

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

PERMIT 1481

APPLICATION 1614

WHEREAS A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD; AND

WHEREAS IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME; AND

WHEREAS THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS TO SIGN THIS ORDER;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE

DECEMBER 1, 1980

DATED:

SEP 13 1972

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 1614

PERMIT 1481

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN
WHICH TO COMPLETE CONSTRUCTION AND USE

The State Water Rights Board having determined that good cause has been shown for an extension of time within which to complete construction work and application of water to the proposed use under Permit 1481 ; said Board having approved such extension and having directed that this order be issued;

NOW THEREFORE IT IS ORDERED that an extension of time be, and the same is hereby granted until **December 1, 1960**, within which to complete construction work and application of water to the proposed use under said permit.

Witness my hand and the seal of the State Water Rights Board
this **13th** day of **January, 1959**

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



ORDER

APPLICATION 1614PERMIT 1481

LICENSE _____

ORDER ALLOWING CHANGE IN CHARACTER OF USE

Permittee having established to the satisfaction of the State Water Rights Board that the change in character of use under Application 1614, Permit 1481 as set forth in petition dated September 10, 1957 will not operate to the injury of any other legal user of water, the Board so finds, and

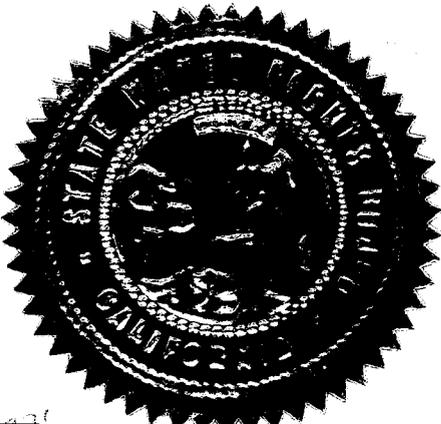
IT IS ORDERED that permission be and the same is hereby granted to change the character of use under said Application 1614, Permit 1481 to character of use as follows, to wit:

DOMESTIC, MINING AND IRRIGATION USES

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 8th day of June, 1959

L. K. Hill

L. K. Hill
Executive Officer



ORDER

APPLICATION 1614

PERMIT 1481

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH
TO COMPLETE CONSTRUCTION AND USE

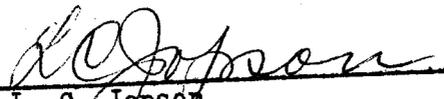
WHEREAS good cause has been shown wherefore an extension of time should be allowed for the completion of construction work and the application of the water to complete beneficial use under the above numbered application and permit,

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1958, within which to complete construction work and apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 21st day of March, 1956.

HARVEY O. BANKS, STATE ENGINEER

By


L. C. Jopson
Assistant State Engineer



C&J

ORDER

APPLICATION 1614

PERMIT 1481

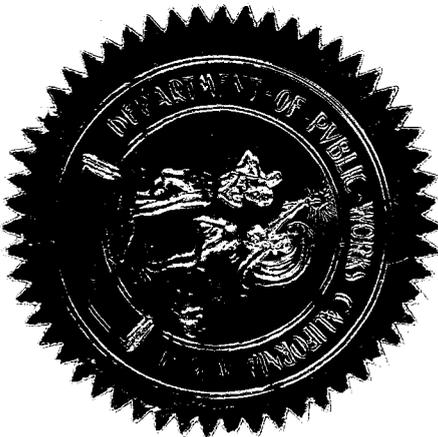
LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH
TO COMPLETE CONSTRUCTION AND USE

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the completion of construction work and the application of the water to complete beneficial use under Application 1614, Permit 1481,

NOW THEREFORE it is hereby ordered that an extension of time be and the same is hereby granted until December 1, 1952 within which to complete construction work and to apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 15th day of April, 1948.




Edward Hyatt, State Engineer

03243

DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
ORDER



APPLICATION 1614

PERMIT 1481

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH
TO COMPLETE CONSTRUCTION AND USE

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the completion of construction work and the application of the water to complete beneficial use under Application 1614, Permit 1481.

NOW THEREFORE it is hereby ordered that an extension of time be and the same is hereby granted until December 1, 1946 within which to complete construction work and to apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 20th day of June, 1941.

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy

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JUN 17 1941



DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

ORDER

APPLICATION 1614

PERMIT 1481

LICENSE _____

ORDER ALLOWING CHANGE IN PLACE OF USE

Permittee having established to the satisfaction of the Division of Water Resources that the change in place of use under Application 1614, Permit 1481 for which petition was submitted on May 12, 1930 will not operate to the injury of any other legal user of water, the Division of Water Resources so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 1614, Permit 1481 to a place of use described as follows to-wit:

167,789 ACRES WITHIN THE BOUNDARIES OF NEVADA IRRIGATION DISTRICT AS SHOWN ON MAP NO. 1020 FILED DECEMBER 24, 1940 WITH THE DIVISION OF WATER RESOURCES.

WITNESS my hand and the seal of the Department of Public Works of the State of California, this 17th day of June, 1941.

EDWARD HYATT, State Engineer

By Harold Conkling
Deputy



JUN 26 '41 M.S.E.

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1481

ORDER GRANTING CHANGE IN
POINTS OF DIVERSION and PLACE OF USE

The Excelsior Water and Power Company, having established to the satisfaction of the Division of Water Rights, that change as petitioned September 15, 1923, in the points of diversion and place of use under Application Number 1614, Permit Number 1481, will not operate to the injury of any other appropriator or legal user of the waters of Deer Creek, the Division of Water Rights so finds, and permission is granted to make such change in points of diversion and place of use as follows:

From points of diversion described as follows:

- (a) Rough and Ready Ditch Diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T 16 N, R 9 E, M.D.M.
- (b) Newtown Ditch Diversion within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T 16 N, R 8 E, M.D.M.
- (c) Pleasant Valley Ditch Diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 16 N, R 8 E, M.D.M.
- (d) Tunnel Ditch Diversion within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 16 N, R 8 E, M.D.M.

To points described as follows:

- ✓ (a) Manzanita Ditch Diversion within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, T 16 N, R 9 E, M.D.M.
 - ✓ (b) Rough and Ready Ditch Diversion within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T 16 N, R 9 E, M.D.M.
 - ✓ (c) Newtown Ditch Diversion within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 12, T 16 N, R 8 E, M.D.M.
 - ✓ (d) Pleasant Valley Ditch Diversion within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 16 N, R 8 E, M.D.M.
 - ✓ (e) Tunnel Ditch Diversion within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 18, T 16 N, R 8 E, M.D.M.
 - ✓ (f) China Ditch Diversion within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 20, T 16 N, R 7 E, M.D.M.
- NW. M.W. 2
Sec 1615 7-2-26

#2

transferred by order of 6-17-41
COPY FOR [illegible]

From a place of use described as follows:

18000 acres within T 15 N, Rgs. 7 & 8 E,
and T 16 N, Rgs. 7, 8 & 9 E, M.D.M.

To a place of use described as follows:

18000 acres within T 16 N, Rgs. 6, 7, 8 & 9 E,
and T 15 N, Rgs. 5 & 6, E, M.D.M.

WITNESS the signature of the Chief of the Division of Water Rights, Department of Public Works of the State of California, and the seal of said department this 28th day of January, 1924.



(H. A. KNEGEL)
CHIEF OF DIVISION OF WATER RIGHTS
STATE DEPARTMENT OF PUBLIC WORKS



CERTIFICATE OF FILING WITH COUNTY RECORDER
CERTIFICATE OF F

STATE OF CALIFORNIA

COUNTY OF Nevada

ss.

I, **S. J. Clark**, County Recorder of Nevada County,

do hereby certify that a copy of Permit No. 1481 of the State Department of Public Works, Division of Water Rights, in favor of Excelsior Water & Power Company

DATE RECORDED 2/16/26

ASSIGNMENT TO

Nevada Dring Dist

Application No. 1614, was filed in my office on July 21st, 1923

Witness my hand and Official Seal this 21st day of July A. D. 1923

S. J. Clark

Recorder

Deputy

For full information regarding the filling out and filing of this form send for Rules and Regulations of the Division of Water Rights governing appropriation of water

APPLICATION No. 1614

APPLICATION FOR A PERMIT

To appropriate Unappropriated Waters of the State of California

FOR AGRICULTURAL PURPOSES

DATE REC'D 2/16/26

ASSIGNMENT TO Per. of Irr. Dis.

1. EXCELSIOR WATER & POWER COMPANY, a corporation,

(Name of Applicant)

Sacramento,

(Post office)

County of Sacramento,

State of California

do hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

March 9, 1877, in the State of California.

SOURCE, AMOUNT AND USE APPLIED FOR

1. The source of the proposed appropriation is Deer Creek

(Name of stream, lake, or other source. If underground water is to be developed, so state)

located in Nevada County, tributary of Yuba River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use without storage

(1 cubic foot per second = 40 miner's inches)

second, to be so diverted from to of each season.

(Date)

(Date)

For diversion to be stored temporarily and later applied to beneficial use 60,000

(1 acre-foot = 325,851 gallons)

acre-feet per annum, to be collected between Jan 1st and Dec 31st of each season.

(Date)

(Date)

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. It is important that the answers be complete and accurate. A permit can not be issued for a larger quantity than as described therein.

3. The use to which the water is to be applied is To irrigate 18,000 acres of land

in Nevada County.

PARAGRAPH 6

The point of diversion to be stored is to be located North 85° West 950 feet from the Southeast corner of Section 2, T. 16 N., R. 9 E., M. D. B. & M. Being within the SE 1/4 SW 1/4 said Sec. 2.

The points of rediversion of stored water are to be as follows: (A) Manzanita Ditch Diversion, North 85° West 950 feet from the Southeast corner of Section 2, T. 16 N., R. 9 E.

The points of rediversion of stored water are to be as follows:

(b) Rough and Ready Ditch Diversion, North 22° 30' West 3180 feet from the Southeast corner of Section 7, T. 16 N., R. 9 E. Being within the SE 1/4 NE 1/4 said Sec. 7

(c) Newtown Ditch Diversion, Southeast corner of Lot 3, Block 41, Nevada City; being in the Northwest quarter of the Southeast quarter of Section 12, T. 16 N., R. 8 E.

(d) Pleasant Valley Ditch Diversion, North 55° 30' East 2320 feet from the Southwest corner of Section 18, T. 16 N., R. 8 E. Being within the SE 1/4 SW 1/4 said Sec. 18.

(e) Tunnel Ditch Diversion, N. 26° 30' East, 1240 feet from the Southwest corner of Section 18, T. 16 N., R. 8 E. Being within the SW 1/4 SW 1/4 said Sec. 18

(f) China Ditch Diversion, South 23° 00' East, 1440 feet from the Northwest corner of Section 20, T. 16 N., R. 7 E.

length on top 45 feet; length on bottom 30 feet; log crib.

(e) Tunnel Ditch Diversion; Height 11 feet; length on top 70 feet; length on bottom 60 feet; log crib.

(f) China Ditch Diversion; natural rock barrier.

RE-SPRINGING MANZANITA AND CHINA DITCHES 7-20-23

10 E

11 E

12 E

13 E

being within the

(Give smallest legal subdivision not to exceed 40 acres)

of Sec. _____ Tp. _____ R. _____,

M., in the County of Nevada

PARAGRAPH 5

~~(a) The Manzanitta Ditch is 7.0 miles in length and terminates in the N.W. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 6, T. 16 N. R. 9 E.~~

(b) The Rough & Ready Ditch is 12.5 miles in length and terminates in the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 24, T. 16 N., R. 7 E.

(c) The Newtown Ditch is 6.0 miles in length and terminates in the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 6, T. 16 N. R. 8 E.

(d) The Pleasant Valley Ditch is 4.5 miles in length and terminates in the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Sec. 11, T. 16 N., R. 7 E.

(e) The Tunnel Ditch is 3.5 miles in length and terminates in the S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 23, T. 16 N., R. 7 E.

~~(f) The China Ditch is 11.25 miles in length and terminates in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Sec. 34, T. 16 N., R. 6 E.~~

~~Length on top 45 feet; length on bottom 30 feet; log crib.~~

~~(e) Tunnel Ditch Diversion; Height 11 feet; length on top 70 feet; length on bottom 50 feet; log crib.~~

~~(f) China Ditch Diversion; natural rock barrier.~~

11E

12E

13E

28'

202

... of the ... of sec. 34 ...
(b) ...

... of the ... of sec. 34 ...
(c) ...

Tp. ----- R. -----, M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works, if named, is to be as above

DESCRIPTION OF PROPOSED WORKS

Diversion Works—

PARAGRAPH 7

(a) ~~Mansuitta Ditch Diversion to be made directly from Seotts Flat impounding dam.~~

(b) Rough and Ready Ditch Diversion, Height 12 feet; Length on top 110 feet; length at bottom 45 feet; masonry.

(c) Newtown Ditch Diversion, Height 12 feet; length on top 30 feet; length on bottom 22 feet; concrete.

(d) Pleasant Valley Ditch Diversion, Height 10 feet; length on top 45 feet; length on bottom 30 feet; log crib.

(e) Tunnel Ditch Diversion; Height 11 feet; length on top 70 feet; length on bottom 50 feet; log crib.

(f) ~~China Ditch Diversion; natural rock barrier.~~

12 E

13 E

202

bottom-----feet; material to be used and character of construction-----

(Loose rock, concrete, masonry, rock and

brush, timber crib, etc., wasteway over or around dam)

(2) Description of headgates, timber in all cases.

(Timber, concrete, etc.,

number and size of openings)

(b) Diversion by pumping plant: Type of pumps-----

(Centrifugal, plunger, screw, etc.)

number of pumps-----; size of each-----; capacity of

each-----cubic feet per second; total capacity of plant-----cubic feet per second;

total pumping lift-----feet; source of power-----

(Electric motor, gasoline engine, etc.)

capacity of power installation-----horsepower.

Note: In case of insufficient space for answers in form attach extra sheets.

283

13 E

MSE

Conduit System (Main Conduits only)—

8. Give dimensions, length, grade (feet fall per mile), material and character of construction of diversion conduit.

PARAGRAPH 8.

(a) Manzanitta Ditch	T 5.0 ft;	B 4.5 ft;	D 1.2 ft;	F 1.9 ft;	earth.
(b) Rough & Ready Ditch	T 5.0 "	B 4.5 "	D 1.4 "	F 2.0 "	"
(c) Newtown Ditch	T 4.0 "	B 2.0 "	D 1.4 "	F 1.9 "	"
(d) Pleasant Valley Ditch	T 2.5 "	B 1.5 "	D 1.5 "	F 2.0 "	"
(e) Tunnel Ditch	T 6.0 "	B 5.0 "	D 2.0 "	F 1.9 "	"
(f) China Ditch	T 6.0 "	B 5.0 "	D 2.0 "	F 1.7 "	" &

14E

kind (Riveted steel, cement, wood-stave, etc.)

Note.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

Storage Reservoir—

9. The capacity of the reservoir will be 42,000 58000 acre-feet.

10. The location of the reservoir will be in Sections 1, 2, 11, 12, T. 16 N., R. 9 E.;

Sec. 6, T. 16 N., R. 10 E.; and Sec. 31, T. 17 N., R. 10 E., M.D.B. & M.

11. The dam will be located in S.E. 1/4 of S.E. 1/4 Sec 2, and N.E. 1/4 of N.E. 1/4 of Sec. 11

Sec. 16 N., R. 9 E., M.D.B. & M. It will be 166 200 feet

in height; length on top 850 feet; length on bottom 180 feet; width on top 6.0 feet;

slope of front or water face 45°; slope on back vertical

height of dam above water line when full 6.0 feet.

12. Character of construction of dam and the materials of which it is to be built earth & gravel fill

Multiple Arch

Cost—

13. Estimated cost of proposed works, \$ 329,000

APPLICATION OF WATER TO USE

14. Construction work will begin on or before

15. Construction work will be completed on or before

16. The water will be completely applied to the proposed use on or before

17. The land to be irrigated has a total area of 18,000 acres, located in each forty-acre tract as follows:

~~The lands proposed to be irrigated being fully set out and designated on the maps on file with the Division of Water Rights, and made a part of this application, and lying in T. 15 N., R. 7 & 8 E.; and T. 16 N., R. 7, 8 & 9 E.~~

18. The crops to be irrigated are: Rice _____ acres; alfalfa _____ acres;

orchard _____ acres; general crops _____ acres.

19. Irrigation will begin about April 1st and end about October 1st of each year.

ENB 1933 AUG 7 1933
 Approved for order of 6/17/31 16.12.9
 See original applications.

14E

(A) OUTRIG DITCH	5 0'0"	R 2'0"	D 5'0"	E 1'0"	" 8'00"
(B) LUNNET DITCH	5 0'0"	B 2'0"	D 5'0"	E 1'0"	" "
(C) LIGORUP ADJUTER DITCH	5 5'2"	B 1'2"	D 1'2"	E 5'0"	" "
(D) MEMPOMI DITCH	5 4'0"	B 5'0"	D 1'4"	E 1'0"	" "
(E) KOLEU & KONGA DITCH	5 2'0"	B 4'2"	D 1'4"	E 5'0"	" "
(F) WESCHUTERS DITCH	5 0'0"	B 4'2"	D 1'2"	E 1'0"	" "

bottom -----feet; depth of water -----feet; length (See Paragraph 5) -----feet;

grade -----feet per 1000 feet; materials of construction -----
(Earth, rock, timber, etc.)

(b) Pipe line: Diameter ----- inches; length ----- feet;

grade -----feet per 1000 feet; total fall from intake to outlet -----feet;

kind -----
(Riveted steel, cement, wood-stave, etc.)

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

Storage Reservoir—

9. The capacity of the reservoir will be 42,000 58000 ----- acre-feet.

10. The location of the reservoir will be in Sections 1, 2, 11, 12, T. 16 N., R. 9 E.;
(Give 40-acre subdivisions)
Sec. 6, T. 16 N., R. 10 E.; and Sec. 31, T. 17 N., R. 10 E., M.D.B. & M.

11. The dam will be located in S.E. 1/4 of S.E. 1/4 Sec 2, and N.E. 1/4 of N.E. 1/4 of Sec. 11
(40-acre subdivisions)
 Sec. ----- Tp. 16 N., R. 9 E., M.D.B. & M. It will be 166 200 feet
 in height; length on top 850 feet; length on bottom 180 feet; width on top 6.0 feet;
 slope of front or water face 45° -----; slope on back vertical -----
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)
 height of dam above water line when full 6.0 -----feet.

12. Character of construction of dam and the materials of which it is to be built earth & gravel fill
Multiple Arch

Cost—
 13. Estimated cost of proposed works, \$ 329,000 -----

APPLICATION OF WATER TO USE

14. Construction work will begin on or before -----

15. Construction work will be completed on or before -----

16. The water will be completely applied to the proposed use on or before -----

17. The land to be irrigated has a total area of 18,000 ----- acres, located in each forty-acre tract as follows:

The lands proposed to be irrigated being fully set out and designated on the maps on file with the Division of Water Rights, and made a part of this application, and lying in T. 15 N., R. 7 & 8 E.; and T. 16 N., R. 7, 8 & 9 E.
(Note that acreage given here must check map)

18. The crops to be irrigated are: Rice ----- acres; alfalfa ----- acres;
 orchard ----- acres; general crops ----- acres.

19. Irrigation will begin about April 1st ----- and end about October 1st ----- of each year.
(Date) (Date)

1933 ENB. AUG 7 1933
 order of 6/17/31
 See original application 285

7/16/20
American Excelsior Water & Power Co.,
Sacramento, California

Application No. 1614

Permit No. 1481

APPLICATION

AGRICULTURAL

TO APPROPRIATE

THE PUBLIC WATERS OF THE
STATE OF CALIFORNIA

This application was first received in the office

of the DIVISION OF WATER RIGHTS the

of January 1920

at 9 o'clock A. M.

RETURNED TO APPLICANT FOR CORRECTION

January 9, 1920

CORRECTED APPLICATION RECEIVED

July 20, 1923.

Approved:

July 20, 1923.

Recorded in Book No. _____ of

Permits, on Page _____

PERMIT No. 1481

STATE OF CALIFORNIA

City and COUNTY OF Sacramento } ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and do hereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed sixty thousand (60,000) acre feet per annum to be collected for storage from January 1st to December 31st of each year.

2. The maximum amount herein stated may be reduced in the license if investigation so warrants.

3. Actual construction work shall begin on or before October 1st, 1923. and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

4. Said construction work shall be completed on or before July 1st, 1925

Extended by order of 6/20/41

5. Complete application of the water to the proposed use shall be made on or before October 1st, 1926

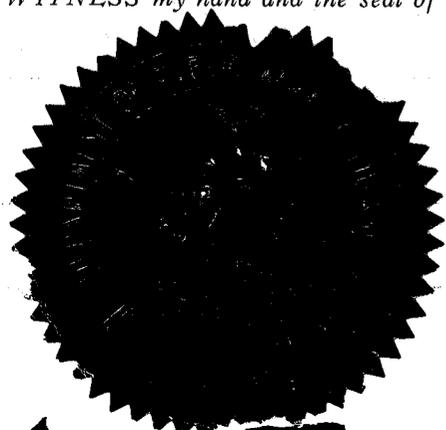
Extended by order of 6/20/41

6. The amount of water diverted under this permit, together with that received under existing rights of permittee herein shall not exceed the rate of one cubic foot per second to eighty acres of irrigated land.

WITNESS my hand and the seal of the Department of Public Works this 20th day of July 1923.

State Department of Public Works
DIVISION OF WATER RIGHTS

By H. A. Kluegel
(H. A. Kluegel) Chief of Division



14

17 E

GENERAL

20. Are the maps as required by the Rules and Regulations filed with application? Yes If not, state specifically the time required for filing same

21. Does the applicant own the land at the proposed point of diversion? Yes If not, state what steps have been taken to secure right of access thereto

22. Does the applicant own all the land to be irrigated? No; applicant is a public utility Corp'n. If not, submit a copy of agreement with owners or state what arrangements have been made with them

23. Has the land to be irrigated any water right or source of water supply for irrigation other than herein applied for? Yes If so, state the nature and amount of this supply Territory now partially served by applicant's present ditch system

24. What is the name of the post office most used by those living near the proposed point of diversion? Nevada City and Smartville.

25. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Nevada Irrigation District.

26. It is understood and agreed that this application and the permit and license which may be granted hereunder shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586), which is as follows:

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that if, 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 said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accept such permit or license shall accept the same 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 permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, 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 permittee or licensee, or the possessor of any rights granted, issued or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

EXCELSIOR WATER & POWER COMPANY

(Name of Applicant)

[Handwritten signature]

Signed in the presence of us as witnesses:

1. Joseph Edpink 4409 Solano Ave., Sacramento, Calif.
Bill Welch 418 1/2 N St, Sacramento Calif.

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