

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
BEFORE THE STATE ENGINEER AND  
CHIEF OF THE DIVISION OF WATER RESOURCES

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In the Matter of Applications 10872, 11105, 12490, 12614, 12873, 13309 and 13310 of the Oakdale Irrigation District and South San Joaquin Irrigation District to Appropriate Water from the Middle Fork of the Stanislaus River and the Stanislaus River in Calaveras and Tuolumne Counties for Irrigation and Power Purposes; and Applications 12257, 12493, 12497, 12498, 12856, 12860, 13827 and 13875 of Tuolumne County Water District No. 2 to Appropriate Water from the Tributaries of the Stanislaus and Tuolumne Rivers in Tuolumne County for Irrigation, Power, Municipal and Domestic Purposes.

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Decision A. 10872, 11105, 12490, 12614, 12873, 13309 )  
and 13310 )  
A. 12257, 12493, 12497, 12498, 12856, 12860, ) D. 777  
13827 and 13875 )

Decided April 7, 1953

APPEARANCES AT HEARING HELD IN STOCKTON ON JUNE 18, 20 AND 29, AND JULY 5, 1951:

For the Applicants

Oakdale Irrigation District -- P. J. Minasian of Minasian and  
Steadman, Attorneys at Law

South San Joaquin Irrigation  
District -- Philip J. Cavalero of Rutherford,  
Jacobs, Cavalero and Dietrich,  
Attorneys at Law

Tuolumne County Water District  
No. 2 -- Martin McDonough, Attorney at Law

For the Protestants

Calaveras County Water District )  
County of Calaveras )  
Tuolumne County Water District No. 2 ) Martin McDonough  
County of Tuolumne ) Attorney at Law  
Oakdale Irrigation District -- P. J. Minasian of Minasian  
and Steadman, Attorneys at Law  
South San Joaquin Irrigation District -- Philip J. Cavalero of Rutherford,  
Jacobs, Cavalero and Dietrich,  
Attorneys at Law  
Pacific Gas and Electric Company -- G. V. Richards  
California State Fish and Game  
Commission -- J. C. Fraser  
Ora B. Houck, et al. -- John H. Matkin  
Margaret G. Ruppel, et al. -- W. P. Hogoboom of Iverson and  
Hogoboom, Attorneys at Law  
John P. Hirt -- No appearance

Interested Parties

Farmington Chamber of Commerce and  
Water Committee of the San Joaquin  
Chamber of Commerce )  
Walter B. Hogan )  
County of San Joaquin -- Julius B. Manthey  
U. S. Forest Service -- David Kaplan  
Examiners -- Gordon Zander, Principal Hydraulic Engineer, and  
Harrison Smitherum, Supervising Hydraulic Engineer,  
Division of Water Resources, Department of Public  
Works, for A. D. Edmonston, State Engineer.  
Also present -- Walter Schulz, Supervising Hydraulic Engineer,  
W. R. Gianelli, Senior Hydraulic Engineer, and  
Gavin Craig, Associate Attorney, Division of  
Water Resources.

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OPINION

General Description of the Projects

The applications of the Oakdale Irrigation District and South San Joaquin Irrigation District propose appropriations as follows:

: Appl. No :	Source	: Reservoir Involved :	Purpose	: Amount :	Season of diversion
✓:10872:	Stanislaus River	:Tulloch	:Irrigation:	80,000 a.f.:	:Jan. 1 to Dec. 31:
✓:11105:	M.Fk.Stanislaus R.	:Beardsley:	"	:110,000 "	:Oct. 1 to July 1:
✓:12490:	"	:Donnells	"	: 70,000 "	:Oct. 1 to July 1:
✓:12614:	"	:Beardsley:	Power	: 550 c.f.s.:	:Jan. 1 to Dec. 31:
				:100,000 a.f.:	:Oct. 1 to July 1:
✓:12873:	"	:Donnells	"	: 400 c.f.s.:	:Jan. 1 to Dec. 31:
				: 70,000 a.f.:	:Jan. 1 to July 15:
✓:13309:	"	: "	"	: 200 c.f.s.:	:Jan. 1 to Dec. 31:
✓:13310:	Stanislaus River	:Tulloch	"	: 1500 c.f.s.:	:Jan. 1 to Dec. 31:
				: 80,000 a.f.:	:Jan. 1 to Dec. 31:

Appl. No.	Source	Reservoir Involved	Purpose	Amount	Season of Diversion
:12257:	M.Fk.Stanislaus R.	:Donnells	:Irrigation:	210 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:	:& domestic:	:	:
:	:	:Donnells	:	70,000 a.f.:	:Jan. 1 to Dec. 31:
:	S.Fk.Stanislaus R.	:	:	120 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:Big Dam	:	17,200 a.f.:	:Jan. 1 to Dec. 31:
:	:	: Upper	:	:	:
:	:	:Strawberry:	:	3,300 a.f.:	:Jan. 1 to Dec. 31:
:	:Herring Creek	:Herring	:	1,150 a.f.:	:Jan. 1 to Dec. 31:
:	:Sullivan Creek	:	:	20 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:Phoenix	:	10,750 a.f.:	:
:	:	:Sullivan	:	1,000 a.f.:	:Jan. 1 to Dec. 31:
:12493:	N.Fk.Tuolumne R.	:Browns	:Irrigation:	9,250 a.f.:	:Oct. 1 to Aug. 31:
:	:	:Lewis	:& domestic:	3,500 a.f.:	:Oct. 1 to Aug. 31:
:12497:	M.Fk.Stanislaus R.	:	:Power	200 c.f.s.:	:Apr. 1 to Dec. 31:
:	:	:Donnells	:	70,000 a.f.:	:Jan. 1 to Dec. 31:
:	S.Fk.Stanislaus R.	:	:	100 c.f.s.:	:Apr. 1 to Dec. 31:
:	:	:Big Dam	:	17,200 a.f.:	:
:	:	: Upper	:	:	:
:	:	:Strawberry:	:	3,300 a.f.:	:Jan. 1 to Dec. 31:
:	:Herring Creek	:Herring	:	1,150 a.f.:	:Jan. 1 to Dec. 31:
:	:N.Fk.Tuolumne R.	:	:	25 c.f.s.:	:Apr. 1 to Dec. 31:
:	:	:Browns	:	9,250 a.f.:	:Jan. 1 to Dec. 31:
:12498:	S.Fk.Stanislaus R.	:	:Municipal	4 c.f.s.:	:Jan. 1 to Dec. 31:
:	:N.Fk.Tuolumne R.	:	:	3 c.f.s.:	:Jan. 1 to Dec. 31:
:	:	:Browns	:	6,000 a.f.:	:Dec. 1 to June 30:
:	:	:Lewis	:	2,000 a.f.:	:Dec. 1 to June 30:
:12856:	Sullivan Creek	:	:Irrigation:	40 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:Bellview	:	1,450 a.f.:	:Dec. 1 to June 30:
:	:Curtis Creek	:	:Irrigation:	20 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:Standard	:	1,500 a.f.:	:
:	:	:Dunning	:	11,500 a.f.:	:Dec. 1 to June 30:
:	:Woods Creek	:	:	20 c.f.s.:	:Apr. 1 to Oct. 31:
:	:Sixbit Gulch	:Sixbit	:	20 c.f.s.:	:Apr. 1 to Oct. 31:
:	:	:	:	16,000 a.f.:	:Dec. 1 to June 30:
:	:Unnamed Creek	:Italian	:	:	:
:	:	:Village	:	700 a.f.:	:Dec. 1 to June 30:
:12860:	N.Fk.Stanislaus R.	:	:Power	600 c.f.s.:	:Jan. 1 to Dec. 31:
:	:	:Ramsey	:	32,000 a.f.:	:Jan. 1 to Dec. 31:
:	:	:Ganns	:	47,000 a.f.:	:Jan. 1 to Dec. 31:
:	M.Fk.Stanislaus R.	:	:	600 c.f.s.:	:Jan. 1 to Dec. 31:
:	:	:Beardsley	:	138,000 a.f.:	:Jan. 1 to Dec. 31:
:13827:	Woods Creek	:	:Irrigation:	25 c.f.s.:	:Apr. 1 to Oct. 31:
:13875:	Sullivan Creek	:Stent	:Irrigation:	41,700 a.f.:	:Dec. 1 to June 30:

### Protests

Calaveras County Water District, County of Calaveras, County of Tuolumne and Tuolumne County Water District No. 2, c/o Martin McDonough, Attorney at Law, protest the approval of Applications 10872, 11105, 12490, 12614, 12873, 13309 and 13310 of the Oakdale and South San Joaquin Irrigation Districts:

The California State Fish and Game Commission protests the approval of Applications 11105, 12490, 12614, 12873 and 13309 of the irrigation districts:

During the course of the hearing exhibits were submitted by the Oakdale and South San Joaquin Irrigation Districts which in effect provided, among other things, for the withdrawal of protests by the mountain county interests against the approval of the irrigation districts' applications. The details of these exhibits will be discussed later in the decision.

Protestant Fish and Game Commission represents that the proposed appropriations of the irrigation districts will result in the destruction of fish because the amounts of water applied for exceed at times the flows of the respective streams. Protestant states that the protests may be disregarded and dismissed if the permits contain clauses requiring the bypassing at all times of 50 c.f.s. or the natural flow of the stream, whichever is the lesser, at each of the several proposed points of diversion.

Under date of June 15, 1951, the Fish and Game Commission in a letter to the Division modified the protests and stated that they could be withdrawn provided the applicants agreed to comply with the following requirements:

- "1. The Permittee shall maintain a flow in the Middle Fork Stanislaus River at a point upstream from the Donnells powerhouse, in the immediate vicinity of the existing Hells Half Acre bridge, of not less than 32 cubic feet per second during the months of May through October and 16 cubic feet per second during the months of November through April of each year, except that in dry years, as defined below, the flow shall be not less than 16 cubic feet per second

throughout the year; provided also that the Permittee shall maintain a flow in the river channel at a point about one-half mile below Donnells dam of not less than 10 cubic feet per second during the months of May through October and 5 cubic feet per second during the months of November through April of each year, except in dry years, as defined below, the flows shall not be less than 5 cubic feet per second throughout the year.

- "2. The Permittee shall maintain a flow in the river channel immediately below Beardsley Flat dam of not less than 50 cubic feet per second during the months of May through October and 25 cubic feet per second during the months of November through April of each year, except that in dry years, as defined below, the flow shall be not less than 25 cubic feet per second throughout the year; provided also, to the extent that it can be done consistently with the primary purposes of this project, namely irrigation and power, the controllable releases from the Beardsley Flat Dam and powerhouse shall not be permitted to increase to double or decrease to half any prevailing rate of flow in less than one hour.
- "3. A dry year, as referred to above, shall be one in which the estimated seasonal run-off at Goodwin dam, predicted by the California State Division of Water Resources, will be 500,000 acre-feet or less."

In reply to the Fish and Game letter setting forth the conditions whereby its protests would be withdrawn, the irrigation districts refer to the order of the Federal Power Commission Dismissing Applications for Preliminary Permits and Issuing Amendment to License (Major), Projects Nos. 2005 and 2018 and Project No. 2028, issued March 19, 1951. This order includes the conditions set forth above for the protection of fish life and also contains a fourth condition to the effect that:

"The Commission reserves the right to adjust the rates of flow in items (i) and (ii) preceding if it shall find, after notice to interested parties and opportunity to be heard, that said rates of flow are insufficient or more than necessary for the protection of the fishery, wildlife, and recreation resources involved or render the project economically infeasible."

The irrigation districts maintain that a similar condition should be inserted in any permit reserving to the Department of Public Works the right to

make such determination in lieu of the Federal Power Commission. This proposal was subsequently rejected by the Fish and Game Commission because of its belief that under State Law it is required to make the determination as to water required for the maintenance and protection of fish and that it could not delegate that authority to another agency.

The Oakdale and South San Joaquin Irrigation Districts jointly protest Applications 12257, 12497, 12498 and 12860 of Tuolumne County Water District No. 2. One of the exhibits submitted at the hearing and heretofore mentioned also provides for the withdrawal of the protests.

The California State Fish and Game Commission protests Applications 12257, 12497, 12498 and 12860 of the water district, representing that the diversions therein proposed will result in the destruction of trout because the amount of water to be diverted will be greater at times than the total flow of the streams. It states that terms for dismissal of this protest cannot be made until detailed plans and operating schedules are made available by the applicant.

Applicant water district answers said protests by stating that it intends to comply with the provisions of Section 525 of the Fish and Game Code, and will make sufficient water available for the purposes of that section through the operation of its project as soon as its detailed plans and operation schedules are complete.

The Pacific Gas and Electric Company protests Applications 12257, 12497, 12498, 12856 and 12860 of the Tuolumne Water District No. 2, claiming that the diversions therein proposed would detract from natural flows to which it is entitled under prior rights. Exhibit No. 1 of the Company submitted at the hearing entitled "Stipulation between Pacific Gas and Electric Company and Tuolumne County Water District No. 2," provides, among other things, for the withdrawal of its protest against the approval of said applications.

Ora B. Houck, Evelyn B. Mason and John H. Matkin protest Applications 12493, 12497 and 12498 of the Tuolumne County Water District, asserting that the applicant's proposed operations in connection with storage at Browns Meadows will deprive protestants of their riparian rights and would inundate valuable meadow land, destroy improvements and damage hay and grazing lands and detract from the recreational value of their lands.

Applicant water district answers said protest of Ora B. Houck, et al, by disclaiming any desire to interfere with vested rights and by stating that if protestants' lands are inundated with destruction as alleged, the applicant must first have paid just compensation therefor.

John P. Hirt protests only Application 12493 of the water district, claiming that the diversion proposed in that application will cause loss to him of water for irrigation of approximately 10 acres of grain and pasture and for household use at his home and two cabins.

Applicant answers the protest by John P. Hirt, stating that it does not desire to interfere in any way with vested rights.

Exhibit No. 1 of Tuolumne County Water District No. 2 entitled "Stipulation between the Water District and John P. Hirt," submitted at the hearing, provides for the withdrawal of this protest.

Hearing Held in Accordance with the Water Code

The applications at issue were completed in accordance with the Water Code and the Rules and Regulations of the Division of Water Resources. All of the applications, being protested, were set for a public hearing under the provisions of Article 13, Section 733(a), of the California Administrative Code, Title 23 Waters, on Monday, June 18, 1951, at 10 a.m., in the City Council Chamber, City Hall, Stockton, California. Of the hearing the applicants and protestants were duly notified.



### Discussion

In addition to the record protestants there were received on June 13, just four days prior to the hearing, protests from Paul E. Iverson, Attorney at Law, on behalf of Margaret G. Ruppel, Gertrude G. Moran, Robert H. Bruncker, Barbara B. Martin, Ann Bruce and Margaret G. Ruppel and Gertrude G. Moran, trustees, against Applications 10872, 11105, 12490, 12614, 12873, 13309 and 13310 of Oakdale and South San Joaquin Irrigation Districts and Applications 12257, 12497, 12498 and 12860 of Tuolumne County Water District No. 2.

These protests were submitted subsequent to the expiration of the protest period or any extensions thereof on all of the applications and do not therefore constitute valid protests. These parties contend that the appropriation sought under those applications "will reduce the flow of the Stanislaus River and result in loss of water to which protestants are entitled by prior vested right; new diversion works will be located on protestants' property; water storage will flood protestants' property; new conduit systems will connect with those already in protestants' property and take additional portions of protestants' property." They further state that they plan future beneficial use on 1000 acres bordering on the Stanislaus River in the vicinity of the proposed Tulloch Reservoir.

In any event these protests do not constitute a bar to the approval of the subject applications for the following reasons:

(1) Comparison of runoff records of the Stanislaus River in the vicinity of protestants' land does not support the contention that insufficient water is available for the proposed appropriations (See runoff data in subsequent pages).

(2) Applicants districts have the right of eminent domain and any damage suffered by protestants due to inundation, trespass, or

additional acquisition of property will be compensated for in accordance with due process of law. Such matters are not for consideration in this proceeding.

(3) Shortage of water due to anticipated riparian use not presently being made cannot be considered as a bar to the approval of a pending application.

Department of Finance Applications

In addition to the applications in these proceedings, the State Department of Finance, under Sections 10500 to 10506 of the Water Code, has filed Applications 5648 and 5649 in part in anticipation of the development of the Stanislaus River and tributaries. The appropriations proposed from the Stanislaus River stream system under these applications are tabulated below.

: Appl. No. :	Source	: Reservoir Involved :	Purpose	Amount	: Season of Diversion :
: 5648 :	: Highland Creek :	: 3 picens :	: Irrigation :	: 65,000 a.f. :	: Jan. 1 to Dec. 31 :
:	:	:	: & domestic :	:	:
:	: N.Fk. Stanislaus R. :	: Ramsey :	:	: 30,000 a.f. :	:
:	:	:	:	:	:
:	: M.Fk. Stanislaus R. :	: Beardsley :	:	: 60,000 a.f. :	:
:	:	:	:	:	:
:	: Stanislaus River :	: Melones :	:	: 600 c.f.s. :	:
:	:	:	:	:	:
:	: N.Fk. Stanislaus R. :	:	:	: 975 c.f.s. :	:
:	:	:	:	:	:
: 5649 :	: S.Fk. Stanislaus R. :	: Lyons :	: Irrigation :	: 17,000 a.f. :	: Jan. 1 to Dec. 31 :
:	:	:	: & domestic :	:	:
:	: S.Fk. Stanislaus R. :	: Big Dam :	:	: 15,000 a.f. :	:
:	:	:	:	:	:
:	: S.Fk. Stanislaus R. :	: Strawberry :	:	: 27,000 a.f. :	:
:	:	:	:	:	:
:	: S.Fk. Stanislaus R. :	:	:	: 600 c.f.s. :	:
:	:	:	:	:	:
:	: Sullivan Creek :	: Phoenix :	:	: 13,000 a.f. :	:
:	:	:	:	:	:
:	: Sullivan Creek :	: Phoenix :	:	: 50 c.f.s. :	:
:	:	:	:	:	:

Under Application 5648 the Department of Finance proposes in addition to other diversions, to collect to storage 60,000 acre-feet per annum at the Beardsley Reservoir Site for subsequent use for irrigation and domestic purposes.

The irrigation districts also propose storage at this site in the amounts of 110,000 acre-feet per annum for irrigation purposes under Application 11105 and 100,000 acre-feet per annum for power purposes under Application 12614. Before the irrigation districts can proceed with development at Beardsley Reservoir, it will be necessary for them to receive assignment from the Department of Finance of Application 5648 insofar as it pertains to this site.

#### Federal Power Commission Applications

On May 3, 1950, the Federal Power Commission issued a license to the Oakdale and South San Joaquin Irrigation Districts for the Beardsley Project No. 2005, located on the Middle Fork of the Stanislaus River. This project consists essentially of a 97,500 acre-foot capacity reservoir and powerhouse immediately below the dam.

On March 19, 1951, the Commission issued an order amending said license to allow the districts to include the Donnells' development consisting mainly of a 64,500 acre-foot capacity reservoir and a powerhouse about seven miles downstream from the dam, under the license. In the same order the commission dismissed the application by the Tuolumne County Water District No. 2 for preliminary permit - Project 2028, insofar as it relates to the Donnells unit and also denied application by the irrigation districts for preliminary permit Project 2018 (Donnells) which application had been superseded by application for amendment of License Project 2005.

On May 8, 1951, the Federal Power Commission entered an order denying application for a rehearing made by Tuolumne County Water District No. 2 and the County of Tuolumne in connection with the Commission's order of March 19, 1951, referred to above.

On August 28, 1951, the Federal Power Commission issued a license to the Irrigation Districts for the Tulloch Project No. 2067, located on the Stanislaus River. The project consists essentially of a 68,000 acre-foot capacity reservoir and powerhouse immediately below the dam.

Agreements and Resolution Submitted at the Hearing

During the course of the hearing, agreements between Oakdale and South San Joaquin Irrigation Districts and Tuolumne County Water District No. 2, County of Tuolumne, and Calaveras County Water District were submitted. Also submitted was a resolution of the Board of Supervisors of Calaveras County withdrawing its protests against the irrigation districts' applications. Copies of these agreements and resolution are appended hereto and made a part of this decision.

Pursuant to the provisions of the agreements and the resolution referred to above, the following action has been taken by this office:

(1) The protests of Tuolumne County Water District No. 2, County of Tuolumne, Calaveras County Water District, and the County of Calaveras against Applications 10872, 11105, 12490, 12614, 12873, 13309 and 13310 of the irrigation districts were dismissed.

(2) All reference to appropriation of water from the Middle Fork of the Stanislaus River was deleted from Applications 12257 and 12860 of Tuolumne County Water District No. 2.

(3) The protests of Oakdale and South San Joaquin Irrigation Districts against Applications 12257, 12497, and 12860 of Tuolumne County Water District No. 2, as amended in accordance with Item 2 above, were dismissed.

(4) The protests of Oakdale and South San Joaquin Irrigation Districts against Application 12498 of Tuolumne County Water District No. 2 were dismissed.

(5) Applications 13902 and 13903 of the Oakdale and South San Joaquin Irrigation Districts for storage at the Kennedy Meadows Reservoir site were canceled by orders entered on August 17, 1951.

The Stanislaus River is one of the largest tributaries of the San Joaquin River draining an extensive territory lying between the Tuolumne and Mokelumne basins. The area of the watershed above Knights Ferry where the river leaves the mountains is 983 square miles, over 50 per cent of which is above an altitude of 5000 feet. The Middle Fork, the principal branch of the stream, has its source in the glacial basins along the main Sierra Divide. After being joined by the Clark Fork, its principal tributary, the Middle Fork enters a deep canyon whose walls rise steeply 2000 feet above the stream. In the 35 miles of the canyon section, extending to the junction with the North Fork, the stream descends 4350 feet, an average of 125 feet per mile.

Bulletin No. 1 of the State Water Resources Board dated 1951 and entitled "Water Resources of California" contains pertinent information on the runoff of the Stanislaus River and tributaries. Table 62 of the bulletin indicates that the estimated mean of the seasonal natural runoff of Stanislaus River near Knights Ferry for the period 1894-95 to 1946-47 is 1,210,000 acre-feet per annum. During the critical dry period of record extending from the season 1927-28 to the season 1933-34, the runoff at Knights Ferry averaged 704,000 acre-feet per annum. In common with other streams draining the higher portion of the Sierra Nevada, the Stanislaus River discharges almost 75 per cent of the annual runoff in the months of March through June.

Use of water from the Stanislaus River in the Stanislaus watershed is largely confined to the Oakdale and South San Joaquin Irrigation Districts and the Pacific Gas and Electric Company. The former have diverted during the period

from 1938 to 1948 under claim of old appropriative rights initiated prior to 1914 and appropriations before this office, most of which are included in the Stanislaus adjudication, amounts varying from 372,600 acre-feet during the sub-normal year of 1939 to 454,000 acre-feet during 1945. A considerable portion of that amount returns to the Stanislaus River and other drainage channels leading to the Sacramento-San Joaquin Delta.

Exports from the Stanislaus watershed consist mainly of diversions through the Utica Ditch on the North Fork of the Stanislaus River for use in Calaveras County and through the Tuolumne Ditch on the South Fork of the Stanislaus River for use in Tuolumne County. The amounts of water to which these ditches are entitled are set forth in the decree entered on November 14, 1929, in re Stanislaus River, San Joaquin County, No. 16783.

The diversions through the Utica Ditch on the North Fork have not been continuously nor accurately recorded. Full utilization of the decreed allotments would average about 50,000 acre-feet per annum out of the Stanislaus watershed.

Diversions through the Tuolumne Ditch are conveyed to the Tuolumne River watershed and the gross diversion is therefore an impairment of the Stanislaus River runoff. Under full use, as set forth in the Stanislaus adjudication, the allowable diversion would average about 30,000 acre-feet per annum.

Power developments within the basin are non-consumptive, but the diversion through the Philadelphia Ditch by the Pacific Gas and Electric Company at a point on the South Fork of the Stanislaus River below Strawberry Reservoir for use through Spring Gap powerhouse and subsequent discharge into the Middle Fork, impairs the natural runoff in the South Fork of the Stanislaus River at Lyons Dam by about 30,000 acre-feet per annum.

A comparison of the runoff of the Stanislaus River and the existing rights and use indicates water is available in amounts in excess of that sought

under the Oakdale and South San Joaquin Irrigation Districts' applications.

#### Summary and Conclusions

All of the protests against the approval of the applications of Oakdale and South San Joaquin Irrigation Districts have been withdrawn or dismissed except the protest of the Fish and Game Commission against the districts' applications on the Middle Fork of the Stanislaus River. The Commission has agreed that its protest may be dismissed if the permit contains certain conditions enumerated on Page 6 of this decision. While the irrigation districts do not object to the inclusion of such conditions they believe an additional condition should be included in the permit specifically allowing the Division to retain jurisdiction to reconsider those releases for fish life in the event the Power Commission should change its requirements for fish water releases. It is the opinion of this office that the addition of any special condition in the permit relative to retaining jurisdiction by the Department of Public Works over fish releases is not warranted inasmuch as every permit issued contains the following standard clause whereby jurisdiction is retained:

"All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer 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."

In accordance with previous requests made to the Department of Finance by the applicants in this proceeding, for assignment or waiver of priority of that Department's prior Applications 5648 and 5649 insofar as the water is needed for the projects proposed, the State Engineer intends to recommend to the

Department of Finance at this time conditioned assignment to the irrigation districts of that part of Application 5648 pertaining to the Beardsley Reservoir Site.

In the public interest the Division is concerned with the development of low head large flow power projects on the lower reaches of large streams. If allowed to proceed unrestricted such plans may establish rights to stream flow which may hamper the fullest economic development of the streams for preferred uses as set forth in the water code. Little if any storage is available below such plants, and the result is that releases during certain seasons escape to the sea unused. It therefore is believed the public interest in the future development of the Stanislaus River should be protected by a clause in the permit for power purposes at the proposed Tulloch Reservoir site providing that no right to the use of water thereunder shall be acquired which may in any way interfere with future appropriation for domestic or irrigation use.

In view of the above there would appear to be no further bar to the approval of all of the applications of the Oakdale and South San Joaquin Irrigation Districts, subject to the usual terms and conditions and subject further to special clauses providing for releases of water for the protection of fish life and limiting the rights to be acquired at Tulloch Reservoir for power purposes.

All of the protests against the approval of the applications of Tuolumne County Water District No. 2 have been withdrawn or dismissed except the protest of Ora B. Houck, et al., against Applications 12493, 12497 and 12498 and the protests of the California State Fish and Game Commission against Applications 12257, 12497, 12498 and 12860.

Protestants Ora B. Houck, et al., object to the location of the project of applicant water district which involves storage at the Browns Meadow site on the North Fork of the Tuolumne River. They state that this project would



inundate their property and thus destroy riparian rights attaching thereto. Such objection, while it may have merit, is not a matter under the jurisdiction of this Department. Issuance of a permit does not purport to authorize the taking of private property. The applicant water district, through eminent domain proceedings, can acquire such properties and rights as may be necessary for the successful completion of its project. To deny the applications, based upon such a protest, would not be in the public interest.

The protest of the Fish and Game Commission against applications of applicant water district cannot be disposed of until the water district submits definite plans of operation for its project. Such plans, as a result of agreements entered into at the water right hearing, must of necessity be revised and amended applications submitted. At such time as applicant water district revises its project it contemplates re-entering into negotiations with the Fish and Game Commission relative to the protest filed by the Commission. It would therefore appear that action on all of the Tuolumne County Water District No. 2 applications should be withheld for the time being.

ORDER

Applications 10872, 11105, 12490, 12614, 12873, 13309 and 13310 of the Oakdale and South San Joaquin Irrigation Districts and Applications 12257, 12493, 12497, 12498, 12856, 12860, 13827 and 13875 of Tuolumne County Water District No. 2 for permits to appropriate water having been filed with the Department of Public Works as above stated, protests having been filed, a public hearing having been held and the State Engineer now being fully informed in the premises:

It is hereby ordered that Applications 10872, 11105, 12490, 12614, 12873, 13309, and 13310 be approved and that permits in the matter of said applications be issued as follows:

Application 10872

Subject to the usual terms and conditions and to the following agreements, resolution and condition:

1. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Tuolumne County Water District No. 2 dated June 27, 1951.
2. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the County of Tuolumne dated June 27, 1951.
3. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Calaveras County Water District dated July 3, 1951.
4. Resolution of the Board of Supervisors of the County of Calaveras dated July 2, 1951 whereby the County withdraws the protest against the applications of the Irrigation Districts.
5. The combined total diversions to storage under Application 10872, Permit \_\_\_\_\_, and Application 13310, Permit \_\_\_\_\_, shall not exceed 80,000 acre-feet in any one storage season.

Application 13310

Subject to the usual terms and conditions and to the following agreements, resolution and conditions:

1. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Tuolumne County Water District No. 2 dated June 27, 1951.
2. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the County of Tuolumne dated June 27, 1951.
3. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Calaveras County Water District dated July 3, 1951.
4. Resolution of the Board of Supervisors of the County of Calaveras dated July 2, 1951 whereby the County withdraws its protest against the applications of the Irrigation Districts.
5. The combined total diversions to storage under Application 10872, Permit \_\_\_\_\_, and Application 13310, Permit \_\_\_\_\_, shall not exceed 80,000 acre-feet in any one storage.
6. The right to store and use water for power purposes acquired under this permit shall not interfere with future appropriations of said water for domestic or irrigation use, provided, however, that nothing herein contained shall in any way affect any rights acquired by permittee under any other permit for irrigation purposes.

Applications 11105 and 12614

Subject to the usual terms and conditions and to the following agreements, resolution and conditions:

1. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Tuolumne County Water District No. 2 dated June 27, 1951.
2. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the County of Tuolumne dated June 27, 1951.
3. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Calaveras County Water District dated July 3, 1951.
4. Resolution of the Board of Supervisors of the County of Calaveras dated July 2, 1951 whereby the County withdraws its protest against the applications of the Irrigation Districts.

5. The combined total diversions to storage under Application 11105, Permit \_\_\_\_\_, and Application 12614, Permit \_\_\_\_\_, shall not exceed 110,000 acre-feet in any one storage season.
6. The permittee shall maintain a flow in the river channel immediately below Beardsley Flat Dam of not less than 50 cubic feet per second during the months of May through October and 25 cubic feet per second during the months of November through April of each year, except that in dry years, as defined below, the flow shall be not less than 25 cubic feet per second throughout the year; provided also, to the extent that it can be done consistently with the primary purposes of this project, namely irrigation and power, the controllable releases from the Beardsley Flat Dam and powerhouse shall not be permitted to increase to double or decrease to half any prevailing rate of flow in less than one hour.

A dry year, as referred to above, shall be one in which the estimated seasonal runoff at Goodwin Dam, predicted by the California State Division of Water Resources, will be 500,000 acre-feet or less.

Applications 12490 and 12873

Subject to the usual terms and conditions and to the following agreements, resolutions and conditions:

1. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Tuolumne County Water District No. 2 dated June 27, 1951.
2. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the County of Tuolumne dated June 27, 1951.
3. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Calaveras County Water District dated July 3, 1951.
4. Resolution of the Board of Supervisors of the County of Calaveras dated July 2, 1951 whereby the County withdraws its protest against the applications of the Irrigation Districts.
5. The combined total diversions to storage under Application 12490, Permit \_\_\_\_\_, and Application 12873, Permit \_\_\_\_\_, shall not exceed 70,000 acre-feet in any one storage season.
6. The permittee shall maintain a flow in the Middle Fork Stanislaus River at a point upstream from the Donnells powerhouse, in the immediate vicinity of the existing Hells Half Acre bridge, of not less than 32 cubic feet per second during the months of May through October and 16 cubic feet per second during the months of November through April of each year, except that in

dry years, as defined below, the flow shall be not less than 16 cubic feet per second throughout the year; provided also that the permittee shall maintain a flow in the river channel at a point about one-half mile below Donnell's Dam of not less than 10 cubic feet per second during the months of May through October and 5 cubic feet per second during the months of November through April of each year, except in dry years, as defined below, the flow shall not be less than 5 cubic feet per second throughout the year.

A dry year, as referred to above, shall be one in which the estimated seasonal runoff at Goodwin Dam, predicted by the California State Division of Water Resources, will be 500,000 acre-feet or less.

Application 13309

Subject to the usual terms and conditions and to the following agreements, resolution and condition:

1. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Tuolumne County Water District No. 2 dated June 27, 1951.
2. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the County of Tuolumne dated June 27, 1951.
3. Agreement between Oakdale Irrigation District, South San Joaquin Irrigation District and the Calaveras County Water District dated July 3, 1951.
4. Resolution of the Board of Supervisors of the County of Calaveras dated July 2, 1951 whereby the County withdraws its protest against the applications of the Irrigation Districts.
5. The permittee shall maintain a flow in the Middle Fork Stanislaus River at a point upstream from the Donnell's powerhouse, in the immediate vicinity of the existing Hells Half Acre bridge, of not less than 32 cubic feet per second during the months of May through October and 16 cubic feet per second during the months of November through April of each year, except that in dry years, as defined below, the flow shall be not less than 16 cubic feet per second throughout the year; provided also that the permittee shall maintain a flow in the river channel at a point about one-half mile below Donnell's Dam of not less than 10 cubic feet per second during the months of May through October and 5 cubic feet per second during the months of November through April of each year, except in dry years, as defined below, the flow shall not be less than 5 cubic feet per second throughout the year.

A dry year, as referred to above, shall be one in which the estimated seasonal runoff at Goodwin Dam, predicted by the California State Division of Water Resources, will be 500,000 acre-feet or less.

It is further ordered that action be withheld for the time being on Applications 12257, 12493, 12497, 12498, 12856, 12860, 13827 and 13875 pending the applicant's further negotiations with the California State Fish and Game Commission, further recommendations by the State Engineer to the Department of Finance relative to Applications 5648 and 5649 insofar as the applications of the water district conflict with said Applications 5648 and 5649, and pending entry of further order in the matter.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 7th day of April, 1953.

/s/ A. D. Edmonston

A. D. Edmonston  
State Engineer

A-G-R-E-E-M-E-N-T

THIS AGREEMENT between OAKDALE IRRIGATION DISTRICT and SOUTH SAN JOAQUIN IRRIGATION DISTRICT, public corporations, hereinafter referred to as "Irrigation Districts", and TUOLUMNE COUNTY WATER DISTRICT NO. 2, a public corporation, hereinafter referred to as "Tuolumne",

W-I-T-N-E-S-S-E-S T-H-A-T :

WHEREAS, Irrigation Districts are applicants in Applications No. 10872, 11105, 12490, 12614, 12873, 13309 and 13310 before the Department of Public Works of the State of California acting through the State Engineer, hereinafter referred to as the "Department"; and

WHEREAS, Tuolumne has protested all of Irrigation Districts' foregoing Applications; and

WHEREAS, Tuolumne is the applicant in Applications No. 12257, 12493, 12497, 12498, 12856, 12860, 13827, and 13875 before the Department; and

WHEREAS, Irrigation Districts have protested Applications No. 12257, 12497, 12498 and 12860 of Tuolumne; and

WHEREAS, Irrigation Districts and Tuolumne have agreed, each with the other, as to the matters hereinafter set out, including certain recommendations to be made to the Department, which it is believed will best develop, conserve, and utilize, in the public interest, the water sought to be appropriated; and

WHEREAS, said recommendations are as hereinafter set forth and it is the desire and intent of Irrigation Districts and Tuolumne to submit the same to the Department, as an agreed statement of conditions which may be incorporated in such permits as may be issued by the Department upon the conclusion of the hearing now pending before it;

NOW, THEREFORE IT IS AGREED AS FOLLOWS:

1. Definitions. As used herein, the following words or phrases shall each, respectively, have the following meaning:

(a) "TRI-DAM DEVELOPMENT" means the Donnells Dam and Reservoir, Donnells Conduit, Donnells Power Plant, Beardsley Dam and Reservoir, Beardsley Power Plant, Tulloch Dam and Reservoir, Tulloch Power Plant, and works related to any of the foregoing, proposed by Irrigation Districts on the Middle Fork of the Stanislaus River and Main Stanislaus River.

(b) "F.P.C." means Federal Power Commission.

(c) "TIME OF ENTITLEMENT" means the time when spill as defined in this agreement is occurring.

2. The parties hereto agree and consent to the approval of and issuance of permits for Applications numbered 10872, 11105, 12490, 12614, 12873, 13309, and 13310 of Irrigation Districts filed with the Department for the appropriation of water from the Stanislaus River and join in requesting the Department to issue permits therefor subject to the conditions and agreements hereinafter set forth, and agree and consent to the Department of Finance Application No. 5648 filed with the Department for appropriation of water in so far as it relates to water of the Middle Fork of the Stanislaus River being assigned to Irrigation Districts and join in requesting the Department of Finance to make such assignment subject to the conditions and agreements hereinafter set forth.

3. Irrigation Districts agree that Tuolumne shall be entitled to divert water from the Donnells Conduit, in the event of the construction by Irrigation Districts, during periods within limits and on conditions as follows, to wit:

3(a) Tuolumne shall in any one season of entitlement be entitled to have made available to it a quantity of water, the total of which shall be



measured by the sum of (1) and (2) following:

(1) The full amount of spill for each day that Beardsley Reservoir spills less than 600 acre-feet, and

(2) 600 acre-feet per day for each day Beardsley Reservoir spills 600 acre-feet or more.

Spill shall be deemed to mean any water passing Beardsley Reservoir in excess of the amount that could be passed through the Beardsley Power Plant at that time, except that spill shall not be deemed to have occurred at times when Beardsley Reservoir is not full and Irrigation Districts' normal current irrigation demands below Beardsley Reservoir require release of water from storage in excess of the ability of Beardsley Power Plant to use the water, nor at times when it is necessary to release water for the purpose of unwatering the reservoir to make repairs.

(b) Water to which Tuolumne becomes entitled under (a) preceding shall be made available for diversion to it at or near the end of the Donnell's Conduit, in the location as finally constructed, and when made available at that location and at the time hereinafter provided shall be considered to have been taken by Tuolumne whether actually diverted or not. All such entitlement shall be made available during the season of entitlement which is the period between October 1 and September 30 in which the spill occurred. The time at which such entitlement shall be made available during the season of entitlement shall, at the option of Irrigation Districts, be at the time of entitlement or after the time of entitlement; provided, however, that by mutual agreement between the parties it may be made available prior to the time of entitlement. In any event, the entitlement will be made available at irregular and non-continuous rates of flow as determined by Irrigation Districts not to exceed 600 cubic feet per second.

(c) For water actually diverted by Tuolumne prior to the expiration of the present fifty-year license period of F.P.C. Project No. 2005, Tuolumne shall reimburse the Irrigation Districts at a rate of \$2.45 per acre foot, and further as hereinafter provided.

(d) For water diverted by Tuolumne subsequent to the expiration of the present fifty-year license period of F.P.C. Project No. 2005, there shall be no charge except as hereinafter provided.

(e) No charge whatsoever shall be made by the Irrigation Districts for the use of Donnells Dam. No charge shall be made for the use of Donnells Conduit except that Tuolumne shall pay, at all times (1) for a proportionate share, based on the amount of water each diverts through the Conduit, of the operation and maintenance costs on the Donnells Conduit, and (2) for all such actual costs as are involved in the operation of gates and/or control works by reason of diversion to Tuolumne.

(f) The water so diverted shall be under Application No. 5648 of the Department of Finance, in so far as it relates to water of the Middle Fork of the Stanislaus River.

4. Irrigation Districts shall provide a suitable connection opening with plug therein in the Donnells Conduit at or near the end of the Donnells Conduit to which Tuolumne may attach its conduit and suitable control valves at a future date. Irrigation Districts shall schedule the time at which such connection may be made and Tuolumne shall be responsible for losses in power revenue during the period Donnells Conduit is unwatered to make the connection only to the extent the outage exceeds forty-eight hours.

5. Irrigation Districts shall operate or cause to be operated their Beardsley and Donnells Reservoirs in a careful and efficient manner consistent with their needs for supplying water for irrigation and power demands. The

capacity of Beardsley and Donnell's Reservoirs and Beardsley Power Plant shall be substantially as presently provided for in the license for F.P.C. Project No. 2005.

6. Irrigation Districts agree at all times after the Tri-Dam Development is constructed to not take water, which Tuolumne can beneficially use from the South Fork of the Stanislaus River, in excess of the present annual entitlement of the Philadelphia Ditch right and of the storage rights at New Strawberry Reservoir as evidenced by the adjudication contained in Paragraph 44 of the judgment by the Superior Court of the State of California, in and for the County of San Joaquin, in Action No. 16873, entitled "In the Matter of the Determination of the Rights, based upon prior appropriation, of the various Claimants of the waters of the Stanislaus River and its Tributaries in California," and by License No. 1391, but the total existing vested rights of Irrigation Districts at Goodwin Dam shall not be reduced by the aforesaid limitation. Nothing in this paragraph shall be construed to indicate the extent of the rights of the Irrigation Districts to the water of the South Fork of the Stanislaus River prior to the effective date of this paragraph. Irrigation Districts agree and consent to the Department of Finance Application No. 5649 filed with the Department for appropriation of water in so far as it relates to waters of the South Fork of the Stanislaus River being assigned to Tuolumne.

7. Irrigation Districts agree to withdraw their Applications No. 13902 and 13903 with the Department for storage at the Kennedy Meadows site on Middle Fork of Stanislaus River concurrently with a new application to be made at this site by Tuolumne, but without prejudice to refiling at said site subsequent to said application of Tuolumne.

8. Tuolumne hereby amends its Applications No. 12257, 12497 and 12860 filed with the Department to withdraw the same in so far as they apply to the

appropriation of water from the Middle Fork of the Stanislaus River, and withdraws all protests to the Tri-Dam Development of Irrigation Districts. Irrigation Districts hereby withdraw all protests to Applications numbered 12257, 12497, 12498, and 12860 as amended by this paragraph.

9. This agreement shall be submitted to the Federal Power Commission for its approval as to provisions requiring its approval relating to the present license period of F.P.C. License No. 2005. Irrigation Districts will use every reasonable effort to secure the approval of the Federal Power Commission to such provisions, if any, the Commission determines requires its approval.

10. This agreement shall be submitted to the State Engineer of the State of California and shall become effective upon his approval thereof. This agreement shall continue in effect unless and until the rights of Irrigation Districts under permits issued, based on Applications numbered 10872, 11105, 12490, 12614, 12873, 13309, and 13310 filed with the Department to appropriate water of the Stanislaus River, cease and lapse for lack of diligence in putting the same to beneficial use. In the event such rights so cease and lapse, the parties hereto shall be restored in so far as possible to the position each was in prior to the execution of this agreement.

11. Nothing in this agreement precludes the exercise of any power of eminent domain otherwise vested in any party hereto.

12. Act of God, major breakdown, catastrophe, or damage to works that makes it necessary to unwater Donnell's Reservoir to the extent that water cannot flow through Donnell's Conduit or to unwater Donnell's Conduit shall relieve Irrigation Districts of the obligation of making available the water to which Tuolumne would otherwise have become entitled during that period.

IN WITNESS WHEREOF, the parties hereto, each by its officers thereunto duly authorized, has executed this agreement as of the 27th day of June, 1951.

APPROVED AS TO FORM:

MINASIAN & STEADMAN

By /s/ P. J. Minasian  
P. J. Minasian  
Attorneys for Oakdale  
Irrigation District

RUTHERFORD, JACOBS, CAVALERO &  
DIETRICH

By /s/ Philip Cavalero  
Philip Cavalero  
Attorneys for  
South San Joaquin Irrigation District

MARTIN MCDONOUGH

/s/ Martin McDonough  
Martin McDonough  
Attorney for  
Tuolumne County Water District No. 2

OAKDALE IRRIGATION DISTRICT

S  
E By /s/ Edwin Koster  
A President  
L  
By /s/ O. W. Quinley  
Secretary

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

S  
E By /s/ Carl H. Peterson  
A President  
L  
By /s/ S. S. Steele  
Secretary

TUOLUMNE COUNTY WATER DISTRICT NO. 2

By /s/ Leland S. Gibbs  
S President  
E  
A By /s/ Harry S. Hinkley  
L Secretary

AGREEMENT

IT IS AGREED by the Oakdale Irrigation District and the South San Joaquin Irrigation District, hereinafter referred to as "Irrigation Districts", and County of Tuolumne, as follows:

1. Irrigation Districts agree that they will not object to the assignment by the State Department of Finance to County of Tuolumne or to Tuolumne County Water District No. 2 of any or all rights of the said department under that certain application to appropriate unappropriated water numbered 5649 in so far as that application pertains to the storage or diversion of water from the South Fork of the Stanislaus River.

2. County of Tuolumne agrees that it will not object to the assignment by the State Department of Finance to Irrigation Districts of any or all of the rights of said department under that certain application to appropriate unappropriated water numbered 5648 in so far as that application pertains to the storage or diversion of water from the Middle Fork of the Stanislaus River.

In consideration of the foregoing, and in consideration of the execution of an agreement between the Irrigation Districts and Tuolumne County Water District No. 2, by which, among other things, the said Tuolumne County Water District No. 2 has taken like action, County of Tuolumne hereby withdraws all protests and waives any and every right which it may have to protest against the granting of permits or licenses by the Department of Public Works of the State of California acting through the State Engineer to the Irrigation Districts

pursuant to any of the following applications: Numbers 10872, 11105, 12490, 12614, 12873, 13309, and 13310 and withdraws its protest to application for Project No. 2067 of Irrigation Districts before the Federal Power Commission.

DATED this 27th day of June, 1951.

(S E A L)

OAKDALE IRRIGATION DISTRICT

By /s/ Edwin Koster, President

By /s/ O. W. Quinley, Secretary

(S E A L)

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

By /s/ Carl H. Peterson, President

By /s/ S. S. Steele, Secretary

COUNTY OF TUOLUMNE

By /s/ G. E. Hunt, Chairman, Board  
of Supervisors

By /s/ James G. White, County Clerk

AGREEMENT

IT IS AGREED by the Oakdale Irrigation District and the South San Joaquin Irrigation District, hereinafter referred to as "Irrigation Districts," and Calaveras County Water District, hereinafter referred to as "Calaveras District," as follows:

1. Calaveras District agrees that it will not object to the assignment by the State Department of Finance to Irrigation Districts of all its rights under that certain application to appropriate unappropriated water numbered 5648 in so far as that application pertains to water from the Middle Fork of the Stanislaus River.

2. Irrigation Districts agree that they will not object to the assignment by the State Department of Finance to Calaveras District of all its rights under that certain application to appropriate unappropriated water numbered 5648 in so far as that application pertains to water from the North Fork of the Stanislaus River, and its tributaries.

3. Irrigation Districts request, and agree to, the insertion of a provision in any permit or license issued by the Department of Public Works acting through the State Engineer pursuant to Irrigation Districts' application to appropriate unappropriated water numbered 10872 in substantially the following form:

"This permit (license) is issued subject to the express condition that the priority of any right hereunder established shall be subject to the priority of any right that may hereafter be established pursuant to prior application 5648 filed by the Department of Finance under authority of Chapter 286, Statutes of California, 1927."

Irrigation Districts request, and agree to, the insertion of a provision in any permit or license issued by the Department of Public Works acting through the State Engineer pursuant to Irrigation District's application to appropriate unappropriated water numbered 13310 in substantially the following form:



"This permit (license) is issued subject to the express condition that the priority of any right hereunder established shall be subject to the priority of any right that may hereafter be established pursuant to prior application 5648 filed by the Department of Finance under authority of chapter 286, Statutes of California, 1927, and prior applications numbers 11792, 12910, 12911, 12912, 13091, 13092, and 13093, filed by Calaveras County Water District."

4. IN CONSIDERATION of the foregoing, Calaveras District withdraws all protests heretofore made and waives any and every right which it may have to protest against the granting of permits or licenses by the State Department of Public Works to the Irrigation Districts pursuant to the following applications: Numbers 10872, 11105, 12490, 12614, 12873, 13309 and 13310.

Dated this 3d day of July, 1951.

SEAL

OAKDALE IRRIGATION DISTRICT

By /s/ Edwin Koster  
President

By /s/ O. W. Quinley  
Secretary

SOUTH SAN JOAQUIN IRRIGATION DISTRICT

By /s/ Carl H. Peterson  
President

By /s/ S. S. Steele  
Secretary

CALAVERAS COUNTY WATER DISTRICT

By /s/ Vernon Campbell  
President

By /s/ Robert B. Finnegan  
Secretary

SEAL

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF CALAVERAS, STATE OF  
CALIFORNIA

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WHEREAS, the Calaveras County Water District has entered into an agreement with the Oakdale Irrigation District and the South San Joaquin Irrigation District whereby said Irrigation Districts have agreed that they will not object to the assignment by the State Department of Finance to the Calaveras County Water District of all of its rights under that certain application to appropriate unappropriated water numbered 5648 in so far as that application pertains to water from the North Fork of the Stanislaus River and its tributaries, and the said Calaveras County Water District has, by said agreement, agreed to withdraw its protests against the granting of permits or licenses by the State of California, Department of Public Works, to the said Irrigation Districts, pursuant to their applications as follows: Numbers 10872, 11105, 12490, 12614, 12873, 13309 and 13310;

NOW THEREFORE, BE IT RESOLVED that the County of Calaveras hereby withdraws its protests, heretofore made, against the granting of permits or licenses by the State of California, Department of Public Works, to the Oakdale Irrigation District and the South San Joaquin Irrigation District, pursuant to those applications by said Irrigation Districts as follows: Nos. 10872, 11105, 12490, 12614, 12873, 13309 and 13310.

A. J. GIANELLI  
Chairman of said Board of Supervisors

ATTEST:  
(SEAL) JOHN SQUELLATI, Clerk

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Board of Supervisors of Calaveras County, California, at its regular meeting held July 2nd, 1951.

WITNESS my hand and the official seal of said Board this 3rd day of July, 1951.

/s/ John Squellati  
County Clerk and Ex-officio Clerk  
of the Board of Supervisors of the  
County of Calaveras, State of  
California.