

IF YOU ARE NOT SURE OF THE INFORMATION CONTAINED HEREIN, YOU SHOULD CONTACT THE DIVISION OF WATER RIGHTS, STATE WATER RESOURCES CONTROL BOARD, 1400 STREET, SACRAMENTO, CALIFORNIA 95833.

THIS LICENSE IS TO BE USED ONLY FOR THE PURPOSES SPECIFIED HEREIN AND IS NOT TO BE TRANSFERRED TO ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF THE STATE WATER RESOURCES CONTROL BOARD.



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

License for Diversion and Use of Water

APPLICATION 12724

PERMIT 10319

LICENSE 3770

THIS IS TO CERTIFY, That

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, SAN FRANCISCO, CALIFORNIA 94105

HAS made proof as of SEPTEMBER 18, 1968 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
NORTH FORK KINGS RIVER IN FRESNO COUNTY

tributary to KINGS RIVER

for the purpose of POWER USE

under Permit 10319 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 OCTOBER 1, 1948 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) TWO HUNDRED FIFTY (250) CUBIC FEET PER SECOND BY DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR; AND (B) TWENTY-TWO THOUSAND TWO HUNDRED EIGHTY-EIGHT (22,288) ACRE-FEET PER ANNUM BY STORAGE, TO BE COLLECTED FROM NOVEMBER 1 OF EACH YEAR TO JULY 1 OF THE SUCCEEDING YEAR. THE MAXIMUM WITHDRAWAL IN ANY ONE YEAR SHALL NOT EXCEED 22,220 ACRE-FEET.

SIMULTANEOUS DIVERSION UNDER THIS RIGHT TOGETHER WITH THAT UNDER THE RIGHTS PURSUANT TO APPLICATIONS 722, 1920, 4703, 5685, 12243 AND 12725 SHALL NOT EXCEED 970 CUBIC FEET PER SECOND AND MAXIMUM DIVERSION TO STORAGE UNDER THIS RIGHT TOGETHER WITH THAT UNDER THE RIGHT PURSUANT TO APPLICATION 722 SHALL NOT EXCEED 134,788 ACRE-FEET PER ANNUM.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

WISHON DAM - SOUTH 6° 06' EAST 1,120 FEET FROM NW CORNER OF SECTION 6, T11S, R28E, MDB&M, BEING WITHIN NW1/4 OF NW1/4 OF SAID SECTION 6.

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED:

- (1) BALCH DIVERSION DAM - SOUTH 63° 05' EAST 1,618 FEET FROM NW CORNER OF SECTION 3, T12S, R27E, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 3 AND
- (2) BALCH AFTERBAY DAM - SOUTH 84° 03' WEST 2,495 FEET FROM NE CORNER OF SECTION 12, T12S, R26E, MDB&M, BEING WITHIN NE1/4 OF NW1/4 OF SAID SECTION 12.

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

HAAS POWER PLANT - WITHIN NE1/4 OF SW1/4 OF SECTION 34, T11S, R27E, MDB&M.
BALCH POWER PLANT - WITHIN NW1/4 OF NE1/4 OF SECTION 12, T12S, R26E, MDB&M.
KINGS RIVER POWER PLANT - WITHIN NE1/4 OF SE1/4 OF SECTION 17, T12S, R26E, MDB&M.

WATER IS RETURNED TO KINGS RIVER WITHIN NE1/4 OF SE1/4 OF SECTION 17, T12S, R26E, MDB&M.

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LICENSEE SHALL RELEASE FLOWS IN THE STREAM BELOW THE POINT OF DIVERSION IN SUCH QUANTITIES AS TO KEEP IN GOOD CONDITION ANY FISH THAT MAY EXIST OR BE PLANTED IN THE STREAM BELOW THE POINT OF DIVERSION.

THIS LICENSE IS ISSUED EXPRESSLY SUBJECT TO THE AGREEMENT DATED DECEMBER 20, 1954, BETWEEN PACIFIC GAS AND ELECTRIC COMPANY AND KINGS RIVER WATER ASSOCIATION AND THE MEMBERS OF SAID KINGS RIVER WATER ASSOCIATION.

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: MAY 5 1971

STATE WATER RESOURCES CONTROL BOARD

K.L. Woodward

Chief, Division of Water Rights