

(S) THIS LICENSE IS SUBJECT TO THE PROVISIONS OF THE WATER RIGHTS ACT AND THE REGULATIONS OF THE STATE WATER RESOURCES CONTROL BOARD. THE APPLICANT HAS AGREED TO THE APPOINTMENT OF WATER MASTERS TO MONITOR THE DIVERSION OF WATER FROM THE KLAMATH RIVER TO THE SHASTA VALLEY-AGER AREA FOR HIGHER USES, UP TO AN ANNUAL QUANTITY OF 220,000 ACRE-FEET, PROVIDED THAT, UNTIL MARCH 1, 2006, AND SUBJECT TO VESTED RIGHTS, IF ANY, THE WATER RIGHTS TO WHICH THIS LICENSE IS SUBORDINATE SHALL BE UPON THE FOLLOWING CONDITIONS:

(C) SUBJECT TO CONDITIONS, THE LICENSEE SHALL BE REQUIRED TO RELEASE FLOW WATER THAT IT HAS A LAWFUL RIGHT TO USE FOR HYDROELECTRIC PURPOSES.

• FLOW AND WILDLIFE FOR FISH PROPAGATION FACILITIES SHALL BE MAINTAINED AT THE FOLLOWING RATES:

1. FROM JUNE 1 TO JULY 31 - 150 CFS
2. FROM JULY 1 TO SEPTEMBER 15 - 100 CFS
3. FROM SEPTEMBER 16 TO OCTOBER 31 - 100 CFS



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
License for Diversion and Use of Water

APPLICATION 17527 PERMIT 12259 LICENSE 9457

THIS IS TO CERTIFY, That

PACIFIC POWER AND LIGHT COMPANY
PUBLIC SERVICE BUILDING,
920 SOUTHWEST 6TH AVENUE, PORTLAND, OREGON 97204

HAS made proof as of **JUNE 18, 1970** (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
KLAMATH RIVER IN SISKIYOU COUNTY

tributary to **PACIFIC OCEAN**

for the purpose of **POWER AND RELATED USES AS INDICATED BELOW**
under Permit **12259** of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from **MARCH 26, 1957** and that 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 **A MAXIMUM OF 1,800 CUBIC FEET PER SECOND THROUGH THE POWER
GENERATORS, 50 CUBIC FEET PER SECOND THROUGH THE FISH PROPAGATION FACILITIES AND
3,300 CUBIC FEET PER SECOND TO REFILL PONDAGE OR REGULATORY STORAGE SPACE IN IRON
GATE RESERVOIR. THE TOTAL DIVERSION, HOWEVER, FOR ALL PURPOSES SHALL NOT EXCEED
3,300 CUBIC FEET PER SECOND. THE DIVERSION SEASON EXTENDS FROM JANUARY 1 TO
DECEMBER 31 OF EACH YEAR.**

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 57° 05' EAST 1,538.1 FEET FROM SW CORNER OF SECTION 9, T47N, R5W, MDB&M,
BEING WITHIN SW1/4 OF SW1/4 OF SAID SECTION 9.

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

WITHIN SW1/4 OF SW1/4 OF SECTION 9, T47N, R5W, MDB&M.

(1) THIS LICENSE IS SUBJECT AND SUBORDINATE TO WATER RIGHTS, WHETHER HERETO-
FORE OR HEREAFTER ACQUIRED, FOR THE DIVERSION OF WATER FROM THE KLAMATH RIVER FOR
USE IN THE SHASTA VALLEY-AGER AREA FOR HIGHER USES, UP TO AN ANNUAL QUANTITY OF
220,000 ACRE-FEET, PROVIDED THAT, UNTIL MARCH 1, 2006, AND SUBJECT TO VESTED RIGHTS,
IF ANY, THE WATER RIGHTS TO WHICH THIS LICENSE IS SUBORDINATE SHALL BE UPON THE
FOLLOWING CONDITIONS:

- (A) THE MAXIMUM AMOUNT TO BE DIVERTED SHALL NOT EXCEED 120,000 ACRE-FEET IN ANY
WATER YEAR (OCTOBER 1 TO SEPTEMBER 30), AND THE MAXIMUM RATE OF DIVERSION
SHALL NOT EXCEED 300 CUBIC FEET PER SECOND FROM MAY 16 TO SEPTEMBER 15 OF
EACH YEAR, AND 100 CUBIC FEET PER SECOND FROM SEPTEMBER 16 OF EACH YEAR TO
MAY 15 OF THE SUCCEEDING YEAR; AND
- (B) PERMITTEE UNDER ANY FUTURE APPROPRIATION WILL MAKE, OR WILL HAVE MADE, DUE
COMPENSATION, FIXED EITHER BY AGREEMENT WITH THE PRESENT LICENSEE OR BY
EMINENT DOMAIN PROCEEDINGS, FOR THE RIGHT TO ENTER UPON OR USE ANY FACILITIES
OF THE PRESENT LICENSEE, INCLUDING THE RIGHT TO USE ANY RESERVOIR CREATED BY
THE PRESENT LICENSEE AS A POINT OF DIVERSION. THIS SUBSECTION SHALL NOT BE
DEEMED TO IMPLY THAT ANY PERSON HAS A RIGHT TO ENTER UPON OR USE ANY
FACILITIES OF THE PRESENT LICENSEE WITHOUT MAKING DUE COMPENSATION.

(2) THIS LICENSE IS SUBJECT TO THE PROVISIONS OF THE KLAMATH RIVER BASIN COMPACT, 71 STAT. 497, AND OF ARTICLE 38 OF THE LICENSE ISSUED BY THE FEDERAL POWER COMMISSION FOR PROJECT No. 2082, 15 F.P.C. 14, 22, INSOFAR AS SUCH COMPACT AND ARTICLE ARE BY THEIR TERMS APPLICABLE TO THE APPROPRIATION OF WATER INCLUDED UNDER THIS LICENSE.

(3) SUBJECT TO CONDITIONS BEYOND ITS CONTROL, LICENSEE SHALL RELEASE OVER, AROUND OR THROUGH IRON GATE DAM INTO THE NATURAL CHANNEL OF THE KLAMATH RIVER FOR THE PRESERVATION OF FISH AND WILDLIFE NOT LESS THAN THE FOLLOWING AMOUNTS OF WATER:

SEPTEMBER 1 TO APRIL 30 - 1,300 CU FT/SEC
MAY 1 TO MAY 31 - 1,000 CU FT/SEC
JUNE 1 TO JULY 31 - 710 CU FT/SEC
AUGUST 1 TO AUGUST 31 - 1,000 CU FT/SEC

PROVIDED, HOWEVER, THAT LICENSEE SHALL NOT BE REQUIRED TO RELEASE MORE WATER THAN IT HAS A LAWFUL RIGHT TO USE FOR HYDROELECTRIC PURPOSES.

(4) SUBJECT TO CONDITIONS BEYOND ITS CONTROL, LICENSEE SHALL NOT FLUCTUATE THE KLAMATH RIVER PROVIDED THAT IN THE EVENT IT IS NECESSARY TO DECREASE OR INCREASE THE FLOW TO OR ABOVE THE FLOWS SET FORTH IN CONDITION (3) OF THIS LICENSE, THE RATE OF CHANGE OF FLOW SHALL NOT EXCEED 250 CUBIC FEET PER SECOND OF WATER PER HOUR OR THE CHANGE IN THE RIVER STAGE OR ELEVATION SHALL NOT EXCEED 3 INCHES PER HOUR AS MEASURED AT A GAGE LOCATED NOT MORE THAN 0.5 MILE DOWNSTREAM FROM SAID IRON GATE DEVELOPMENT, WHICHEVER PRODUCES THE LEAST AMOUNT OF FLUCTUATION.

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

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 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 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.

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 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 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.

Dated: SEP 3 1970

STATE WATER RESOURCES CONTROL BOARD

K.L. Wood
Chief, Division of Water Rights