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11 SEMITROPIC IMPROVEMENT DISTRICT OF
12 SEMITROPIC WATER STORAGE DISTRICT

13 STATE OF CALIFORNIA

14 STATE WATER RESOURCES CONTROL BOARD

15 SEMITROPIC IMPROVEMENT
16 DISTRICT OF SEMITROPIC WATER
17 STORAGE DISTRICT,

18 Petitioner,

19 v.

20 KINGS RIVER WATER ASSOCIATION,
21 FRESNO IRRIGATION DISTRICT,
22 CONSOLIDATED IRRIGATION
23 DISTRICT, ALTA IRRIGATION
24 DISTRICT, and DOES 1 through 100,
25 inclusive,

26 Respondents.

**COMPLAINT IN SUPPORT OF PETITION
TO REVISE AND/OR REVOKE
DECLARATION OF FULLY
APPROPRIATED STREAM SYSTEM FOR
THE KINGS RIVER**

- 1. Forfeiture of Water Rights
- 2. Abandonment of Water Rights
- 3. Failure to Perfect Water Rights
- 4. Unauthorized Diversion of Water

27 Petitioner SEMITROPIC IMPROVEMENT DISTRICT OF SEMITROPIC WATER
28 STORAGE DISTRICT ("Petitioner" or "Semitropic"), for its Complaint against Respondents
KINGS RIVER WATER ASSOCIATION, FRESNO IRRIGATION DISTRICT,
CONSOLIDATED IRRIGATION DISTRICT, ALTA IRRIGATION DISTRICT, and DOES 1
through 100, inclusive (collectively, "Respondents"), hereby alleges as follows:

INTRODUCTION

1. For years, the Kings River Water Association ("KRWA") and its member units
have purported to hold the water rights to essentially all of the flow of the Kings River. Pursuant
to appropriate water rights License Nos. 11517 – 11522, issued in 1984 by the State Water

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1 Resources Control Board (“State Water Board”), KRWA currently holds appropriative water
2 rights as trustee for the benefit of its member units, including Fresno Irrigation District,
3 Consolidated Irrigation District, and Alta Irrigation District. KRWA allocates Kings River water
4 to its member units based on a “settlement schedule” last modified in 1949.

5 2. Water Rights Decision D 1290, issued by the State Water Board in 1967, granted
6 appropriative water right permits to KRWA’s predecessor based upon its representation that
7 KRWA and its member units could and would store up to one million acre-feet of Kings River
8 flood water in a so-called “cellular dike system” maintained in the bed of Tulare Lake. But rather
9 than exercising the appropriative water right permits authorized under Decision D 1290 as
10 intended by the State Water Board, Respondents instead have historically diverted substantial
11 volumes of water out of the Kings River and into the James Bypass, a flood control channel that
12 conveys water out of the Kings River watershed. The diversion of such substantial volumes
13 water into the James Bypass is inconsistent with Article X, section 2 of the California
14 Constitution, the terms of KRWA’s water rights, and the representations made to the State Water
15 Board by KRWA’s predecessor during the process that resulted in the issuance of Decision D
16 1290. The unauthorized diversion of Kings River water into the James Bypass has been
17 undertaken by Respondents because Kings River flows threaten agricultural operations within the
18 bed of Tulare Lake.

19 3. Ultimately, only six of the eight permits issued pursuant to D-1290 were converted
20 to licenses. Appropriative water right License Nos. 11517 and 11521 (the “Tulare Lake
21 Licenses”) were issued by the State Water Board in 1984. The Tulare Lake Licenses authorize
22 KRWA to divert, store, and beneficially use Kings River water in the bed of Tulare Lake.
23 However, as alleged in paragraph 2 of this Complaint, Respondents have failed to put Kings
24 River water to beneficial use in accordance with the terms and conditions of the Tulare Lake
25 Licenses. Consequently, Respondents have forfeited, abandoned, and failed to perfect the right to
26 divert and use Kings River water under the Tulare Lake Licenses.

27 **JURISDICTION**

28 4. The State Water Board has jurisdiction over this proceeding under California

1 Water Code sections 1240, 1241, 1675, 1831, and under sections 820, 850, 856, and 871 of Title
2 23 of the California Code of Regulations.

3 **THE PARTIES**

4 5. Petitioner SEMITROPIC IMPROVEMENT DISTRICT OF SEMITROPIC
5 WATER STORAGE DISTRICT was formed in 1991 as authorized by the California Water
6 Storage District Law, Water Code sections 39000 *et seq.*

7 6. Respondent KINGS RIVER WATER ASSOCIATION is an unincorporated
8 association consisting of 28 member units. KRWA's member units include public irrigation
9 districts, public water districts, public reclamation districts, a public water storage district and
10 private water companies. KRWA's offices are located at 4888 E. Jensen Ave, Fresno, CA 93725.
11 Fresno Irrigation District assigned License Nos. 11517-11522 to the KRWA in 1988, and the
12 KRWA has acted as the trustee of those Licenses on behalf of its members ever since. The
13 KRWA manages the diversions and entitlements of its member units under various agreements
14 and water schedules.

15 7. Respondent FRESNO IRRIGATION DISTRICT ("FID") is a public agency
16 formed under the California Irrigation District Law (Water Code § 20500 *et seq.*) as the successor
17 to the privately owned Fresno Canal and Land Company. FID lies entirely within Fresno County,
18 and its offices are located at 2907 S Maple Ave, Fresno, CA 93725. FID acted as the trustee of
19 License Nos. 11517-11522 until 1988, and is a member of KRWA.

20 8. Respondent CONSOLIDATED IRRIGATION DISTRICT ("Consolidated") is a
21 public agency formed under the California Irrigation District Law (Water Code § 20500 *et seq.*).
22 Consolidated supplies Kings River water to lands in Fresno, Kings, and Tulare Counties, and its
23 offices are located at 2255 Chandler St, Selma, CA 93662. Consolidated is a member of KRWA.

24 9. Respondent ALTA IRRIGATION DISTRICT ("AID") is a public agency formed
25 under the California Irrigation District Law (Water Code § 20500 *et seq.*). AID supplies Kings
26 River water to lands in Fresno, Kings, and Tulare Counties, and its offices are located at 289 N L
27 St, Dinuba, CA 93618. AID is a member of KRWA.

28 10. Each of the respondents identified as DOES 1 through 100, inclusive ("DOES 1-

1 100”) are persons other than the named respondents who, whether as individuals, corporations,
2 unincorporated associations partnerships, trustees, executors, guardians, or otherwise, claim some
3 right, title, estate, lien, or interest in beneficially using Kings River water within the scope of
4 License Nos. 11517 and 11521 and overlapping pre-1914 appropriative rights. Petitioner is
5 unaware of the true names and identities of DOES 1-100 and, therefore, sues DOES 1-100 by
6 fictitious names. Petitioner will amend this pleading to reflect the true identities and capacities of
7 DOES 1-50 once ascertained.

8 GENERAL ALLEGATIONS

9 **A. Geographical Background**

10 11. The Kings River originates near the crest of the Sierra Nevada, with the
11 headwaters of its Middle and South Forks located within Kings Canyon National Park and the
12 headwaters of its North Fork located within the John Muir Wilderness. The three forks of the
13 Kings River join in the Sierra Nevada foothills in Fresno County, where they are impounded at
14 Pine Flat Dam.

15 12. Pine Flat Dam, constructed by the federal government in 1954, is the largest
16 reservoir and principal control structure on the Kings River. Its reservoir holds approximately 1
17 million acre-feet (“AF”) of storage and is owned and operated by the United States Army Corps
18 of Engineers (“Corps”) for flood control and water supply purposes.

19 13. Below Pine Flat Dam, the Kings River traverses southwesterly into the San
20 Joaquin Valley, crossing both the Friant-Kern Canal and Highway 99. North of the City of
21 Lemoore, the River splits into two forks. The South Fork drains to the Tulare Lake Bed, which
22 was the historical outlet for the Kings River. The North Fork drains to the James Bypass.

23 14. The hydrology of the Kings River is highly variable. Average annual runoff is
24 approximately 1.7 million AF, but ranges from 392,000 AF in Water Year (“WY”) 1924 to 4.5
25 million AF in WY 1983.

26 15. Because one of Pine Flat Dam’s functions is to provide flood protection for the
27 Kings River, Pine Flat Reservoir has defined conservation and flood pools. The reservoir
28 conservation pool ranges from 0.5 million to 1.0 million AF, depending on the time of year.

1 Once reservoir levels exceed the conservation pool and encroach into the flood pool, the Corps
2 makes flood releases until the water level in the reservoir is brought back down to the
3 conservation pool.

4 16. Flood releases from Pine Flat Reservoir are first diverted by KRWA to James
5 Bypass via the North Fork Kings River. When conditions require flood releases greater than
6 4,750 cubic feet per second (“CFS”)—the approximate capacity of the James Bypass—flows are
7 also diverted to the former Tulare Lake Bed via the South Fork of the Kings River.

8 **B. Kings River Water Rights**

9 17. KRWA holds the following water rights in trust for its member units: License No.
10 11517 (Application No. 353/Permit No. 15713), License No. 11518 (Application No. 360/Permit
11 No. 15714), License No. 11519 (Application No. 5640/Permit No. 15715), License No. 11520
12 (Application No. 10979/Permit No. 15716), License No. 11521 (Application No. 15231/Permit
13 No. 15719), and License No. 11522 (Application No. 16469/Permit No. 15720). A map showing
14 the points of diversion and redirection, and the places of storage under License Nos. 11517 –
15 11522 is attached hereto as **Exhibit A**. Petitioner is informed and believes and based thereon
16 alleges that said licenses are inclusive of any pre-1914 rights owned by KRWA’s member units.

17 18. The Tulare Lake Licenses permit KRWA to divert water at Empire Weir # 2 and to
18 store water within the Tulare Lake Sump Reservoir as described in the licenses. License No.
19 11517 permits the direct diversion of 613 CFS from June 1 to June 30 of each year, and the
20 collection to storage of 188,000 AF from January 1 to June 30 of each year. The maximum
21 amount of water to be taken from the Kings River under License No. 11517 (direct diversion plus
22 collection to storage) cannot exceed 224,500 AF per year. License No. 11521 allows for the direct
23 diversion of 1,096 CFS from January 1 to December 31 of each year, and the collection to storage
24 of 796,000 AF between January 1 and June 30 of each year. The maximum amount of water to
25 be placed to beneficial use under the Tulare Lake Licenses cannot exceed 569,600 AF per year.

26 19. License No. 11517 has a priority date of May 24, 1916. License No. 11518 has a
27 priority date of May 31, 1916. License No. 11519 has a priority date of July 30, 1927. License
28 No. 11520 has a priority date of February 10, 1945. License No. 11521 has a priority date of

1 March 9, 1953. License No. 11522 has a priority date of July 18, 1955.

2 20. On November 30, 1967, the State Water Board issued Decision D 1290 (“D-
3 1290”) approving eight water right applications for which FID served as trustee, including
4 Application Nos. 353, 360, 5640, 11023, 11075. D-1290 also approved Application No. 10979 in
5 part. In approving those applications, the State Water Board found that they would “appropriate
6 essentially all of the available unappropriated water of the Kings River.” (D-1290 at 37-38.) D-
7 1290 also determined that all direct diversion and storage allowed under these appropriative water
8 rights would include all consumptive use claimed under pre-1914 appropriative and riparian
9 water rights.

10 21. Application Nos. 353 and 15231 were licensed on May 18, 1984. In considering
11 whether to license Application No. 353 (Permit 15713) and 15231 (Permit No. 15719) for the
12 storage of water at Tulare Lake, State Water Board staff expressed concern that such storage
13 never should have been permitted in the first instance, since water stored under those permits was
14 received on an “involuntary” basis and the Tulare Lake Sump Reservoir had a capacity of only
15 450,000 AF, compared to a storage right of 984,000 AF under the permits. Contemporaneously,
16 FID’s engineer also conceded that water is stored in Tulare Lake “unwillingly” and is generally
17 not put to beneficial use.

18 **C. KRWA’s Management of the Kings River**

19 22. Petitioner is informed and believes and based thereon alleges that water diverted
20 from the Kings River is governed by a monthly schedule of water rights and entitlements
21 developed by the KRWA. The documents attached hereto as **Exhibit B** are true and correct
22 copies of the monthly schedules governing Kings River diversions.

23 23. Kings River water is not diverted to Tulare Lake in years when water is available
24 to satisfy the Tulare Lake Licenses. Indeed, because License No. 11517 is the highest priority
25 right held by KRWA, water is always available under that License. But in its Reports of
26 Licensee from 2012-2016, KRWA did not report using any water under License No. 11517.

27 24. Water was available for storage and use under License No. 11521 in 2011, 2010,
28 2006, 2005, and 1998. KRWA’s reports of licensee, however, admit that it failed to beneficially

1 use all water available under License No. 11521 in those years. The following sub-paragraphs
2 detail the specific amount of water available and the amount of water KRWA reported as
3 beneficially used under License No. 11521:

4 a. In 2011, KRWA had the paper right to divert and store 807,718 AF under
5 License No. 11521, and to beneficially use 569,000 AF of such water, but reported using only
6 89,114 AF under that License.

7 b. In 2010, KRWA had the paper right to divert, store, and use 172,172 AF
8 under License No. 11521, but reported using only 45,376 AF under that License.

9 c. In 2006, KRWA had the paper right to divert and store 713,141 AF under
10 License No. 11521, and to beneficially use 569,000 AF of such water, but reported using only
11 147,800 AF under that License.

12 d. In 2005, KRWA had the paper right to divert, store, and use 420,118 AF
13 under License No. 11521, but did not report using any water under that License.

14 e. In 1998, KRWA had the paper right to divert and store 629,528 AF under
15 License No. 11521, and to beneficially use 569,000 AF of such water, but only reported using
16 2,800 AF under that License.

17 25. Plaintiff is informed and believes and based thereon alleges that Kings River flood
18 releases have been consistently and repeatedly directed by Respondents to areas outside of the
19 places of use and storage authorized by the Tulare Lake Licenses, in lieu of being stored and
20 beneficially used within Tulare Lake to prevent flooding of farmland in Tulare Lake. For
21 example, during years when water was available for diversion and collection to storage under the
22 Tulare Lake Licenses, Respondents have consistently and repeatedly diverted water from the
23 Kings River and Pine Flat Reservoir into the James Bypass and to other areas outside the Kings
24 River Service Area whenever the Corps makes flood releases from Pine Flat Reservoir.
25 Furthermore, KRWA's member units are parties to a floodwater agreement that expressly
26 contemplates the diversion and delivery of water to non-members of KRWA located outside the
27 places of use identified in the Tulare Lake Licenses. Respondents do not hold water rights
28 authorizing such diversions, nor was the Kings River water diverted to the James Bypass and

1 other areas put to beneficial use by KRWA or any of its members. It is only when flood releases
2 exceed 4,750 CFS—the approximate capacity of James Bypass— that flood water is allowed by
3 KRWA to flow to storage in Tulare Lake. Such storage is temporary in character and Semitropic
4 is informed and believes that, despite representations made in hearings leading to the issuance of
5 D 1290 that Kings River flood water would be stored and used in a cellular dike system within
6 the bed of Tulare Lake, Respondents have never done so. Instead, rather than storing water in the
7 bed of Tulare Lake and beneficially using water within the designated places of use under the
8 Tulare Lake Licenses, Respondents treat such water as a nuisance and make no beneficial use of
9 it.

10 26. Respondents divert water to the James Bypass and other unauthorized areas to
11 avoid delivering water available for diversion, storage, and use under the Tulare Lake Licenses to
12 prevent flooding of farmland in Tulare Lake. The result of this pattern and practice of
13 unauthorized diversion by Respondents is that substantial volumes of water are diverted out of the
14 Kings River and into the James Bypass without any legal basis. Semitropic is informed and
15 believes, and based thereon alleges, that Respondents caused the following amounts of water to
16 be diverted from the River to the James Bypass between 1967 and 2017:

- 17 a. 485,000 AF in 1967.
- 18 b. 1,551,000 AF in 1969.
- 19 c. 86,000 AF in 1964.
- 20 d. 551,000 AF in 1978.
- 21 e. 11,800 AF in 1979.
- 22 f. 580,000 AF in 1980.
- 23 g. 453,000 AF in 1982.
- 24 h. 2,309,000 AF in 1983.
- 25 i. 569,000 AF in 1984.
- 26 j. 668,000 AF in 1986.
- 27 k. 587,000 AF in 1995.
- 28 l. 75,000 AF in 1996.

- 1 m. 437,000 AF in 1997.
- 2 n. 986,000 AF in 1998.
- 3 o. 20,000 AF in 1999.
- 4 p. 63,000 AF in 2005.
- 5 q. 612,000 AF in 2006.
- 6 r. 637,000 AF in 2011.
- 7 s. 709,000 AF in 2017.

8 27. Semitropic is informed and believes, and based thereon alleges, that Respondents
 9 cannot make full use of water available under the Tulare Lake Licenses without either flooding
 10 farmland in the Tulare Lakebed or constructing new facilities for water storage.

11 28. Semitropic is informed and believes, and based thereon alleges, that Respondents
 12 have never intended to construct the water storage facilities necessary to make full use of the
 13 Tulare Lake Licenses.

14 **D. Petitions to Modify the Fully Appropriated Stream Designation for the**
 15 **Kings River**

16 29. In D-1290, the State Water Board determined that the amounts of water applied for
 17 by FID would utilize the entire flow of the Kings River, including flood flows. The State Water
 18 Board further stated that “only in years of exceptionally high runoff would any water be allowed
 19 to leave the Kings River service area through Fresno Slough.” The State Water Board also noted
 20 that outflow through Fresno Slough has occurred in less than one-third of the years since Pine
 21 Flat Dam began storing water. The State Water Board concluded that under these circumstances,
 22 “essentially all of the available unappropriated water of the Kings River” would be appropriated
 23 by its approval of FID’s applications.

24 30. In 1989, the State Water Board declared the Kings River to be a fully appropriated
 25 stream. (See Order WR 89-25 at 15.) The State Water Board’s declaration that the Kings River
 26 is a fully appropriated stream (“Kings River FAS Declaration”) was expressly based on State
 27 Water Board staff’s representation that D-1290 determined that the Kings River is fully
 28

1 appropriated year-round. (*See id.*)

2 31. On May 9, 2017, FID, Consolidated, and AID filed a “Petition for Reconsideration
3 Fully Appropriated Stream Kings River System, Tributary to Tulare Lake Basin” (“FID
4 Petition”). The FID Petition expressly admits that Respondents and other KRWA member units
5 “have not historically been able to beneficially use all licensed floodwater.” The FID Petition
6 was accompanied by Application No. 32810, which seeks to appropriate 1 million AF of Kings
7 River water annually. True and correct copies of the FID Petition and Application No. 32810 are
8 attached hereto as **Exhibit C** and **Exhibit D**, respectively.

9 32. The FID Petition fails to satisfy the requirements of the State Water Board’s
10 regulations governing petitions to revoke or revise a fully appropriated stream declaration. First,
11 the FID Petition does not seek revocation or revision of the Kings River FAS Declaration, as
12 required by the Water Code and the State Water Board’s regulations. (*See* Water Code § 1205(c);
13 Cal. Code Regs., tit. 23, §§ 870-871.) In fact, it does not ask the State Water Board to take *any*
14 action at this time. Instead, it seeks only to establish the highest priority for Application No.
15 32810 *in the event* that the Board changes its determination that the Kings River is a fully
16 appropriated stream. Contingent requests for “reconsideration” are not permitted by the Board’s
17 regulations governing revocation or revision of fully appropriated stream declarations. Second,
18 the FID Petition fails to demonstrate reasonable cause to revoke or revise the Kings River FAS
19 Declaration because FID, AID, and Consolidated expressly contend that the Kings River remains
20 a fully appropriated stream. (*See* Exhibit C at p. 1; Cal. Code Regs., tit. 23, § 871(b)-(c).)
21 Accordingly, State Water Board’s Division of Water Rights should reject and dismiss the FID
22 Petition and Application No. 32810.

23 33. On May 9, 2017, KRWA filed a Petition to Change the Points of Diversion,
24 Rediversion, Place of Use, Purpose of Use and Distribution of Storage for License No. 11521
25 (“KRWA Change Petition”). The KRWA Change Petition seeks to substitute License No.
26 11521’s Tulare Lake bed storage right for storage in Pine Flat Reservoir. It also seeks to vastly
27 expand the authorized place of use for License No. 11521.

28 34. On May 25, 2017, Semitropic filed a petition to revoke or revise the fully

1 appropriated stream declaration for the Kings River (“FAS Petition”) pursuant to Water Code
2 section 1205 and section 871 of Title 23 of the California Code of Regulations. In conjunction
3 with the FAS Petition, Semitropic filed Application No. 32815 to appropriate up to 1.6 million
4 acre-feet AF of water from the Kings River. A true and correct copy of the FAS Petition and
5 Application No. 32815 is attached hereto as **Exhibit E**.

6 **FIRST CAUSE OF ACTION**

7 **(Forfeiture of Pre- and Post-1914 Appropriative Water Rights – Against All Respondents)**

8 35. Petitioner incorporates by reference the allegations in paragraphs 1 through 34
9 above as though fully set forth herein.

10 36. Semitropic’s FAS Petition, which was filed with the State Water Board on May
11 25, 2017, constitutes a competing claim for Kings River water covered by License Nos. 11517
12 and 11521.

13 37. Water is always available for diversion, use, and collection to storage under
14 License No. 11517 because it is KRWA’s highest priority right.

15 38. KRWA and its member units have reported using water under License No. 11517
16 only in 1985 and 1986. KRWA reported using 16.8 and 29.6 AF of water in 1985 and 1986,
17 respectively. In all other years, KRWA reported that it used no water under License No. 11517.
18 Respondents have therefore forfeited their rights under License No. 11517, including any pre-
19 1914 rights that cover the same diversion, purpose of use, and place of use described in that
20 license.

21 39. Since 1984, water has been available to KRWA under License No. 11521 in the
22 following years: 2011, 2010, 2006, 2005, 1998, 1997, 1996, 1995, 1993, 1986, and 1984.

23 40. In those years, KRWA reported that it beneficially used a fraction of the water
24 available under License No. 11521, thereby forfeiting its rights under that license, including any
25 pre-1914 rights held by Respondents that cover the same diversions, purposes of use, and place of
26 use described in that license.

27 41. In every year when the Corps has made flood releases from Pine Flat Reservoir
28 that could have been collected to storage in Tulare Lake, Respondents have instead diverted water

1 to the James Bypass until the Bypass' capacity was reached. Respondents have therefore
2 forfeited their rights to store and use Kings River flood flows.

3 **SECOND CAUSE OF ACTION**

4 **(Abandonment of Pre- and Post-1914 Appropriative Water Rights – Against All**
5 **Respondents)**

6 42. Petitioner incorporates by reference the allegations in paragraphs 1 through 41
7 above as though fully set forth herein.

8 43. Respondents never intended to make full beneficial use of Kings River flows
9 within the scope of the Tulare Lake Licenses. Instead of allowing water to reach Tulare Lake for
10 storage or beneficial use within the boundaries of the Tulare Lake Basin Water Storage District as
11 authorized by Licenses 11517 and 11521, Respondents have instead caused Kings River water to
12 be diverted into unauthorized areas including the James Bypass where it cannot be used within
13 the place of use described in the Tulare Lake Licenses.

14 44. Water is collected to storage under the Tulare Lake Licenses on an involuntary
15 basis, only when the James Bypass has reached capacity. Such water is not put to beneficial use,
16 but instead is treated as a nuisance and evacuated as soon as possible so that agricultural
17 production in the Lakebed can be resumed.

18 45. At the time the Tulare Lake Licenses were issued or at some time thereafter,
19 Respondents intended to not utilize or otherwise abandon some, or all, of the rights they received,
20 including any pre-1914 rights that cover the same diversions, purposes of use, and places of use
21 described in those licenses. At the time such rights were issued, Semitropic is informed and
22 believes, and based thereon alleges that the Tulare Lake Sump Reservoir had a capacity of
23 450,000 AF and that Respondents have never intended to take or have taken any steps to
24 construct facilities that would permit storage of the full amount of the Tulare Lake Licenses.

25 46. By diverting Kings River flows to the James Bypass and other unauthorized areas,
26 thereby preventing Kings River flows from reaching Tulare Lake except on an involuntary basis;
27 by evacuating Kings River flows that do occasionally reach Tulare Lake before they are put to
28 beneficial use; by failing to construct storage facilities necessary to make full beneficial use of its

1 rights under License Nos. 11517 and 11521; and by failing to make beneficial use of Kings River
2 water that would have otherwise reached Tulare Lake, Respondents have abandoned their rights
3 to store and use Kings River water under License Nos. 11517 and 11521, including any pre-1914
4 water rights held by Respondents that cover the same diversions, purposes of use, and places of
5 use as described in those licenses.

6 **THIRD CAUSE OF ACTION**

7 **(Failure to Perfect Post-1914 Appropriative Water Rights – Against All Respondents)**

8 47. Petitioner incorporates by reference the allegations in paragraphs 1 through 46
9 above as though fully set forth herein.

10 48. At the time License Nos. 11517 and 11521 were issued, FID and its agents
11 admitted to State Water Board staff that Kings River water received in Tulare Lake was not being
12 put to beneficial use; instead, it was treated as a nuisance and evacuated from Tulare Lake as soon
13 as possible without being put to beneficial use.

14 49. During the licensing process, State Water Board staff suggested that Permit Nos.
15 15713 and 15719 should never have been issued because the storage of water in the Tulare
16 Lakebed was “involuntary” and because such water was not put to a beneficial irrigation use.

17 50. Following the issuance of License Nos. 11517 and 11521, Respondents continued
18 to regularly divert substantial flows of Kings River water to the James Bypass rather than
19 allowing such flows to reach the bed of Tulare Lake for beneficial use as anticipated by those
20 licenses. Indeed, rather than allowing Kings River water to reach the bed of Tulare Lake and be
21 put to beneficial use, Respondents have consistently diverted Kings River water to the James
22 Bypass whenever the Corps makes flood releases from Pine Flat Reservoir and involuntarily
23 allowed Kings River water to flow into Tulare Lake only when the capacity of the James Bypass
24 was exceeded.

25 51. Accordingly, Respondents failed to perfect the appropriative water rights covered
26 by License Nos. 11517 and 11521, including any pre-1914 rights that cover the same diversions,
27 purposes of use, and places of use described in those licenses.

28

FOURTH CAUSE OF ACTION

(Unauthorized Diversion of Water – Against All Respondents)

52. Petitioner incorporates by reference the allegations in paragraphs 1 through 51 above as though fully set forth herein.

53. Respondents’ diversion of water into the James Bypass and other areas is not authorized by any of KRWA’s water right licenses, or any pre-1914 water rights held by KRWA or its member units that cover the same diversions, purpose of use, and places of use described in those licenses, and therefore violates Water Code section 1052.

54. Respondents’ diversion of water into the James Bypass and other areas violates the terms and conditions of its water rights, including the terms and conditions of any pre-1914 rights that cover the same diversions, purposes of use, and places of use described in License Nos. 11517 and 11521.

55. Semitropic is informed and believes, and based thereon alleges that, unless they are ordered by the State Water Board to cease and desist from doing so, Respondents intend to continue to divert Kings River water into the James Bypass and other areas in violation of Water Code section 1052 and the terms and conditions of License Nos. 11517 and 11521. Semitropic is informed and believes and based thereon alleges that if Respondents did not divert Kings River water into the James Bypass and other areas in violation of the terms and conditions of License Nos. 11517 and 11521, such water would be available for diversion by Semitropic.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that the State Water Board provide the following relief:

1. A declaration and final determination that Respondents have forfeited the water rights covered by License Nos. 11517 and 11521, and any pre-1914 water rights that cover the same diversions, purposes of use, and places of use described in those licenses;

2. A declaration and final determination that Respondents abandoned the water rights covered by License Nos. 11517 and 11521, and any pre-1914 water rights that cover the same diversions, purposes of use, and places of use described in those licenses;

1 3. A declaration and final determination that Respondents failed to perfect the water
2 rights associated with License Nos. 11517 and 11521, and any pre-1914 water rights that cover
3 the same diversions, purposes of use, and places of use described in those licenses;

4 4. A declaration and final determination that Respondents' diversions of water into
5 James Bypass and other areas are not authorized by the California Water Code or KRWA's
6 Tulare Lake Licenses, and any pre-1914 water rights that cover the same diversions, purposes of
7 use, and places of use described in those licenses;

8 5. An order that Respondents cease and desist diverting Kings River water into James
9 Bypass and any other areas not authorized by the Kings River licenses held and administered by
10 KRWA;

11 6. An order revoking License Nos. 11517 and 11521;


12 7. An order revoking or revising the fully appropriated stream declaration for the
13 Kings River;

14 8. An order declaring that the water covered by the Tulare Lake Licenses, and any
15 pre-1914 water rights that cover the same diversions, purposes of use, and places of use described
16 in those licenses, is available for appropriation by Semitropic under Application No. 32815; and

17 9. Such other relief as the Board deems just and proper.

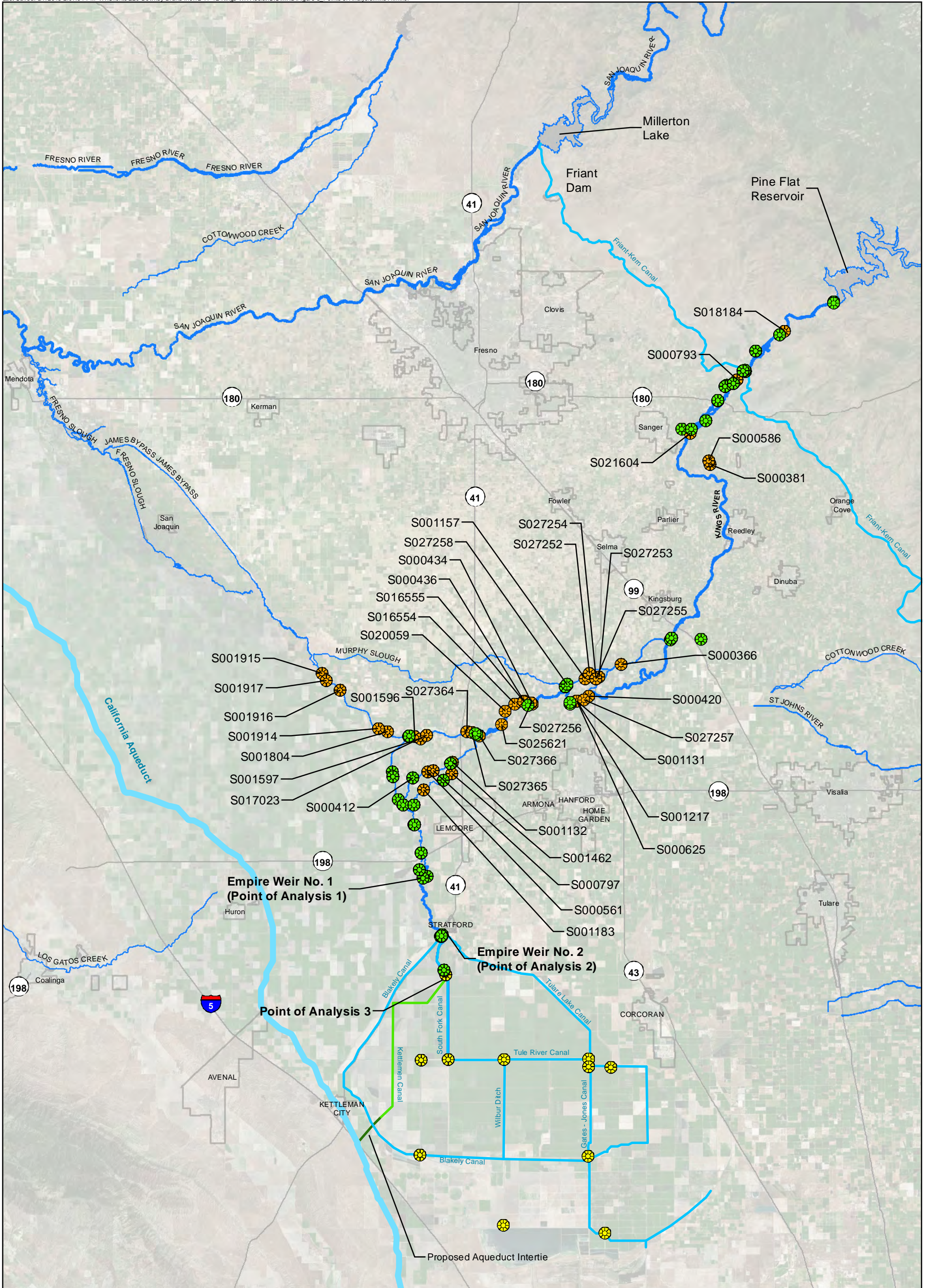
18 DATED: July 2, 2018











DOWNEY BRAND LLP

19
20 By: 

21 KEVIN M. O'BRIEN
22 Attorney for Plaintiff
23 SEMITROPIC IMPROVEMENT DISTRICT OF
24 SEMITROPIC WATER STORAGE DISTRICT

Exhibit A



-  Kings River POD - A360 and A5640
-  Tulare Lake Bed POD - A353 and A1523
-  Statements of Diversion
-  California Aqueduct
-  Canal
-  Proposed Kettleman Canal
-  Proposed Aqueduct Intertie
-  Fresno/Kings/San Joaquin River
-  River/Creek/Slough
-  City Limits

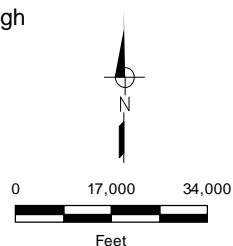
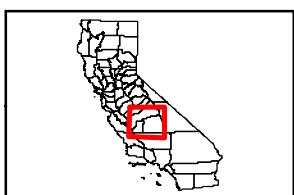


Figure 4
Points of Analysis

Semitropic Improvement District of
Semitropic Water Storage District
Water Availability Analysis

Exhibit B

AMHARD KINON RIVER... DIVISION SCHEDULE
- March -

River at Piedra	Main River North Fork	Laguna Dist.	Murphy Slough Assn.	Fresno Dist.	Lemoore Canal	Peoples Canal	Last Chance Canal	Consolidated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrell Branch	James Main Canal	Beta Main Canal	Lake-Lands Canal	South Fork	Clark's Fork	Upper San Jose	Valen Canal	Empire No. 1	Empire No. 2	Lower-Lance	Water at Empire No. 2	River at Piedra
100	100	15	15	70																					100
200	200	15	15	100	70																				200
300	300	15	15	100	65	85																			300
400	400	15	15	100	90	180	45																		400
450	450	15	15	100	91	183	46																		450
500	500	15	15	100	91	183	46																		500
600	600	15	15	250	91	183	46																		600
700	700	15	15	350	91	183	46																		700
800	800	15	15	450	91	183	46																		800
900	900	15	15	550	91	183	46																		900
1000	1000	15	15	650	91	183	46																		1000
1100	1100	15	15	750	91	183	46																		1100
1200	1200	15	15	850	91	183	46																		1200
1300	1300	15	15	950	91	183	46																		1300
1400	1400	15	15	1050	91	183	46																		1400
1500	1500	15	15	1150	91	183	46																		1500
1600	1600	15	15	1250	92	185	92																		1600
1700	1700	15	15	1350	118	225	117																		1700
1800	1800	15	15	1450	130	260	130	50																	1800
1900	1900	15	15	1550	143	285	142	100																	1900
2000	2000	15	15	1650	143	285	142	100																	2000
2100	2100	15	15	1750	157	315	157	150																	2100
2200	2200	65	65	1800	167	325	169	160																	2200
2300	2300	90	90	1800	167	325	169	160																	2300
2400	2400	90	90	1800	167	325	169	160	100																2400
2500	2500	90	90	1800	167	325	169	200	200																2500
2600	2600	90	90	1800	167	325	169	200	200																2600
2700	2700	90	90	1800	167	325	169	200	200																2700
2800	2800	90	90	1800	167	325	169	200	200																2800
2900	2900	90	90	1800	167	325	169	200	200																2900
3000	3000	100	100	1800	200	300	200	300	300																3000
3100	3100	100	100	1800	200	300	200	300	300																3100
3200	3200	115	115	1800	225	325	225	300	400																3200
3300	3300	115	115	1800	225	325	225	300	400																3300
3400	3400	163	137	1800	250	325	225	300	400																3400
3500	3500	163	137	1800	250	325	225	300	400																3500
3600	3600	200	175	1800	285	325	225	300	400	25															3600
3700	3700	204	179	1800	285	325	225	300	400	25	75														3700
3800	3800	204	179	1800	285	325	225	300	400	25	75														3800
3900	3900	204	179	1800	285	325	225	300	400	25	75														3900
4000	4000	204	179	1800	285	325	225	300	400	25	75														4000
4100	4100	204	179	1800	285	325	225	300	400	25	75														4100
4200	4200	204	179	1800	285	325	225	300	400	25	75														4200
4300	4300	204	179	1800	285	325	225	300	400	25	75														4300
4400	4400	204	179	1800	285	325	225	300	400	25	75														4400
4500	4500	204	179	1800	285	325	225	300	400	25	75														4500
4600	4600	204	179	1800	285	325	225	300	400	25	75														4600
4700	4700	204	179	1800	285	325	225	300	400	25	75														4700
4800	4800	204	179	1800	285	325	225	300	400	25	75														4800
4900	4900	204	179	1800	285	325	225	300	400	25	75														4900
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5100	5100	204	179	1800	285	325	225	300	400	25	75														5100
5200	5200	204	179	1800	285	325	225	300	400	25	75														5200
5300	5300	204	179	1800	285	325	225	300	400	25	75														5300
5400	5400	204	179	1800	285	325	225	300	400	25	75														5400
5500	5500	204	179	1800	285	325	225	300	400	25	75														5500
5600	5600	204	179	1800	285	325	225	300	400	25	75														5600
5700	5700	204	179	1800	285	325	225	300	400	25	75														5700
5800	5800	204	179	1800	285	325	225	300	400	25	75														5800
5900	5900	204	179	1800	285	325	225	300	400	25	75														5900
6000	6000	204	179	1800	285	325	225	300	400	25	75														6000
6100	6100	204	179	1800	285	325	225	300	400	25	75														6100
6200	6200	204	179	1800	285	325	225	300	400	25	75														6200
6300	6300	204	179	1800	285	325	225	300	400	25	75														6300
6400	6400	204	179	1800	285	325	225	300	400	25	75														6400
6500	6500	204	179	1800	285	325	225	300	400	25	75														6500
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6700	6700	204	179	1800	285	325	225	300	400	25	75														6700
6800	6800	204	179	1800	285	325	225	300	400	25	75														6800
6900	6900	204	179	1800	285	325	225	300	400	25	75														6900
7000	7000	204	179	1800	285	325	225	300	400	25	75														7000
7100	7100	204	179	1800	285	325	225	300	400	25	75														7100
7200	7200	204	179	1800	285	325	225	300	400	25	75														7200
7300	7300	204	179	1800	285	325	225	300	400	25	75														7300
7400	7400	204	179	1800	285	325	225	300	400	25	75														7400
7500	7500	204	179	1800	285	325	225	300	400	25	75														7500
7600	7600	204	179	1800	285	325	225	300	400	25	75														7600
7700	7700	20																							

AMENDED KING'S RIVER M. DIVERSION SCHEDULE

- April -

River at Piedra	Main River and North Fork	Laguna Dist.	Murphy Slough	Prasno Dist.	Lenore Canal	Peoples Canal	Last Chance Canal	Consolidated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrell Ranch	James Main Canal	Bota Main Canal	Lake-Lands Canal	South Fork	Clark's Fork	Upper San Jose	Heinlein Canal	Empire No. 1	Empire No. 2	Lower-Lance	Water at Empire No. 2	River at Piedra
100	100	15	15	70																					100
200	200	15	15	100	70																				200
300	300	15	15	100	85	85																			300
400	400	15	15	100	90	180																			400
450	450	15	15	100	91	183	46																		450
500	500	15	15	100	91	183	46																		500
600	600	15	15	250	91	183	46																		600
700	700	15	15	350	91	183	46																		700
800	800	15	15	450	91	183	46																		800
900	900	15	15	550	91	183	46																		900
1000	1000	15	15	650	91	183	46																		1000
1100	1100	15	15	750	91	183	46																		1100
1200	1200	15	15	850	91	183	46																		1200
1300	1300	15	15	950	91	183	46																		1300
1400	1400	15	15	1050	91	183	46																		1400
1500	1500	15	15	1150	91	183	46																		1500
1600	1600	15	15	1200	93	185	92																		1600
1700	1700	15	15	1200	116	233	117																		1700
1800	1800	15	15	1250	120	260	120																		1800
1900	1900	15	15	1300	143	285	142																		1900
2000	2000	15	15	1300	168	336	167																		2000
2100	2100	15	15	1350	185	355	177	50																	2100
2200	2200	15	15	1350	168	335	167	160																	2200
2300	2300	15	15	1350	168	335	167	200	50																2300
2400	2400	15	15	1350	168	335	167	200	50																2400
2500	2500	15	15	1350	168	335	167	200	50																2500
2600	2600	15	15	1350	168	335	167	200	50																2600
2700	2700	15	15	1350	168	335	167	200	50																2700
2800	2800	15	15	1350	168	335	167	200	50																2800
2900	2900	15	15	1350	168	335	167	200	50																2900
3000	3000	50	50	1350	168	335	167	200	50																3000
3100	3100	50	50	1350	175	350	175	200	50																3100
3200	3200	50	50	1350	175	350	175	200	50																3200
3300	3300	50	50	1350	175	350	175	200	50																3300
3400	3400	50	50	1350	175	350	175	200	50																3400
3500	3500	50	50	1350	200	400	200	700	50																3500
3600	3600	50	50	1350	200	400	200	700	50																3600
3700	3700	50	50	1350	200	400	200	700	50																3700
3800	3800	50	50	1350	200	400	200	700	50																3800
3900	3900	50	50	1350	200	400	200	700	50																3900
4000	4000	50	50	1350	200	400	200	700	50																4000
4100	4100	50	50	1350	225	400	225	900	800																4100
4200	4200	50	50	1350	225	400	225	900	800																4200
4300	4300	50	50	1350	225	400	225	900	800																4300
4400	4400	50	50	1350	250	450	250	1100	900																4400
4500	4500	50	50	1350	250	450	250	1100	900																4500
4600	4600	100	100	1350	250	450	250	1100	900																4600
4700	4700	150	150	1350	300	450	300	1100	900																4700
4800	4800	200	200	1350	300	450	300	1100	900																4800
4900	4900	300	300	1350	300	450	300	1100	900																4900
5000	5000	300	300	1350	200	450	300	1100	900																5000
5100	5100	300	300	1350	300	450	300	1200	1000																5100
5200	5200	300	300	1350	300	450	300	1200	1000																5200
5300	5300	300	300	1350	350	450	300	1300	1000																5300
5400	5400	300	300	1350	350	450	300	1300	1000																5400
5500	5500	300	300	1350	350	450	300	1300	1000																5500
5600	5600	350	300	1350	350	450	300	1350	1050	75	25													5600	
5700	5700	350	300	1350	350	450	300	1350	1050	75	25													5700	
5800	5800	350	300	1350	350	450	300	1350	1050	75	25													5800	
5900	5900	350	350	1350	350	450	300	1350	1050	75	150	125												5900	
6000	6000	350	350	1350	350	450	300	1350	1050	75	150	125												6000	
6100	6100	350	350	1350	350	450	300	1350	1050	75	150	125												6100	
6200	6200	350	350	1350	350	450	300	1350	1050	75	150	125												6200	
6300	6300	350	350	1350	350	450	300	1350	1050	75	150	125												6300	
6400	6400	350	350	1350	350	450	300	1350	1050	75	150	125												6400	
6500	6500	350	350	1350	350	450	300	1350	1050	75	150	125												6500	
6600	6600	350	350	1350	350	450	300	1350	1050	75	150	125												6600	
6700	6700	350	350	1350	350	450	300	1350	1050	75	150	125												6700	
6800	6800	350	350	1350	350	450	300	1350	1050	75	150	125												6800	
6900	6900	350	350	1350	350	450	300	1350	1050	75	150	125												6900	
7000	7000	350	350	1350	350	450	300	1350	1050	75	150	125												7000	
7100	7100	350	350	1350	350	450	300	1350	1050	75	150	125												7100	
7200	7200	350	350	1350	350	450	300	1350	1050	75	150	125												7200	
7300	7300	350	350	1350	350	450	300	1350	1050	75	150	125												7300	
7400	7400	350	350	1350	350	450	300	1350	1050	75	150	125												7400	
7500	7500	350	350	1350	350	450	300	1350	1050	75	150	125												7500	
7600	7600	350	350	1350	350	450	300	1350	1050	75	150	125												7600	
7700	7700	350	350	1350	350	450	300	1350	1050	75	150	1													

AMENDED KINGS RIVER NO. 1 DIVERSION SCHEDULE
- July -

River at Piedra North Fork	Main River and Fork	Laguna Dist.	Murphy Slough Anser.	Presno Dist.	Lemoore Canal	Peoples Canal	Last Chance Canal	Consolidated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrell Ranch	Jones Main Canal	Reta Main Canal	Lake-Lands Canal	South Fork	Clark's Fork	Upper San Jose	Heintzen Canal	Empire No. 1	Empire No. 2	Lava-lace	Water at N.Co.2	River at Piedra
100	100	15	15	70																					100
200	200	15	15	100	70																				200
300	300	15	15	100	85																				300
400	400	15	15	100	90																				400
450	450	15	15	100	91																				450
500	500	15	15	100	91																				500
600	600	15	15	250	91																				600
700	700	15	15	350	91																				700
800	800	15	15	450	91																				800
900	900	15	15	550	91																				900
1000	1000	15	15	650	91																				1000
1100	1100	15	15	750	91																				1100
1200	1200	15	15	850	91																				1200
1300	1300	15	15	950	91																				1300
1400	1400	15	15	1050	91																				1400
1500	1500	15	15	1150	91																				1500
1600	1600	15	15	1250	91																				1600
1700	1700	15	15	1350	118																				1700
1800	1800	15	15	1450	130																				1800
1900	1900	15	15	1550	145																				1900
2000	2000	15	15	1650	155																				2000
2100	2100	15	15	1750	167																				2100
2200	2200	15	15	1850	177																				2200
2300	2300	15	15	1950	187																				2300
2400	2400	15	15	2050	197																				2400
2500	2500	15	15	2150	207																				2500
2600	2600	15	15	2250	217																				2600
2700	2700	15	15	2350	227																				2700
2800	2800	15	15	2450	237																				2800
2900	2900	15	15	2550	247																				2900
3000	3000	25	25	1400	175																				3000
3100	3100	25	25	1400	175																				3100
3200	3200	25	25	1400	175																				3200
3300	3300	25	25	1400	175																				3300
3400	3400	25	25	1400	175																				3400
3500	3500	25	25	1400	175																				3500
3600	3600	25	25	1450	175																				3600
3700	3700	25	25	1450	175																				3700
3800	3800	25	25	1450	175																				3800
3900	3900	25	25	1450	175																				3900
4000	4000	25	25	1450	175																				4000
4100	4100	25	25	1450	175																				4100
4200	4200	25	25	1450	175																				4200
4300	4300	25	25	1450	175																				4300
4400	4400	25	25	1450	175																				4400
4500	4500	25	25	1450	175																				4500
4600	4600	100	100	1420	225																				4600
4700	4700	100	100	1420	225																				4700
4800	4800	200	200	1420	225																				4800
4900	4900	200	200	1420	225																				4900
5000	5000	200	200	1420	225																				5000
5100	5100	300	300	1420	225																				5100
5200	5200	300	300	1420	225																				5200
5300	5300	300	300	1420	225																				5300
5400	5400	300	300	1420	225																				5400
5500	5500	300	300	1420	225																				5500
5600	5600	300	300	1420	225																				5600
5700	5700	300	300	1420	225																				5700
5800	5800	300	300	1420	225																				5800
5900	5900	300	300	1420	225																				5900
6000	6000	300	300	1420	225																				6000
6100	6100	300	300	1420	225																				6100
6200	6200	300	300	1420	225																				6200
6300	6300	300	300	1420	225																				6300
6400	6400	300	300	1420	225																				6400
6500	6500	300	300	1420	225																				6500
6600	6600	300	300	1420	225																				6600
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6800	6800	300	300	1420	225																				6800
6900	6900	300	300	1420	225																				6900
7000	7000	300	300	1420	225																				7000
7100	7100	300	300	1420	225																				7100
7200	7200	300	300	1420	225																				7200
7300	7300	300	300	1420	225																				7300
7400	7400	300	300	1420	225																				7400
7500	7500	300	300	1420	225																				7500
7600	7600	300	300	1420	225																				7600
7700	7700	300	300	1420	225																				7700
7800	7800	300	300	1420	225																				7800
7900	7900	300	300	1420	225																				7900
8000	8000	300	300	1420	225																				8000
8100	8100	300	300	1420	225																				8100
8200	8200	300	300	1420	225																				8200
8300	8300	300	300	1420	225																				8300
8400	8400	300	300	1420	225																				8400
8500	8500	300	300	1420	225																				8500
8600	8600	300	300	1420	225	</																			

AMENDED KINGS RIVER MONTHLY DIVERSION SCHEDULE
- August -

River at Pledra	Main River and North Fork	Laguna Dist.	Murphy Slough Asm.	Presno Dist.	Lemoore Canal	Peoples Canal	Last Chance Canal	Consolidated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrell Ranch	James Main Canal	John Main Canal	Labranda Canal	South Fork	Clark's Fork	Upper San Jose	Reiten Canal	Empire No. 1	Empire No. 2	Lemoore	Water at Pledra	River at Pledra
100	100	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	100
200	200	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	200
300	300	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	300
400	400	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	400
450	450	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	450
500	500	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	500
600	600	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	600
700	700	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	700
800	800	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	800
900	900	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	900
1000	1000	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1000
1100	1100	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1100
1200	1200	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1200
1300	1300	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1300
1400	1400	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1400
1500	1500	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1500
1600	1600	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1600
1700	1700	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1700
1800	1800	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1800
1900	1900	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	1900
2000	2000	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	2000
2100	2100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2100
2200	2200	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2200
2300	2300	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2300
2400	2400	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2400
2500	2500	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2500
2600	2600	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2600
2700	2700	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2700
2800	2800	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2800
2900	2900	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	2900
3000	3000	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	3000
3100	3100	180	116	1345	353	357	168	816	48	5	2	1	2	8	15	2	490	30	50	70	100	100	100	100	3100
3200	3200	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	3200
3300	3250	195	125	1368	354	358	173	842	73	7	2	1	2	99	4	550	30	50	70	100	100	100	100	100	3300
3400	3300	200	128	1376	355	359	176	852	81	8	3	2	3	102	8	610	30	50	70	100	100	100	100	100	3400
3500	3350	205	131	1385	356	362	181	863	89	9	4	3	4	105	10	670	30	50	70	100	100	100	100	100	3500
3600	3400	205	135	1394	358	365	185	874	101	10	5	4	5	107	14	730	30	50	70	100	100	100	100	100	3600
3700	3450	205	140	1408	357	362	187	877	116	11	6	5	6	110	18	790	30	50	70	100	100	100	100	100	3700
3800	3500	205	145	1423	358	363	192	881	132	13	7	6	7	113	22	850	30	50	70	100	100	100	100	100	3800
3900	3550	205	150	1437	359	365	198	887	148	16	8	7	8	116	26	910	30	50	70	100	100	100	100	100	3900
4000	3600	205	155	1452	360	367	203	893	165	17	9	8	9	119	30	970	30	50	70	100	100	100	100	100	4000
4100	3650	205	160	1467	362	372	210	900	182	18	10	9	10	122	34	1030	30	50	70	100	100	100	100	100	4100
4200	3700	205	165	1482	363	375	216	908	200	20	11	10	11	125	38	1090	30	50	70	100	100	100	100	100	4200
4300	3750	205	170	1497	364	378	223	916	218	21	12	11	12	128	42	1150	30	50	70	100	100	100	100	100	4300
4400	3800	205	175	1512	365	381	229	924	236	23	13	12	13	131	46	1210	30	50	70	100	100	100	100	100	4400
4500	3850	205	180	1527	366	384	235	932	254	25	14	13	14	134	50	1270	30	50	70	100	100	100	100	100	4500
4600	3900	205	185	1542	367	387	241	940	272	26	15	14	15	137	54	1330	30	50	70	100	100	100	100	100	4600
4700	3950	205	190	1557	368	390	247	948	290	28	16	15	16	140	58	1390	30	50	70	100	100	100	100	100	4700
4800	4000	205	195	1572	369	393	253	956	308	29	17	16	17	143	62	1450	30	50	70	100	100	100	100	100	4800
4900	4050	205	200	1587	370	396	259	964	326	31	18	17	18	146	66	1510	30	50	70	100	100	100	100	100	4900
5000	4100	205	205	1602	371	399	265	972	344	32	19	18	19	149	70	1570	30	50	70	100	100	100	100	100	5000
5100	4150	205	210	1617	372	402	271	980	362	34	20	19	20	152	74	1630	30	50	70	100	100	100	100	100	5100
5200	4200	205	215	1632	373	405	277	988	380	35	21	20	21	155	78	1690	30	50	70	100	100	100	100	100	5200
5300	4250	205	220	1647	374	408	283	996	400	36	22	21	22	158	82	1750	30	50	70	100	100	100	100	100	5300
5400	4300	205	225	1662	375	411	289	1004	418	37	23	22	23	161	86	1810	30	50	70	100	100	100	100	100	5400
5500	4350	205	230	1677	376	414	295	1012	436	38	24	23	24	164	90	1870	30	50	70	100	100	100	100	100	5500
5600	4400	205	235	1692	377	417	301	1020	454	39	25	24	25	167	94	1930	30	50	70	100	100	100	100	100	5600
5700	4450	205	240	1707	378	420	307	1028	472	40	26	25	26	170	98	1990	30	50	70	100	100	100	100	100	5700
5800	4500	205	245	1722	379	423	313	1036	490	41	27	26	27	173	102	2050	30	50	70	100	100	100	100	100	5800
5																									

AMENDED KINGS RIVER MONTHLY DIVERSION SCHEDULE
September

River and Piedra	Main River North Fork	Laguna Dist.	Murphy Assn.	Premno Dist.	Lemore Canal	Proppas Canal	Last Canal	Consol- idated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrill Canal	Jesse Main Canal	Meta Main Canal	Lake- lands Canal	South Fork	Clark's Canal	Upper San Jose	Heinlen Canal	Empire No. 1	Empire No. 2	Low- rance	Water at Empire No. 2	River at Piedra
100	100	15	15	70																					100
200	200	15	15	170																					200
300	300	15	15	249	21																				300
400	400	15	15	349	80	41																			400
450	450	15	15	250	85	85																			450
500	500	15	15	250	85	85																			500
600	600	15	15	250	85	85																			600
700	700	15	15	500	85	85																			700
800	800	15	15	500	85	85																			800
900	900	15	15	700	85	85																			900
1000	1000	15	15	900	85	85																			1000
1100	1100	15	15	900	85	85																			1100
1200	1200	15	15	1200	85	85																			1200
1300	1300	15	15	1100	85	85																			1300
1400	1400	15	15	1100	90	160	30																		1400
1500	1500	15	15	1100	155	150	65																		1500
1600	1600	65	65	1100	155	150	65																		1600
1700	1700	75	75	1100	155	150	65																		1700
1800	1800	75	75	1100	155	150	65																		1800
1900	1900	75	75	1100	155	150	65																		1900
2000	2000	75	75	1100	250	150	65																		2000
2100	2100	75	75	1100	250	150	65																		2100
2200	2200	75	75	1100	250	150	65																		2200
2300	2300	75	75	1100	250	150	65																		2300
2400	2400	91	90	1115	258	156	70																		2400
2500	2500	92	92	268	268	160	65																		2500
2600	2600	94	91	1143	273	167	81																		2600
2700	2700	100	95	1156	280	175	85																		2700
2800	2800	104	99	1184	284	176	87																		2800
2900	2900	108	101	1174	289	180	92																		2900
3000	2970	111	105	1183	283	183	95																		3000
3100	2920	115	107	1207	287	185	97																		3100
3200	2990	119	111	1200	302	190	102																		3200
3300	3050	123	114	1209	307	193	105																		3300
3400	3100	127	117	1219	312	197	109																		3400
3500	3060	132	121	1229	317	202	112																		3500
3600	3250	137	125	1239	322	206	116																		3600
3700	3300	141	129	1249	327	210	120																		3700
3800	3400	146	132	1260	332	214	124																		3800
3900	3470	150	135	1270	338	217	128																		3900
4000	3540	154	139	1280	343	221	131																		4000
4100	3610	160	143	1290	348	225	135																		4100
4200	3680	164	146	1301	353	230	139																		4200
4300	3750	169	150	1311	358	234	143																		4300
4400	3810	173	153	1321	363	237	146																		4400
4500	3870	176	155	1329	368	241	149																		4500
4600	3940	180	158	1339	373	245	152																		4600
4700	3990	184	161	1349	377	248	156																		4700
4800	4050	188	164	1359	381	251	159																		4800
4900	4110	192	167	1369	385	254	162																		4900
5000	4170	195	170	1379	390	258	165																		5000
5100	4230	199	173	1389	395	262	168																		5100
5200	4290	203	176	1399	400	266	172																		5200
5300	4350	207	179	1409	404	269	175																		5300
5400	4400	210	184	1419	407	272	178																		5400
5500	4450	213	186	1412	411	274	182																		5500
5600	4500	216	189	1419	415	277	185																		5600
5700	4550	220	191	1427	419	280	188																		5700
5800	4600	223	194	1434	422	283	191																		5800
5900	4650	226	196	1441	426	286	194																		5900
6000	4700	229	199	1448	430	289	197																		6000
6100	4750	232	202	1455	434	292	200																		6100
6200	4800	235	204	1462	438	295	203																		6200
6300	4850	239	207	1470	442	298	206																		6300
6400	4900	242	209	1477	446	301	209																		6400
6500	4940	245	211	1483	449	303	212																		6500
6600	4995	248	214	1489	452	306	215																		6600
6700	5000	250	216	1495	455	308	217																		6700
6800	5075	253	218	1502	459	311	220																		6800
6900	5120	256	221	1509	462	313	223																		6900
7000	5165	259	223	1515	465	316	226																		7000
7100	5210	262	225	1522	469	318	229																		7100
7200	5255	265	228	1528	472	321	232																		7200
7300	5300	268	230	1534	475	323	235																		7300
7400	5345	271	232	1541	479	326	237																		7400
7500	5390	274	234	1548	482	329	240																		7500
7600	5435	277	237	1554	485	332	243																		7600
7700	5480	279	239	1561	489	334	246																		7700
7800	5525	282	241	1567	493	337	249																		7800
7900	5570	285	244	1574	496	340	252																		7900
8000	5615	288	246	1580	500	342	255																		8000
8100	5660	291	248	1587	503	344	258																		

AMENDED KING RIVER MONTHLY DIVISION SCHEDULE
- November -

River at Piedra	Main River and North Fork	River at Peoples Weir	Laguna Div.	Murphy Slough	Fresno Div.	Leucore Canal	Peoples Canal	Last Chance Canal	Condel-itated Canal	Alta Canal	Liberty Canal	Crescent Canal	Stinson Canal	Burrell Ranch	James Canal	Beta Canal	Lake-Lands Canal	South Fork	Clark's Fork	Upper San Jose	Heslain Canal	Empire No. 1	Empire No. 2	Lower-Lance	Water at Empire No. 1, 2, 3	River at Piedra
100	30	15	15	16																						100
200	200	200	15	15																						200
300	300	15	15	15																						300
400	400	350	15	15																						400
450	450	350	15	15																						450
500	500	350	15	15																						500
600	600	400	15	15																						600
700	700	400	15	15																						700
800	800	400	15	15																						800
900	900	400	15	15																						900
1000	1000	600	25	25																						1000
1100	1100	600	25	25																						1100
1200	1200	600	25	25																						1200
1300	1300	600	25	25																						1300
1400	1400	600	25	25																						1400
1500	1500	600	25	25																						1500
1600	1600	600	25	25																						1600
1700	1700	600	25	25																						1700
1800	1800	600	25	25																						1800
1900	1900	600	25	25																						1900
2000	2000	600	25	25																						2000
2100	2100	600	25	25																						2100
2200	2200	600	25	25																						2200
2300	2300	600	25	25																						2300
2400	2400	600	25	25																						2400
2500	2500	600	25	25																						2500
2600	2600	600	25	25																						2600
2700	2700	600	25	25																						2700
2800	2800	600	25	25																						2800
2900	2900	600	25	25																						2900
3000	3000	600	25	25																						3000
3100	3100	600	25	25																						3100
3200	3200	600	25	25																						3200
3300	3300	600	25	25																						3300
3400	3400	600	25	25																						3400
3500	3500	600	25	25																						3500
3600	3600	600	25	25																						3600
3700	3700	600	25	25																						3700
3800	3800	600	25	25																						3800
3900	3900	600	25	25																						3900
4000	4000	600	25	25																						4000
4100	4100	600	25	25																						4100
4200	4200	600	25	25																						4200
4300	4300	600	25	25																						4300
4400	4400	600	25	25																						4400
4500	4500	600	25	25																						4500
4600	4600	600	25	25																						4600
4700	4700	600	25	25																						4700
4800	4800	600	25	25																						4800
4900	4900	600	25	25																						4900
5000	5000	600	25	25																						5000
5100	5100	600	25	25																						5100
5200	5200	600	25	25																						5200
5300	5300	600	25	25																						5300
5400	5400	600	25	25																						5400
5500	5500	600	25	25																						5500
5600	5600	600	25	25																						5600
5700	5700	600	25	25																						5700
5800	5800	600	25	25																						5800
5900	5900	600	25	25																						5900
6000	6000	600	25	25																						6000
6100	6100	600	25	25																						6100
6200	6200	600	25	25																						6200
6300	6300	600	25	25																						6300
6400	6400	600	25	25																						6400
6500	6500	600	25	25																						6500
6600	6600	600	25	25																						6600
6700	6700	600	25	25																						6700
6800	6800	600	25	25																						6800
6900	6900	600	25	25																						6900
7000	7000	600	25	25																						7000
7100	7100	600	25	25																						7100
7200	7200	600	25	25																						7200
7300	7300	600	25	25																						7300
7400	7400	600	25	25																						7400
7500	7500	600	25	25																						7500
7600	7600	600	25	25																						7600
7700	7700	600	25	25																						7700
7800	7800	600	25	25																						7800
7900	7900	600	25	25																						7900
8000	8000	600	25	25																						8000
8100	8100	600	25	25																						8100
8200	8200	600	25	25																						8200
8300	8300	600	25	25																						8300
8400	8400	600	25	25																						8400
8500	8500	600	25	25																						8500
8600	8600	600	25	25																						8600
8700	8700	600	25	25																						

The following exhibits to this complaint are available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/fas_kings.html

Exhibit C

Consolidated Irrigation District, Fresno Irrigation District, and Alta Irrigation District Petition to Revise FAS

Exhibit D

Consolidated Irrigation District, Fresno Irrigation District, and Alta Irrigation District Application to Appropriate Water

Exhibit E

Semitropic Water Storage District Petition to Revise FAS and Application to Appropriate Water