UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION


Nevada Irrigation District ) Project No. 2266

ORDER ISSUING LICENSE (MAJOR)
(Issued June 24, 1963)

Application was filed on September 23, 1960, by Nevada Irrigation District (Applicant) of Grass Valley, California, for a license under the Federal Power Act (Act), for Project No. 2266, located on the Middle and South Yuba Rivers, Bear River, and Jackson and Canyon Creeks in Nevada, Placer and Sierra Counties, California, and affecting lands of the United States within the Tahoe National Forest and other lands of the United States.

Included among the project works for which Applicant seeks a 50-year license are certain existing project works for which a license was previously issued to Applicant on November 16, 1925, for major Project No. 338 for a period of 50 years. By application for amendment of that license received March 13, 1930, the Applicant requested that the major license be amended to become a minor part license, the reasons given in the application being that the Applicant was not, itself, developing hydroelectric power and that the government lands involved, which gave the Commission jurisdiction, constituted only 12.08% of the project lands. The project works which were licensed to the District in 1925 consisted of a series of dams and reservoirs connected either by natural streams or tunnels or conduits which combined to supply water first to the Spaulding Rim Power Plant of the Pacific Gas and Electric Company (PG&E). PG&E, after using the water through several power plants, then returned the water to the District for irrigation use. On the 13th day of November 1930, the Federal Power Commission amended the license for Project No. 338, pursuant to the provisions of Section 10 (i) of the Federal Power Act, making the license one for a minor part of a project only and further restricted the license to cover such parts of the project works which occupied lands of the United States. It is proposed to surrender that license, which is still outstanding, in the event a license is issued for Project No. 2266.
The new project works for which the Applicant requests a 50-year license include an additional reservoir and expansion of one of the tunnels and replacement of one of the conduits in connection with its existing project works and in addition, another reservoir and two power houses unconnected with the existing project works. The new reservoir system as well as the old will deliver water to power houses of the PG&E Company which will again return the water to the District for irrigation use after its use for development of hydroelectric power by the Company.

In support of its request for a 50-year license, Applicant states that it is primarily interested in irrigation and needs additional storage to supplement the present water supply in the area. It proposes to finance the proposed new construction by the issuance of revenue bonds, to be underwritten on the strength of a long-term contract with Pacific Gas and Electric Company for the purchase, by PG&E, of the power to be generated by Project No. 2266, and for payment by PG&E for additional storage to be created by Project No. 2266 and supplied to PG&E for use by its proposed Project No. 2310.

On March 13, 1963, in Opinion No. 380, concerning the proposed redevelopment of the licensed Holtwood hydroelectric project of Pennsylvania Power & Light Company, we stressed the strong intent of Congress that it have an opportunity to review the use of water resources by hydroelectric developments at the end of the licensed term which in every case is limited to a maximum of 50 years. In that case, we refused to issue a new 50-year license for existing project works which the licensee planned to improve by deepening the tailrace, erecting flashboards and installing an additional turbine and generator at an overall estimated cost of approximately $9,000,000. Although we found that the redevelopment would make better use of the water resources involved and would therefore be in the public interest, we stated that we would not grant a new 50-year license in such a situation because it would deprive Congress of an opportunity to examine the use of the water resource at the end of the original license term and, if it wished, to take over the project under Section 14 of the Federal Power Act upon payment of net investment as therein defined, but no more than fair value. A similar situation does not exist here.

While minor part licenses are also limited to maximum terms of 50 years, it was the consistent practice of the Commission to waive the "recapture" provisions of Section 14 in issuing such licenses. In this case, since the Applicant is a municipality, its project works would not be subject to such "recapture" in any event since Congress on August 15, 1953, exempted all municipal licensees from the "recapture" provisions of Section 14, 67 Stat. 587.
The Applicant's project is designed to provide water for irrigation. Our jurisdiction attaches because Government lands are necessary to the full development of the project, and the project will supply water for the development of hydroelectric power. The application has been referred to the Department of Agriculture and the Department of Interior as well as to other interested governmental agencies, and the departments concerned with the management of the United States resources involved have expressed no objection to the issuance of the requested license, while recommending certain conditions to protect the interests of the United States. The Department of Agriculture has entered into a "Memorandum of Understanding" with the Applicant which includes conditions for the protection of the National forest lands involved. In addition, Applicant has submitted a copy of an agreement dated March 13, 1962, between Applicant and the California Department of Fish and Game providing for releases of water from the various project reservoirs, minimum reservoir pools, minimum stream fluctuations and other measures to protect the interests of fish and wildlife.

We have considered whether or not to attempt to separately license the new separate reservoir and power houses and simply to amend the existing minor part license to include the other new reservoir and the improvements to existing project works. Examination of the economics of the project militates against such action. The storing and supplying of water for irrigation purposes is not generally a money-making proposition. This is certainly true in the present case. If it were not for the fact that PG&E has agreed to pay for the power generated by the project works and the water delivered from all project reservoirs on a long-term basis, the Applicant would be unable to proceed with the project, and in order to sell the water on a long-term basis the District requires the license period of 50 years. After examining all uses of the resources involved and recognizing the benefits to the region to be derived from the project from recreation, irrigation and other uses of the water resources, we believe that it will not be inconsistent with the public interest to issue a 50-year license covering all of the project works containing special conditions as suggested by the interested agencies. There is no alternative proposed use of the resources involved.

The new license will be made subject, among other things, to the conditions that Applicant surrender its license for Project No. 338, and that within one year from the date of issuance of this order, it file with the Commission its aforesaid agreement with PG&E, pursuant to Section 13.1 of our Rules and Regulations under the Federal Power Act.

The Secretary of the Army and the Chief of Engineers, in reporting on the application, advised that the project would have no significant effect on navigation and special terms and conditions in the interest of navigation were not necessary. However, a special condition in the interest of flood control was recommended for inclusion in any license issued for the project.
Permission to intervene in this proceeding was granted to the California Department of Fish and Game and Pacific Gas and Electric Company by Commission orders issued January 24 and February 2, 1961, respectively.

The Commission finds:

1. Applicant is a "municipality" as defined in the Federal Power Act, and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effect the purposes of a license for the project.

2. The project affects lands of the United States, but not a Government dam.

3. Public notice of the filing of the application has been given as required by the Act. Petitions to intervene were received as recited above.

4. The issuance of a license for the project as hereinafter provided will not interfere or be inconsistent with any reservation or with the purposes for which the Tahoe National Forest was created or acquired.

5. The issuance of a license for the project will not affect the development of any water resources for public purposes which should be undertaken by the United States.

6. The project is best adapted to a comprehensive plan for improving and developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, and for other beneficial public uses, including recreational purposes, under the terms and conditions hereinafter imposed.

7. The installed horsepower capacity of the project for the purpose of computing the capacity component of the administrative annual charge is 75,800 horsepower, and the amount of annual charges, based on such capacity, to be paid under the license for the project, for the costs of administration of Part I of the Act is reasonable as hereinafter fixed and specified.

8. The amount of annual charges to be paid under the license for the use, occupancy and enjoyment of its lands should be determined at a later date as hereinafter provided.

9. The step-up transformer and switching facilities mentioned in paragraph (b) below, which were included in the application for license, are parts of the project within the meaning of Section 3 (11) of the Act and should be included in the license for the project.
(10) The exhibits designated and described in paragraph (B) below conform to the Commission's rules and regulations and should be approved as part of the license for the project.

The Commission orders:

(A) This license is hereby issued to Nevada Irrigation District (Licensee) under Section 4 (e) of the Act for a period of 50 years, effective as of May 1, 1963, for the construction, operation and maintenance of Project No. 2266, located on Middle Yuba, South Yuba and Bear Rivers and Jackson and Canyon Creeks, affecting lands of the United States within the Tahoe National Forest and other lands of the United States, subject to the terms and conditions of the Act which is incorporated herein by reference as a part of this license, and subject to such rules and regulations as the Commission has prescribed under the provisions of the Act.

(B) Project No. 2266 consists of:

(1) All lands constituting the project area and inclosed by the project boundary or the limits of which are otherwise defined, and/or interest in such lands necessary or appropriate for the purpose of the project, whether such lands or interest therein are owned or held by the licensee or by the United States; such project area and project boundary being more specifically shown and described by certain exhibits which formed part of the application for license and which are designated and described as follows:

Exhibit J: Sheets 1 and 2 (PPC Nos. 2266 -5 and -90) General Plan of Project Area; and

Exhibit K: Detail Maps showing Topography and Project Area of Project Works.
Exhibit No. | FPC No. | Description
--- | --- | ---
K-2 | 2266-7 | Topography, Jackson Meadows Reservoir
K-5 | 2266-8 | Project Area, Milton Reservoir
K-6 | 2266-9 | Milton Pipe Line Reconstruction
K-7 | 2266-10 | Project Area, Milton-Bowman Conduit
K-8 | 2266-11 | Project Area, Jackson Lake
K-9 | 2266-12 | Project Area, French Lake Reservoir
K-10 | 2266-13 | Topography, Paucherie Reservoir
K-11 | 2266-14 | Project Area, Bowman Reservoir
K-16 | 2266-15 | Sheet 1, Bowman-Spaulding Conduit
K-17 | 2266-16 | Sheet 2, Bowman-Spaulding Conduit
K-18 | 2266-17 | Bowman-Spaulding Conduit, Diversion Works
K-19 | 2266-18 | Bowman-Spaulding Conduit
K-22 to | 2266-19 to | Bowman-Spaulding Conduit
K-32 | -29 | (Inclusive) (Inclusive)
K-33 | 2266-30 | Rucker Creek Tunnel
K-34 | 2266-31 | Fuller Lake
K-35 and | 2266-32 | Bowman-Spaulding Conduit
K-36 | and -33 |
K-37 | 2266-34 | Dutch Flat No. 2 Intake
K-38 and | 2266-35 | Dutch Flat No. 2 Flume
K-39 | and -36 |
K-40 | 2266-37 | Dutch Flat No. 2 Forebay and Penstock
K-42 | 2266-38 | Dutch Flat No. 2 Afterbay
K-43 | 2266-39 | Chicago Park Flume
K-44 | 2266-40 | Chicago Park Forebay and Penstock
K-47 | 2266-41 | Sheet 1, Rollins Reservoir
K-48 | 2266-42 | Sheet 2, Rollins Reservoir

Project works consisting of:

Jackson Meadows Storage Dam and Reservoir located on Middle Yuba River - comprised of a rock-fill dam with side channel gated spillway, a gated sluice outlet, a reservoir with normal water surface at elevation 6,032 feet and storage of 65,000 acre-feet;

Milton Diversion Dam and Reservoir (existing) located on Middle Yuba River - comprised of a concrete arch dam with overflow spillway section and a reservoir with water surface elevation at 5,690 feet and storage of 900 acre-feet;
Milton-Boxman Pipeline and Tunnel (existing) - the wood stave pipeline portion of this conduit is to be replaced with concrete pipe and the tunnel portion repaired.

Jackson Lake Dam and Reservoir (existing) located on Jackson Creek - comprised of rockfill dam with side channel spillway, a gated sluice outlet, and a reservoir with water surface elevation at 6,594 feet and storage of 1,300 acre-feet;

French Lake Dam and Reservoir (existing) located on Canyon Creek - comprised of a rockfill dam with concrete face, with side channel spillway, a gated sluice outlet, and a reservoir with water surface elevation at 6660.5 feet and storage of 13,680 acre-feet;

Faucherie Lake Dam and Reservoir (existing) located on Canyon Creek - comprised of a rockfill dam to be raised 10 feet with side channel spillway, a gated sluice outlet, an earth dike and a reservoir with water surface elevation at 6,153 feet and storage of 3,500 acre-feet;

Bowman Dams and Reservoir (existing) located on Canyon Creek - comprised of a rockfill dam with concrete face and gated sluice outlet, a concrete arch dam with gated spillway section, a reservoir with water surface elevation at 5562 feet and storage of 63,325 acre-feet;

Bowman-Spaulding Conduit (existing) - comprised of canal, flume and tunnel sections, portions of which are to be repaired or replaced.

Dutch Flat No. 2 located on Bear River - comprised of an intake located above Drum Afterbay Dam (FOE& Co.), a conduit to a small forebay, a penstock, a powerhouse with a 32,000-horsepower turbine connected to a 22,800-KW generator installed therein, a step-up transformer, a switching structure and an afterbay dam;

Chicago Park located on Bear River - comprised of an intake located above Dutch Flat No. 2 afterbay dam, a concrete flume to a small forebay, a penstock, a powerhouse with a 49,300-horsepower turbine connected to a 36,300-KW generator, a step-up transformer and a switching structure;

Rolling Storage Dam and Reservoir located on Bear River - comprised of a rockfill dam with side channel gated spillway, a gated outlet through the left abutment, a reservoir with water surface elevation at 2,170 feet and storage of 60,000 acre-feet; and appurtenant facilities;
the location, nature and character of which are more specifically shown and described by the exhibits hereinbefore cited and by certain other exhibits which also formed part of the application for license and which are designated and described as follows:

<table>
<thead>
<tr>
<th>Exhibit No.</th>
<th>FPC No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>L-2</td>
<td>-44</td>
<td>Jackson Meadows Dam</td>
</tr>
<tr>
<td>L-4</td>
<td>-46</td>
<td>Jackson Meadows Diversion and Unwatering</td>
</tr>
<tr>
<td>L-5</td>
<td>-47</td>
<td>Milton Diversion Dam</td>
</tr>
<tr>
<td>L-6</td>
<td>-48</td>
<td>Milton Pipe Line Reconstruction</td>
</tr>
<tr>
<td>L-7</td>
<td>-49</td>
<td>Milton Diversion Ditches</td>
</tr>
<tr>
<td>L-8</td>
<td>-50</td>
<td>Jackson Lake Dam</td>
</tr>
<tr>
<td>L-9</td>
<td>-51</td>
<td>Alterations to French Lake Dam</td>
</tr>
<tr>
<td>L-10</td>
<td>-52</td>
<td>Faucherie Reservoir and Dam</td>
</tr>
<tr>
<td>L-11</td>
<td>-53</td>
<td>Bowman Dam - General Plan</td>
</tr>
<tr>
<td>L-12</td>
<td>-54</td>
<td>Bowman Dams - Details</td>
</tr>
<tr>
<td>L-13</td>
<td>-55</td>
<td>Bowman Dam Outlet Works</td>
</tr>
<tr>
<td>L-14</td>
<td>-56</td>
<td>South Arch Dam, General Plans (Bowman)</td>
</tr>
<tr>
<td>L-15</td>
<td>-57</td>
<td>South Arch Dam, Abutment &amp; Spillway (Bowman)</td>
</tr>
<tr>
<td>L-16</td>
<td>-58</td>
<td>Bowman-Spaulding Conduit Sheet 1</td>
</tr>
<tr>
<td>L-17</td>
<td>-59</td>
<td>Bowman-Spaulding Conduit Sheet 2</td>
</tr>
<tr>
<td>L-18</td>
<td>-60</td>
<td>Bowman-Spaulding Conduit-Diversion Works</td>
</tr>
<tr>
<td>L-22</td>
<td>-62</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-24</td>
<td>-64</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-25</td>
<td>-65</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-26</td>
<td>-66</td>
<td>Bowman-Spaulding Conduit Clear Creek Tunnel</td>
</tr>
<tr>
<td>L-27</td>
<td>-67</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-28</td>
<td>-68</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-29</td>
<td>-69</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-30</td>
<td>-70</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-31</td>
<td>-71</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-32</td>
<td>-72</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-33</td>
<td>-73</td>
<td>Rucker Creek Tunnel</td>
</tr>
<tr>
<td>L-34</td>
<td>-74</td>
<td>Fuller Lake</td>
</tr>
<tr>
<td>L-35</td>
<td>-75</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-36</td>
<td>-76</td>
<td>Bowman-Spaulding Conduit</td>
</tr>
<tr>
<td>L-37</td>
<td>-77</td>
<td>Dutch Flat No. 2 Intake</td>
</tr>
<tr>
<td>L-38</td>
<td>-78</td>
<td>Dutch Flat No. 2 Flume Sheet 1</td>
</tr>
<tr>
<td>L-39</td>
<td>-79</td>
<td>Dutch Flat No. 2 Flume Sheet 2</td>
</tr>
<tr>
<td>L-40</td>
<td>-80</td>
<td>Dutch Flat No. 2 Forebay &amp; Penstock</td>
</tr>
<tr>
<td>L-41</td>
<td>-81</td>
<td>Dutch Flat No. 2 Powerhouse</td>
</tr>
<tr>
<td>L-42</td>
<td>-82</td>
<td>Dutch Flat No. 2 Afterbay Dam</td>
</tr>
<tr>
<td>L-43</td>
<td>-83</td>
<td>Chicago Park Flume</td>
</tr>
<tr>
<td>L-44</td>
<td>-84</td>
<td>Chicago Park Forebay &amp; Penstock</td>
</tr>
<tr>
<td>L-45</td>
<td>-85</td>
<td>Chicago Park Powerhouse</td>
</tr>
</tbody>
</table>
(iii) All other structures, fixtures, equipment or facilities used or useful in the maintenance and operation of the project and located on the project area, including such portable property as may be used or useful in connection with the project or any part thereof, whether located on or off the project area, if and to the extent that the inclusion of such property as a part of the project is approved or acquiesced in by the Commission; also, all riparian or other rights, the use or possession of which is necessary or appropriate in the maintenance and operation of the project.

(C). This license is also subject to the terms and conditions set forth in Form L-2, December 15, 1953, entitled "Terms and Conditions of License for Unconstructed Major Project Affecting Lands of the United States" (17 FPC 62), which terms and conditions, designated as Articles 1 through 24, are attached hereto and made a part hereof, except for Articles 12, 13, 17, 20 and 21 thereof; and subject to the following special conditions set forth herein as additional articles:

Article 25. The Licensee shall commence construction of the proposed project works within one year of the effective date of this license, shall thereafter in good faith and with due diligence prosecute such construction, and shall complete construction of such project works within four years from the effective date of this license.

Article 26. The Licensee shall within one year from the date of completion of the project, file with the Commission revised Exhibits F and K to define the final project boundary in accordance with the rules and regulations of the Commission.
Article 27. The Licensee shall construct, maintain, and operate such protective devices and shall comply with such reasonable modifications of the project structures and operation in the interest of fish and wildlife resources, provided that such modifications shall be reasonably consistent with the primary purpose of the project, as may be prescribed hereafter by the Commission upon its own motion or upon recommendation of the Secretary of the Interior or the California Department of Fish and Game after notice and opportunity for hearing and upon a finding that such modifications are necessary and desirable and consistent with the provisions of the Act: Provided further, That subsequent to approval of the final design drawings prior to commencement of construction no modifications of project structures in the interest of fish and wildlife resources which involve a change in the location, height, or main structure of a dam, or the addition of or changes in outlets at or through a dam, or a major change in generating units, or a rearrangement or relocation of a powerhouse, or major changes in spillway structure shall be required.

Article 28. Whenever the United States shall desire, in connection with the project, to construct fish handling facilities or to improve the existing fish handling facilities at its expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such fish handling facilities or such improvements thereof. In addition, after notice and opportunity for hearing the Licensee shall modify the project operation as may be prescribed by the Commission, consistent with the primary purpose of the project, in order to permit the maintenance and operation of the fish handling facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish handling facilities or to relieve the Licensee of any obligation under this license.

Article 29. The Licensee shall maintain the following minimum pools in the Jackson Meadows Reservoir:

(i) Normal or wet years
   (a) June 1 through September 30 = 21,000 acre-feet
   (b) October 1 through May 31 = 10,000 acre-feet

(ii) Dry years
   (a) June 1 through September 30 = 21,000 acre-feet
   (b) October 1 through May 31 = 3,000 acre-feet

A dry year is one in which the April - July run-off forecast made by the California Department of Water Resources on May 1 for the Bowman area - Middle Yuba River and Canyon Creek is for less than 70,000 acre-feet.
Article 30. The Licensee shall maintain a normal pool in Milton Reservoir at an elevation of 5,686 feet year around except when repair to the Milton Bowman Tunnel is necessary at which time the normal pool may be drawn to a minimum elevation of 5,676 feet.

Article 31. The Licensee shall maintain a minimum pool in Rollins Reservoir at all times of not less than 5,000 acre-feet.

Article 32. The Licensee shall maintain minimum releases for maintenance of fish life below the various reservoirs in accordance with the following schedule:

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Release</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson Meadows</td>
<td>Middle Yuba River</td>
<td>5</td>
<td>Continuous</td>
</tr>
<tr>
<td>Milton Diversion</td>
<td>Middle Yuba River</td>
<td>3</td>
<td>Continuous</td>
</tr>
<tr>
<td>Jackson Lake</td>
<td>Jackson Creek</td>
<td>1½</td>
<td>Continuous</td>
</tr>
<tr>
<td>French Lake</td>
<td>Canyon Creek to</td>
<td>2½</td>
<td>Continuous</td>
</tr>
<tr>
<td></td>
<td>Bowman Reservoir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bowman-Spaulding Canal</td>
<td>Canyon Creek</td>
<td>3</td>
<td>4/1 to 10/31</td>
</tr>
<tr>
<td>Dutch Flat Afterbay</td>
<td>Bear River</td>
<td>10</td>
<td>5/1 to 10/31</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5</td>
<td>11/1 to 4/30</td>
</tr>
</tbody>
</table>

Article 33. The Licensee shall maintain minimum releases for maintenance of fish life below Rollins Reservoir into Bear River in accordance with the following schedule:

(i) Normal Water Conditions
   (a) May 1 through October 31 - 75 cfs
   (b) November 1 through April 30 - 20 cfs

(ii) Less than Normal Water Conditions
    (a) May 1 through October 31 - 60 cfs
    (b) November 1 through April 30 - 15 cfs

Releases to be measured at the Colfax - Grass Valley USGS gage.

Normal Water Conditions are defined as follows:

Water conditions which shall be deemed to prevail any month of the year if the water supply indicator for that month equals or exceeds the following:

<table>
<thead>
<tr>
<th>Month</th>
<th>Normal Water Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>November</td>
<td>1 inch</td>
</tr>
<tr>
<td>December</td>
<td>7 inches</td>
</tr>
<tr>
<td>May</td>
<td>1</td>
</tr>
<tr>
<td>June</td>
<td>1</td>
</tr>
</tbody>
</table>

36 inches
40 inches
January 1 12 inches  July 1 \( \frac{4}{2} \) inches
February 1 20 inches  August 1 \( \frac{4}{2} \) inches
March 1 26 inches  September 1 \( \frac{4}{3} \) inches
April 1 \( \frac{3}{4} \) inches  October 1 \( \frac{4}{4} \) inches

Water Supply Indicator: The indicator for any calendar month shall be the total precipitation of inches of water as measured in reasonable accordance with the accepted practices of the United States Weather Bureau at the existing Lake Spaulding Gage for the period from October 1 up to the beginning of the month in question.

**Article 34.** The Licensee shall not change the flow releases nor cause vertical fluctuations in the stream levels below Jackson Meadows Dam and Rollins Dam greater than one foot in 6 hours or 3 inches during any one hour. Fluctuations in stream levels shall be measured within one-half mile downstream from Jackson Meadows Dam and at the Colfax-Grass Valley Gage downstream from Rollins Dam.

**Article 35.** The Licensee shall cooperate with the United States Forest Service, the California Department of Fish and Game, and the Bureau of Sports Fisheries and Wildlife in planning the location of deer-proof fences, crosswalks (covered with \( \frac{4}{4} \) inches of soil), escape ramps, and such other reasonable structures which may be found necessary to protect deer in the project area, and to construct such facilities as may hereafter be prescribed by the Commission.

**Article 36.** The Licensee shall take whatever precautions are necessary during construction operations to prevent the entry into project streams of silt, clay, sand, gravel, detritus or other material which is injurious to fish and wildlife or their habitat.

**Article 37.** The Licensee shall keep ground disturbance to the minimum necessary for construction of the project and shall reseed or use other control measures to reduce erosion when deemed necessary by the Forest Service on lands within the Tahoe National Forest.

**Article 38.** Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works, or in the clearing of said lands, shall be paid for and the resulting slash and debris disposed of in accordance with the requirements of the agency of the United States having jurisdiction over said lands. Payment for merchantable timber will be at current stumpage rates, and payment for young growth timber below merchantable size will be at current damage appraisal value. However, the agency of the United States having jurisdiction may sell or dispose of the merchantable timber to others than the licensee, with the provision that timber so sold or disposed of will be
cut and removed from the area prior to or without undue interference with clearing operations of the licensee and in coordination with his project construction schedules. Such sale or disposal of others will not relieve the licensee of the responsibility for the clearing and disposing of all slash and debris from project lands.

Article 39. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon the request of officers of the agency concerned to prevent, make advance preparations for suppression, and suppress fires on the lands to be occupied or used under the license. The Licensee shall be liable for and pay the costs incurred by the United States in suppressing fires caused from the construction, operation, or maintenance of the project works or of the work appurtenant or accessory thereto under the license.

Article 40. So far as it consistent with proper operation of the project, the Licensee shall allow the public free access to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and recreational purposes, including fishing and hunting, and shall allow to a reasonable extent for such purposes the construction of access roads, wharves, landings, and other facilities on its lands the occupancy of which may in appropriate circumstances be subject to payment of rent to the Licensee in a reasonable amount. Provided, that the Licensee may reserve from public access, such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property and provided further, that the Licensee's consent to the construction of access roads, wharves, landings, and other facilities shall not, without its express agreement, place upon the Licensee any obligation to construct or maintain such facilities. These facilities are in addition to the facilities that the Licensee may construct and maintain as required by the license.

Article 41. The Licensee shall, within one year from the date of issuance of this license, file with the Commission a recreational use plan for the project which shall include not only recreational improvements which may be provided by others, but the recreational improvements the Licensee plans to provide.

Article 42. The Licensee shall operate the project reservoirs during flood periods so that the releases from the reservoirs are no greater than those which would occur under natural stream conditions.

Article 43. The Licensee shall pay to the United States the following annual charges:
(1) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge in accordance with the provisions of Part II of the Commission's regulations as in effect from time to time. The authorized installed capacity for such purpose is 78,800 horsepower.

(ii) For the purpose of recompensing the United States for the use, occupancy, and enjoyment of its lands, an amount to be determined hereafter by the Commission.

**Article 44.** The Licensee shall install additional capacity and make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so, after notice and opportunity for hearing.

**Article 45.** The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, hydraulically and electrically, with such other power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

**Article 46.** The Licensee shall negotiate with a qualified institution for the purpose of consumating an agreement for the possible survey and salvage of historical and archeological data (including relics and specimens) in the project area and shall finance such survey and salvage program in an amount not to exceed $25,000 upon further order of the Commission.

**Article 47.** The Licensee shall submit for Commission approval, Exhibits L-20 and L-21, both entitled "Bowman-Spaulding Conduit" showing final engineering details for that conduit and shall not commence reconstruction of the conduit until the Commission has approved the exhibits.

**Article 48.** The Licensee shall submit for Commission approval a revised Exhibit L drawing for the Dutch Flat No. 2 Afterbay Dam showing the final design of the dam and shall not commence construction of the dam until the Commission has approved the exhibit.

**Article 49.** The Commission reserves the right to determine at a later date what transmission lines and appurtenant facilities, if any, shall be included in this license as part of the project works.
Article 50. The Commission reserves the right to determine at a later date what additional facilities, if any, which are owned and operated by the Licensee as part of the comprehensive plan of development of the Upper Yuba and Bear River Project, shall be included in this license.

(D) Concurrently with acceptance of this license, the Licensee shall file with the Commission an application for surrender of the license for Project No. 338.

(E) The Licensee shall, within 30 days of its execution, file with the Commission a copy of its aforementioned agreement with Pacific Gas and Electric Company for the purchase by Pacific, of the power to be generated by Project No. 2266, and for payment by Pacific for additional storage to be created by Project No. 2265 and supplied to Pacific for use by its proposed Project No. 2310.

(F) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313 (a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission. Commissioner Morgan not participating.

Joseph H. Cutsride,
Secretary.
IN TESTIMONY of its acknowledgment of acceptance of all the provisions, terms and conditions of this license, Nevada Irrigation District, this 8th day of July, 1963, has caused its corporate name to be signed hereto by Warren S. Wilson, its President, and its corporate seal to be affixed hereto and attested by H. Georgia Scobie, its Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 8th day of July, 1963, a certified copy of the record of which is attached hereto.

NEVADA IRRIGATION DISTRICT

By Warren S. Wilson

President

Attest:

H. Georgia Scobie

Secretary

(Executed in quadruplicate)
FEDERAL POWER COMMISSION
WASHINGTON 25, D.C.

Project No. 2266
Nevada Irrigation District

Nevada Irrigation District
Attention: C. F. Wagner, Project Manager
144 South Auburn Street
Grass Valley, California

Gentlemen:

Enclosed are four copies of the order, designated Amendment
No. 1, Instrument No. 3, in the above-entitled matter.

Please execute the acknowledgement of acceptance attached to
the order and return three copies of the order, the acceptance, and
resolution of your Board of Directors within the time prescribed by
said order.

Very truly yours,

Joseph H. Guttridge
Secretary
Before Commissioners: David S. Black, Acting Chairman; L. J. O'Connor, Jr., and Carl E. Bagge.

Nevada Irrigation District ) Project No. 2266

ORDER APPROVING REVISED PROJECT EXHIBITS
AND ADJUSTING AUTHORIZED INSTALLED CAPACITY
AND ANNUAL CHARGES

(Issued November 30, 1965)

On April 12, 1965, Nevada Irrigation District, licensee for Project No. 2266, filed for Commission approval revised Exhibit L drawings L-41 and L-45, and amended Exhibit M showing the final details of the construction of the Dutch Flat No. 2 and Chicago Park Powerhouses of the project, and giving pertinent information regarding the equipment which will be installed therein.

The revised Exhibit L drawings have been corrected by our staff with the authorization of the licensee to show the equipment ratings shown on amended Exhibit M.

The proposed changes have been reviewed by our staff and found to be safe and adequate.

The effects of our approval of the revised exhibits will require the following revisions in the license for the project:

(1) revision of subparagraph (ii) of paragraph (B) of the license describing "Dutch Flat No. 2" and "Chicago Park";

(2) supersession of Exhibits L-41 (FPC No. 2266-81) and L-45 (FPC No. 2266-85) of the license by revised Exhibits L-41 (FPC No. 2266-111) and L-45 (FPC No. 2266-112);

(3) amendment of Exhibit M of the license, filed September 23, 1960, by the amended Exhibit M filed April 12, 1965, insofar as the description of powerhouse equipment for Dutch Flat No. 2 and Chicago Park are concerned; and

(4) revision of subparagraph (i) of Article L-3 of the license to show an increase in the authorized installed capacity of the project from 78,800 horsepower to 81,000 horsepower.
The Commission finds:

(1) The following described revised exhibits conform to the Commission's rules and regulations and should be approved as part of the license for the project, and the exhibits referred to herein as being superseded should be eliminated from the license for the project to the extent herein indicated.

Exhibit L-41 (FPC No. 2266-111) "Dutch Flat No. 2 Powerhouse" superseding L-41 (FPC No. 2266-81)
L-45 (FPC No. 2266-112) "Chicago Park Powerhouse" superseding L-45 (FPC No. 2266-85)


(2) The presently authorized installed capacity of the project for the purpose of computing the capacity component of the administrative annual charge is by this order increased from 78,000 horsepower to 81,000 horsepower, and the amount of annual charges, based upon such increased capacity, to be paid under the license for the project, for the costs of administration of Part I of the Act is reasonable.

The Commission orders:

(A) The revised exhibits described in finding (1) above are hereby approved as part of the license for Project No. 2266, and the exhibits described in the same finding as being superseded are hereby eliminated from the license for the project to the extent therein indicated.

(B) Subparagraph (i) of paragraph (B) of the license is hereby revised to read as follows, insofar as the description of "Dutch Flat No. 2" and "Chicago Park" are concerned:

Dutch Flat No. 2 located on Bear River - comprised of an intake located above Drum Afterbay Dam (PG&E Co.), a conduit to a small forebay, a penstock, a powerhouse with a 31,000 horse-
power turbine connected to a 23,400 KW generator installed there-
in, a step up transformer, a switching structure and an afterbay dam;
Project No. 2256

Chicago Park located on Bear River - comprised of an intake located above Dutch Flat No. 2 afterbay dam, a concrete flume to a small forebay, a penstock, a powerhouse with a 50,000 horsepower turbine connected to a 37,350 – MW generator, a step up transformer and a switching structure;

(C) Subparagraph (i) of Article 43 of the license is hereby revised to read as follows:

(i) For the purpose of reimbursing the United States for the costs of administration of Part I of the Act, a reasonable annual charge in accordance with the provisions of Part II of the Commission's regulations as in effect from time to time. The authorized installed capacity for such purpose is 81,000 horsepower.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this order. In acknowledgment of the acceptance of this order, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

[Signature]

Joseph H. Guttridge, Secretary.
IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of the foregoing order, Nevada Irrigation District this 13th day of December, 1965, has caused its corporate name to be signed hereto by Melvin A. Brown, District's President, and its corporate seal to be affixed hereto and attested by Jacklyn R. Eckenburg, its District's Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 13th day of December, 1965, a certified copy of the record of which is attached hereto.

By Melvin A. Brown
President

Attest:

Jacklyn R. Eckenburg
Secretary

(Executed in quadruplicate)
RESOLUTION

WHEREAS, on April 12, 1965, the Nevada Irrigation District filed for commission approval, revised Exhibit L Drawings L-41 and L-45, and amended Exhibit M showing the final details of the construction of the Dutch Flat #2 and Chicago Park Powerhouses of Project #2266; and

WHEREAS, the revised L Drawings have been corrected by the Federal Power Commission staff as authorized by the District to show the equipment ratings shown on amended Exhibit M; and

WHEREAS, on November 30, 1965, the Federal Power Commission adopted an order approving the revised project exhibits and adjusted authorized installed capacity and annual charges;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Nevada Irrigation District approve the Federal Power Commission's Order issued November 30, 1965, designating Amendment #1, Instrument #3 in Project #2266, and authorize and direct the President and Secretary to execute same.

SECRETARY'S CERTIFICATE

I, Jacklyn R. Eckenburg, Secretary of the Board of Directors of the Nevada Irrigation District, certify that the foregoing is a true copy of a resolution adopted at a regular meeting of the board of directors of the Nevada Irrigation District held on the 13th day of December, 1965.

DATED: December 16, 1965

Jacklyn R. Eckenburg, Secretary of the Board of Directors of the Nevada Irrigation District
(SEAL)