

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

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Before Commissioners: Joseph C. Swidler, Chairman; Howard Morgan,
L. J. O'Connor, Jr., and Charles R. Ross.

Placer County Water Agency

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Project No. 2079

ORDER ISSUING LICENSE (MAJOR)

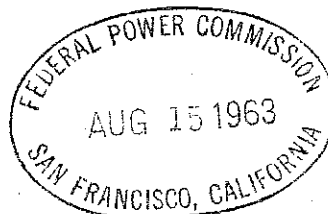
(Issued March 13, 1963)

Application was filed April 11, 1962 and amended September 10, 1962, by Placer County Water Agency (Applicant) of Auburn, California, for license for a proposed project to be known as the Middle Fork American River Project, and designated as Project No. 2079, to be constructed on the Middle Fork of American River and Rubicon River and their respective tributaries, in the counties of Placer and El Dorado, California, and affecting lands of the United States within the Tahoe and Eldorado National Forests.

The Secretary of the Army and the Chief of Engineers, in reporting on the application, have advised that the proposed project will not have any measurable effect on any flood control, debris control and navigation projects of the Corps, or on flood conditions on the lower American and Sacramento Rivers, and terms and conditions in the interest of flood control or navigation are not deemed necessary for inclusion in any license for the proposed project.

The Department of the Interior, in reporting on the application, advised it has no objection to the issuance of a license for the proposed project provided such license be conditioned upon certain consummated formal agreement and addendum thereto between Applicant and the Bureau of Reclamation, and contain certain special conditions in the interest of fish and wildlife resources and provide for possible archeological survey and salvage work in the area involved.

The Department of Agriculture, in reporting on the application, offered no objection to issuance of a license for the proposed project provided the terms and conditions of Form L-2 (17 FPC 62), with the exception of Article 13 therein, be included in any such license, together with the inclusion therein of a special condition for the suppression of fires on the lands to be occupied under the license. A Memorandum of Understanding with respect to the proposed project was signed September 18, 1962 by Applicant and on September 25, 1962 by the U.S. Forest Service, and amended and signed by Applicant on October 30, 1962 and by the U.S. Forest Service on November 2, 1962.



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The Department of Fish and Game, State of California, in reporting on the application, has advised that extensive biological investigations by the Department to determine provisions to protect the fish and wildlife resources to be affected by the project resulted in the execution of an agreement between the Department and Applicant on July 30, 1962. The Department requested the inclusion in any license issued for the proposed project of a special condition in the interest of fish and wildlife resources.

The Department of Water Resources, State of California, in reporting on the application, has advised that according to the application for license, the proposed project would be desirable, would lead toward full basin development, would be in keeping with the concepts of the California Water Plan, and that the Department is in full accord with the plan of development.

The Commission finds:

- (1) The proposed project will affect lands of the United States.
- (2) 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.
- (3) Public notice of the filing of the application was given as required by the Act. There are no pending protests or petitions to intervene before the Commission. There are no conflicting applications pending.
- (4) The issuance of a license as hereinafter provided will not affect a Government dam or the development of any water resources for public purposes which should be undertaken by the United States.
- (5) The issuance of a license as hereinafter provided will not interfere or be inconsistent with the purposes for which the Tahoe and Eldorado National Forests were created or acquired.
- (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 proposed project hereinafter authorized for the purpose of computing the capacity component of the administrative annual charge is 280,000 horsepower.
- (8) The amount of annual charges to be paid under the license for the purpose of reimbursing the United States for the costs of administration of Part I of the Act is reasonable as hereinafter fixed and specified, and the amount of annual charges to be paid under the license for the use, occupancy and enjoyment of its lands should be determined later as hereinafter provided.

(9) The power to be generated by the project will be sold by Applicant at step-up substations to Pacific Gas and Electric Company for public utility purposes.

(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 Placer County Water Agency of Auburn, California, (Licensee) under Section 4 (e) of the Federal Power Act (Act) for a period of 50 years, effective as of March 1, 1963, for the construction, operation and maintenance of Project No. 2079 upon Middle Fork of American River and Rubicon River and their respective tributaries, and affecting lands of the United States within the Tahoe and Eldorado National Forests, and subject to the terms and conditions of the Act which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) Project No. 2079 consists of:

(i) All lands constituting the project area and enclosed 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 interests therein are owned or held by the applicant 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:

<u>Exhibit</u>	<u>Sheet</u>	<u>FPC No.</u>	<u>Title</u>
J	1 (Rev. 8/1/62)	2079-111	General Project Map
	2 (Rev. 8/1/62)	2079-112	General Project Map
	3 (Rev. 8/1/62)	2079-113	General Project Map
K	1 (Rev. 8/1/62)	2079-114	Duncan Creek Diversion Project Area
	2 (Rev. 8/1/62)	2079-115	French Meadows Reservoir Project Area
	3 (Rev. 8/1/62)	2079-116	French Meadows Reservoir Project Area
	4	2079-26	French Meadows Reservoir Project Area
	5	2079-27	French Meadows Reservoir Project Area

<u>Exhibit</u>	<u>Sheet</u>	<u>FPC No.</u>	<u>Title</u>
K	6 (Rev. 8/1/62)	2079-117	French Meadows Reservoir Project Area
	7 (Rev. 8/1/62)	2079-118	French Meadows Reservoir Project Area
	8 (Rev. 8/1/62)	2079-119	French Meadows Reservoir Project Area
	9 (Rev. 8/1/62)	2079-120	French Meadows Reservoir Project Area
	10	2079-32	Hell Hole Reservoir Project Area
	11	2079-33	Hell Hole Reservoir Project Area
	12	2079-34	Hell Hole Reservoir Project Area
	13	2079-35	Hell Hole Reservoir Project Area
	14 (Rev. 8/1/62)	2079-121	Hell Hole Reservoir Project Area
	15 (Rev. 8/1/62)	2079-122	Hell Hole Reservoir Project Area
	16 (Rev. 8/1/62)	2079-123	Hell Hole Reservoir Project Area
	17 (Rev. 8/1/62)	2079-124	Long Canyon Diversion Project Area
	18 (Rev. 8/1/62)	2079-125	Middle Fork Ralston Interbay Project Area
	19 (Rev. 8/1/62)	2079-126	Middle Fork Ralston Interbay Project Area
	20 (Rev. 8/1/62)	2079-127	Middle Fork Ralston Interbay Project Area
	21 (Rev. 8/1/62)	2079-128	Middle Fork Ralston Interbay Project Area
	24 (Rev. 8/1/62)	2079-129	Ralston Afterbay Project Area
	27 (Rev. 8/1/62)	2079-130	Ralston Afterbay Project Area
	28 (Rev. 8/1/62)	2079-131	Ralston Afterbay Project Area
	39 (Rev. 11/20/62)	2079-132	Tunnels - Project Area
	40 (Rev. 11/20/62)	2079-133	Tunnels - Project Area
	41 (Rev. 11/20/62)	2079-134	Project Roads Property Map

- (ii) All project works consisting principally of the following described developments:

Duncan Creek Diversion, a concrete gravity dam about 32 feet high with a crest length of 180 feet at an elevation of 5275 feet; and 11-foot horseshoe tunnel about 7880 feet long extending to the French Meadows Reservoir;

French Meadows Dam and Reservoir, a composite gravel and earthfill dam, on the Middle Fork of the American River, about 229 feet high with a crest length of about 2700 feet at an elevation of 5269 feet and would have 125,000 acre-feet of usable storage;

French Meadows - Hell Hole Tunnel, a 12-foot horseshoe tunnel 13,613 feet long connecting to a 6 foot 3 inch diameter penstock 655 feet in length extending to the French Meadows Powerhouse;

French Meadows Powerhouse, would contain a 24,000 horsepower reaction turbine connected to a 15,300 kilowatt generator; the tailrace would discharge into the Hell Hole Reservoir;

Hell Hole Reservoir, on the Rubicon River would be created by a rockfill dam about 410 feet high with a crest length of 1570 feet at an elevation of 4650 feet and would have 202,600 acre-feet of usable storage;

Hell Hole - Middle Fork Tunnel, a 13 foot 3 inch horseshoe tunnel 55,034 feet long connecting to a steel penstock about 3680 feet long varying from 9 feet to 7 feet 6 inches in diameter branching at a wye to two 66 inch pipes extending to the Middle Fork Powerhouse; the North Fork Long Canyon Diversion would have 26-foot high concrete dam with a crest length of 155 feet at elevation 4695 feet and the South Fork Long Canyon Diversion would have a 26 foot high concrete gravity dam with a crest length of 230 feet at elevation 4658 feet; each would divert water to the Hell Hole - Middle Fork Tunnel by shafts to be located about midway of its length;

Middle Fork Powerhouse, would contain two 82,000 horsepower impulse turbines connected to two 51,900 kilowatt generators; the tailrace would discharge into the Middle Fork Interbay;

Middle Fork Interbay, on the Middle Fork of the American River to be created by a concrete gravity dam about 75 feet high with a 212 foot crest length at an elevation of 2540 feet;

Middle Fork-Ralston Tunnel, a 13 foot 3 inch horseshoe tunnel 35,326 feet long connecting to a steel penstock 1680 feet long varying in diameter from 9 foot 6 inches to 7 foot 6 inches extending to the Ralston Powerhouse;

Ralston Powerhouse, would contain one 106,000 horsepower impulse turbine connected to a 79,200 kilowatt generator; the tailrace would discharge into Ralston Afterbay.

Ralston Afterbay, on the Middle Fork of the American River would be created by a composite gravel and earth-fill dam about 88 feet high, with a crest length of 525 feet long at elevation 1198 feet;

Ralston Afterbay - Oxbow Tunnel, a 16 foot horseshoe tunnel 1320 feet long connecting to an 11 foot steel penstock extending about 100 feet to the Oxbow Powerhouse;

Oxbow Powerhouse, would contain one 8700 hp Kaplan turbine connected to a 6000 kw generator, and appurtenant mechanical and electrical 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 amended application and which are designated and described as follows:

<u>Exhibit L:</u>		<u>Title</u>
<u>Sheet</u>	<u>FPC No.</u>	<u>Middle Fork American River Project</u>
1	2079-64	Duncan Creek Diversion - Plan and Sections
2	2079-65	Duncan Creek - Middle Fork Tunnel Plan and Profile
3	(Rev.) 2079-135	French Meadows Dam - Plan
4	(Rev.) 2079-136	French Meadows Dam - Sections and Details
4A	2079-162	French Meadows Spillway Plan, Profile and Sections
4B	2079-163	French Meadows Spillway Crest Dimensions
8	(Rev.) 2079-138	French Meadows - Hell Hole Tunnel Plan and Profile
9	(Rev.) 2079-139	French Meadows Power Plant - Penstock and Surge Shaft
10	(Rev.) 2079-140	French Meadows Power Plant Plan and Sections

<u>Exhibit L:</u>		<u>Title</u>
<u>Sheet</u>	<u>FPC No.</u>	<u>Middle Fork American River Project</u>
12	2079-75	Hell Hole Dam - Plan
13	2079-76	Hell Hole Dam - Sections and Details
13A	2079-170	Hell Hole Spillway - Plan Profile and Sections
16 (Rev.)	2079-143	Hell Hole - Middle Fork Tunnel Plan and Profile
17 (Rev.)	2079-144	Hell Hole - Middle Fork Tunnel Intake and Surge Shaft
18 (Rev.)	2079-145	Long Canyon Diversion - South Fork Dam and Shaft
19 (Rev.)	2079-146	Long Canyon Diversion - North Fork Dam and Shaft
20 (Rev.)	2079-147	Middle Fork Power Plant Penstock Plan and Profile
21 (Rev.)	2079-148	Middle Fork Power Plant Plan and Elevations
22 (Rev.)	2079-149	Middle Fork Power Plant Powerhouse Plans
23	2079-86	Middle Fork Power Plant - Sections
25	2079-88	Middle Fork - Ralston Interbay Dam Plan and Sections
26 (Rev.)	2079-151	Middle Fork - Ralston Tunnel Plan and Profile
27 (Rev.)	2079-152	Ralston Power Plant Penstock Plan and Profile
28 (Rev.)	2079-153	Ralston Power Plant Plan and Elevations
29	2079-92	Ralston Power Plant Powerhouse Plans
30	2079-154	Ralston Power Plant - Sections
31A (Rev.)	2079-156	Ralston Afterbay Dam - Plan and Sections
31B (Rev.)	2079-157	Oxbow Power Plant - Plans and Sections

Exhibit M: Comprised of five (5) pages entitled "General Description of Mechanical & Electrical Equipment".

(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 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 or 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 are attached hereto and made a part hereof, except for Articles 10, 11, 13, 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 project works not later than July 1, 1963, shall thereafter in good faith and with due diligence prosecute such construction and shall complete construction of such works not later than December 31, 1966.

Article 26. The Licensee shall, within one year following completion of the construction of the project file with the Commission revised Exhibits F and K showing final project boundary prepared in accordance with the Commission's Rules and Regulations.

Article 27. 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 advanced 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 cost 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 28. The Licensee shall cooperate with the San Francisco State College in the possible survey and salvage of historical and archeological data (including relics and specimens) in the project area and shall compensate the college for the expenses incurred up to a total of \$6,000, upon further order of the Commission.

Article 29. The Licensee shall, prior to impounding water, clear all lands in the bottoms and margins of: Duncan Creek Diversion, North Fork Long Canyon Diversion, South Fork Long Canyon Diversion, Middle Fork Interbay and Ralston Afterbay reservoirs up to high-water level. Licensee shall, prior to impounding water, clear all lands in French Meadow Reservoir between

elevation 5,120 feet (5 feet below minimum pool elevation) to high-water level and in Hell Hole Reservoir between elevation 4,335 feet (5 feet below minimum pool elevation) to high-water level. Licensee shall dispose of all temporary structures, unused timber, brush, refuse, or inflammable material resulting from the clearing of the lands or from the construction and maintenance of the project works. In addition, all trees along the margins of reservoirs which may die from operation of the reservoir shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

Article 30. The Licensee shall keep the two tainter gates of the French Meadows Spillway blocked in a fully open position by November 15 of each year and the gates shall remain in that position until the following April 1, unless special permission is obtained for a specific year from the authorized representative of the Commission.

Article 31. The Licensee shall provide protective concrete at the impact and lip areas at the angled intersection of the French Meadows Spillway and its escape channels, as shown on Drawing Exhibit L, Sheet LA (FIC No. 2079-162), if so ordered by the Commission.

Article 32. The Licensee shall construct a stilling pool and/or other types of energy dissipating devices below each cascade of the Hell Hole spillway channel in the interest of structure safety after the spillway area foundation conditions are exposed and the quality of rock is determined; also, Licensee shall incorporate into the designs of the French Meadows and Hell Hole spillway channel walls additional protective measures against erosion, if so ordered by the Commission.

Article 33. The Licensee shall construct such unit or units which will comprehensively develop the head on the river downstream from the Oxbow power-house when so ordered by the Commission upon its determination that such unit or units are economically feasible, after notice and opportunity for hearing.

Article 34. 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 reasonable 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 a spillway structure shall be required.

Article 35. 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 the license.

Article 36. The Licensee shall operate Duncan Creek Diversion, French Meadows, and Hell Hole Reservoirs in a manner that will permit maintenance of minimum pools according to the following schedules:

Location and Forecasted runoff to Folsom Reservoir in Acre-feet 1/	Minimum Pool in Acre-feet	
	June Through Sept.	October Through May
<u>French Meadows Reservoir</u>		
More than 2,000,000	60,000	50,000
Less than 2,000,000 but not less than 1,200,000	60,000	25,000
Less than 1,200,000	28,000	8,700
<u>Hell Hole Reservoir</u>		
More than 2,000,000	70,000	50,000
Less than 2,000,000 but not less than 1,200,000	70,000	25,000
Less than 1,200,000	26,000	5,500

1/ Unimpaired run-off of American River to Folsom Reservoir for current year, October 1 through September 30, as estimated by the California Department of Water Resources on or about April 1 of each such calendar year. The estimate shall apply for the period June 1 of each such calendar year to May 31 of the succeeding calendar year. Provided that the schedules may be modified if found appropriate to improve the fishery and recreation value to the extent mutually agreeable to the Licensee, the U.S. Forest Service, the Bureau of Sport Fisheries and Wildlife, and the California Department of Fish and Game.

Location and Forecasted runoff to Folsom Reservoir in Acre-feet ^{1/}	<u>Minimum Pool in Acre-feet</u> June October Through Sept. Through May
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Duncan Creek Diversion Reservoir

Any

Water surface elevation at
5,259 feet

Article 37. The Licensee shall release from Duncan Creek Diversion Dam, French ~~Creek~~ Dam, Hell Hole Dam, South Long Canyon Diversion Dam, North Long Canyon Diversion Dam, Ralston Afterbay Dam and Oxbow Powerplant, sufficient flows to meet the following schedule:

Meadows

<u>Location</u>	<u>Forecasted Runoff To Folsom Reservoir in Acre-feet ^{1/}</u>	<u>Streamflow in Cubic Feet per Second</u>
Duncan Creek Diversion Dam	1,000,000 or more	8, or the natural flow, whichever is less
	Less than 1,000,000	4, or the natural flow whichever is less
French Meadows Dam	1,000,000 or more	8, at all times
	Less than 1,000,000	4, at all times
Hell Hole Dam	1,000,000 or more	20, June 1 thru July 25 15, July 26, thru Aug. 5 10, Aug. 6 thru Oct. 31 14, Nov. 1 thru Jan. 31 20, Feb. 1 thru May 31
	Less than 1,000,000	8, June 1 thru Dec. 31 6, Jan. 1 thru March 25 8, March 26 thru May 31
South Long Canyon Diversion Dam	1,000,000 or more	5, or the natural flow, whichever is less
	Less than 1,000,000	2½, or the natural flow, whichever is less
North Long Canyon Diversion Dam	Any forecast	2, or the natural flow, whichever is less
Ralston Afterbay Dam <i>on Middle Fork Interbay</i>	1,000,000 or more	23, or the natural flow, whichever is less
	Less than 1,000,000	12, or the natural flow, whichever is less
Oxbow Powerplant to provide in Middle Fork of American R. below confluence with North Fork of the Middle Fork	Any Forecast	75, year-round

*See
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^{1/} See footnote - Article 36.

Provided that through mutual agreement among the Licensee, the U.S. Forest Service, the Bureau of Sport Fisheries and Wildlife, and the California Department of Fish and Game, the flow schedule for French Meadows Dam and Hell Hole Dam may be altered to improve fishery and recreational values. When the forecasted run-off is 1,000,000 acre-feet or more, total releases shall not exceed 5,800 acre-feet from French Meadows Dam nor 11,000 acre-feet from Hell Hole Dam. When the forecasted runoff is for less than 1,000,000 acre-feet, total releases shall not exceed 2,900 acre-feet from French Meadows Dam nor 5,500 acre-feet from Hell Hole Dam.

Provided further that Oxbow Powerplant releases shall not cause vertical fluctuations in stream stages (measured in representative section) greater than one foot in one hour; provided that should a cooperative study be conducted by the Licensee and the California Department of Fish and Game to determine the effect of such fluctuations, modification of this provision may be made, if mutually agreed by those agencies.

Article 38. The Licensee shall take every precaution during the construction period to prevent unnecessary destruction of fish and wildlife habitat, including the provision and enforcement of rules and regulations pertaining to those measures to govern the action of its contractors. Wherever possible, habitat along streams shall not be disturbed. However, if streamside habitat is altered during construction, it shall be left in a condition favorable to the reestablishment of stream-side vegetation. Silts, fines, and other construction debris shall not be placed in the streams, and special care shall be taken in depositing spoil from the construction of project tunnels to avoid destruction of wildlife habitat.

Article 39. 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, the benefits of which shall be shared equitably by the participants in such coordination. In the event the participants cannot agree thereon, the Commission shall equitably apportion the benefits after notice and opportunity for hearing upon the Commission's own motion or upon motion of any party.

Article 40. The Licensee shall install additional capacity and make other changes in the project as directed by the Commission, to the extent it is economically sound and in the public interest to do so, after notice and opportunity for hearing.

Article 41. The Licensee shall pay to the United States the following annual charges:

- (i) 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 11 of the Commission's regulations, in effect from time to time. The authorized installed capacity for such purposes is 280,000 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 12. The Licensee shall, within one year from the effective date 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 12. The Licensee shall, within one year from the effective date 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.*

(C) The exhibits designated and described in paragraph (B) above are hereby approved as part of this license.

(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 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.

Joseph H. Gutride,
Secretary.

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Placer County Water Agency)

Project No. 2079

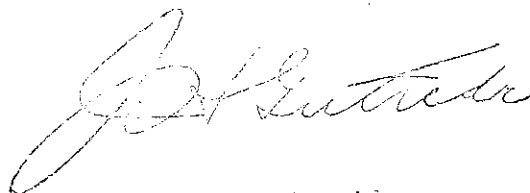
ERRATA NOTICE

(April 25, 1963)

ORDER ISSUING LICENSE (MAJOR)
(Issued March 13, 1963)

On page 11, under Article 37, line 2--change "French Creek Dam,"
to read "French Meadows Dam".

Under Location on same page change "Ralston Afterbay Dam" to
read "Ralston or Middle Fork Interbay".



Joseph H. Gutride,
Secretary.

FEDERAL POWER COMMISSION

TERMS AND CONDITIONS OF LICENSE
FOR UNCONSTRUCTED MAJOR PROJECT
AFFECTING
LANDS OF THE UNITED STATES

Article 1. The entire project, as described in the order of the Commission, shall be subject to all the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: Provided, however, that if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval amended, supplemental, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. Said project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except

when emergency shall require for the protection of life, health, or property, no substantial alteration or addition not in conformity with the approved plans shall be made to any dam or other project works under the license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in the project works or divergence from such approved exhibits may be made if such changes will not result in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct. The licensee shall comply with such rules and regulations of general or special applicability as the Commission may from time to time prescribe for the protection of life, health, or property.

Article 4. The construction, operation, and maintenance of the project and any work incident to additions or alterations, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The licensee shall furnish to said representative such information as he may require concerning the construction, operation,

and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow him and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 5. Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised maps, plans, specifications, and statements insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the maps, plans, specifications, and statements approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variations in or divergence from the approved maps, plans, specifications, and statements. Such revised maps, plans, specifications, and statements shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 6. For the purpose of determining the stage and flow of the stream or streams from which water is to be diverted for the operation of the project works, the amount of water held in any ~~and~~ ~~drawn~~ from storage, and the effective head on the turbines, the

Licensee shall install and thereafter maintain such gages and stream-gaging stations as the Commission may deem necessary and best adapted to the requirements; and shall provide for the required readings of such gages and for the adequate rating of such stations. The Licensee shall also install and maintain standard meters adequate for the determination of the amount of electric energy generated by said project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission and may be altered from time to time if necessary to secure adequate determinations, but such alteration shall not be made except with the approval of the Commission or upon the specific direction of the Commission. The installation of gages, the ratings of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of said project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient record of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 7. In the construction and maintenance of the project, the location and standards of roads and trails, and other land uses

including the location and condition of quarries, borrow pits, spoil disposal areas, and sanitary facilities shall be subject to the approval of the department or agency of the United States having supervision over the lands involved.

Article 8. In the construction and maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines, and telegraph, telephone, and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 9. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone line, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction. None of the provisions of this article is intended to relieve the Licensee from any responsibility or requirement

which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 10. The Licensee shall prior to impounding water clear all lands in the bottoms and margins of reservoirs up to high-water level, shall clear and keep clear to an adequate width lands of the United States along open conduits, and shall dispose of all temporary structures, unused timber, brush, refuse, or inflammable material resulting from the clearing of the lands or from the construction and maintenance of the project works. In addition, all trees along the margins of reservoirs which may die from operation of the reservoir shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission.

Article 11. The Licensee shall clear such portions of transmission line rights-of-way across lands of the United States as are designated by the officer of the United States in charge of the lands; shall keep the areas so designated clear of new growth, all refuse, and inflammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission line; shall cut and remove all dead or leaning trees which might fall in contact with the transmission line; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 12. 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 in accordance with the requirements of and at the current stumpage rates applicable to the sale of similar timber by the agency of the United States having jurisdiction over said lands; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as the officer of such agency may direct.

~~Article 13. 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 request of officers of the agency of the United States concerned, to prevent, make advanced preparations for suppression, and suppress fires on lands occupied under the license.~~

Article 14. The operations of the Licensee so far as they affect the use, storage, and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes; and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Commission may prescribe for the purposes hereinbefore mentioned.

Article 15. The Licensee shall interpose no objection to, and shall in no way prevent, the use by the agency of the United States having jurisdiction over the lands of the United States affected, or by persons or corporations occupying lands of the United States under permit, of water for fire suppression from any stream, conduit or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license, or to the use by said parties of water for sanitary and domestic purposes from any stream or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by the license.

Article 16. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction, or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 17. So far as is 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.

Article 18. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across the project lands, conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other means of transportation and communication not inconsistent with the enjoyment of said lands by the Licensee for the purposes stated in the license. This article shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 19. There is reserved to the appropriate department or agency of the United States, or of the State or county involved, the right to take over, maintain, and supervise the use of any project road as a public road after construction of the project works is completed.

Article 20. ~~The actual legitimate original cost of the original project, and of any addition thereto or betterment thereof, shall be~~

determined by the Commission in accordance with the Act and the Commission's rules and regulations thereunder.

Article 21. After the first twenty (20) years of operation of the project under the license, six (6) percent per annum shall be the specified rate of return on the net investment in the project for determining surplus earnings of the project for the establishment and maintenance of amortization reserves, pursuant to Section 10 (d) of the Act; one-half of the project surplus earnings, if any, accumulated after the first twenty years of operation under the license, in excess of six (6) percent per annum on the net investment, shall be set aside in a project amortization reserve account as of the end of each fiscal year, provided that, if and to the extent that there is a deficiency of project earnings below six (6) percent per annum for any fiscal year or years after the first twenty years of operation under the license, the amount of such deficiency shall be deducted from the amount of any surplus earnings accumulated thereafter until absorbed, and one-half of the remaining surplus earnings, if any, thus cumulatively computed, shall be set aside in the project amortization reserve account; and the amounts thus established in the project amortization reserve account shall be maintained therein until further order of the Commission.

Article 22. No lease of the project or part thereof whereby the lessee is granted the exclusive occupancy, possession, or use of project works for purposes of generating, transmitting, or distributing power shall be made without the prior written approval of the Commission; and the Commission may, if in its judgment the situation warrants,

require that all the conditions of the license, of the Act, and of the rules and regulations of the Commission shall be applicable to such property so leased to the same extent as if the lessee were the Licensee: Provided, that the provisions of this article shall not apply to parts of the project or project works which may be used by another jointly with the Licensee under a contract or agreement whereby the Licensee retains the occupancy, possession, and control of the property so used and receives adequate consideration for such joint use, or to leases of land while not required for purposes of generating, transmitting, or distributing power, or to buildings or other property not built or used for said purposes, or to minor parts of the project or project works, the leasing of which will not interfere with the usefulness or efficient operation of the project by the Licensee for such purposes.

Article 23. The Licensee, its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties necessary or useful to the project and to the development, transmission, and distribution of power therefrom will be voluntarily sold, transferred, abandoned, or otherwise disposed of without the approval of the Commission: Provided, that a mortgage or trust deed or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article. In the event the project

is taken over by the United States upon the termination of the license, as provided in Section 14 of the Act, or is transferred to a new licensee under the provisions of Section 15 of the Act, the Licensee, its successors and assigns will be responsible for and will make good any defect of title to or of right of user in any of such project property which is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and will pay and discharge, or will assume responsibility for payment and discharge, of all liens or incumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: Provided, that the provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, or to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to or right of user in any of such project property than was necessary to acquire for its own purposes as Licensee.

Article 24. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Placer County Water Agency)

Project No. 2079

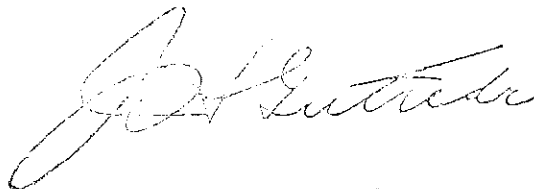
ERRATA NOTICE

(April 25, 1963)

ORDER ISSUING LICENSE (MAJOR)
(Issued March 13, 1963)

On page 11, under Article 37, line 2--change "French Creek Dam,"
to read "French Meadows Dam".

Under Location on same page change "Ralston Afterbay Dam" to
read "Ralston or Middle Fork Interbay".



Joseph H. Gutride,
Secretary.

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