

BEFORE THE DIVISION OF WATER RIGHTS
DEPARTMENT OF PUBLIC WORKS
STATE OF CALIFORNIA

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In the matter of Applications 2534 and 5240 of the Pacific Gas and Electric Company to appropriate from North Fork of Mokelumne River in Amador and Calaveras Counties for power purposes and Application 5161 of the Pacific Gas and Electric Company to appropriate from Deer Creek, a tributary of the North Fork of the Mokelumne River in Alpine County for power purposes.

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DECISION A. 2534, 5161, 5240 D 174

Decided November 23, 1927.

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APPEARANCES AT HEARING HELD September 23, 1927

For Applicant-

Pacific Gas & Electric Company

J. E. Preston, Jr.
C. E. Preston
A. H. Brundt

For Protestants-

East Bay Municipal Utility District
Sierra Nevada Power Co., Inc.
Sierra Nevada Power Co., Inc.
C. H. Knoll and C. A. and A. H. Knolls

E. E. Benson
C. E. Preston
A. H. Brundt

Federal Power Commission

F. E. Benson

EXAMINER: Everett N. Bryan, Deputy Chief, for Edward Hyatt, Jr.,
Chief of Division of Water Rights, Department of Public Works.

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Application 4204 was filed by J. E. Preston, Jr., on September 5,

1921 and assigned to the Pacific Gas and Electric Company on October 11, 1925.

It proposes an appropriation of 125 cubic feet per second of direct diversion throughout the entire year from the North Fork of the Mokelumne River and 85,000 acre feet of diversion to storage from the same source from about December 1st to about July 15th of each season. It proposes to store the 85,000 acre feet in the Salt Springs reservoir which will have a capacity of 131,000 acre feet. (The Pacific Gas and Electric Company has an existing right to store 60,000 acre feet in the Salt Springs reservoir under Application 2100, Permit 2100.) Both the direct diversion and the stored waters will be utilized for the generation of 20,824 theoretical horsepower through a 1,466 foot drop at the Electra Power Plant located in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T 6 N, R 12 E, M.D.B. & M. where the water will be returned to the Mokelumne River. The application was protested by the following:

East Bay Municipal Utility District
Sierra Nevada Water and Power Company
Staten Island Land Company
Mercantile Trust Company of California and
County of San Francisco
Stockton and Mokelumne Canal Company
Stephen E. Gieffer
Robert G. Williams
F. L. Naylor, W. E. Woolson and W. Mortimer
William C. Houskens
Sierra Blue Lakes Water and Power Company
C. H. Kroll, G. H. and D. H. Atkins
The American Trust Company

Application 2534 was included in a hearing held before the Division of Water Rights on September 11, 1928, et seq. and the protests were fully discussed in the opinion dated April 17, 1929 upon which Decision 1468 et seq was based and to which reference is hereby made.

Action at that time was withheld in order to allow the applicant opportunity to submit tangible evidence that construction of the project would proceed in case permit were issued.

Since the opinion was rendered, Application 2634 has been transferred from J. W. Preston, Jr. to the Pacific Gas and Electric Company and has been amended to propose storage in Salt Springs reservoir instead of in the Volcano Reservoir and the amount of direct diversion and storage has been reduced. The abandonment of the proposed storage in the Volcano Reservoir necessitated the re-advertisement of the application.

Application 5240 was filed by the Pacific Gas and Electric Company on October 22, 1926. Under this application it is proposed to utilize the same water which is enroute to the Electra Plant under Application 2634, by passing it through the Tiger Creek Power Plant located in Section 24, T 7 N, R 13 E, M.D.B. & M. where it is proposed to develop 17,713 theoretical horsepower under a 1,247 foot head. The application was protested by C. K. Kroll and G. H. and D. E. Atkins and the American Trust Company.

Application 5181 was filed by the Pacific Gas and Electric Company on August 19, 1926. It proposes an appropriation of 9,412 acre feet per annum from the North Fork of the Mokelumne River to be stored in the Deer Valley Reservoir which has a capacity of 9,412 acre feet and is located in Sections 5 and 8, T 8 N, R 19 E, M.D.B. & M.

The water thus stored will be conveyed to the Tiger Creek Power plant where it will be utilized for the development of 14,710 theoretical horsepower through a 1,247 foot drop. The water is to be returned to the North Fork of the Mokelumne River just below the power house. The application was not protested. The company has another pending application (4781) to utilize this same water through Electra Power Plant.

Applications 2634 and 5240 were completed in accordance with the Water Commission Act and the Rules and Regulations of the Division of Water Rights and being protested were set for a public hearing at Room 707 Forum

Building, Sacramento at 10:30 o'clock a.m. on September 26, 1927.

Application 5161 was advertised subsequently to the hearing but was included in the hearing by stipulation.

Availability of Water Supply.

The use as proposed by the applicant is a non-consumptive one, it being proposed to store water during the period of maximum runoff. Release will in a large measure be made during the irrigation season and the period of low natural stream flow.

The East Bay Municipal Utility District realizing that this was the case, does not object to the approval of the applications provided that the water will be returned to the stream at the places indicated in the applications, unpolluted in quality and with no substantial diminution in quantity except such as would necessarily be caused by evaporation and loss through the canals.

No additional points were brought out at the hearing but what were fully covered by the opinion upon which Decision A 1468 et seq was based and to which reference has been made.

It is the opinion of this office therefore that there is sufficient unappropriated water in the North Fork of the Mokelumne River and its tributaries to justify the approval of these applications and that the use of water proposed is a beneficial one.

Since it is intended to utilize the same water under Application 2534 and 2240 there should however be a special clause inserted in the permits to be issued on these applications to the effect that the amount of water stored under one of these applications during any one season together with the amount of water stored under the other application shall not exceed 85,000 acre feet per annum.

O R D E R

Applications 2534, 5161 and 5240 for permits to appropriate water having been heretofore filed with the Division of Water Rights as above stated, Applications 2534 and 5240 having been protested, a public hearing having been held and the Division of Water Rights now being fully advised in the premises:

IT IS HEREBY ORDERED that Application 2534 be approved subject to the usual terms and conditions and the following special terms and condition to wit:

"The amount of water diverted to storage under this permit together with that diverted to storage under rights initiated by Application 5240 shall not exceed 65,000 acre feet per annum".

and

IT IS FURTHER ORDERED that Application 5161 be approved subject to the usual terms and conditions; and

IT IS FURTHER ORDERED that Application 5240 be approved subject to the usual terms and conditions and the following special term and condition, to wit:

"The amount of water diverted to storage under this permit together with that diverted to storage under rights initiated by Application 2534 shall not exceed 65,000 acre feet per annum."

Dated at Sacramento, California, this 23rd day of November,

1927.

WES:MR

WESLEY C. JAMES
CHIEF OF DIVISION OF WATER RIGHTS