



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 16187
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PERMIT 12826

LICENSE 11396

THIS IS TO CERTIFY, That

MERCED IRRIGATION DISTRICT
P. O. BOX 2288, MERCED, CALIFORNIA 95340

HAS *made proof as of* OCTOBER 9, 1974 AND JULY 24, 1980 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
MERCED RIVER IN MARIPOSA COUNTY

tributary to SAN JOAQUIN RIVER

for the purpose of POWER USE
under Permit 12826 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from DECEMBER 23, 1954 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed ONE THOUSAND SEVEN HUNDRED THIRTY-SIX (1,736) CUBIC FEET
PER SECOND BY DIRECT DIVERSION, TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF
EACH YEAR; AND SIX HUNDRED FIVE THOUSAND (605,000) ACRE-FEET PER ANNUM BY STORAGE,
TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JULY 1 OF THE SUCCEEDING YEAR.

THE TOTAL AMOUNT OF WATER TAKEN FROM THE SOURCE (COMBINED DIRECT DIVERSION PLUS
COLLECTION TO STORAGE, BOTH POWER PLANTS AND BOTH RESERVOIRS) UNDER THIS LICENSE,
LICENSES 990, 2684, AND 2685 (APPLICATIONS 1221, 1222, AND 1224) AND ANY LICENSE
ISSUED PURSUANT TO PERMIT 12825 (APPLICATION 16186) SHALL NOT EXCEED 1,778,800
ACRE-FEET PER YEAR.

THE TOTAL AMOUNT OF WATER TO BE PLACED TO BENEFICIAL USE (COMBINED DIRECT DIVERSION
PLUS WITHDRAWAL FROM STORAGE, BOTH POWER PLANTS AND BOTH RESERVOIRS) UNDER THIS
LICENSE, LICENSES 990, 2684, AND 2685 (APPLICATIONS 1221, 1222, AND 1224) AND ANY
LICENSE ISSUED PURSUANT TO PERMIT 12825 (APPLICATION 16186) SHALL NOT EXCEED 1,609,100
ACRE-FEET PER YEAR.

THE MAXIMUM AMOUNT OF WATER HELD IN STORAGE HAS BEEN:

LAKE MC CLURE: 1,024,600 ACRE-FEET
LAKE MC SWAIN: 9,730 ACRE-FEET

TOTAL: 1,034,330 ACRE-FEET

WATER WILL BE RETURNED TO MERCED RIVER WITHIN THE SE1/4 OF SE1/4 OF SECTION 3, T5S,
R15E, MDB&M.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) NEW EXCHEQUER DAM - NORTH $42^{\circ}11'03''$ WEST 3,089.69 FEET FROM SE CORNER OF SECTION 13, T4S, R15E, MDB&M, BEING WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 13 AND
- (2) MCSWAIN DAM - NORTH $80^{\circ}36'38''$ WEST 2,275.01 FEET FROM SE CORNER OF SECTION 3, T5S, R15E, MDB&M, BEING WITHIN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 3.

THE POINT OF REDIVERSION OF SUCH WATER IS LOCATED

MC SWAIN DAM - NORTH $80^{\circ}36'38''$ WEST 2,275.01 FEET FROM SE CORNER OF SECTION 3, T5S, MDB&M, BEING WITHIN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SAID SECTION 3.

A DESCRIPTION OF LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

AT EXCHEQUER POWER PLANT WITHIN NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 13, T4S, R15E, MDB&M AND AT MCSWAIN POWER PLANT WITHIN SW $\frac{1}{4}$ OF SE $\frac{1}{4}$ OF SECTION 3, T5S, R15E, MDB&M, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

THIS LICENSE IS SUBJECT TO DEPLETION OF STREAM FLOW IN QUANTITIES SET FORTH IN SUBPARAGRAPHS (A), (B), AND (C) BY FUTURE APPROPRIATIONS OF WATER FOR REASONABLE BENEFICIAL USE WITHIN MARIPOSA COUNTY; PROVIDED SUCH FUTURE APPROPRIATIONS SHALL BE INITIATED AND CONSUMMATED PURSUANT TO LAW.

- (A) FROM SOUTH FORK MERCED RIVER A MAXIMUM OF 500 CUBIC FEET PER SECOND OF WATER NOT TO EXCEED A TOTAL OF 112,000 ACRE-FEET ANNUALLY BY DIRECT DIVERSION TO BENEFICIAL USE AND/OR BY DIVERSION TO STORAGE TO BE LATER APPLIED TO BENEFICIAL USE; PROVIDED THAT SUCH FUTURE APPROPRIATION SHALL NOT BE MADE PRIOR TO JULY 1, 2014, WHICH IS THE DATE OF MATURITY OF THE BONDS BY WHICH THE LICENSEE HAS FINANCED THE PROJECT UNDER THIS LICENSE AND LICENSE ISSUED ON APPLICATION 16186, UNLESS THE PERSON OR AGENCY MAKING SUCH FUTURE APPROPRIATION SHALL COMPENSATE THE LICENSEE FOR THE LOSS OF POWER REVENUE RESULTING DURING SAID PERIOD FROM SAID APPROPRIATION.
- (B) FROM MAXWELL CREEK A MAXIMUM OF 34,000 ACRE-FEET OF WATER IN ANY CONSECUTIVE TEN-YEAR PERIOD AND A MAXIMUM OF 4,000 ACRE-FEET OF WATER IN ANY ONE YEAR TO BE DIRECTLY DIVERTED TO BENEFICIAL USE AND/OR DIVERTED TO STORAGE TO BE LATER APPLIED TO BENEFICIAL USE.
- (C) FROM BEAN CREEK A MAXIMUM OF 10,000 ACRE-FEET OF WATER IN ANY CONSECUTIVE TEN-YEAR PERIOD AND A MAXIMUM OF 1,200 ACRE-FEET OF WATER IN ANY ONE YEAR TO BE DIRECTLY DIVERTED TO BENEFICIAL USE AND/OR DIVERTED TO STORAGE TO BE LATER APPLIED TO BENEFICIAL USE.

THIS LICENSE IS SUBJECT TO THE TERMS OF PROVISIONS 1, 2, 3, AND 4 OF THE STIPULATION AND AGREEMENT BETWEEN MERCED IRRIGATION DISTRICT AND CALIFORNIA DEPARTMENT OF FISH AND GAME, DATED OCTOBER 8, 1959, AND RECEIVED INTO EVIDENCE AS FISH AND GAME EXHIBIT 1 IN THE HEARING OF APPLICATIONS 16186 AND 16187.

LICENSEE SHALL MAINTAIN SUCH GAGING STATIONS AND FURNISH TO THE STATE WATER RESOURCES CONTROL BOARD UPON REQUEST SUCH RECORDS OF FLOW AS MAY BE REQUIRED TO DETERMINE THE QUANTITY OF WATER DIVERTED AND/OR REDIVERTED FOR BENEFICIAL USE.

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Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control 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.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State, therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUGUST 15 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights