STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2007-0035-DWR

In the Matter of License 2184 (Application 1692)

El Dorado Irrigation District

ORDER APPROVING CHANGES IN POINT OF DIVERSION, PLACE OF USE AND PURPOSE OF USE

SOURCE: North Fork Weber Creek tributary to Weber Creek thence South Fork American River

COUNTY: El Dorado

WHEREAS:

1. License 2184 was issued pursuant to permitted Application 1692 on March 1, 1941, and was recorded with the County Recorder of El Dorado County on March 15, 1941. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.

2. The Division of Water Rights (Division) record of ownership for License 2184 shows the current holder of the license as El Dorado Irrigation District (EID).

3. EID submitted a Change Petition dated November 23, 2004 to the Division requesting authorization to change Weber Reservoir License 2184 as follows:

   a. Add EID's existing pump station at Folsom Reservoir as an authorized Point of Rediversion;

   b. Add areas served by or to be served by EID in the El Dorado Hills area as authorized Places of Use;

   c. Add Fish, Wildlife Preservation and Enhancement and Recreation uses within Weber Creek from Weber Reservoir to Folsom Reservoir and Fish and Wildlife Preservation and Enhancement within Weber Reservoir as authorized Purposes of Use; and

   d. Add Municipal, Industrial and Fire Protection as authorized Purposes of Use within the place of use to be added to License 2184.

4. The petition was noticed on January 28, 2005, and no protests to approval of the petition were received by the Division.

5. The use of Folsom Dam and Reservoir to redivert water under this water right is subject to the terms and conditions of a contract between the United States and EID for that use. The U.S. Bureau of Reclamation (Reclamation) did not protest approval of the petition, but submitted a February 25, 2005 letter requesting the following condition in any order of approval:

"The use of Folsom Dam and Reservoir to redivert water under this water right shall be subject to the terms and conditions of a contract between the United States and EID for that use."

The contract includes matters that are outside of the water rights jurisdiction of the State Water Resources Control Board (State Water Board). Therefore, the following condition will be included in the approval order:

"Access to the Point of Rediversion on Folsom Dam and Reservoir is subject to the licensee entering into a contract with the U.S. Bureau of Reclamation for the use of Folsom Reservoir. No water shall be diverted under this license until the contract is executed and a copy delivered to the Chief of the Division of Water Rights. This license is subject to measurement of flows and continuous documentation that rediversion by EID does not exceed quantities released into Weber Creek, minus conveyance and evaporation losses."

6. Upon approval of the changes, EID will operate Weber Reservoir as described in the October 2002 "Weber Reservoir Flow Regime and Restoration Plan," (restoration plan) developed by EID and the Department of Fish and Game (DFG). EID submitted the restoration plan with its Petition for Change and included the restoration plan in its list of environmental commitments in the Initial Study and Mitigated Negative Declaration for the EID Relocation of Water Rights, April 2005. The following elements of the restoration plan will be included as terms of the order approving the change:

   a. Maintain a minimum of 200 acre-feet (af) of available water in storage at Weber Reservoir as of September 1 of each year for the purpose of maintaining minimum reservoir releases during the months of September, October and November;

   b. Within 12 months of the date of this order, EID shall install, maintain, operate and monitor the continuous recording gages located at:

      (i) Gage 1 at Snow's Road;

      (ii) Gage 2 at the outflow downstream of the release pipe, but upstream of the confluence with spillway waters.

      (iii) Stage height (S1) of the reservoir to be located upstream of the spillway where stage height is not significantly impacted by the spillway.

   c. Maintain a year-round minimum release schedule from Weber Reservoir to protect and enhance fish, wildlife and recreation in Weber Creek downstream of Weber Reservoir as follows:

      (i) Releases will be determined by the following equation when reservoir storage in Weber Reservoir is greater than 200 af:

      $Q_{release} = 0.67 \times (Q_{inflow})^{0.5}$
      Q_{inflow} = the mean of the preceding calendar month inflow at Gage 1

      (ii) To provide opportunity to calculate Q_{inflow}, the new release regime need not be implemented until the eighth day of each new calendar month.

      (iii) $Q_{release}$ shall not be less than 1 cubic foot per second (cfs). When the water surface in the reservoir is below the release pipe elevation, $Q_{release}$ = valve open.

d. Maintain a "ramping rate" for changes in releases from Weber Reservoir for the purpose of protecting fish and wildlife resources from adverse impacts caused by sudden change in Weber Creek hydrology. The ramping rate shall be calculated such that manageable releases $Q_{release}$ will not result in changes in Weber Creek instream depth exceeding 0.5 foot depth per hour measured at Gage 2.

e. EID shall report compliance on its website and provide written compliance documentation upon request by the State Water Board, including the following information:

- Gage 1: calendar month mean value, average daily values for current month, historic average daily values;
- Gage 2: calendar month mean values, average daily values for current month, historic average daily values;
- S1: calendar month mean, calendar month final stage values, average daily values for current month, historic average daily values;
- Equation /rules for calculating $Q_{release}$;
- $Q_{release}$ = calculated;
- Spill over the spillway start and stop dates.

Records shall be maintained for a minimum of three years.

f. EID shall implement a pulse flow for the purpose of flushing embedded sediments that resulted from the sediment discharge event of January 30 to March 2, 2001. EID shall conduct the pulse flow event in accordance with the restoration plan and shall report the dates when pulse flow occurred with its Progress Report by Licensee.

7. Reclamation's February 25, 2005 letter (modified by Reclamation's March 25, 2005 letter) requested that EID measure Weber Creek flows to determine the losses associated with the releases between Weber Reservoir and Folsom Dam, in addition to the gage locations listed in condition 6(d) above. Reclamation requested that:

a. EID install and operate a gage in Weber Creek near the confluence with the South Fork American River, at a location mutually acceptable to EID and Reclamation;

b. during periods when EID is releasing water from storage at Weber Reservoir for rediversion at Folsom Lake, EID maintain daily flow and reservoir release data from this gage; and

c. EID and Reclamation use this data to confirm the amount of water available for rediversion at Folsom Lake, taking into account other accretions to and depletions from Weber Creek between Weber Dam and the confluence with the South Fork American River.

By letter dated June 3, 2005, EID accepted the license conditions regarding installation of stream gages.

8. Pursuant to the provisions of the California Environmental Quality Act (CEQA), EID prepared an Initial Study and Mitigated Negative Declaration, State Clearinghouse # 2005042129, for the project. The EID Board of Directors adopted the Mitigated Negative Declaration on June 6, 2005. The State Water Board has filed a Notice of Determination with the State Clearinghouse in compliance with Section 21108 or 21152 of the Public Resources Code. The Mitigated Negative Declaration includes an environmental commitment to implement the 2002 Weber Reservoir Flow Regime and Restoration Plan. The specific mitigation measures for protection of fish and wildlife are listed in Term 6 above.

9. In 1996, both the Federal Energy Regulatory Commission (FERC) and the Division of Safety of Dams deemed Weber Dam unsafe if subjected to an earthquake of a certain magnitude. Although the Licensee completed the retrofit of Weber Dam, the reconstruction effort did not involve the hydroelectric facilities. (May 11, 2004 EID Application for Long-Term Warrant Act Contract, p. 29.)

10. The State Water Board has determined that the license shall be amended to include the following specific corrections or changes:

    a. Add EID's existing pump station at Folsom Lake as an authorized point of rediversion:

       North 25° 06' East, 2,358 feet from the SW corner, the NE¼ of NW¼ of SW¼ of Section 1, T10N, R8E, MDB&M.

    b. Add areas served by or to be served by EID in the El Dorado Hills area as authorized Places of Use:

       All of Sections 1, 2, 11 through 14, 24, and portions of Sections 3, 10, 15, 23, 25, and 26 of T9N, R8E; portions of Sections 5, 6, 7, 18, 19, 20, 29, and 30 of T9N, R9E; portions of Sections 6, 19, 30 and 31 of T10N, R9E; all of Sections 23, 25 through 27, 34 through 36, and portions of Sections 1 through 3, 9 through 12, 14 through 16, 21, 22, 24, 28, and 33 of T10N, R8E; all of Section 36 and portions of Section 35 of T11N, R8E, all within MDB&M, as shown on map dated January 26, 2006, filed with the State Water Board.

    c. Add Fish, Wildlife Preservation and Enhancement and Recreation uses within Weber Creek between Weber Reservoir and Folsom Reservoir; and Fish, Wildlife Preservation and Enhancement and Fire Protection within Weber Reservoir as authorized Purposes of Use;

    d. Add Municipal, Industrial and Fire Protection as authorized Purposes of Use within the place of use to be added to License 2184.

    e. Add license conditions pursuant to the 2002 Weber Reservoir Flow Regime and Restoration Plan and Reclamation's February 25, 2005 letter (as modified by Reclamation's March 25, 2005 letter) for the protection of fish and wildlife as described above; and

    f. Add a maximum withdrawal from storage limit to the license.

THEREFORE, IT IS ORDERED:

The Change Petition is approved subject to the terms listed above.

STATE WATER RESOURCES CONTROL BOARD

/s/

Victoria A. Whitney, Chief
Division of Water Rights

Dated: OCT 12 2007

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STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 1692 PERMIT 1053 LICENSE **2184**

THIS IS TO CERTIFY, That

El Dorado Irrigation District
2890 Mosquito Road
El Dorado, CA 95667

has the right to the use of the waters of **North Fork Weber Creek** in **El Dorado County**

tributary to **Weber Creek thence South Fork American River, thence Folsom Lake**

for the purpose of **Municipal, Industrial, Irrigation, Recreational, Fish and Wildlife Preservation and Enhancement, and Fire Protection uses.**

Amended License 2184 supersedes the license originally issued on **March 1, 1941**, and Orders dated **May 1, 1931** and **February 28, 1940**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 1053**. The priority of this right dates from **February 27, 1920**. Proof of maximum beneficial use of water under this license was made as of **September 7, 1939** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **one thousand one hundred twenty five (1,125) acre-feet per annum to be collected from October 15 of each year to May 15 of the succeeding year. The maximum withdrawal in any one year shall not exceed one thousand (1,000) acre-feet.**

The capacity of Weber Reservoir shall not exceed 1,125 acre-feet.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

Weber Reservoir Dam - North 27° 32′ East 1,595 feet from the S¼ corner of Section 18, T10N, R12E, MDB&M, being within the NW¼ of SE¼ of said Section 18.

THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED:

Folsom Reservoir Pumping Station - North 25° 06′ East, 2,358 feet from the SW corner of Section 1, T10N, R8E, MDB&M, being within the NW¼ of SW¼ of said Section 1.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Fish and Wildlife Preservation and Enhancement and Fire Protection uses at Weber Reservoir within SW¼ of Section 17 and SE¼ of Section 18, T10N, R12E, MDB&M, and Fish and Wildlife Preservation and Enhancement and Recreation uses within North Fork Weber Creek, Weber Creek and South Fork American River from Weber Reservoir Dam to Folsom Reservoir.

Municipal, Industrial, Irrigation, and Fire Protection uses within the boundaries of the El Dorado Irrigation District comprising 30,702 acres as shown on map dated April 8, 1927, filed with the State Water Board, and El Dorado Hills area as shown on map dated January 26, 2006, filed with the State Water Board.

For the protection of fish and wildlife, EID shall:

a. Maintain a minimum of 200 acre-feet of available water in storage at Weber Reservoir as of September 1 of each year for the purpose of satisfying minimum reservoir releases during the months of September, October and November.

b. Within 12 months of the date of this order, EID shall install, maintain, operate and monitor the continuous recording gages located at:

(i) Gage 1 at Snow's Road;
(ii) Gage 2 at the outflow downstream of the release pipe, but upstream of the confluence with spillway waters.
(iii) Stage height (S1) of the reservoir to be located upstream of the spillway where stage height is not significantly impacted by the spillway.

c. Maintain a year-round minimum release schedule from Weber Reservoir to protect and enhance fish, wildlife and recreation in Weber Creek downstream of Weber Reservoir as follows:

(i) Releases will be determined by the following equation when reservoir storage in Weber Reservoir is greater than 200 af:

$Q_{release} = 0.67 \times (Q_{inflow})^{0.5}$
Q_{inflow} = the mean of the preceding calendar month inflow at Gage 1

(ii) To provide opportunity to calculate Q_{inflow}, the new release regime need not be implemented until the eighth day of each new calendar month.

(iii) $Q_{release}$ shall not be less than 1 cubic foot per second (cfs). When the water surface in the reservoir is below the release pipe elevation, $Q_{release}$ = valve open.

d. Maintain a "ramping rate" for changes in releases from Weber Reservoir for the purpose of protecting fish and wildlife resources from adverse impacts caused by sudden change in Weber Creek hydrology. The ramping rate shall be calculated such that manageable releases $Q_{release}$ will not result in changes in Weber Creek instream depth exceeding 0.5 foot depth per hour measured at Gage 2.

e. EID shall report compliance on its website and provide written compliance documentation upon request by the State Water Board, including the following information:

- Gage 1: calendar month mean value, average daily values for current month, historic average daily values;
- Gage 2: calendar month mean values, average daily values for current month, historic average daily values;
- S1: calendar month mean, calendar month final stage values, average daily values for current month, historic average daily values;
- Equation/rules for calculating $Q_{release}$;
- $Q_{release}$ = calculated;
- Spill over the spillway start and stop dates.

Records shall be maintained for a minimum of three years.

f. EID shall implement a pulse flow for the purpose of flushing embedded sediments that resulted from the sediment discharge event of January 30 to March 2, 2001. EID shall conduct the pulse flow event in accordance with the restoration plan and shall report the dates when pulse flow occurred with its triennial Report of Licensee.

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Access to the Point of Rediversion on Folsom Dam and Reservoir is subject to the licensee entering into a contract with the U.S. Bureau of Reclamation (Reclamation) for the use of Folsom Reservoir. No water shall be diverted under this license until the contract is executed and a copy delivered to the Chief of the Division of Water Rights. This license is subject to measurement of flows and continuous documentation that rediversion by EID does not exceed quantities released into North Fork Weber Creek, minus conveyance and evaporation losses.

EID shall install, maintain, operate and monitor a continuous recording gage near the confluence with the South Fork American River, at a location mutually acceptable to EID and Reclamation. During periods when EID is releasing water from storage at Weber Reservoir for rediversion at Folsom Lake, EID will maintain daily flow and reservoir release data from this gage. EID and Reclamation will use this data to confirm the amount of water available for rediversion at Folsom Lake, taking into account other accretions to and depletions from North Fork Weber Creek between Weber Dam and the confluence of Weber Creek with the South Fork American River.

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

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

John O'Hagan for

Victoria A. Whitney, Chief
Division of Water Rights

Dated: MAR 25 2008

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

ORDER

APPLICATION 1692 PERMIT 1053 LICENSE 2184

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND AMENDING THE LICENSE

WHEREAS:

1. License 2184 was issued to El Dorado Irrigation District and was filed with the County Recorder of El Dorado County on March 15, 1941.

2. A petition for change in purpose 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.

3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

4. For dismissal of the protest by Department of Fish and Game, licensee and protestant have agreed to the inclusion of three (3) special conditions to the Order.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

   Irrigation and incidental hydroelectric power generation

2. The following three (3) conditions are added to the license:

(1.) Permittee shall conduct a post-project monitoring study to collect dissolved oxygen levels and water temperatures of the water leaving the powerhouse and to determine its impacts to Weber Creek below the powerhouse. Measurements shall be taken at any point across the powerhouse tailrace and in Weber Creek 100 feet downstream from the confluence of the powerhouse tailrace. Measurements shall be taken during April 1 through October 31 of each year, and shall be taken twice a week during the first year after which the Department of Fish and Game will determine if the data collection can be reduced to once a week.

(2.) In the fall of the year, prior to SOFAR Project (Water Applications 26375 and 26376) starting operations, permittee shall install on the reservoir outlet a fish screen acceptable to the Department of Fish and Game. Said screen shall be properly operated and maintained by the permittee.

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(3.) "The bypass pipe which carries the water around the turbine during maintenance or shutdown shall have a synchronous valve installed prior to the startup of the SOFAR Project. This valve and bypass pipe shall be capable of passing a minimum of 11 cubic feet per second. In other than dry years, a maximum of 75 cubic feet per second shall not be exceeded upstream of the Camino Conduit turnout and a maximum of 90 cubic feet per second shall not be exceeded below that same turnout. A dry year shall be defined as any water year, which is the period from October 1 of one year through September 30 of the succeeding year, in which the South Fork American River inflow to Folsom Reservoir, as forecast by the California Department of Water Resources (Department) on April 1 of the water years in question, or as subsequently updated by the Department on the following May 1, will not exceed 50 percent of the average then in use by the Department".

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"For the protection of fish, permittee shall operate project facilities so that water temperature on North Fork Weber Creek from the confluence with Weber Creek upstream to the Park Creek Conduit turnout shall not exceed a maximum at all times of 23°C; except that, during the period June 15 to September 15 of each year, 20°C shall not be exceeded for more than three (3) consecutive days."

Dated: AUGUST 14 1984

for L. D. Johnson
Raymond Walsh, Chief
Division of Water Rights

FORM 64

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2184 PERMIT 1053 APPLICATION 1692

THIS IS TO CERTIFY, That El Dorado Irrigation District
Placerville, California

has made proof to the satisfaction of the Division of Water Resources of California of a right to the use of the waters of North Fork of Webber Creek in El Dorado County tributary of South Fork of American River via Webber Creek for the purpose of irrigation use under Permit 1053 of the Division of Water Resources 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 Resources and the terms of the said permit; that the priority of the right herein confirmed dates from February 27, 1920; 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 eleven hundred twenty five (1125) acre feet per annum by storage to be collected from about October 15 to about May 15 of each season.

The point of diversion of such water is located North twenty seven degrees thirty two minutes East (N. 27° 32' E.) fifteen hundred ninety five (1595) feet from the South one-quarter corner of Section 18, T. 10 N., R. 12 E., M.D.B. & M., being within the NW¼ of SE¼ of said Section 18.

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

Within the boundaries of the El Dorado Irrigation District comprising 30,702 acres as shown on map filed with the Division of Water Resources, April 8, 1927.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Division of Water Resources.

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 of 1913, as amended, 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 purposes 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 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 unappropriatd and open to further appropriation in accordance with the terms of this act. 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 to so 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 accepts 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 regulation 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 my hand and the seal of the Department of Public Works of the State of California, this 1st *day of* March *19* 41

EDWARD HYATT
State Engineer

By Harold Conkling
Deputy

LICENSE 214

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO El Dorado Irrigation Dist.

DATED March 1, 1941

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