

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

DIVISION OF WATER RIGHTS

In the Matter of License 3829 (Application 8620)
Donner Tract Improvement Association

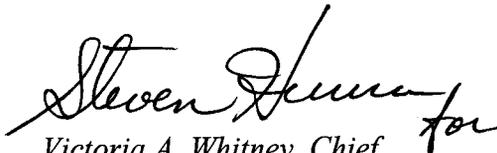
ORDER REINSTATING LICENSE

SOURCE: Donner Lake Tract Springs A & B tributary to Donner Creek thence Donner Lake
COUNTY: Nevada

WHEREAS:

1. License 3829 was revoked by the State Water Resources Control Board (SWRCB) Division of Water Rights (Division) on August 5, 2004 based on a letter from the Licensee dated October 22, 2003.
2. A request for reinstatement of the license was submitted by the Licensee on August 10, 2004. Upon review by the SWRCB, it was determined that good cause exists for reinstatement of License 3829.

Therefore, it is ordered that License 3829 is hereby reinstated by the SWRCB.


Victoria A. Whitney, Chief
Division of Water Rights

Dated: **MAR 01 2005**

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

ORDER

APPLICATION 8620 PERMIT 4772 LICENSE 3829

ORDER AMENDING THE DESCRIPTION OF POINT OF DIVERSION
AND THE CONTINUING AUTHORITY CONDITION

WHEREAS:

1. License 3829 was issued to United States - Tahoe National Forest on September 24, 1953, pursuant to Application 8620.
2. License 3829 was filed with the County Recorder of Nevada on September 30, 1953.
3. License 3829 was subsequently assigned to the Donner Tract Improvement Association.
4. Inspection of June 20, 1992, found that the springs have always been at the same location, but can be more accurately described from the 7.5" quad map.
5. The State Water Resources Control Board (State Water Board) has determined that said correction will not initiate a new right nor operate to the injury any legal user of the water.
6. The continuing authority condition should be amended to conform to Section 780(a) of Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the Point of Diversion be amended to read:

Spring A: North 650 feet and West 200 feet from SE corner of Section 12, T17N, R15E, MDB&M, being the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12. California Coordinate System: Zone 2, North 610,900, East 2,493,950.

Spring B: North 650 feet and West 1,650 feet from SE corner of Section 12, T17N, R15E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12. California Coordinate System: Zone 2, North 610,900, East 2,492,500.

(0000002)

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2. The license condition regarding the State Water Board's continuing authorith be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control 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 Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the 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 Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the 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.

(0000012)

Dated: *for* JULY 24 1992

for 
Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 8620

PERMIT 4772

LICENSE 3829

THIS IS TO CERTIFY, That **United States - Tahoe National Forest**
Nevada City, California

Notice of Change (9/21)

has made proof as of **August 22, 1952**
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Donner Lake Tract Springs A and B in Nevada County
tributary to **Donner Creek**

for the purpose of **domestic use**
under Permit **4772** of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **March 26, 1936**;
and 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 **four thousand three hundred**
(4300) gallons per day to be diverted from January 1 to December 31 of each year.

The points of diversion of such water are located as follows:

Spring A - north fourteen degrees west (N14°W) five hundred twenty (520) feet
from SE corner of Section 12, T 17 N, R 15 E, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section 12.

Spring B - north seventy-seven degrees west (N77°W) one thousand four hundred
seventy (1470) feet from SE corner of Section 12, T 17 N, R 15 E, MDB&M, being
within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 12.

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

Lots 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 21, 24 and 27 of Donner Lake
Tract of Tahoe National Forest, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T 17 N, R 15 E,
MDB&M.

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 Department acting through the State Engineer 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 State Engineer.

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.

This license is granted and 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 Department.

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 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 can not 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.

Witness my hand and the seal of the Department of Public Works of the State of California, this 24th day of September, 1953



A. D. EDMONSTON, State Engineer

By Harvey O. Banks
Harvey O. Banks
Assistant State Engineer

7-19-67 RECEIVED NOTICE OF ASSIGNMENT TO Donner Tract Improvement Association

LICENSE 3829

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE TO APPROPRIATE WATER

ISSUED TO United States - Tahoe National Forest

DATED

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