

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

DIVISION OF WATER RIGHTS

In the Matter of Licenses 11835 and 11836 (Applications 2270 and 5645A)

of El Dorado Irrigation District

**ORDER APPROVING ADDITION OF PURPOSE OF USE
AND ISSUING AMENDED LICENSES**

SOURCE: Camp Creek and North Fork Cosumnes River

COUNTY: El Dorado

WHEREAS:

1. License 11835 was issued to the United States Bureau of Reclamation, Mid-Pacific Region pursuant to permitted Application 2270 on January 17, 1986, and was recorded with the County Recorder of El Dorado County on January 24, 1986, in Book 2528, Page 338. License 11836 was issued to the United States Bureau of Reclamation, Mid-Pacific Region pursuant to permitted Application 5645A on January 17, 1986 and was recorded with the County Recorder of El Dorado County on January 24, 1986 in Book 2528, Page 343. Recording of these licenses, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for Licenses 11835 and 11836 shows the current holder of the licenses as El Dorado Irrigation District (EID).
3. On January 7, 2010, EID filed petitions to include incidental power generation as a purpose of use under EID water right Licenses 11835 and 11836 (Applications 2270 and 5645A, respectively). The incidental power will be generated at the Tank 7 In-Conduit Hydroelectric Project (Tank 7 Project) at an existing EID drinking water facility. Public notice of these petitions was not issued pursuant to California Code of Regulations, Title 23, section 795(a). Addition of incidental hydropower generation using water routed through the existing underground water system conduit will not change the timing, location, amount, or rate of diversions under the licenses. The proposed project adds incidental power as a use and does not otherwise change the use of the water diverted. EID notified the California Department of Fish and Game (DFG) of the proposed change and DFG did not object.
4. On January 6, 2010, EID filed a Notice of Exemption (NOE) for the proposed Tank 7 Project. The project is considered exempt under CEQA Guidelines Section 15328 which exempts small hydroelectric projects at existing facilities, provided that the capacity of the proposed facility is 5 megawatts or less, will not be located in an environmentally sensitive area, and will not adversely impact water quality or fish habitat. Further, as defined in 18 CFR 380.4(a)(14), exemptions for small conduit hydroelectric facilities have been determined by the Federal Energy Regulatory Commission (FERC) to not have a significant effect on the human environment, either individually or cumulatively. Therefore, these projects do not require the preparation of an Environmental Assessment or an Environmental Impact Statement in compliance with the National Environmental Policy Act. As defined by FERC, consideration of the environmental effects of a small conduit hydroelectric facility is limited to the area contained within the project boundaries. The proposed project meets FERC Conduit Exemption requirements as it does not change the timing, location or amount of water delivered through the existing EID pipeline conveyance system and is entirely located on non-federally owned land. The State Water Board will issue an NOE for the incidental power project.

5. The petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Amended Licenses 11835 and 11836 shall be issued, which incorporate the terms of the order below. The term numbers in the amended licenses reflect changes in the Division's standard format and do not match the numbers in the original licenses.

THEREFORE, IT IS HEREBY ORDERED THAT EL DORADO IRRIGATION DISTRICT'S LICENSES 11835 AND 11836 (APPLICATIONS 2270 AND 5645A) ARE AMENDED AS FOLLOWS:

1. The condition of the licenses related to the purpose of use shall be amended to include incidental hydroelectric power generation at: California Coordinates, NAD 83, Zone 3, North 2,010,614 feet and East 6,915,431 feet, being within the NE ¼ of SE ¼ of Section 33, T10N, R11E, MDB&M.
2. The State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended licenses.
3. The State Water Board has determined the amended licenses do not constitute initiation of a new right, and do not injure prior rights or the public trust resources of the State.
4. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.4) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
5. All other license terms and conditions not specifically modified or added by this Order shall remain in effect.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL FOR:

Barbara Evoy
Deputy Director for Water Rights

Dated: OCT 25 2010



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

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 2270
Page 1 of 5

PERMIT 2631

LICENSE 11835

THIS IS TO CERTIFY, That

El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

has the right to the use of the waters of **(1) Sly Park Creek and (2) Camp Creek in El Dorado County** tributary to **(1) Camp Creek and (2) North Fork Cosumnes River thence Cosumnes River thence Mokelumne River thence San Joaquin River**

for the purpose of **Irrigation, Industrial, Municipal, Domestic, Recreational, Fish and Wildlife Enhancement, and Incidental Hydropower Generation uses.**

Amended License 11835 supersedes the license originally issued on **January 17, 1986** which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 2631**. The priority of this right dates from **March 22, 1921**. Proof of maximum beneficial use of water under this license was made as of **November 4, 1980**.

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) twenty-seven and one-tenth (27.1) cubic feet per second by direct diversion from Sly Park Creek to be diverted from April 15 to June 15 of each year and (b) forty-three and eight-tenths (43.8) cubic feet per second by direct diversion from Camp Creek to be diverted from April 15 to June 15 of each year, provided that the combined direct diversion rate shall not exceed 63.8 cubic feet per second; (c) seven thousand (7,000) acre-feet per annum by storage to be collected from November 15 of each year to June 1 of the succeeding year from Sly Park Creek and (d) fifteen thousand (15,000) acre-feet per annum by storage to be collected from November 15 of each year to June 15 of the succeeding year from Camp Creek.**

The total amount of water collected to storage under this license and license issued pursuant to Application 5645A shall not exceed 36,700 are-feet per year.

The combined total amount of water to be taken from the sources (direct diversion plus collection to storage) under this license and license issued pursuant to Application 5645A shall not exceed 40,300 acre-feet per year. The combined total amount of water to be placed to beneficial use (direct diversion plus withdrawal from storage) under this license and license issued pursuant to Application 5645A shall not exceed 33,400 acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

(000027)

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

Camp Creek Diversion Dam - By California Coordinate System of 1983, Zone 2, North 2,029,085 feet and East 6,982,461 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T10N, R13E, MDB&M.

THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

Sly Park Dam – By California Coordinate System of 1983, Zone 2, North 2,025,485 feet and East 6,972,060 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T10N, R13E, MDB&M.

THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED:

Granlees Dam – By California Coordinate System of 1983, Zone 2, North 1,944,357 feet and East 6,829,028 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T8N, R8E, MDB&M.

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

Recreational and fish and wildlife enhancement uses at Jenkinson Lake and irrigation of a net of 6,300 acres within a gross area of 200,600 acres, together with other listed uses within the service area of El Dorado Irrigation District (including Rancho Murieta), as shown on maps filed with State Water Board. Incidental hydroelectric power generation use at the Tank 7 In-Conduit Hydroelectric Project at California Coordinates, NAD 83, Zone 3, North 2,010,614 feet and East 6,915,431 feet, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T10N, R11E, MDB&M.

This license is subject to the agreement dated April 6, 1979 between licensee and Omochumne-Hartnell Water District, to the extent such agreement covers matters within the Board's jurisdiction.

(0430300)

Licensee shall at all times bypass at Sly Park Dam a minimum of 1 cubic foot per second (cfs), or the natural flow of Sly Park Creek, whichever is less, and at all times bypass at Camp Creek Diversion Dam a minimum of 2 cfs or the natural flow, whichever is less, to maintain fish life.

Licensee, considering hydrologic conditions and water use requirements, shall estimate in April of each year the storage that will exist in Jenkinson Lake on the following September 30 and revise such estimate as often as hydrologic conditions and water use requirements warrant such revision. If such estimate or re-estimate exceeds 23,800 acre-feet, licensee shall so advise Department of Fish and Game.

If the estimated September 30 storage exceeds 23,800 acre-feet, licensee shall release to Sly Park Creek up to 5 cfs, including the 1 cfs provided for above, of such excess on a constant-flow pattern during the period May through October or during such portion of said period as remains after revisions of the licensee's estimate.

Licensee shall, if requested by Department of Fish and Game release said excess on a pattern other than a constant-flow pattern.

Licensee will develop an irrigated 1-acre area for wildlife only on the northerly side of Jenkinson Lake. Details of implementation will be arranged between licensee and Department of Fish and Game.

(0350999)

Licensee, using existing measuring devices for the purpose, shall maintain daily records of diversions from Camp Creek to Jenkinson Lake and of changes in storage in Jenkinson Lake and releases into the North Fork Cosumnes River for delivery to Rancho Murieta, satisfactory to the State Water Board, to allow a reasonably accurate determination of the amount of stored water released from Jenkinson Lake into the North Fork Cosumnes River for delivery to Rancho Murieta, as distinguished from the natural flow of the stream.

(0090400)

Measuring devices are installed at the point of rediversion of stored water to Rancho Murieta from the Cosumnes River, and daily records shall be maintained of diversions at said point, which records shall be available to the State Water Board and to Omochumne-Hartnell Water District. The location of the rediversion shall be identified as the forebay of the Rancho Murieta pumping plants located between Granlees Dam and Cosumnes Irrigation Association ditch.

(0090400)

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.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

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

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, 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 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 State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee 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 license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water 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.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the 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 SWRCB.

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 (of the Water Code) 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.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL FOR:

Barbara Evoy
Deputy Director for Water Rights

Dated: OCT 25 2010



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

License for Diversion and Use of Water

APPLICATION 2270
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PERMIT 2631

LICENSE **11835**

THIS IS TO CERTIFY, That United States Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, California 95825

has made proof as of November 4, 1980 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
(1) Sly Park Creek and (2) Camp Creek in El Dorado County

tributary to (1) Camp Creek and (2) North Fork Cosumnes River thence Cosumnes River thence Mokelumne River thence San Joaquin River

for the purpose of Irrigation, Industrial, Municipal, Domestic, Recreational and Fish and Wildlife Enhancement uses

under Permit 2631 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 22, 1921 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) twenty-seven and one-tenth (27.1) cubic feet per second by direct diversion from Sly Park Creek to be diverted from April 15 to June 15 of each year and (b) forty-three and eight-tenths (43.8) cubic feet per second by direct diversion from Camp Creek to be diverted from April 15 to June 15 of each year, provided that the combined direct diversion rate shall not exceed 63.8 cubic feet per second; (c) seven thousand (7,000) acre-feet per annum by storage to be collected from November 15 of each year to June 1 of the succeeding year from Sly Park Creek and (d) fifteen thousand (15,000) acre-feet per annum by storage to be collected from November 15 of each year to June 15 of the succeeding year from Camp Creek.

The total amount of water collected to storage under this license and license issued pursuant to Application 5645A shall not exceed 36,700 acre-feet per year.

The combined total amount of water to be taken from the sources (direct diversion plus collection to storage) under this license and license issued pursuant to Application 5645A shall not exceed 40,300 acre-feet per year. The combined total amount of water to be placed to beneficial use (direct diversion plus withdrawal from storage) under this license and license issued pursuant to Application 5645A shall not exceed 33,400 acre-feet per year.

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

(000027)

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005)

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS LOCATED:

Camp Creek Diversion Dam - North 120 feet and East 7,420 feet from NE corner of Section 17, T10N, R13E, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T10N, R13E, MDB&M.

THE POINT OF DIVERSION AND REDIVERSION OF SUCH WATER IS LOCATED:

Sly Park Dam - South 3,375 feet and West 2,830 feet from NE corner of Section 17, T10N, R13E, MDB&M, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 17.

THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED:

Granlees Dam - By California Coordinates, Zone 2, North 303,970 and East 2,267,670, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 35, T8N, R8E, MDB&M.

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

Recreational and fish and wildlife enhancement uses at Jenkinson Lake and irrigation of a net of 6,300 acres within a gross area of 200,600 acres, together with other listed uses within the service area of El Dorado Irrigation District (including Rancho Murieta), as shown on maps file with State Water Resources Control Board.

This license is subject to the agreement dated April 6, 1979 between licensee and Omochumne-Hartnell Water District, to the extent such agreement covers matters within the Board's jurisdiction.

(0430300)

Licensee and El Dorado Irrigation District shall at all times bypass at Sly Park Dam a minimum of 1 cfs, or the natural flow of Sly Park Creek, whichever is less, and at all times bypass at Camp Creek Diversion Dam a minimum of 2 cfs or the natural flow, whichever is less, to maintain fish life.

(0140400)

Licensee, considering hydrologic conditions and water use requirements, shall estimate in April of each year the storage that will exist in Jenkinson Lake on the following September 30 and revise such estimate as often as hydrologic conditions and water use requirements warrant such revision. If such estimate or re-estimate exceeds 23,800 acre-feet, licensee shall so advise Department of Fish and Game.

If the estimated September 30 storage exceeds 23,800 acre-feet, licensee and El Dorado Irrigation District shall release to Sly Park Creek up to 5 cfs, including the 1 cfs provided for above, of such excess on a constant-flow pattern during the period May through October or during such portion of said period as remains after revisions of the licensee's estimate.

Licensee and El Dorado Irrigation District shall, if requested by Department of Fish and Game release said excess on a pattern other than a constant-flow pattern.

El Dorado Irrigation District will develop an irrigated 1-acre area for wildlife only on the northerly side of Jenkinson Lake. Details of implementation will be arranged between El Dorado Irrigation District and Department of Fish and Game.

(0350999)

Licensee, using existing measuring devices for the purpose, shall maintain daily records of diversions from Camp Creek to Jenkinson Lake and of changes in storage in Jenkinson Lake and releases into the North Fork Cosumnes River for delivery to Rancho Murieta, satisfactory to the State Water Resources Control Board, to allow a reasonably accurate determination of the amount of stored water released from Jenkinson Lake into the North Fork Cosumnes River for delivery to Ranch Murieta, as distinguished from the natural flow of the stream.

(0090400)

Measuring devices are installed at the point of rediversion of stored water to Rancho Murieta from the Cosumnes River, and daily records shall be maintained of diversions at said point, which records shall be available to the State Water Resources Control Board and to Omochumne-Hartnell Water District. The location of the rediversion shall be identified as the forebay of the Rancho Murieta pumping plants located between Granlees Dam and Cosumnes Irrigation Association ditch.

(0090400)

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.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the public trust doctrine, 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 Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (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 license 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 licensee 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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

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 17 1986**

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson
Chief, Division of Water Rights