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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 341 PERMIT No. 1496 APPLICATION No. 2816

This is to certify, *That* San Joaquin Light and Power Corporation

of Fresno, California, *has made proof to the satisfaction of the Division*

of Water Rights of California of a right to the use of the waters of San Joaquin River,

in Fresno County, *tributary of* San Francisco Bay

for the purpose of generating electric energy

under Permit No. 1496 *of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* April 11th, 1922; *that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* one hundred seventy-five (175) cubic feet per second from January 1st to August 15th of each season.

The point of diversion of such water is located North thirty eight degrees forty nine minutes (38° 49') West four hundred ninety six and six-tenths (496.6) feet from the one-quarter corner between Sections 24 and 25, T 9 S, R 22 E, M. D. B. & M., being within the SE¼ SW¼ of said Section 24.

A description of the lands or the place where such water is put to beneficial use is as follows:
At the Kerckhoff Power Plant located in the SE¼ NE¼ Section 3, T 10 S, R 22 E, M. D. B. & M.
Water to be returned to San Joaquin River within the SE¼ NE¼ of said Section 3.

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The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided,* that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided,* that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however,* that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further,* that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further,* that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further,* that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Acting *Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this* 10th *day of* March, 1924.

(SEAL)
MSE/MY

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APPROVED: Acting *Chief of Division of Water Rights, Department of Public Works of the State of California*

Director, State Department of Public Works

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STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 342 PERMIT No. 894 APPLICATION No. 751

This is to certify, *That* the San Joaquin Light and Power Corporation

of Fresno, California, *has made proof to the satisfaction of the Division*

of Water Rights of California of a right to the use of the waters of Kern River, in Kern County,

tributary of Buena Vista Lake

for the purpose of generating electric energy

under Permit No. 894 *of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from* July 28th, 1917; *that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed* two hundred fifty (250) cubic feet per second from January 1st to December 31st of each year.

The point of diversion of such water is located North two degrees forty-two minutes (2° 42') West one thousand one hundred forty and eight tenths (1140.8) feet from the Southeast corner of Section 30, T 28 S, R 30 E, M. D. B. & M., being within the SE¼ SE¼ of said Section 30.

A description of the lands or the place where such water is put to beneficial use is as follows:
Within the NW¼ NE¼ Section 6, T 29 S, R 30 E, M. D. B. & M.
[redacted]

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in section 20 of Chapter 586, Statutes 1913, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided,* that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided,* that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivison of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however,* that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; *and providing, further,* that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; *and providing, further,* that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; *and provided, further,* that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Acting *Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this* 11th *day of* March *, 19* 24.

(SEAL)
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APPROVED:

Acting *Chief of Division of Water Rights, Department of Public Works of the State of California*

Director, State Department of Public Works

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ast corner of Section 30, T 28 S, R [illegible]
f said Section 30.

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

Within the NW¼ NE¼ Section 6, T 29 S, R 30 E, M. D. B. & M.

Water returned to Kern River within the NW¼ NE¼ of said Section 6.

This right was acquired subject to conditions and limitations as follows [illegible] the permit which was issued in approval of the application:-

CONDITION NO. 1

The recipient of this permit and its assigns or successors in interest, hereinafter called "Permittee", expressly agree that if a permit to store water for the purpose of irrigating land in the San Joaquin Valley and in the vicinity of the Kern River shall be hereafter granted, pursuant to application filed after the application upon which this permit is based, so that such storage interrupts or withholds part or all of the flow of the Kern River which otherwise would have been available for lawful diversion for power purposes under this permit, the Permittee will accept in lieu thereof an amount of water released from said storage during the summer and fall months, which together with the natural stream flow of said Kern River during the year shall make available to Permittee for diversion at the place of diversion in this permit specified, an amount equivalent to the quantity which could otherwise have been lawfully diverted by Permittee by virtue of rights acquired with a priority earlier than that of said subsequent permit to store water.

Such release of stored water shall be reasonably uniform and continuous and shall immediately follow the summer decline in the natural flow of the Kern River below 800 second feet at the point of diversion in this permit described.

If the amount of water so released from storage during any calendar year, together with the natural flow of the Kern River past the point of diversion in this permit specified shall make possible the diversion of more water than could have been so lawfully diverted had the natural flow of the stream not been interrupted or withheld by storage under said subsequent permit to store water, then and to that extent such excess shall be a credit to the release of said stored waters.

If the amount of water so released from storage during any calendar year, together with the natural flow of the Kern River past the point of diversion in this permit specified shall not make possible the diversion of as much water as could have been so lawfully diverted had the natural flow of the stream not been interrupted or withheld by storage under said subsequent permit to store water then and to that extent such failure shall be a debit to the release of said stored water to be repaid from said credits to the release of said stored waters or by the release of water in the next succeeding calendar year if an amount adequate for that purpose shall be in storage during the summer months of said next succeeding year, and if the full amount of the accrued debit less accrued credits is not discharged in said next succeeding calendar year and as herein provided, it shall thereafterwards be discharged in the first succeeding year in which water is available.

And further agrees expressly that nothing herein shall be construed to prevent or conflict with the granting of a permit to divert water or with the diversion of said water or of water released from said storage from the Kern River above the point of diversion as herein specified, for the purpose of irrigating agricultural acreage above the 400 foot contour, at any time when the combined natural flow and release of stored water at said point of diversion shall exceed 800 second feet, but only the excess over 800 second feet may be so diverted, or at any time during such periods as the total accrued credits shall exceed the total accrued debits to the release of said stored water as herein defined.

And further agrees expressly that if any dispute arises with an interested party as to the interpretation of this condition or an action to be performed thereunder the decision of the State Water Commission shall be final and conclusive in the premises.

And further agrees expressly, well and faithfully to comply with all orders of the Federal Power Commission giving or intending to give effect to Sections 1 and 2 of Regulation 15 of said Federal Power Commission as approved February 28, 1921, providing for the reimbursement by Permittee herein of other licenses or permittees of the United States Government for the benefit accruing to the Permittee herein by the storage of water or of any other headwater improvement erected and maintained above the point of diversion herein specified; or in event the Federal Power Commission cease or fail to apply and enforce, or that it should not come within the jurisdiction of the Federal Power Commission to apply and enforce said regulation, then to well and faithfully comply with all orders of the State Water Commission applying and enforcing the provisions of said regulations which said provisions are hereby incorporated in this permit in full as a part hereof with the intention of applying said provisions to any works constructed upstream from those of the permittee under other permits issued by the State Water Commission and by which said permittee is directly benefited.

CONDITION NO. 2.

The water appropriated under this permit shall be returned to Kern River so as not to ca any undue or unreasonable fluctuations in the flow of said river below the point of return de cribed herein, and works shall be constructed if necessary to prevent damage to lower diversi by fluctuations in the flow of the river resulting from the operation of the power plant con- [illegible] under this permit.

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Pacific Gas & Electric Co.

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STATE OF CALIFORNIA
~~THE RESOURCES AGENCY~~
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 2816 PERMIT 1496 LICENSE 341

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. License 341 was issued to San Joaquin Light and Power Corporation and was filed with the County Recorder of Fresno County on November 27, 1925.

2. License 341 was subsequently assigned to Pacific Gas an Electric Company.

3. A petition for change in place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.

4. The Board has determined that such change in place of use will not operate to the injury of any other legal water user involved.

NOW, THEREFORE, IT IS ORDERED THAT:

Permission is hereby granted to change the place of use described as follows:

1. Kerchoff Powerhouse #1: Within SE¼ of NE¼ of Section 3, T10S, R22E, MDB&M. Water will be returned to San Joaquin River within SE¼ of NE¼ of said Section 3.

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2. Kerchoff Powerhouse #2: Within SW¼ of SE¼ of Section 10, T10S, R22E, MDB&M. Water will be returned to San Joaquin River within SE¼ of SW¼ of said Section 10.

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Dated: MARCH 29 1983

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights