STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 654 PERMIT 619 LICENSE 438

ORDER ALLOWING CHANGE IN POINT OF REDIVERSION
PLACE OF USE AND CORRECTING THE DESCRIPTION
OF THE POINTS OF DIVERSION AND AMENDING THE LICENSE

WHEREAS:

1. License 438 was issued to the Western States Gas and Electric Company and the El Dorado Power Company of Stockton, California and was filed with the County Recorder of El Dorado County on January 11, 1926, and with the County Recorder of Alpine County on January 9, 1926.

2. License 438 was subsequently assigned to Pacific Gas and Electric Company.

3. A petition for change in point of rediversion, and place of use and correcting the points of diversion 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 the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion and rediversion under this license shall be as follows:

Points of Diversion:

1. Medley Lake Dam: North 32°35' East, 9,870 feet from SW corner of projected Section 31, T12N, R17E, MDB&M, being within the SW¼ of NE¼ of projected Section 30, T12N, R17E, MDB&M.

2. Caples Lake Main Dam: North 77°59' West, 4,300 feet from the SE corner of Section 18, T10N, R18E, MDB&M, being within the SW¼ of SW¼ of said Section 18.

Points of Rediversion:

1. El Dorado Canal: North 52°02' West, 1,596.7 feet from SE corner of Section 29, T11N, R15E, MDB&M, being within the SE¼ of SE¼ of said Section 29.

2. Chili Bar Dam: North 31°30' West, 5,100 feet from SE corner of Section 25, T11N, R10E, MDB&M, being within the NE¼ of SW¼ of said Section 25.

2. The place of use under this license shall be as follows:

   1. El Dorado Powerhouse located within the NE¼ of NE¼ of Section 22, T11N, R12E, MDB&M.
      The water is returned to the South Fork American River at a point within the NE¼ of NE¼ of Section 22, T11N, R12E, MDB&M.

   2. Chili Bar Powerhouse located within the NE¼ of SW¼ of Section 25, T11N, R10E, MDB&M.
      The water is returned to the South Fork American River at a point within the NE¼ of SW¼ of Section 25, T11N, R10E, MDB&M.

3. The following new paragraph is added to this license:

   "The Licensee shall operate the Chili Bar Diversion Dam and Power plant so as to smooth the downstream discharge and maintain streamflow; change of controllable discharge shall be gradual and at no greater rate than will increase or decrease the stage of the river by one foot in elevation during any one hour period, such change in the stage to be measured at a control point of representative width downstream from Chili Bar Dam by the stream gage installed under the supervision of the U. S. Geological Survey pursuant to Article 6 of Form L-2 of FPC License 2101; provided that at no time shall the flow past the gaging station be less than 100 second feet."

4. The following term is added to the license as follows:

   The Licensee shall comply with all applicable requirements of the Federal Energy Regulatory Commission.

Dated: DECEMBER 18 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

FORM L-1925

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

LICENSE No. 438 PERMIT No. 619 APPLICATION No. 654

This is to Certify, *That* the Western States Gas and Electric Company, and the Eldorado Power Company of Stockton, Calif. have... *made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of* Medley Lakes and Twin Lakes located in Eldorado and Alpine Counties, respectively

tributary ~~of~~ to South Fork of American River

for the purpose of generating hydro-electric power *under Permit No.* 619 *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 26, 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 five thousand (5000) acre feet per annum for storage in Medley Lakes, and eight thousand (8000) acre feet per annum for storage in Twin Lakes, to be collected from January 1st to December 31st of each season.

The point of diversion of such water is located on Medley Lakes on unsurveyed lands, in projected Sections 24 and 25 of T 12 N, R 16 E, M.D.M., and Sections 19, 20, 29 and 30 of T 12 N, R 17 E, M.D.M.; on Twin Lakes, Main Dam located in Lots 3 and 4, the NE¼ of the SW¼, and the SE¼ of the SW¼ of Section 18, T 10 N, R 18 E, M.D.M., the Auxiliary Dam located in the SE¼ of the NE¼ of Section 22, T 10 N, R 17 E, M.D.M.

The Point of Rediversion of such water is located South zero degrees and forty-seven minutes East (S 0° 47' E), four thousand and fifty-two and six-tenths (4052.6) feet from the Section corner common to Sections 13 and 24, T 11 N, R 11 E, and Sections 18 and 19, T 11 N, R 12 E, M.D.M.; being within the SE¼ of the SE¼ of Section 24, T 11 N, R 11 E, M.D.M.

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

located within the NW¼ of the SW¼ of Section 20, T 11 N, R 11 E, M.D.M., being known as the "American River Power Plant".

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.

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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 Chief of the DIVISION OF WATER RIGHTS, *Department of Public Works of the State of California, and the seal of said department this* 28th *day of* December, 192[illegible].

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

11/19/99 ASGD TO EL DORADO IRRIGATION DISTRICT
c/o GENERAL MANAGER

LICENSE NO._____

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RIGHTS

LICENSE
TO APPROPRIATE WATER

ISSUED TO_____

DATED_____

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