-1699	6-8-14
4. 	STEVE RONZONI	714-392-2296	6/7/14
5. 	James Mattson	760/709-0855	6/9/14
6. 	Shawn Mattson	760-914-0838	
7. 	Collin Wilkinson	(603) 630-9899	
8. 	PAUL STEELE	760-914-1960	
9. 	Jeff Franke	760 709 1079	6/8/14
10. 	Brian Shibeck	760 9359309	

Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

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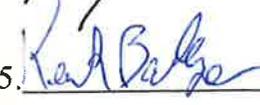
- | Signature | Print Name | Phone/Email | Date |
|--|--------------------|-----------------|--------|
| 1.  | Scott A Meunier | 760 9140358 | 6/2/14 |
| 2.  | Brian L. Nelson | 661 431 4597 | 6/2/14 |
| 3.  | Katherine Harrison | 260 937 7030 | 6/4/14 |
| 4.  | CONNOR HAKE | 858-431-6050 | 6/4/14 |
| 5.  | Sumayy Ghinoh | 714 496-0489 | 6/5/14 |
| 6.  | JEFF CALK | 949.322-6642 | 6/5/14 |
| 7.  | SCOTT ADAMS | 949
593-9100 | 6-5-14 |
| 8. | | | |
| 9. | | | |
| 10. | | | |



Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

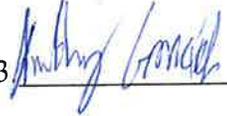
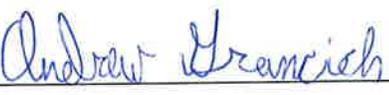
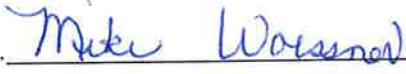
We the undersigned, believe that a trout stocking program is of utmost importance for Mono County. We strongly support the Trophy Trout Program and the need for a full functional fish hatchery on the Conway Ranch. This hatchery would produce and supply Mono County waters with outstanding trophy fish.

Signature	Print Name	Phone/Email	Date
1. 	JAMES TIMPER	(909) 705-7775	6-9-14
2. 	MARK MARTINI	714-362-6593	6-11-14
3. 	JOHN MARTINI	(562) 221-3057	6-11-14
4. 	TYLER CANNON	(661) 589-4845	6-11-14
5. 	KEITH BALLENGER	(661) 764-5695	6-11-14
6. 	SAM GHILARDUCCI	661-978-3408	6-11-14
7. 	ROBERT L. ...	760-...-7796	6-11-14
8. 	MELVIN NAKANO	626-292-6829	6/11/14
9. 	BRIAN BALCOM	(269) 251-0421	6/12/14
10. _____			

Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

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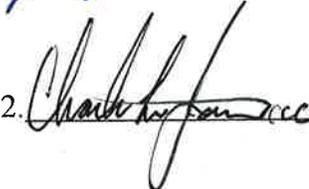
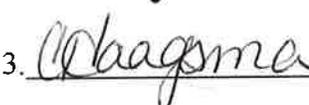
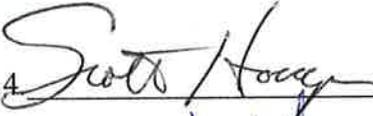
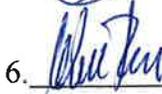
Signature	Print Name	Phone/Email	Date
1. 	Sal Avik	909/217-0902	6/9/14
2. 	BILL GRANCICH	909 591-9185	6/9/14
3. 	Anthony Grancich	909-539-5430	6/9/14
4. 	Andrew Grancich	909-680-5495	6/9/14
5. 	MIKE WOESSNER	661-619-3191	6/9/14
6. 	Wyatt Woessner	661-205-2019	6/9/14
7. 	MASON WOESSNER	661-432-8833	6/9/14
8. 	Jennifer Woessner	661-205-3019	6/9/14
9. 	Neil Whitaker	760 914 0254	6/9/14
10. _____			

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Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

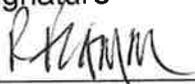
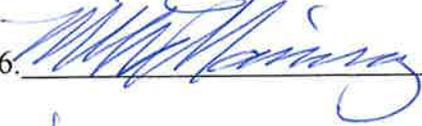
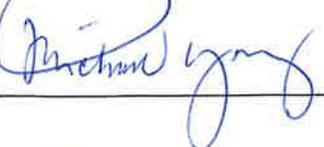
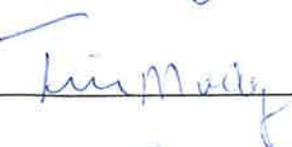
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- | Signature | Print Name | Phone/Email | Date |
|---|-------------------|----------------|---------|
| 1.  | Tom McCormack | (858) 733-1002 | 6/3/14 |
| 2.  | Charles Lee Jones | (951) 760-9122 | 06/4/14 |
| 3.  | Lindy Haagema | (562) 900-9352 | 6/5/14 |
| 4.  | SCOTT HAAGEMA | 562-900-9344 | 6/5/14 |
| 5.  | Shawn Worts | (714) 944-4092 | 6/5/14 |
| 6.  | Warren Tomei | (909) 560-5586 | 6/6/14 |
| 7.  | Steve Brown | 805-868-7110 | 6/6/14 |
| 8.  | TERRY BLAND | 949-6328006 | 6/19/14 |
| 9.  | NICK O SEGNERA | (310) 957-1192 | 6/19/14 |
| 10. _____ | | | |

Angler's Trophy Trout Petition - Conway Ranch

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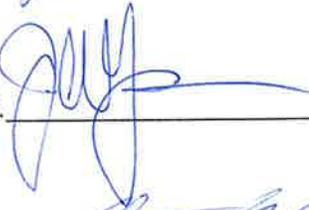
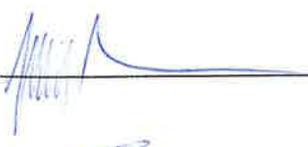
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Signature	Print Name	Phone/Email	Date
1. 	RICK TRAMBUN	760-934-5624	5/28
2. 	Jeff Crabb	760-533-932	5-28
3. 	Michael Shewmaker	858-231-3856	5/28
4. 	BRIAN MALLOY	(760)247-5939	5/28
5. 	Rob Rainis	760-646-5991	5/28
6. 	MIKE MANNING	760 937 3654	5/28
7. 	Gary Yamabe	(661) 714 4285	5/28
8. 	Michael Young	(310) 40-1999	"
9. 	TIM MORLEY	760 934-4557	5-28-14
10. 	Charles D...	770 704-0635	5/29/14

Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

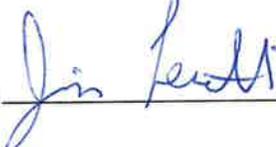
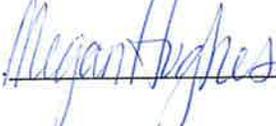
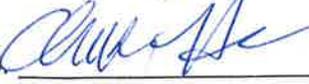
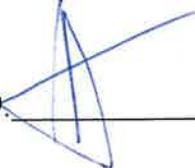
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Signature	Print Name	Phone/Email	Date
1. 	Emory Dameron	415-771-1777	5/29/14
2. 	Dennis Crain	818-895-0799	5/29/14
3. 	DON SUTHERLIN	805 522 9234	5/29/14
4. 	RUTH E SHAFER	310-918-1820	5/29/14
5. 	John Garcia	760-702-3166	5/29/14
6. 	James Garcia	760-310-9484	5/29/14
7. 	Thomas Curtis	909-206-3012	5-29-14
8. 	Joshua Skears	909 649 3776	5/29/14
9. 	Luigi DiEscari	310-494-1089	5/29/14
10. 	Frank Donnick	3233089782	5/29/14

Angler's Trophy Trout Petition - Conway Ranch

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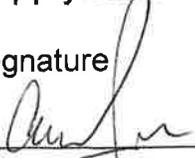
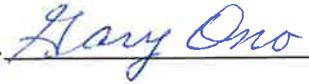
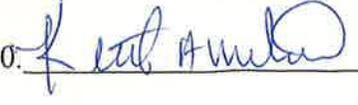
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Signature	Print Name	Phone/Email	Date
1. 	MATT KING	TAT004S114@GMAIL.COM	5/29/14
2. 	Corey King	ckccustomroads@yahoo.com	5/29/14
3. 	Jim Lewett	JHLewett@msw.com	5/29/2014
4. 	Richard S Koch	RKOCHELMONT@GMAIL.COM	5-29/2014
5. 	ROBBIE PRESSON	pcinco@zemsn.com	5/29/2014
6. 	Jonathan Mendon	Jdm2082@Gmail.com	5/30/14
7. 	Megan Hughes	m.hughes679@att.net	5/30/14
8. 	Aaron Hughes		5/30/14
9. 	Austin McReynolds	M2theatreynolds@gmail.com	5/30/14
10. 	Joseph Prou	JJ@go.com	

Angler's Trophy Trout Petition - Conway Ranch

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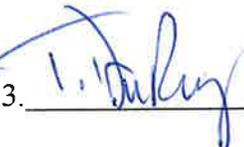
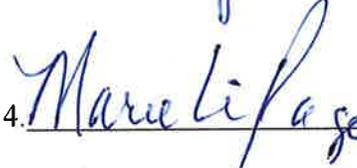
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Signature	Print Name	Phone/Email	Date
1. 	ALBERT LARA	ASKIP925@gmail.com	6-13-14
2. 	Cristian Marguez	Cristianmarguez53@yahoo.com	6-13-14
3. 	Joseph Santos	josephsantosjr@gmail.com	6/13/14 6/13/14
4. 	MARK McNICOLL	MARK.McNICOLL@VERIZON.NET	
5. 	GARY ONO	562/665-4661	06/13/14
6. 	Garrett Ono	(562)665-0623	06/13/14
7. 	Janelle Ono	janelleono96@gmail.com	06/13/14
8. 	Carlos Niemetschek	CarlNiemetschek@gmail.com	6-14-14
9. 	Charles Craven	cchucker007@yahoo.com	
10. 	KEITH A. MILIATE	Kmiliate@yahoo.com	6-15-14

Angler's Trophy Trout Petition - Conway Ranch

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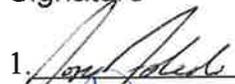
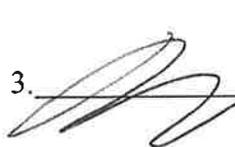
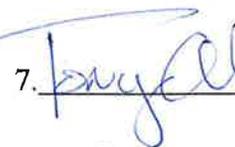
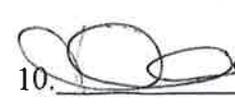
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Signature	Print Name	Phone/Email	Date
1. 	Matthew Talarico	matthewtalarico@gmail.com	6/5/2014
2. 	James Gokoy	jgokoy@ladwp.com	6-5-14
3. 	Todd Dubrey	Todd@BRANDADUBREY.COM	6/6/2014
4. 	Marie LePage	mqlepage@aol.com	6-6-2014
5. 	Phil LePage	661-272-7534	6-6-14
6. 	HUDSON KUGLER	hudsonhawk12@gmail.com	6/6/14
7. 	JACK SHELL	935-47952	6-6-14
8. 	Arnold Sierra	362-8389	6/6/14
9. 	Robert Sierra	949 874 0796	6-6-14
10. 	DARIN JOHNSTON	310 383 4303	6/6/14.

Angler's Trophy Trout Petition - Conway Ranch

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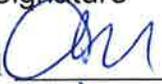
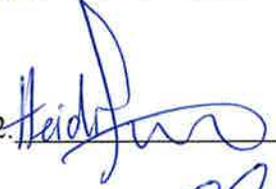
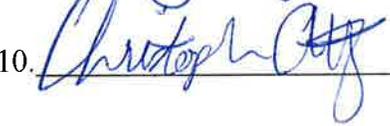
Signature	Print Name	Phone/Email	Date
1. 	Jose Toledo	(760) 709-6395	6/1
2. 	Brett Dean	760 709 1121	6/1
3. 	Nick Holt	619-540-3723	6/1
4. 	Russ Rantz	805-440-7877	6/1/14
5. 	Kyle Horton	781 2004 11107	6/1/14
6. 	ANN ALKIRE	619-2258005	6/1/14
7. 	TONY ALKIRE	619-2258005	6/1/14
8. 	JOHN MAVRUSA	510 883 4040	6/2/14
9. 	Andrew Acker	909-520-2003	6/2/14
10. 	Dave Wees	888 618 1652	6/2/14



Angler's Trophy Trout Petition - Conway Ranch

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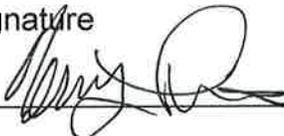
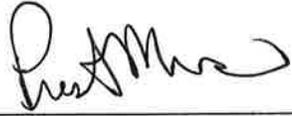
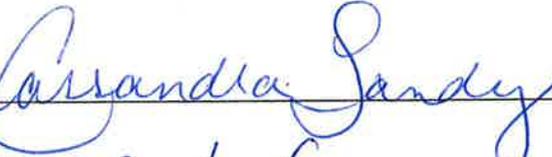
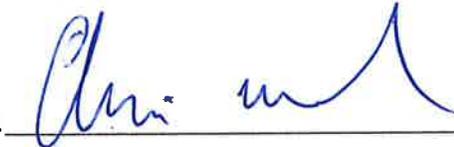
Signature	Print Name	Phone/Email	Date
1. 	CARA ISAAC	760-914-4117	5/31/14
2. 	Heidi Feenstra	760-709-1051	6/1/14
3. 	DAVID FAUSTINI	949-212-2974	6/1/14
4. 	KAREN FISHER	650-588-9946	6/1/14
5. 	SAM ROBERTS	650-588-9946	6/1/14
6. 	ERIC HUNCH	310 890 9067	6/2/2014
7. 	Donald Day	760-387-2234	6/2/2014
8. 	PETER ZIMPRICH	760-965-4269	6/2/2014
9. 	PEGGY ROGERS	760-934-8458	6/2/14
10. 	Chris Otley	760-803-8174	6/2/14

June 17 mtg

Angler's Trophy Trout Petition - Conway Ranch

Dear Mono County Board of Supervisors:

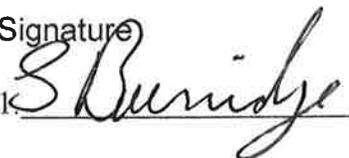
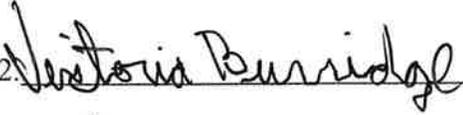
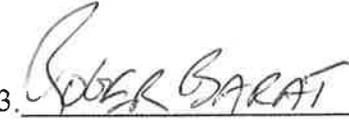
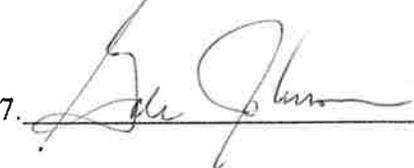
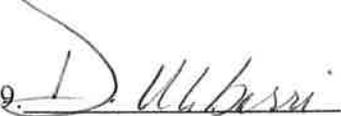
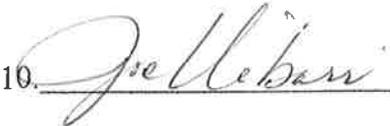
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- | Signature | Print Name | Phone/Email | Date |
|---|-------------------|----------------|---------|
| 1.  | Terry Lucian | 760 934 8619 | 5-29-14 |
| 2.  | J. BRIAN ANDERSON | 760-709-1758 | 5/29/14 |
| 3.  | L. Joe Joerger | 760-920-7566 | 5/29/14 |
| 4.  | Matt Hernandez | 951 675 7345 | 5/29/14 |
| 5.  | Samantha Falvo | (815) 529-5496 | 5/30/14 |
| 6.  | Preston Morrow | 760 934-4979 | 5/30/14 |
| 7.  | Andrew Sears | 760-937-1665 | 5/30/14 |
| 8.  | CASSANDRA SANDY | (714) 261-8986 | 5/31/14 |
| 9.  | Debbie Vadheim | 760-920-0110 | 5/31/14 |
| 10.  | CHRIS CONWAY | 818.288.3271 | 5/3/14 |

Angler's Trophy Trout Petition - Conway Ranch

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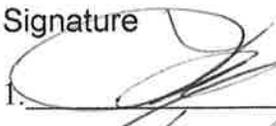
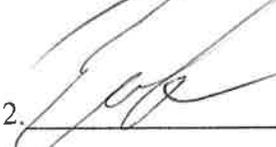
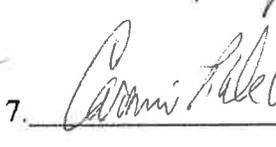
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- | Signature | Print Name | Phone/Email | Date |
|---|------------------|---|-----------|
|  | Stephen Burrige | 909 948-9079
909 948-9079 | 6, 10, 14 |
|  | Victoria Burrige | N/A | 6, 10, 14 |
|  | Peter Barati | 831 475-4622 | 6/10/14 |
|  | Kurt Sellmeyer | (805) 451-2760 | 6/10/14 |
|  | Paul Page | 818-527-1177 | 6/10/14 |
|  | Richard Ginnie | 818-715-7177 | 6-12-14 |
|  | GARY JOHNSON | 909-624-7658 | 6-12-14 |
|  | KEN SILVEIRA | (408) 209-5903 | 6-12-14 |
|  | Deborah Ulibarri | (795) 224-1221 | 6-12-14 |
|  | Joe Ulibarri | 775 530 8965 | 6-12-14 |

Angler's Trophy Trout Petition - Conway Ranch

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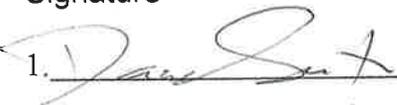
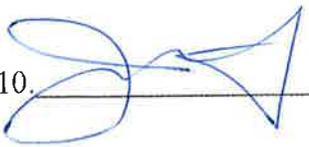
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|--|--------------------|--------------------------------------|----------|
|  | LORIE HOBDAY | 951/3035921 | 6/2/2014 |
|  | Erik Brown | 3104188796 | 6/2/2014 |
|  | LARRY BROWN | 3103768450 | 6-2-2014 |
|  | Robert Helmsstead | | 6-2-2014 |
|  | CHRIS RUGGLES | | 6-2-2014 |
|  | Toni RUGGLE | 530-345-3766 | 6/4/14 |
|  | CARMINE DELICIO | 9167659476 | 6-4-14 |
|  | GARY WALKER | 480-460-3672 | 6/14/14 |
| on behalf of 85 members as President of Fishing Mission Foundation | | | |
|  | RICHARD J. CALKINS | 530-477-7734
RKNOW@COMCAST.NET | 6-8-14 |
|  | SCOTT SMITH | 714-267-7040
SCOTT@TIREHUNTER.COM | 6/6/14 |

Angler's Trophy Trout Petition - Conway Ranch

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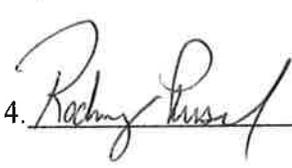
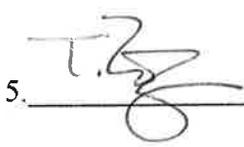
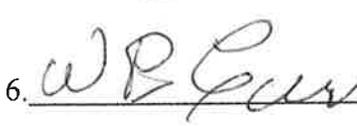
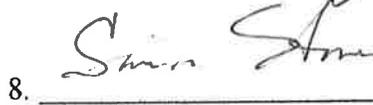
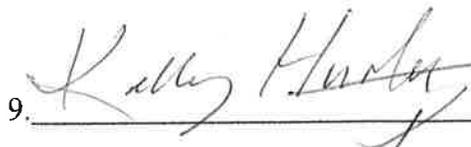
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- | Signature | Print Name | Phone/Email | Date |
|---|--------------------|--------------------------------------|---------|
| 1.  | DARREN SMITH | 562 243 4950 / DSS37700@YAHOO.COM | 6/6/14 |
| 2.  | Mark Smith | 562 8675062 | 6/6/14 |
| 3.  | Nathaniel Pellerin | 248-298-9742 | 6/8/14 |
| 4.  | JOSH SPEAR | 702 499 8429 | 6/8/14 |
| 5.  | Jon Pellerin | 760-885-2729
909 499-4771 | 6/8/14 |
| 6.  | Dwight Zinn | dwright@thezinns.com
909-336-4026 | 6/9/14 |
| 7.  | DON LATKA | donlatka1@verizon.net | 6-9-14 |
| 8.  | Ben Zinn | 909-747-7142
818 585 2723 | 6/9/14 |
| 9.  | Seamus Dietz | dasmoose@social.rr.com | 6/10/14 |
| 10.  | JOE MOCKENHAUPT | 661-437-0733
JOEMOCK56@YAHOO.COM | 6/10/14 |

Angler's Trophy Trout Petition - Conway Ranch

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Signature	Print Name	Phone/Email	Date
1. 	Patrick Gimise	510-648-1467	6-12-14
2. 	William Sponable	916-365-3628	6-12-14
3. 	GLEN PURSER	909-481-4313	6-12-14
4. 	RODNEY PURSER	909 481 0052 624	6-12-14
5. 	TEO ZINNAT	408-848-2699	6/18/14
6. 	WB CURTIS	MSN.COM HMSBC@	6-18-14
7. 	Willard James Bauer	WILLYBAUER & JANIMANET 760-934-2253	6-18-14
8. 	Simon Stone	714401-6022	6-18-14
9. 	Kelly Hurley	713-5054673	6-18-14
10. 	Rick Schipper	661 6095931	6-18-14

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

We, the undersigned, believe that a trout stocking program is of utmost importance for Mono County. We strongly support the Trophy Trout Program and the need for a full functional fish hatchery on the Conway Ranch. This hatchery would not only produce and supply Mono County waters with outstanding trophy fish but would also be of great educational value to our young fishermen.

Signature Print Name City, State Phone/email Date
5/22/14

1. Laurence Oliver Laurence Oliver Arcadia, FL dj.lumo@yahoo.com
5-22-14

2. C. Robinson Craig Robinson Dayton NV. (775) 291-2098

3. Jasmine Johnson Jasmine Johnson California NV (530) 402-5575

4. F. Bero FLOYD BERO COLEVILLE CA 6 JUN 14

5. S. Bero SANDRA BERO

6. _____

7. _____

8. _____

9. _____

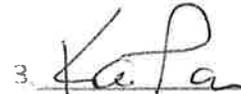
10. _____

alun

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

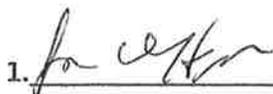
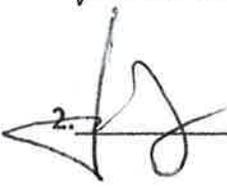
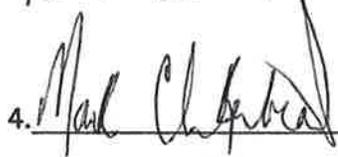
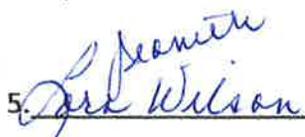
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Signature	Print Name	Date	Phone/email
1. 	DEREK CLAYTON	6-20-14	DEREK.CLAYTON0321@GMAIL
	BRET PADSON	6-21-14	(760) 209-41251
3. 	KAREN PONCE	6/21/14	714-746-6998
4. 	CAROL GRANT	6/21/14	970 Carolospad@ca01.com
	NANCY CARTER	6/22/14	nan-c-carter@yahoo.com
6. _____			
7. _____			
8. _____			
9. _____			

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

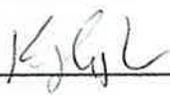
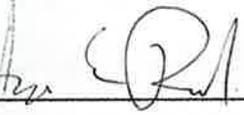
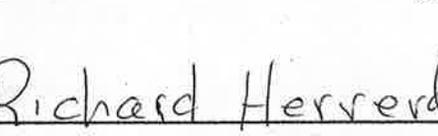
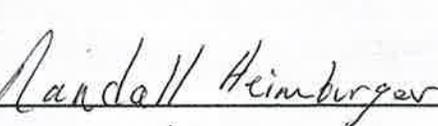
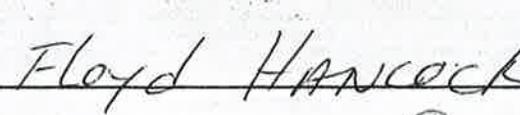
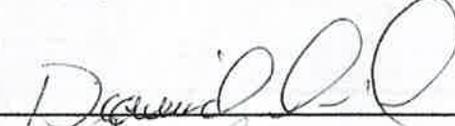
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Signature	Print Name	Date	Phone/email
1. 	John Hill	6-13-14	6618697373
2. 	Mark Jones	6-14-14	98 243 0305
3. Robert Quental	Robert Quental	6-14-14	408 238-1734
4. 	MARK CLINKERBEARD	6-16-14	209 507 6283
5. ^{Speanish} 	LORA JEANETTE WILSON	6-19-14	530 495-2845
6. 	JIM JOHNSTON	6/19/14	916-599-8507
7. 	LISA DERECAT	6/23/14	253- 514 ²¹⁹ -1108
8. 	EMILIE DERECAT	6/23/14	253-514-8878
9. _____			
10. _____			

Anglers' Fish Petition

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- | Signature | Print Name | City, State | Phone/email | Date |
|--|----------------------|---------------------|----------------------|-----------|
|  | KYLE RASNUSSEN | COLEVILLE CA | | 5-22-2014 |
|  | James E Ricks | coleville CA | JRICKS8441@schol.net | |
|  | Nick Betts | Bishop CA | | 5-22-14 |
|  | MARK SHETLER | COLEVILLE CA | | 5-22-14 |
|  | Roger Darshue Walker | CA | | 5/22/14 |
|  | Richard Herrera | Coleville Walker Ca | | 5/22/14 |
|  | Randall Heimburger | Coleville Ca | | 5-22-2014 |
|  | Nathan D. Empler | Coleville Ca | 96107 | 5/22/14 |
|  | FLOYD HANCOCK | Floyd Hancock | | 5/22/14 |
|  | David Salmon | | | 5-22-14 |
|  | PAT SALMON | | | 5-22-14 |

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Signature	Print Name	City, State	Phone/email	Date
1. <i>Jim Stewart</i>		<i>77 Eastside Ln</i>	<i>Columb Ca</i>	<i>96107</i>
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Anglers' Fish Petition

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Signature

Print Name

Date

Phone/email

1. Lon Smith Lon Smith 6-8-14 775-781-4191 smith4go@msn.com

2. Roger Rodarte Roger Rodarte 6-8-2014

3. Pam Rodarte Pam Rodarte 6-8-14

4. Debra S. Smith Debra S. Smith 6-8-14

408-229-0324

5. Terri L. Perry Terri L. Perry 6-9-14 butmuffins@aol.com

6. Charles Nichols Charles Nichols 6-12-2014/775-673-6696

7. Sharon Nichols Sharon Nichols 6-12-2014

8. Becly Thomson Becly Thomson 6-12-2014 (530)253-3684

9. Matt Robinson Matt Robinson 6-12-14 907-978-9610

10. Elizabeth Robinson Elizabeth Robinson 6-12-14 ?

Anglers' Fish Petition

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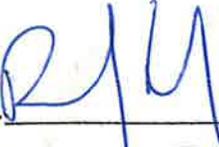
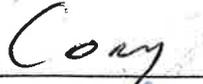
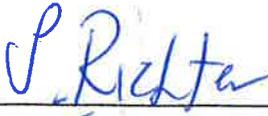
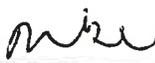
Signature

Print Name

City, State

Phone/email

Date

1.  RANDY KIRBY FRIANT CA (359) 822-4644 6/13/14
2.  Dean Deery Deas Tahoe Vista, Ca. 775 745-9464 6/13/14
3.  PAULONER RICHMOND CA. gntfishintahoe@aol.com 6/13/14
4.  Bob Kelly Hollister CA. 831-902-0903
5.  Cory Kelly Los Banos 831-245-7494
6.  John McLaughlin West Hills, CA 818 800 3162 6/18/14
7.  Gary James ^{Hess} 6-18-14
707 497 8868
8.  Stephanie Richter Walker, CA 6-2014
9.  Tyler Pemberton Bridgeport CA 6-2014
10.  Mike Brooks 77 Estrada de Cumbre Ca 96107

Anglers' Fish Petition

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Signature

Print Name

City, State

Phone/email

Date

1.  BRUCE CHESBRO Coleville 530-495-1007 6/8/14

2.  CURT HARNAR ^{CONSON} CITY, NV 775-883-1450 ✓

3.  LARRY SHERMAN 530-721-7267 6-8-14

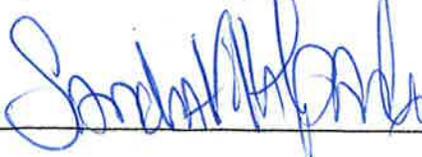
4.  Sean & Kaiser Cowbellcrawlers@hotmail.com

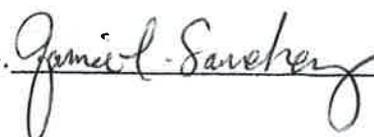
5.  DIANE J. Welsh ¹³²⁴ Cummings 6-8-14

6.  Michele Drennan 2258 Eastside, delano 6/9

7. Wade Rowley Coleville Ct 530-495-2134 6-9-14

8. Audrey Gross Nevada City, CA 530-888-8759 6-9-14

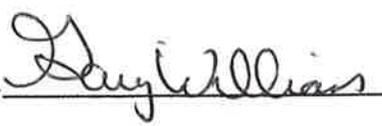
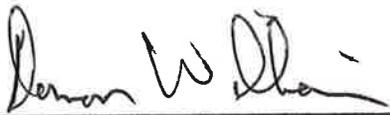
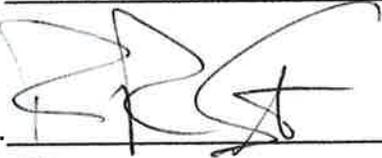
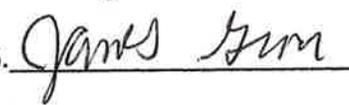
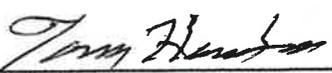
9.  Sandra Vilhapa Hammah Lakes CA ^{700 924 170} 6-9-14

10.  Jamie Sanchez JLWSanchez@hotmail.com 6-10-14

Anglers' Fish Petition

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- | Signature | Print Name | City, State | Phone/email | Date |
|---|----------------|---------------|----------------|---------|
|  | GARY WILLIAMS | Minden, | 775-782-4423 | 6-9-14 |
|  | Pam Cederlind | | 209 604 8229 | |
|  | Damon Williams | | 209 765 4257 | |
|  | Rory Scott | | 760-937-7134 | |
|  | Angela Scott | | (760) 937-7182 | 6/14/14 |
|  | JAMES GARRON | SUNNYVALE CA, | 4087362206 | |
|  | Tani Garron | Sunnyvale, CA | 4084316111 | |
|  | Tom Hankins | Concord CA | 5596830825 | 6/19/14 |
|  | Jason Hawkins | Los Banos CA | (408)857-3063 | 6/19/14 |
|  | JAY GARRON | SACRAMENTO CA | 916) 205 9226 | 6/19/14 |

Anglers' Fish Petition

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Signature	Print Name	City, State	Phone/email	Date
			415-302-8113	
1. <u><i>Dan Stephens</i></u>	DAN STEPHENS	NOVATO, CA.		6-8-14
2. <u><i>Gerry Roach</i></u>	Gerry Roach		5033676585	6-8-14
3. <u><i>Mark Steph</i></u>	MARK STEPHENS		541-223-2846	6-9-14
4. <u><i>Jack P. Voris</i></u>	JACK P. VORIS		541-401-1317	6-9-14
5. <u><i>Virginia Purio</i></u>	Virginia Purio		207 480-2462	6-9-14
6. <u><i>Frank Purio</i></u>	FRANK PURIO		707 337 9240	6-9-14
7. <u><i>Shirley Roach</i></u>	Shirley Roach		775 677 2151	6-10-14
8. <u><i>Frank Roach</i></u>	FRANK ROACH		775-771-8831	6-10-14
9. <u><i>Chris Howell</i></u>	Chris Howells		209-599-5785	6-10-14
10. <u><i>Roberta Martin</i></u>			599 232 4205	6-19-14

Anglers' Fish Petition

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|----------------------|-------------------|------------------|-----------------------|------------|
| 1. Sharon R. Martin | Madeline
CA | | 559-514-2945 | 6-19-14 |
| 2. Sherrri Ward | Sherrri Ward | Fresno CA | 559-347-1605 | 6-19-14 |
| 3. Frances WARD | | Auberry Ca | 559 855-8537 | |
| Shelly DeYoung | | | | |
| 4. Shelly DeYoung | | Wickenburg AZ | shelly63065@msn.com | |
| 5. Janice Conover | Janice Conover | Scio OR | conoverj@snet-net.com | 6/19/14 |
| 6. Jamie Seals | Jamie Seals | Scio OR | (541)9056512 | |
| 7. Tammy Beeler | Tammy Beeler | Lake Dallas, TX | | 6-22-14 |
| 8. Glenn N. Spurling | Glenn N. Spurling | WALKER, CA. | | 22 JUNE 14 |
| 9. Linda Hagenbrink | LINDA HAGENBRINK | LAKE DALLAS, TX. | | 6-22-14 |
| 10. Karen Lea | KAREN LEA | Fort Worth, TX | | 6-22-14 |

Anglers' Fish Petition

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Signature

Print Name

Date

Phone/email

1. David Wilson DAVID WILSON 6-10-14 760-932-7940

2. Mary Wilson MARY WILSON 6/10/14 760-932-7940

3. Jennifer DiSarro JENNIFER DISARRO 6/10/14 661-755-565

4. Matt DiSarro MATT DISARRO 6/10/14 661-857-0924

5. Alena Melnik Alena Melnik 6/10/14 (626) 755-5903

6. Micah Potratz Micah Potratz 6/10/14 (916) 396-7208

7. Joshua Potratz Joshua Potratz 6/10/14 (916) 396-7208

8. Gene Dale Potratz GENE DALE POTRATZ 6/10/14 (916) 903-8239

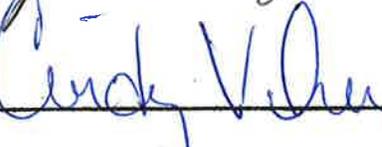
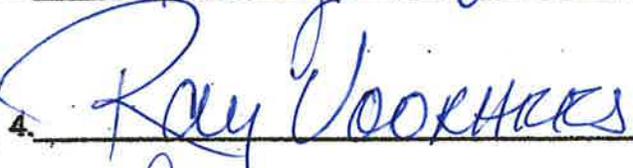
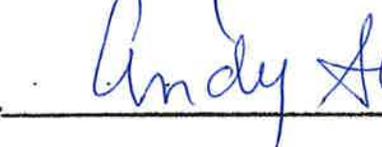
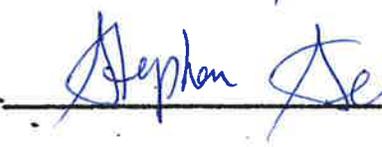
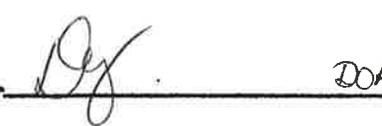
9. Naomi Potratz Naomi Potratz 6/10/14 916-962-3879

10. T Kirk Rockwell T Kirk Rockwell 6-10-14 818-823-5839

Anglers' Fish Petition

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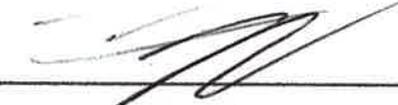
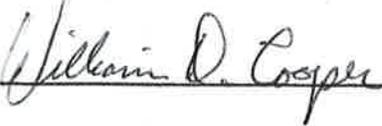
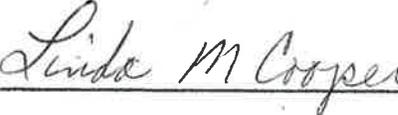
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- | Signature | Print Name | Date | Phone/email |
|---|----------------|---------|------------------------------|
| 1.  | John Rodage | 6/14/14 | Precision auto sf9@yahoo.com |
| 2.  | Cindy Voorhees | 6/14/14 | cindy480@yahoo.com |
| 3.  | T. Blau | 6/14/14 | 2095578601 |
| 4.  | Ray Voorhees | 6-14-14 | 5592510626 |
| 5.  | Andy Settle | 6-14-14 | 9258258666 |
| 6.  | Stephen Settle | 6-14-14 | Settle.stephen.h@gmail.com |
| 7.  | W. Willy Meyer | 6-15-14 | 661-803-2321 |
| 8.  | DORIS Meyer | 6-15-14 | 661-943-1624 |
| 9.  | WAYNE Crawford | 6-16-14 | 951678-9835 |
| 10.  | C. MADEN | 6-17-14 | 714-896-7111 |

Anglers' Fish Petition

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Signature	Print Name	Date	Phone/email
1. 	Greg Hughson	6-3-14	661-250-0882
2. 	MICHAEL HUGHSON	6-3-14	(562) 308-8914
3. 	SHAWN MUNDER	6/3/14	(775) 720-8310
4. 	Ashley Strain	6/3/14	(775) 450-1908
5. 	Casey Strain	6/3/14	(775) 790 4039
6. 	William Damszew	6/5/14	(260) 910 3865
7. 	Anna Strohm	6/6/14	(760) 247-1107
8. 	William D. Cooper	6-7-14	714-637-2249
9. 	LINDA M Cooper	6-7-14	(714) 637-2249
10. 	Sharon Kramer	6/7/14	(661) 366-2024

Anglers' Fish Petition

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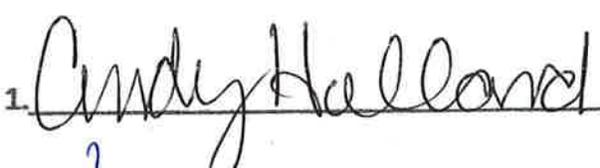
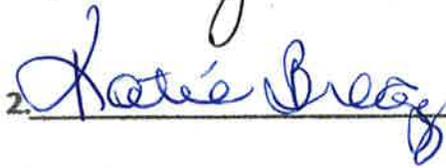
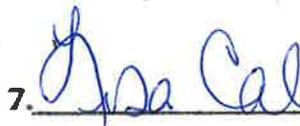
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- | Signature | Print Name | Date | Phone/email |
|-----------------------|-----------------------|----------------|---|
| <u>Lucy Rangel</u> | <u>Lucy Rangel</u> | <u>6/17/14</u> | <u>(805) 524-2981</u>
<u>rangel@roadrunner.com</u> |
| <u>Linda Alcozar</u> | <u>LINDA ALCOZAR</u> | | |
| <u>Kristen Rangel</u> | <u>KRISTEN RANGEL</u> | <u>6/17/14</u> | <u>(805) 796-1204</u> |
| <u>Madalyn Hunt</u> | <u>Madalyn Hunt</u> | <u>6/17/14</u> | <u>madalynhunt@gmail.com</u> |
| <u>Joe Hunt</u> | <u>JOE HUNT</u> | <u>6/17/14</u> | <u>jhunt0821@gmail.com</u> |
| <u>Amy H Hunt</u> | <u>Amy Hunt</u> | <u>6/17/14</u> | <u>amelop559@gmail.com</u> |
| <u>Dandy Humala</u> | | <u>6/17/14</u> | <u>805-794-9365</u> |
| <u>Candra Settle</u> | <u>Candra Settle</u> | <u>6/17/14</u> | <u>candissettle@aim.com</u> |
| <u>Jo Hamblin</u> | | <u>6/21/14</u> | <u>ardmoreville NV</u> |
| <u>Chris Duest</u> | | <u>6/21/14</u> | <u>ardmoreville NV 89410</u> |

Anglers' Fish Petition

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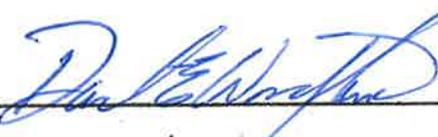
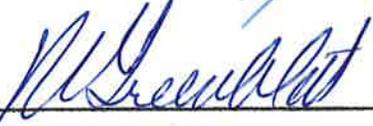
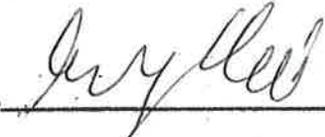
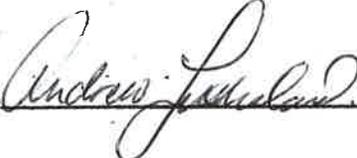
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Signature	Print Name	Date	Phone/email
	Cindy Holland	6/7/14	excj28@gmail.com
	Katie Bregg	6/7/14	775 885-8620
	RALPH BREGG	6/2/14	775 885-8120
	Pam Pava 7346 Fremont Ave	4/7	760/221-9642
	MIGUEL PAVA	6/7/14	760-221-5450
	CHARLYN KRAMER	6/7/14	661-871-3388
	Lisa Callahan	6-7-14	661-496-7371
	Andrew F. Meyer	6/7/14	661-609-0197
	Nicholas Holland	6-7-14	661-304-1149
	Linda Schuthies	6-7-14	702- 837-1911 notalycer@ aol.com

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

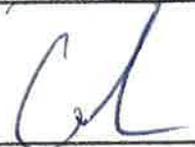
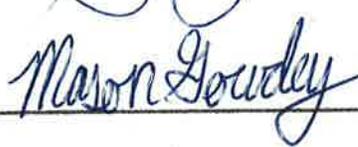
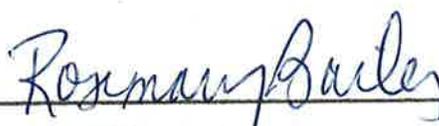
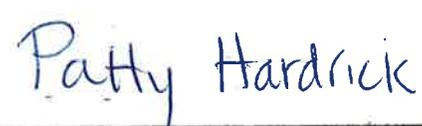
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- | Signature | Print Name | Date | Phone/email |
|---|-------------------|------------|---|
|  | DAVID E WOODHAMS | 6-13-2014 | 209-728-1106
WOODHAMS1444@comcast.net |
|  | Rick GREENBLATT | | RICKGREENBLATT@GMAIL.COM
925-783-3056 |
|  | Brent K Sedler | 6-14-2014 | 757-344-6467
sedler_brent@bah.com |
|  | Gary Clecchi | 6-15-2014 | GCHC@AOL.COM
650 738 0627 |
|  | ANDREW SUTHERLAND | 6/14/2014 | ANDREW.PATRICK.SUTHERLAND@gmail.com |
|  | DAN C SUTHERLAND | 6-14(2014) | 805
684-2097 |
|  | David Duoste | 6/14/14 | |
|  | Troy Old | 6/14/14 | 209-531-7547
troy.old@hdsupply.com
949-842-7215 |
|  | SCOTT LUCERO | 6-14-14 | SLUCERO55@GMAIL.COM |
|  | STEVE DAROEN | 6-14-14 | witsd2001@hotmail.com |

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

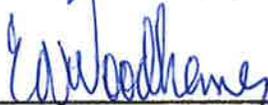
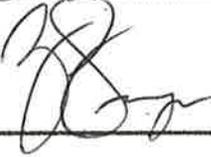
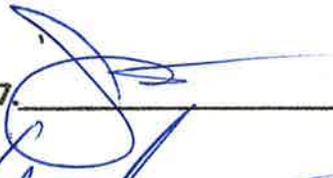
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Signature	Print Name	Date	Phone/email
	MIGUEL	6/10/2014	
	David Chapman	6-10-14	chapp2302@gmail
	MICHAEL GOURLEY	6-10-14	209 586-4884
	Mason Gourley	6-10-14	209 588-0203
	STEVE GARDNER	6-11-14	760-932-1408
	Rosemary Bailey	6-11-14	760 977 9101
	Robert Palmer	6-10-14	650 224 7400
	Kirk Chiswell	6/14	760 932 0089
	Patty Hardrick	6/14/14	husreplac@gmail.com
	John Daniels	6/15	760-932-7023

Anglers' Fish Petition

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Signature	Print Name	Date	Phone/email
	DAVID JETER	6/7/2014	4108.847.6042 davidjeter1@verizon.net
	Ed Woodhams	6/7/14	559 999 5984
 Nikki Clark	NIKKI CLARK	6-7-14	nikkihb1174@hotmail.com 714-326-8505
	Teri N Seymour	6-7-14	951-845-8525 terisaymour@sbglobal.net
	Matthew A Seymour	6/7/14	951-531-3455 mseymour94@gmail.com
	Zachary Seymour	6/7/14	zseymour94@gmail.com
	Joshua Mathews	6/7/2014	JoshuaKeithMathews@gmail.com
	MAX BURTON	6/8/14	maxburton@gmail.com
	Lee Sedler	6/8/14	4574 W. 140TH ST HAWTHORNE, CA 90250-6916
	DAVE WOODHAMS	6-10-14	209-728-1186

Anglers' Fish Petition

Dear Mono County Board of Supervisors:

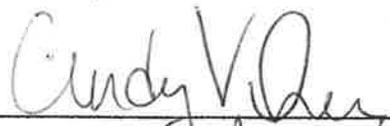
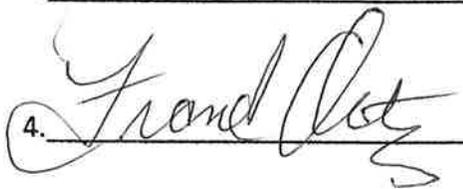
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Signature	Print Name	Date	Phone/email
1. <i>April Miyatake</i>	April Miyatake	6/18/14	shigafsu315@yahoo
2. <i>Al Mian</i>	ALON MIYATAKE	6/16/14	
3. <i>Scott</i>	SCOTT CLEMENT	3/17/14	
4. <i>Leandra Canel</i>	Leandra Canel	6/17/14	leandra083@hotmail.co
5.			
6.			
7.			
8.			
9.			
10.			

Anglers' Fish Petition

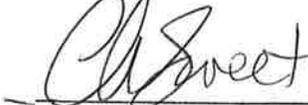
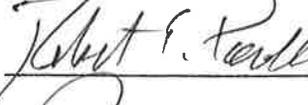
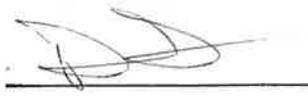
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Signature	Print Name	Date	Phone/email
1. 	Cindy Voorhees		626 297-3779
2. 	Mark Michalik		michalik@aol.com 760 - 902 - 8331
3. 			408-310-3065
4. 	FRANK OATEZ		831-206-5424
5. 	Ernie Lazetera		408 425 92 Y2
6.			
7.			
8.			
9.			
10.			

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Signature	Print Name	Date	Phone/email
	TYLER BLAUVELT	6/11/2014	7603330370/tylerj42@gmail.com
Dave Dolan	DAVE DOIAN	6/12/14	DLMTW@yahoo.com
	Mitch Stewart	6-13-14	6506786618
	Budd Sweetman	17 JUN 2014	909-641-4010
	Catherine Sweetman	6/17/14	909-728-5185
	RANDALL D. COOPER	06 17 14	951-312-8520
	MATHEW W. KLEIN	6/18/14	310-863-4850
	ROBERT POWELL	6-18-14	951-445-1460
	RICK ALLEC	6-18-14	(951) 757-7131
	DAVID ESTES	6-19-14	209-352-6644
	STEVE DARDEN	6-21-14	714-615-0174

Dear Mono County Board of Supervisors:

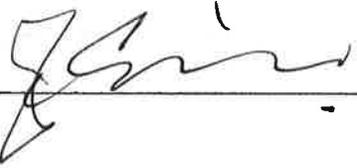
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Signature

Print Name

Date

Phone/email



JERRY COLLINS

6-24-14

530 274 8069

Anglers' Fish Petition

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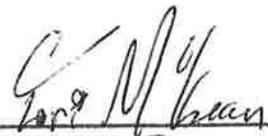
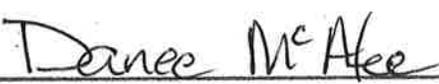
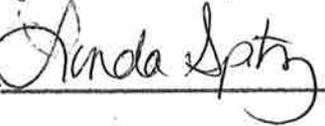
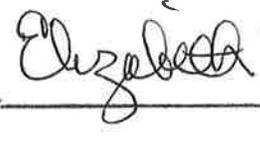
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- | Signature | Print Name | Date | Phone/email |
|-------------------------------|------------------------|----------|--|
| <u>Carole Rodenbuecher</u> | Carole Rodenbuecher | 6-25-14 | 626 285-2030 |
| <u>Robert R. Rodenbuecher</u> | ROBERT R. RODENBUECHER | 06/25/14 | 626-285-2030 |
| <u>Sam Saldimar</u> | Sam Saldimar | | Statistic person. <u>Yes</u>
they like to fish! |
| <u>dana Maxwell</u> | dana Maxwell | | 951-244-0118 |
| <u>Carole</u> | CAROLYN DUNCAN | 6/25/14 | 775-830-9509 |
| <u>John Karnazes</u> | JOHN KARNAZES | | 619-276-5520 |
| <u>Anthony Karnazes</u> | Anthony Karnazes | | 619-279-0031 |
| <u>Helen Karnazes</u> | HELEN KARNAZES | | 619 316 5520 |
| <u>Martha Karnazes</u> | MARHTA KARNAZES | | 619 805 6222 |
| <u>Denise Shaffer</u> | DENISE SHAFER | | 410 893-9693 |

Anglers' Fish Petition

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Signature	Print Name	Date	Phone/email
1. 	Tori McKeen	6-25-14	(775) 220-6637
2. 	Chris Buras	6-25-14	951-318-4118
3. 	Brian Beem	6-25-14	951-558-4441
4. 	Doreen McAfee	6-25-14	951-315-1855
5. 	Jane Sheppard	6-25-14	(818) 896-8970
6. 	Linda Spitz	6-25-14	(619) 443-3378
7. 	Elizabeth Neagle	6/25/14 6-25-14	623-536-9122
8. 	Kayley Hofmann	6-25-14	(619) 991-0201
9. 	Carol Schmehr	6-25-14	619-334-1754
10. 	Lexi Schmehr	6-25-14	619-602-9690

Larry Johnston, Chair
Mono County Board of Supervisors
P.O. Box 715
Bridgeport, CA 93517

Dear Board of Supervisors:

I am very concerned about the future of recreational fishing in Mono County and the status of the Conway Ranch Aquaculture facility.

Mono County's Tourism and Economic Development Office shows that 60% of those visiting are coming to the County to fish. Eastern Sierra fishing advocates have benefited from the stocking of local waters with trophy trout over the past 25 years from both the California Department of Fish and Wildlife and the Mono County Trophy Trout Enhancement Program. The California Department of Fish and Wildlife stocking budget for this season has been reduced by 10 to 13% and the cost of trophy trout has increased over 30% in the past few years. So what's in store for the future?

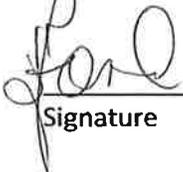
Conway Ranch needs to become a self-sufficient fish hatchery and educational venue for the benefit of the Mono County angling public.

Having a fish hatchery from spawn to catchable/trophy trout on Conway Ranch will provide the unique logistic capability needed for the diverse rivers, streams, and lakes in the 21 bodies of water within Mono County for their trophy trout enhancement program to provide quality trophy fish at necessary times, locations, quantities, and at a realistic cost. In addition to providing sustained trophy trout throughout the fishing season, there is a possibility of raising other trout species like Rainbow, German Browns, and Lahontan Cutthroats.

Conway Ranch is a countywide resource providing educational opportunities which include features and amenities such as kids fishing, float tube fishing, fly-fishing catch and release for all ages, and on-site fly fishing instruction with guaranteed hookups. These activities are critical for bringing new anglers of all ages into the fishing industry and providing visitation continuity from one generation to the next. Also, the Ranch provides environmental education and interpretation opportunities that are unique anywhere in the world. Can you think of a better place to showcase our environment than the world renowned Mono Basin?

Please accept this letter as a vote of support for the development of a fish hatchery on Conway Ranch.

Sincerely,



Signature

VICTORIA FORD

Print name

23 JUNE 14

Date

COLEVILLE, CA, 96107

City, State, Zip

victoriaford@hotmail.com

Phone#/email address

Mail to: Larry Johnston, Chair
Mono County Board of Supervisors
C/O Lynda Roberts, Clerk
P.O. Box 715
Bridgeport, CA 93517
Lroberts@mono.ca.gov

P. O. Box 1183
Bishop, CA 93515
snbsf@qnet.com
sierrabighorn.org
760 872-2928



SIERRA NEVADA
BIGHORN SHEEP
FOUNDATION



20 June 2014

Mono County Board of Supervisors

Re: Mattly and Conway Ranch planning and domestic sheep grazing

Dear Mono County Board of Supervisors:

The purpose of this letter is to raise concern about continued domestic sheep grazing on the Mattly and Conway Ranches managed by Mono County relative to Sierra Nevada bighorn sheep (SNBS). SNBS are a morphologically and genetically distinct subspecies of bighorn sheep that exist only in the southern and central Sierra Nevada and were granted both state and federal endangered status in 1999. In addition to the dangerously low population size at that time, a lack of adequate governmental regulatory mechanisms relative to domestic sheep grazing was one of two reasons why these sheep received federal endangered status.

It is well documented that healthy domestic sheep carry microbial species in their respiratory tracts that cause fatal pneumonia in most bighorn sheep following contact. In addition to the many documented pneumonia die-offs of wild bighorn sheep populations following contact with domestic sheep, this has been investigated experimentally in captive situations. In 10 such experimental trials, all 23 bighorn sheep tested died of respiratory disease following exposure to domestic sheep. Contact between these two sheep species in the wild can occur through stray domestic sheep entering bighorn sheep habitat or through bighorn sheep rams finding and intermingling with domestic sheep then returning to the bighorn sheep herd. It has long been recognized that the best approach to preventing disease transmission from domestic sheep to bighorn sheep is the maintenance of a substantial distance between them. Domestic sheep currently grazed on the Mattly and Conway Ranches are dangerously close to existing bighorn sheep in the Mono Basin, and history elsewhere suggests that it is just a matter of time until a pneumonia die-off in local SNBS will result if this continues unaltered.

Following the granting of state and federal endangered status in 1999, the California State Legislature created and funded a recovery program for SNBS led by the California Department of Fish and Wildlife. Given the great variety of jurisdictions involved, that effort has necessarily been an interagency effort involving numerous governmental agencies at a variety of levels. Conspicuous by its absence in this effort has been Mono County, despite repeated past requests. This contrasts with the Los Angeles Department of Water and Power, Bureau of Land Management, Inyo National Forest, and Toiyabe National Forest, all of which have terminated domestic sheep grazing allotments considered a threat to the future of SNBS.

Early this century a recovery plan for SNBS was drafted, circulated for public comments, and examined in detail by a stakeholder's group leading to revisions and adoption by all

involved. Among the criteria listed in that plan for downlisting these sheep to threatened and removing them from the endangered species list are: (1) the existence of at least 50 adult and yearling females in the northern recovery that includes the Sierra Nevada on the west side of the Mono Basin, and (2) elimination all threats of contact with domestic sheep. Unlike most endangered species, SNBS can reach recovery goals and be delisted. At the end of 2012 these sheep were two-thirds of the way to reaching population size and distribution goals, with a total population in excess of 500. Since then two additional populations have been created through re-introductions. If such progress toward recovery goals continues, in the not-too-distant future domestic sheep grazing on the Mattly and Conway Ranches may stand out as a major impediment to the downlisting and delisting of SNBS.

Wildlife conservation was an important reason for the acquisition of the Mattly and Conway Ranches. The Sierra Nevada Bighorn Sheep Foundation encourages Mono County in its planning for those ranch lands to consider the impacts of management decisions on adjacent wildlife and join the multi-agency effort for the restoration and long term conservation of Sierra Nevada bighorn sheep

Sincerely,

A handwritten signature in black ink that reads "John D. Wehausen". The signature is written in a cursive, flowing style.

John D. Wehausen Ph.D.
Board President.