

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 17139)
of Oakwood Investment Company;)
Applications 17149 and 17235 of)
North Tahoe Public Utility District,)
Applications 18021, 18030, 18031,)
18038, and 18039 of Meyers Water)
Company; Application 18248 of Fulton)
Water Company; and Application 18283)
of Tahoe Tavern Heights Water Company)
to appropriate from Lake Tahoe or its)
Tributaries in Placer and El Dorado)
Counties)

Decision D 1056

ADOPTED FEB 15 '62

The above-named applications are for permits to appropriate unappropriated water from Lake Tahoe and various streams tributary thereto. Protests having been received with respect to each of said applications, a public hearing was held in Sacramento, California, on September 13, November 29 and 30, and December 1, 1960. Board Chairman Kent Silverthorne presided at all sessions of the hearing. The essential features of the applications are set forth in Table I.

Protestant Sierra Pacific Power Company has powerhouses located on the Truckee River just above the Nevada line. This protestant and protestants Washoe County Water Conservation District

TABLE I

Substance of the Applications

Appli. No.:	Date Filed:	Applicant:	Source:	Point of Diversion:	Amounts (cfs):	Diversion Season:	Purpose:
:	:	:	:	1/4 S* TP* RG* 1/4	afa	afa	(2)
17139	6/18/56	Oakwood Investment Co.	Lake Tahoe	SE NE 13 16N 17E	2.5	6/1- 9/30	M
17149	6/22/56	North Tahoe Public Utility District	Lake Tahoe	SW SW 19 16N 18E	3	1/1-12/31	D, M, R, FP
17235	8/13/56	"	unnamed springs	SE SW 31 17N 18E	3	5 1/1-12/31	D, R, FP
18021	2/28/58	Meyers Water Co.	unnamed creek	NE NW 33 12N 18E	2.5	6 1/1-12/31	D
18030	3/6/58	"	unnamed stream	SW SW 30 12N 18E	3	1/1-12/31	D
18031	3/6/58	"	Upper Truckee River	NE NE 31 12N 18E	3	1/1-12/31	D
18038	3/13/58	"	"	NW SW 8 11N 18E	3	200 1/1-12/31	D
18039	3/13/58	"	"	NW SW 5 11N 18E	3	200 1/1-12/31	D
18248	8/4/58	John A. Fulton (dba Fulton Water Co.)	Lake Tahoe	SW NE 28 16N 17E	1	1/1-12/31	M
18283	8/25/58	Tahoe Tavern Heights Water Co.	Lake Tahoe	NE NE 18 15N 17E	0.9	1/1-12/31	D

* All section, township and range designations are from Mt. Diablo Base and Meridian (MDRBM).
 (1) cfs = cubic foot per second; afa = acre-feet per annum.
 (2) D-Domestic, M-Municipal, R-Recreation, FP-Fire Protection.

and Truckee-Carson Irrigation District are engaged in the sale or distribution of Truckee River water for consumptive use in Nevada. Each claims prior appropriative and decreed rights to the waters of Truckee River and contends that there is no unappropriated water in the Lake Tahoe Basin which supplies the Truckee River. California Department of Fish and Game protests applications of Meyers Water Company for appropriations from Upper Truckee River and tributaries, alleging that the quantities of water applied for at times exceed the minimum flows of the streams and an insufficient flow in the stream would be destructive to the trout and Kokanee salmon fisheries resources of Upper Truckee River. Oakwood Investment Company opposes the applications of North Tahoe Public Utility District on the basis that it already serves most of the latter's proposed service area.

The Lake Tahoe Basin consists of a relatively large lake surrounded by a rather narrow doughnut-shaped watershed with a multitude of contributory small streams. The largest of these tributaries is the Upper Truckee River at the south end of the lake. Total drainage area above the lake outlet is 519 square miles including 193 square miles of lake water surface. Watershed elevations range from a maximum of 10,881 feet at Freel Peak to 6,223 feet at the lake outlet (Staff Exhs. 4 and 5). Across the outlet of the lake into the Truckee River is a six-foot-high dam operated by the Truckee-Carson Irrigation District under contract with the United States Bureau of Reclamation. In effect, the lake is operated as

a storage reservoir, with a capacity of about 745,000 acre-feet between elevation 6,223 (the rim of the lake) and 6,229.1 (Staff Exh. 4; USGS Water Supply Paper 1564, 1958).

Issuing from the northwest corner of Lake Tahoe, the Truckee River flows due north to the town of Truckee, where it turns to the east. Just above the Nevada line is a series of powerhouses. At the Farad powerhouse of the Sierra Pacific Power Company near Floriston the Truckee River has a drainage area of 940 square miles. The 45-year average discharge of the Truckee River at Farad as computed in 1958 was about 588,000 acre-feet per year. The 44-year average annual discharge of Lake Tahoe is about 182,000 acre-feet per year, or about one-third of the total Truckee River flow into Nevada.

The Truckee River continues east through the cities of Reno and Sparks, and its natural course is into Pyramid Lake, a saline body of water without outlets. Derby Dam, located to the east of Sparks, is the point where Newlands Project water is diverted by the Truckee-Carson Irrigation District to Lake Lahontan. Water flowing by Derby Dam which is not required to satisfy decreed downstream Indian rights and which wastes into Pyramid Lake is assumed to be surplus and unappropriated.

The outlet of Lake Tahoe was first dammed by a crib dam of timber and stone fill completed in 1870 by a Colonel A. W. Von Schmidt, who had acquired a half section of land surrounding the Truckee River outlet. By Chapter 513 of the Statutes of 1870, California authorized the Donner Lumber and Boom Company "to

improve, at its own expense, the channel of the Truckee River . . . and by erecting floodgates at the outlet of the lake and along the channel of said river, not more than five feet in height, so as to render it practicable to float saw logs, lumber and wood down the channel to said Town of Truckee."

The old Von Schmidt and Donner Lumber and Boom Company dam became obsolete by 1909, and the present concrete structure was begun at that time.

Water rights on the Truckee River, including those applicable to Lake Tahoe, are "defined" in part by four documents that are listed below in chronological order (Oakwood Exh. 8, p. 33).

1. Decree of June 4, 1915, in the District Court of the United States, Northern District of California, Second Division, in the case of The United States of America, Plaintiff, v. The Truckee River General Electric Company, Defendant.

2. Newlands Project contract of 1926 between the United States and the Truckee-Carson Irrigation District.

3. Truckee River agreement of 1935 between the United States, Truckee-Carson Irrigation District, Washoe County Water Conservation District, Sierra Pacific Power Co., and various others.

4. Truckee River final decree entered September 8, 1944, in the District Court of the United States in and for the District of Nevada in the case of United States of America, Plaintiff v. Orr Water Ditch Company et al., Defendants.

The 1915 decree, in addition to condemning rights of way for outlet works at Lake Tahoe, defines rights to store Truckee River water in, and release it from, Lake Tahoe. It provides that certain flows, known as the "Floriston rates," are to be maintained in the river as measured at the gaging station near Floriston, California, and permits regulatory operations in order to satisfy the rights of both irrigation and power interests.

The Newlands Project contract of 1926 gives the Truckee-Carson Irrigation District the prior contract right to water required to irrigate 87,500 acres.

The 1935 agreement reaffirms the 1915 decree and contains various operating agreements relative to maintenance of the "Floriston rates" in the light of developments since 1915, including construction of the Boca Reservoir by Washoe County Water Conservation District.

The Truckee River final decree of 1944 adjudicates over 700 claims of rights to use of waters of the Truckee River. It authorizes storage of water in Lake Tahoe behind the six-foot dam of the Bureau of Reclamation together with direct diversion from the Truckee River to Lake Lahontan and the Newlands Project. Except for power plants and their non-consumptive use of water above the Nevada line, all places of use authorized by said four documents are located in Nevada.

Releases from storage of California reservoirs other than Lake Tahoe which affect flows in the Truckee River above Floriston,

include Boca Reservoir and Donner and Independence Lakes with a collective storage capacity of about 80,000 acre-feet.

The effect of the 1944 final decree and the 1915 decree and 1935 agreement ratified by it is to provide for releases of water stored in Lake Tahoe, Boca Reservoir, and Donner and Independence Lakes in accordance with agreements of the parties and under control of a watermaster appointed by the court. The parties to these agreements and these court actions do not include any persons or parties located on or upstream from Lake Tahoe (Staff Exh. 3, p. 18).

The Department of Water Resources prepared a hydrologic study of the Truckee River with relation to surplus water at Derby Dam after all present uses and the Pyramid Indian rights are met. The study covers the 30-year period from January 1923 through September 1952 (RT pp. 49-54; DWR Exh. 2), and assumes 1956 developments and usage except for delivery of water to the Pyramid Indians in excess of usage and to the full extent of their decreed rights. Surplus water at Derby Dam ranged from zero in five years to 868,900 acre-feet for the first nine months of the 1951-52 water year. The annual average of surplus water at Derby Dam was 142,000 acre-feet. The same study shows that in five years the water was so high in Lake Tahoe that releases were required for the prevention of excessive high water. These years coincide with years of high surplus water in Pyramid Lake. The 30-year annual average of these Tahoe releases is 28,250 acre-feet. By any standard, high water releases from Lake Tahoe which reach Pyramid Lake are unappropriated.

Since Lake Tahoe is an interstate lake, and the Truckee River rises for the most part in California and flows into Nevada, there is an underlying requirement for an equitable division of these interstate waters between the States of California and Nevada. See Colorado v. Kansas, 320 U. S. 383, 64 S.Ct. 176 (1943). That California has not yet exhausted its entitlement appears clear, since most of the water of the Truckee River System, including Lake Tahoe, rises in California, but nearly all of the consumptive use of the Truckee takes place in Nevada. This Board's power to authorize appropriation of unappropriated water is limited to California's equitable share of these interstate waters.

For several years the States of California and Nevada have been attempting to negotiate a compact for the allocation of water in the Lake Tahoe Basin as well as the Truckee, Carson, and Walker Rivers. A joint study conducted by the California Department of Water Resources and the Nevada State Engineer has determined that ultimate development in the Lake Tahoe Basin will require a gross diversion of 34,000 acre-feet per annum. Reportedly the Compact Commission has adopted the 34,000 acre-feet gross diversion figure as the basis for a compact and is negotiating for an allocation of approximately 65% to California and 35% to Nevada. In 1956, a total of 12,300 acre-feet of water was being diverted to use in the Lake Tahoe Basin; 8,900 acre-feet in California and 3,400 acre-feet in Nevada. Since the applications considered herein request permits for diversions at rates which, if maintained continuously throughout the seasons specified in the applications, would aggregate a

quantity of water somewhat in excess of the anticipated total allocation to California, the Compact Commission urges the State Water Rights Board to give consideration to limiting any permits issued to a reasonable annual acre-foot quantity and also to a quantity that can be reasonably used in the near future (RT pp. 13-28).

A further study by the Department made for the Joint Compact Commission showed that appropriation of water for domestic purposes and recreational uses in the Tahoe basin would have little, if any, effect on downstream users (RT pp. 85-88). This is because of the decrease in evapo-transpiration in urbanized areas and anticipated return flow. A similar finding was made by the State Engineers of Nevada and California in June of 1949 (Staff Exh. 3). The Nevada State Engineer has recently approved applications to appropriate from the Nevada portion of Lake Tahoe (Oakwood Exh. 7).

In view of the possible limitations of a water supply to California by the proposed Compact, the reservation of large quantities of water for long range future development in the Lake Tahoe area is found to be against the public interest. It appears reasonable to limit permits to amounts of water that can be developed and placed to beneficial use within the next ten years. The attention of the applicants is also invited to the power of an interstate compact, when ratified by the States concerned and by the United States, to modify existing rights such as the permits hereby authorized. (Hinderlider v. La Plata and Chevy Creek Ditch Co., 304 U. S. 92, 58 S.Ct. 803).

Oakwood Investment Company (dba Brockway Water Co.)

Application 17139 is for a permit to appropriate 2.5 cubic feet per second (cfs) between June 1 and September 30 from Lake Tahoe for municipal purposes. The service area of the company is located at the north end of Lake Tahoe adjacent to the California-Nevada State line and includes the communities of Tahoe Vista, Kings Beach, Brockway and Crystal Bay (Oakwood Exh. 1). The company has approximately 1,100 service connections serving as many as 10,000 persons during the peak summer months (RT p. 129).

The present sources of water for Brockway Water Company are gravity diversion from Griff Creek and Mt. Baldy Springs area and pumping from Lake Tahoe. The Griff Creek diversion system has a capacity of approximately 1.5 cfs; the Mt. Baldy Springs diversion has a capacity of approximately 1.0 cfs. The company diverts from the lake by means of three pumps having a combined capacity of 3.25 cfs. Rights claimed to cover the diversions include appropriate rights based on notices posted and recorded prior to 1914, riparian rights, Licenses 1910 (Application 6983) and 5646 (Application 12574), both covering appropriations from Griff Creek, and use from the lake during the summer since prior to 1914 (RT 130-137; Oakwood Exhs. 3 and 4).

During July 1960, which is considered to be a peak month, the average diversion by Brockway Water Company was 5.35 cfs with daily peaks reaching as high as 6.35 cfs. The demand is supplied from the gravity system whenever possible and is supplemented by pumping from the lake when necessary. The quantity of water

applied for under Application 17139 is being fully utilized from Lake Tahoe at the present time during the entire diversion season requested. This amounts to a total diversion of approximately 600 acre-feet per year (RT pp. 133-135, 140, 150).

North Tahoe Public Utility District Applications 17149 and 17235 are to appropriate 3 cfs from Lake Tahoe and 3 cfs by direct diversion and 5 acre-feet per annum by storage from unnamed springs tributary to Griff Creek. The service area of the district is a part of the area now served with water by Brockway Water Company (RT pp. 165, 169, 170). The district presently provides sanitary services and street lighting for the area (RT. p. 160).

On November 29, 1960, North Tahoe Public Utility District submitted petitions to change the place of use under Application 17149; and to change the place of use, point of diversion, and character of use under Application 17235. The purpose of the petitions to change the place of use is to conform the place of use to present district boundaries and anticipated service area. Petition for change in point of diversion under Application 17235 proposes the moving of the point of diversion contemplated on the unnamed springs tributary to Griff Creek to Lake Tahoe and the elimination of the proposed storage of water. The petition for change in character of use under Application 17235 is to add municipal use, which purpose was omitted in the original application (RT pp. 154-157, Staff Exh. 1). Diversion of water under Applications 17149 and 17235 is now to be at one location to be effected

by a submerged pipeline extending into Lake Tahoe with a pumping facility located on the shore.

If the district's voters elect to do so, it has the power to engage in the distribution of water, even though the area is now served by a public utility. Such a decision should be forthcoming in the next year or so. Accordingly, it appears reasonable in approving the applications of the district to provide that no permits be issued thereon unless and until the electors of the district, not later than July 1, 1963, vote to approve bonded indebtedness required for distribution of water. To prevent duplication of water rights, it is also reasonable to provide that the quantities of water authorized by the district's permits be reduced by such water rights, if any, as it may acquire from Oakwood Investment Company.

The district's evidence indicates that as of 1970 its total annual diversion requirements will be about 1,900 acre-feet per annum, with a maximum summer monthly diversion of 240 acre-feet.

It is found that no one will be prejudiced by allowance of the district's petitions for change of place of use, point of diversion, and purpose of use.

Meyers Water Company Applications 18021, 18030, 18031, 18038, and 18039 are to appropriate from Upper Truckee River for areas being developed by Tahoe Paradise, Inc. The service area is shown on Meyers Water Company Exhibit 4. On November 30, 1960, petitions were filed in connection with all of the applications

to consolidate the places of use so that water from any of the points of diversion named in the applications may be commingled and used throughout the entire service area (RT pp. 287-289). Notice of these petitions was given but no protests were received (Staff Exh. 1). A petition for change in point of diversion under Application 18030 was also filed on March 28, 1961 (Staff Exh. 1). This petition proposes moving the point of diversion under Application 18030 downstream approximately 2,000 feet in order to satisfy the protest by California Department of Fish and Game. The intervening land is all owned by the applicant (RT pp. 327-329). A request was also made by the company to reduce Application 18021 from 2.5 cfs to 1.0 cfs which allegedly would adequately cover the amount of water available (RT p. 257). It is found that no one would be prejudiced by allowance of said petitions and said requested amendment.

Meyers Water Company was formed in 1955 and was certified as a public utility during the same year (RT pp. 260, 261). As of November 1960, the company had approximately 125 service connections and had approximately 180 connections during the summer peak of 1960 (RT p. 283). The company presently has two sources of water; one source is a well located in the northern portion of the service area which produces about 450 gallons per minute; the other source is a series of springs in the same area and is covered by Application 18021 (RT pp. 285-287).

Meyers Water Company indicates that the summer water supply from the Upper Truckee River will be insufficient for its needs. Accordingly, the plan is to obtain a supplemental supply from wells (RT pp. 306, 307).

The evidence indicates that Meyer's total water requirements from all sources in 1970 will be about 2,760 acre-feet per annum and about 345 acre-feet in a maximum month. About 400 acre-feet of the annual requirements could be met by storage.

The five applications of Meyers Water Company were protested by the California Department of Fish and Game which presented evidence of the importance of the Upper Truckee River for the spawning of Rainbow and Brown trout and Kokanee salmon. Rates of flow for the bypass of water down the Upper Truckee River, as proposed by the Department and agreed to by Meyers, are found to be in the public interest.

John A. Fulton (dba Fulton Water Company) Application 18248 is for an appropriation of 1 cfs year-round from Lake Tahoe. The applicant's service area is located at the northwest corner of Lake Tahoe about 5 miles northeast of Tahoe City. At the present time approximately 175 residential connections are served by the company. Potentially the company will be obligated to serve about 950 customers, including 40 commercial lots. Most of the lots have already been sold (RT pp. 381-383).

Fulton Water Company has been in business since 1928. The water supply for the company is pumped from Lake Tahoe at two locations. At present 100 gallons per minute are pumped from

the northerly pumping station (covered by Application 18248) and 60 gallons per minute are pumped at the southerly pumping station (covered by another application not yet set for hearing). During 1961, these pumping stations were to be increased to 200 gallons per minute and 100 gallons per minute, respectively (RT pp. 379, 393).

Applicant Fulton Water Company has assumed a use of 450 gallons per day per person in calculating its future use of water. This quantity is substantially greater than the quantity used by the other applicants and that believed by the Board to be necessary. The consensus of the other applicants with regard to a quantity for daily per capita use in 1970 is 250 gallons per day. Using this quantity as a basis for estimating Fulton Water Company's 1970 use and applying the other criteria furnished by the Company, the total diversion in acre-feet per annum and the average diversion in cubic feet per second during the maximum month are 280 acre-feet per annum and 0.74 cubic foot per second, respectively. Accordingly, diversion in excess of 0.74 cubic foot per second will be denied.

Tahoe Tavern Heights Water Company Application 18283 is for an appropriation of 0.9 cfs year-round from Lake Tahoe. The Company's service area is located on the west side of the lake about one mile south of Tahoe City (RT p. 359). At present the Company serves water to about 30 connections from a well located about 185 feet back from the shore of Lake Tahoe (RT pp. 360, 361). The well was installed in 1946 and has a pumping capacity of 45 gallons per minute (RT pp. 361-363). As development of the subdivision proceeds it is planned to pump water from Lake Tahoe to provide a water supply for approximately 255 lots (RT pp. 361-364).

The evidence indicates that water requirements for Tahoe Tavern Heights Water Company in 1970 will be about 135 acre-feet a year, with a maximum monthly diversion of about 20 acre-feet, and that its service area will require a maximum rate of diversion of 0.4 cfs. Accordingly, diversion in excess of 0.4 cfs will be denied.

Sierra Pacific Power Company filed protests against all of the subject applications; Truckee-Carson Irrigation District filed protests against all except Application 17235; and Washoe County Water Conservation District filed protests against all except Applications 17139 and 17149 (Staff Exh. 1). These three protestants are located in the State of Nevada. They presented no testimony or evidence at the hearing, apparently taking the position that, while not conceding that unappropriated water exists in the Lake Tahoe Basin, they will abide by any agreement entered into between the States of California and Nevada for allocation of the waters of Lake Tahoe Basin. These Nevada protestants also urge that the Board, if it does issue permits, impose such reasonable restrictions and limitations as will insure economical and beneficial use of the water allocated to California (RT pp. 101-104; Staff Exh. 1).

The evidence indicates and the Board finds that unappropriated water exists in the Lake Tahoe Basin, and that subject to suitable limitations and conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water. The intended use is beneficial.

From the foregoing findings, the Board concludes that Applications 17139, 17149, 17235, 18021, 18030, 18031, 18038, and 18039 should be approved, that Applications 18248 and 18283 should be approved in part, and that permits should be issued to the respective applicants for a total annual quantity not to exceed 5,675 acre-feet and subject to limitations and conditions of general or specific applications as indicated.

ORDER

IT IS HEREBY ORDERED that Applications 17139, 17149, 17235, 18021, 18030, 18031, 18038, and 18039 be, and they are, approved, and that Application 18248 be, and it is, approved in part, subject to vested rights and to the limitations and conditions of special application as set forth in the following Orders, and to the limitations and conditions of general application to be included in each permit as follows:

1. The maximum amount herein stated may be reduced in the license if investigation warrants.
2. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.
3. 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 State Water Rights Board 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.

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

ORDER

IT IS HEREBY ORDERED that:

1. The amount of water to be appropriated under Application 17139 of Oakwood Investment Company shall be limited to the amount which can be beneficially used and shall not exceed 2.5 cubic feet per second by direct diversion to be diverted between June 1 and September 30 of each year for municipal purposes and shall not exceed 600 acre-feet in any year.

2. Total direct diversion from Lake Tahoe under this permit and under any other right, if any, that permittee may have for use on the place of use hereby authorized shall not be in excess of the rate of 3.25 cubic feet per second; provided, this condition in no way implies or authorizes a right to direct diversion in excess of the rate of 2.5 cubic feet per second.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1965.

ORDER

Petitions having been filed by North Tahoe Public Utility District to change the point of diversion, place of use, and purpose

of use described in its Application 17235 and to change the place of use as described in Application 17149, and it being found that the proposed changes will not operate to the injury of any lawful user of water,

IT IS HEREBY ORDERED that said petitions be, and they are, approved; and

IT IS FURTHER ORDERED that:

1. The amount of water to be appropriated under Application 17149 shall be limited to the amount which can be beneficially used and shall not exceed 3.0 cubic feet per second by direct diversion to be diverted between January 1 and December 31 for municipal, domestic, recreational, and fire protection purposes.

2. The amount of water to be appropriated under Application 17235 shall be limited to the amount which can be beneficially used and shall not exceed 3.0 cubic feet per second by direct diversion to be diverted between January 1 and December 31 for municipal, domestic, recreational, and fire protection purposes.

3. The total amount of water to be appropriated by direct diversion under Applications 17149 and 17235 and under rights, if any, acquired from Brockway Water Company (Oakwood Investment Company) shall not exceed 240 acre-feet in any calendar month or 1,900 acre-feet in any year.

4. Actual construction work shall begin on or before July 1, 1963, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, these permits may be revoked.

5. Said construction work shall be completed on or before December 1, 1968.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

7. Permits shall not be issued on Application 17149 or 17235 unless and until the electors of North Tahoe Public Utility District, not later than July 1, 1963, vote to approve a bond issue required for said District's water distribution project; in default of such action, said applications shall be canceled.

ORDER

Petitions having been filed to change the place of use as described in Applications 18021, 18030, 18031, 18038, and 18039 of Meyers Water Company, and to change the point of diversion as described in said Application 18030, and it being found that the proposed changes would not operate to the injury of any lawful user of water,

IT IS HEREBY ORDERED that said petitions be, and they are, approved.

IT IS FURTHER ORDERED that:

1. The amount of water appropriated under Application 18021 of Meyers Water Company for domestic purposes shall be limited to the amount which can be beneficially used and shall not exceed 1.0 cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year and 6 acre-feet per annum by storage to be collected from January 1 to December 31 of each year.

2. The amount of water appropriated under Application 18030 for domestic purposes shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second to be diverted from January 1 to December 31 of each year.

3. The amount of water appropriated under Application 18031 for domestic purposes shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second to be diverted from January 1 to December 31 of each year.

4. The amount of water appropriated under Application 18038 for domestic purposes shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and 200 acre-feet per annum by storage to be collected between January 1 and December 31 of each year.

5. The amount of water appropriated under Application 18039 for domestic purposes shall be limited to the amount which can be beneficially used and shall not exceed 3 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and 200 acre-feet per annum by storage to be collected between January 1 and December 31 of each year.

6. The total amount of water appropriated by direct diversion under Applications 18021, 18030, 18031, 18038, and 18039 shall not exceed 345 acre-feet in any calendar month or 2,360 acre-feet in any year.

7. Actual construction work shall begin on or before July 1, 1962, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, these permits may be revoked.

8. Said construction work shall be completed on or before December 1, 1968.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

10. Permittee shall bypass the following quantities of water into the natural stream bed of the Upper Truckee River at all times pursuant to permits issued on Applications 18031, 18038, and 18039:

(a) During the months of April, May, and June, 75 cubic feet per second or the total flow of the stream, whichever is less.

(b) During July, a flow decreasing gradually from 75 cubic feet per second or the total flow of the stream, whichever is less, to 15 cubic feet per second or the total flow of the stream, whichever is less. The reduction caused by the permittee shall not be greater than 5 cubic feet per second in any one day.

(c) During the remainder of the year, 15 cubic feet per second or the total flow, whichever is less.

11. In accordance with Water Code Section 1393, permittee shall clear the sites of the proposed reservoirs under Applications 18038 and 18039 of all structures, trees, and vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes.

12. Separate applications for the approval of plans and specifications for construction of the dams shall be filed with, and approved by, the Department of Water Resources prior to commencement of construction of the dams described under approved water right Applications 18038 and 18039.

ORDER

IT IS HEREBY ORDERED that:

1. The amount of water appropriated under Application 18248 of John A. Fulton for municipal purposes shall be limited to the amount which can be beneficially used and shall not exceed 0.74 cubic foot per second to be diverted from January 1 to December 31 of each year and shall not exceed a total diversion of 280 acre-feet in any year.

2. Actual construction work shall begin on or before July 1, 1962, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

3. Said construction work shall be completed on or before December 1, 1968.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

ORDER

IT IS HEREBY ORDERED that:

1. The amount of water appropriated under Application 18283 of Tahoe Tavern Heights Water Company for domestic purposes

shall be limited to the amount which can be beneficially used and shall not exceed 0.4 cubic foot per second to be diverted from January 1 to December 31 of each year and shall not exceed a total diversion of 135 acre-feet in any year.

2. Actual construction work shall begin on or before July 1, 1962, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

3. Said construction work shall be completed on or before December 1, 1968.

4. Complete application of the water to the proposed use shall be made on or before December 1, 1970.

Adopted as the decision and orders of the State Water Rights Board at a meeting duly called and held at California, on the day of , 1962.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member