

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

**ORDER**

APPLICATION 9996

PERMIT 5909

LICENSE 5418

ORDER ALLOWING CHANGE IN POINT OF DIVERSION  
AND PLACE OF USE

WHEREAS:

1. License 5418 was issued to Turlock and Modesto Irrigation Districts and was filed with the County Recorder of Tuolumne and Stanislaus Counties on January 29, 1959.
2. A petition for change in point of diversion and place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes have been shown.
3. 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 under this license shall be as follows:
  - (1) New Don Pedro Dam: South  $26^{\circ} 09'$  East, 3803 feet from NW corner of Section 3, T3S, R14E, MDB&M, being within  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 3.
  - (2) La Grange Dam: North  $3^{\circ} 40'$  East, 2016.3 feet from SW corner of Section 16, T3S, R14E, MDB&M, being within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of said Section 16.
2. The places of use under this license shall be as follows:
  - (1) New Don Pedro Power House within  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 3, T3S, R14E, MDB&M.
  - (2) La Grange Power House within  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 16, T3S, R14E, MDB&M.

Water is returned to the Tuolumne River in  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of Section 16, T3S, R14E, MDB&M.

Dated: JULY 7 1981

  
Raymond Walsh, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 9996

PERMIT 5909

LICENSE 5418

THIS IS TO CERTIFY, That

Turlock and Modesto Irrigation Districts  
c/o R. V. Meikle  
117 West Main Street  
Turlock, California

have made proof as of May 29, 1957  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Tuolumne River in Tuolumne and Stanislaus Counties

tributary to San Joaquin River

for the purpose of power use  
under Permit 5909 of the State Water Rights Board 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 State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from September 6, 1940  
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 one thousand two hundred (1200)  
cubic feet per second to be diverted from January 1 to December 31 of each year.

The amount to be diverted under this license and license issued on Application 1532,  
shall not exceed 2700 cubic feet per second.

The amount to be diverted under this license and license issued on Application  
9997 shall not exceed 1200 cubic feet per second.

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

- (1) North sixty-six degrees fifty minutes east (N66°50'E) one thousand nine hundred  
twenty-five (1925) feet from SW corner of Section 35, T2S, R14E, MDB&M, being within  
SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 35.
- (2) North three degrees forty minutes east (N3°40'E) two thousand sixteen and three  
tenths (2016.3) feet from SW corner of Section 16, T3S, R14E, MDB&M, being within  
NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section 16.

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

- (1) Don Pedro Power House within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 35, T2S, R14E, MDB&M
- (2) La Grange Power House within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 16, T3S, R14E, MDB&M

The water appropriated under this license is water released from storage by the  
City and County of San Francisco from its reservoirs, on the Tuolumne River and its  
tributaries and this license does not contemplate the acquiring of a prescriptive  
right by the licensees to this water which would in any way prevent the City and  
County of San Francisco from diverting the water for domestic purposes.

Water is returned to Tuolumne River in SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 16, T3S, R14E, 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 State Water Rights Board 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 Water Rights Board.

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.

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 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 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 (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to 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.

Dated: JAN 2 8 '59

L. K. Hill  
L. K. Hill  
Executive Officer



LICENSE 5409

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE APPROPRIATE WATER

ISSUED TO Turlock and Modesto  
Irrigation Districts

DATED JAN 2 8 59

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