

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

oOo

In the Matter of Revocation of Permit 895 Heretofore Issued  
Upon Application 2030 of San Joaquin Light and Power  
Corporation to appropriate from Kern River in Kern  
County for Power Purposes.

DECISION 2030 B 249

Decided

*February 14, 1930*

oOo

APPEARANCES AT HEARING HELD AT SACRAMENTO December 20, 1929.

For Permittees

Murray Bourne

Harold K. Fox

EXAMINER: Harold Conkling, Deputy in Charge of Water Rights,  
Division of Water Resources, Department of Public  
Works, State of California. Everett N. Bryan,  
Hydraulic Engineer, Division of Water Resources,  
Department of Public Works, State of California,  
in attendance.

O P I N I O N

On July 22, 1921, Application 2030 of the San Joaquin Light and  
Power Corporation was approved by issuance of Permit 895 granting the privi-  
lege of diverting 300 cubic feet per second from January 1st to December 31st  
of each season from Kern River, tributary to Tulare Lake, for power purposes.

According to the terms of the permit construction work was to be  
commenced on or before November 1, 1921, to be completed on or before January  
1, 1922 and complete application of the water to the proposed use was to be made  
on or before July 1, 1922. On January 5, 1923 an extension to July 1, 1924 to

complete construction and beneficial use was granted and on May 14, 1924 an extension to July 1, 1927 was granted for the same purposes.

The application was filed to take care of a contemplated increase in the capacity of the Corporation's Kern Canyon Power House covered by Application 751 on which License 342 for 250 cubic feet per second has been issued. In connection with proposed enlargement of the project the diversion works and power plant were to be reconstructed to a capacity of 800 cubic feet per second.

According to the progress reports filed each year it appeared that although the tunnel and other portions of the conduit line had been enlarged to a capacity of 800 cubic feet per second the proposed additional generating unit and penstock line necessary for the operation thereof had not been installed.

Under date of January 28, 1929, and in subsequent correspondence, the Division attempted to secure a withdrawal of the filing without success and since during the course of the above referred to correspondence the permittees failed to show cause for an extension of time within which to complete construction and beneficial use the permit was set for hearing in accordance with Section 20 of the Water Commission Act in order that permittees might have opportunity to show cause why the permit should not be revoked because of failure to comply with the terms and conditions thereof. The hearing was held on November 27, 1929, at 10:00 o'clock A. M. in Room 409, Public Works Building at Sacramento, California.

According to the testimony presented at the hearing it appears that permittees have constructed diversion works and a conduit line having a capacity of at least 800 cubic feet per second and have also constructed a penstock line and power plant having a capacity in excess of 600 cubic feet per second.

It also appears from testimony presented at the hearing that the permittees have diverted and put to beneficial use thru the constructed works a quantity of water in excess of 600 cubic feet per second.

It further appears from the report of an engineer from this office who inspected the project on July 29, 1922 that the constructed works have a capacity in excess of 600 cubic feet per second and that the works had been operated at full capacity whenever sufficient water was available.

As previously stated the permit issued on this application is for 300 cubic feet per second and a license for 250 cubic feet per second was issued on Application 751, making a total of 550 cubic feet per second proposed to be put to beneficial use under these filings and since a quantity in excess of 600 cubic feet per second has been used it therefore appears that beneficial use of the full permitted amount has been made.

In view of the above we are of the opinion that permit should not now be revoked but that an order should be entered confirming the right initiated under Application 2030, Permit 895.

ORDER

Application 2030 for a permit to appropriate water having heretofore been filed with the Division of Water Resources, and subsequently approved by the issuance of Permit 895, as above stated, it appearing to the Division of Water Resources that permittees had failed to comply with the terms and conditions of the permit, a hearing having been held at which permittees were afforded an opportunity to appear and show cause why the permit should not be revoked for failure to comply with the terms and conditions thereof, and the Division of Water Resources now being fully informed in the premises,

IT IS HEREBY ORDERED that said permit be not revoked and that license be issued confirming beneficial use in the amount of 300 cubic feet per second from January 1st to December 31st of each season subject to conditions Numbers 1 and 2 incorporated in Permit 895 and subject to such of the usual terms and conditions as may be appropriate.

WITNESS my hand and the seal of the Department of Public Works  
of the State of California this 14 day of Feb 1930.

EDWARD HYATT, State Engineer

By Harold Conkling  
Deputy

ASW:LH

January 21, 1930