STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 13956 PERMIT 11515 LICENSE 10940

ORDER ALLOWING CHANGE IN PLACE OF USE

WHEREAS:

1. License 10940 was issued to Yuba County Water District and Oroville-Wyandotte Irrigation District and was recorded with the County Recorder of Butte County.

2. License 10940 was issued to Yuba County Water District and Oroville-Wyandotte Irrigation District and was filed with the County Recorder of Plumas County on January 28, 1980 in Volume 2, Page 83.

3. A petition for change in place 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.

4. 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.

5. A one-time loss of fish in Sly Creek Reservoir will occur when the reservoir is drawn down for construction of the new powerplant.

6. The Linderina-Eleocharis-Rorippa plant community in Little Grass Valley Reservoir, a source of food for geese and other wildlife, is expected to be partially lost due to project operation changes causing lower reservoir levels.

7. The Board has received complaints from the Department of Fish and Game and U. S. Forest Service alleging that the Licensee has consistently allowed fish bypass flows to fall below required amounts at South Fork Project facilities.

8. Construction of the proposed Sly Creek Powerplant will increase the incentive for the Licensee to continue to reduce fish bypass flows.

NOW, THEREFORE, IT IS ORDERED THAT:

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

   Sly Creek Powerplant within SE¼ of NE¼, Section 19, T20N, R8E, MDB&M
   Woodleaf Powerplant within NW¼ of NW¼, Section 33, T20N, R7E, MDB&M
   Forbestown Powerplant within SW¼ of NW¼, Section 35, T20N, R6E, MDB&M
   Kelly Ridge Powerplant within NW¼ of SE¼, Section 2, T19N, R4E, MDB&M

   Water will be returned to Lost Creek within SE¼ of NE¼ of Section 19, T20N, R8E, MDB&M, South Fork Feather River within SW¼ of NE¼ of Section 33, T20N, R6E, MDB&M, and to the Feather River within NW¼ of SE¼ of Section 2, T19N, R4E, MDB&M

2. The Licensee shall develop with the Department of Fish and Game a program to restock Sly Creek Reservoir with fish subsequent to its being emptied for construction. The Licensee shall submit the program to the Board for approval. If the Federal Energy Regulatory Commission establishes a program to mitigate the one-time loss of fish in Sly Creek Reservoir as part of its requirements, the District may submit that program to the Board for consideration as the mitigation in lieu of a separate program to be developed with the Department of Fish and Game.

3. The Licensee shall develop with the Department of Fish and Game a program to mitigate the loss of Lindernia-Eleocharis-Rorippa plant community in Little Grass Valley Reservoir. The program shall be submitted to the Board for approval. If the Federal Energy Regulatory Commission establishes a program to mitigate this loss as part of its requirements, the Licensee may submit that program to the Board for consideration as the mitigation in lieu of a separate program to be developed with the Department of Fish and Game.

4. The Licensee shall submit quarterly reports of daily streamflow at the following USGS gaging stations:

   a. No. 11394800, South Fork Feather River above Little Grass Valley Reservoir, California.

   b. No. 11395030, South Fork Feather River below Little Grass Valley Reservoir, California.

   c. No. 11395200, South Fork Feather River below diversion dam near Strawberry, California.

   d. No. 11395150, South Fork Tunnel near Strawberry, California.

   e. No. 11413250, Slate Creek Tunnel near Strawberry, California.

   f. No. 11413300, Slate Creek below diversion dam near Strawberry, California.

   g. No. 11396200, South Fork Feather River below Forbestown Dam, California.

   The Licensee shall use the daily streamflows at the aforementioned seven USGS gaging stations to calculate the daily fish bypass releases and natural flows and submit quarterly reports of fish bypass releases and natural flows at the USGS gaging stations Nos. 11395030, 11395200, 11413300, and 11396200.

Dated: DECEMBER 23 1980

L. C. Spencer, for
Walter G. Pettit, Chief
Division of Water Rights

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

License for Diversion and Use of Water

APPLICATION 13956 PERMIT 11515 LICENSE 10940

THIS IS TO CERTIFY, *That* YUBA COUNTY WATER DISTRICT AND OROVILLE-WYANDOTTE IRRIGATION DISTRICT
P. O. BOX 229, OROVILLE, CALIFORNIA 95965

HAVE *made proof as of* JUNE 28, 1976 *(the date of inspection)* *to the satisfaction of the State Water Resources Control Board of a right to the use of the water of* SLATE CREEK IN PLUMAS COUNTY

tributary to NORTH YUBA RIVER THENCE YUBA RIVER

for the purpose of POWER USE *under Permit* 11515 *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* SEPTEMBER 20, 1950 *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* THREE HUNDRED (300) CUBIC FEET PER SECOND BY DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR AND THIRTY-FOUR THOUSAND TWO HUNDRED (34,200) ACRE-FEET PER ANNUM BY STORAGE, TO BE COLLECTED FROM JANUARY 1 TO JULY 1 OF EACH YEAR AND STORED IN SLY CREEK RESERVOIR.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 300 CUBIC FEET PER SECOND.

THE TOTAL AMOUNT OF WATER TO BE APPROPRIATED UNDER THIS LICENSE AND ANY LICENSE ISSUED PURSUANT TO PERMIT 11516 (APPLICATION 13957) SHALL NOT EXCEED 300 CUBIC FEET PER SECOND BY DIRECT DIVERSION, AND 35,000 ACRE-FEET PER ANNUM BY ONSTREAM AND OFF-STREAM STORAGE AT A RATE NOT TO EXCEED 300 CUBIC FEET PER SECOND, OR A TOTAL DIRECT DIVERSION AND DIVERSION TO STORAGE NOT TO EXCEED 600 CUBIC FEET PER SECOND.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

SLATE CREEK DIVERSION DAM - SOUTH 89°45' EAST 4,800 FEET FROM S1/4 CORNER OF SECTION 3, T20N, R8E, MDB&M, BEING WITHIN SE1/4 OF SW1/4 OF SECTION 2, T20N, R8E, MDB&M.

THE POINTS OF REDIVERSION OF SUCH WATER ARE LOCATED

(1) SLY CREEK DAM OUTLET - SOUTH 8°30' WEST 1,240 FEET FROM NE CORNER OF SECTION 19, T20N, R8E, MDB&M, BEING WITHIN NE1/4 OF NE1/4 OF SAID SECTION 19,
(2) LOST CREEK DAM - NORTH 28° EAST 2,200 FEET FROM S1/4 CORNER OF SECTION 24, T20N, R7E, MDB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 24,
(3) FORBESTOWN DIVERSION DAM - SOUTH 45° WEST 2,000 FEET FROM NE CORNER OF SECTION 32, T20N, R7E, MDB&M, BEING WITHIN SW1/4 OF NE1/4 OF SAID SECTION 32, AND
(4) PONDEROSA DIVERSION DAM - NORTH 41°30' EAST 3,710 FEET FROM SW CORNER OF SECTION 33, T20N, R6E, MDB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 33.

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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:
JANUARY 23 1980

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

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

WOODLEAF POWER PLANT WITHIN NW1/4 OF NW1/4 OF SECTION 33, T20N, R7E, MDB&M,
FORBESTOWN POWER PLANT WITHIN SW1/4 OF NW1/4 OF SECTION 35, T20N, R6E, MDB&M,
KELLY RIDGE POWER PLANT WITHIN NW1/4 OF SE1/4 OF SECTION 2, T19N, R4E, MDB&M.

WATER WILL BE RETURNED TO SOUTH FORK FEATHER RIVER WITHIN SW1/4 OF NE1/4 OF SECTION 33, T20N, R6E, MDB&M, AND TO THE FEATHER RIVER WITHIN NW1/4 OF SE1/4 OF SECTION 2, T19N, R4E, MDB&M.

LICENSEE SHALL BYPASS DOWN THE NATURAL STREAM CHANNELS OF THE STREAMS INVOLVED IN THIS LICENSE SUFFICIENT WATER FOR THE PURPOSE OF MAINTAINING FISH LIFE AS SET FORTH IN THE STIPULATION FOR WITHDRAWAL OF PROTEST OF CALIFORNIA DEPARTMENT OF FISH AND GAME DATED MARCH 24, 1958, FILED OF RECORD AS OWID EXHIBIT #66 AT THE HEARING OF APPLICATIONS 13676, 13956, 13957, 14112, AND 14113.

THIS LICENSE SHALL BE SUBJECT TO THAT CERTAIN AGREEMENT BETWEEN OROVILLE-WYANDOTTE IRRIGATION DISTRICT AND YUBA COUNTY WATER DISTRICT, DATED DECEMBER 9, 1959 AND AMENDED DECEMBER 20, 1965. COPIES OF THESE AGREEMENTS ARE ON FILE WITH THE STATE WATER RESOURCES CONTROL BOARD.