

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Pre-1914 Diversion Statement 15372

PacifiCorp

**ORDER APPROVING PETITION FOR CHANGE IN PLACE OF USE,
PURPOSE OF USE AND DEDICATION OF INSTREAM FLOW**

SOURCE: Fall Creek tributary to the Klamath River

COUNTY: Siskiyou

WHEREAS:

1. On March 14, 2014, PacifiCorp (Petitioner) filed a petition pursuant to Water Code section 1707 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) to change the place of use and purpose of use for diversion of water under a claim of pre-1914 water right as reported under Statement of Water Diversion and Use (Statement) 15372.
2. The petition proposes to make the following changes to the Petitioner's claim of pre-1914 water right: (1) add a portion of Fall Creek to the authorized place of use; and, (2) add fish and wildlife preservation and enhancement as an authorized purpose of use.
3. Elevated water temperatures and low dissolved oxygen levels in the Klamath River watershed have resulted in the impairment of designated beneficial uses of water and the non-attainment of water quality objectives, primarily associated with cold water fish. This includes the migration, spawning, and early development of cold water fish such as coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead trout (*O. mykiss*). The coho salmon population in the Klamath River watershed is listed as threatened under the federal Endangered Species Act and the California Endangered Species Act.
4. Petitioner is signatory to the Klamath Hydroelectric Settlement Agreement, dated February 18, 2010 (Settlement). Pursuant to Interim Measure 17 (titled "Fall Creek Flow Releases") in Appendix D of the Settlement, within 90 days of the Effective Date and during the Interim Period for the duration of its ownership while the Settlement is in effect, Petitioner shall provide a continuous flow release to Fall Creek targeted at 5 cfs for the term of the Settlement.
5. In addition to the use of water under this claim of pre-1914 right for power generation, this Petition proposes to include the 5 cfs bypass flow called for in the Settlement for the purpose of enhancing instream fish and wildlife habitat in the portion of Fall Creek from PacifiCorp's diversion dam to the location where the tailrace from PacifiCorp's Fall Creek Powerhouse joins with Fall Creek, a distance of about 1.6 river miles. Bypass flows will be managed by an existing control gate at PacifiCorp's diversion dam.

6. Water Code section 1707 authorizes the use of the change petition provisions of Water Code section 1700 et seq. to add the purposes of preserving or enhancing wetland habitat, fish and wildlife resources, or recreation in, or on, the water. The water right at issue in the subject petition is a claim of pre-1914 right. Therefore, Petitioner is not required to obtain State Water Board approval to change the place of use, purpose of use or point of diversion for its claim of water right predating the Water Commission Act (1914) (Wat. Code, § 1706); however, Petitioner submitted the petition in the interest of ensuring that the changes in its water right are adequately documented and enforceable.
7. Before approving a petition submitted pursuant to Water Code section 1700, the State Water Board must find that the proposed change will neither in effect initiate a new right nor injure any other legal user of water. (Cal. Code Regs., tit. 23, § 791.) Under Water Code section 1707, the State Water Board must find that the proposed change will not increase the amount of water the person is entitled to use, will not unreasonably affect any legal user of water, and otherwise meets the requirements of the Water Code. (Wat. Code, § 1707.)
8. To support a finding that the proposed change will not initiate a new right, the State Water Board must determine that: (1) the right was properly established in accordance with the law; (2) recent beneficial use of the water subject to the right has occurred; and, (3) there is evidence that continuous beneficial use of the water has occurred since the right was established.
9. According to information provided by the Petitioner, the claimed pre-1914 water right was initiated in 1902 by a predecessor company under the names E.H. Steele and J.W. Churchill for 3,000 miner's inches, or approximately 75 cubic feet per second (cfs). The acquisition of the right by Petitioner was legally recorded by the Siskiyou County recorder in June 2002.
10. Division records show recent beneficial use of the water subject to the right has occurred since Statement 15372 was filed on February 25, 2002. Petitioner has filed supplemental Statements for calendar years 2003-2005 and 2009-2011.
11. According to information provided by the Petitioner, diversion of water for hydroelectric power has been made continuously, with no lapses longer than five years, since 1903. In addition, in support of the Petitioner's Federal Energy Regulatory Commission licensing and relicensing efforts, Petitioner has produced historical records and documents that provide evidence that continuous beneficial use of the water has occurred.
12. To meet the finding that no injury to other legal water users will occur as a result of granting this petition, it is necessary to evaluate the effect the change will have on downstream right holders. Currently, Petitioner diverts water from the point of diversion as reported under Statement 15372 for nonconsumptive power generation purposes, therefore substantially all of the water that is diverted is returned to Fall Creek at a location 1.6 miles downstream via the tailrace of the Fall Creek Powerhouse. The proposed change will instead leave in Fall Creek a portion of the water currently diverted and dedicate it to instream resources along the 1.6-mile long portion of Fall Creek. The dedicated water will not be available to junior water right holders.
13. The only water right within the 1.6-mile long portion of Fall Creek on record with the Division is Permit 15379 (Application 22551) of the City of Yreka (City). Permit 15379 authorizes the diversion of up to 15 cfs for Domestic, Municipal and Industrial beneficial uses from January 1 to December 31 of each year. Water is diverted from either: (1) the tailrace of the Fall Creek Powerhouse; or (2) Fall Creek at a location immediately upstream of the confluence with the tailrace of the Fall Creek Powerhouse. Whenever water is not flowing within the tailrace of the Fall Creek Powerhouse, the City is able to divert water from Fall Creek. In addition, Permit 15379

has a bypass flow term that prohibits diversion unless the flow in Fall Creek is at or above 15 cfs. Therefore, the proposed change will not injure or unreasonably affect the City.

14. On July 11, 2014, the State Water Board provided public notice of the petition. The notice period ended on August 11, 2014. No protests were received during that period.
15. Petitioner has complied with the statutory requirements for requesting modification of the claim of pre-1914 right. For the reasons stated above, the Division finds that: (1) the petition for change will not operate to the injury of any legal user of the water involved; (2) good cause for such change has been shown; and, (3) the petition does not constitute the initiation of a new right.
16. This Order makes no determination regarding the validity of the pre-1914 claim of right.
17. The project is exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) under the categorical exemption for existing facilities (Cal. Code Regs., tit. 14, § 15301) because the change involves negligible or no expansion of use beyond what existed at the time the Division approved the change. The project also meets the exemptions for actions by regulatory agencies for the protection of natural resources and the environment (Cal. Code Regs., tit. 14, §§ 15307 & 15308). These exemptions apply to actions authorized under state law to assure the “maintenance, restoration, enhancement, or protection” natural resources and the environment. The very purpose of Water Code section 1707 is for “preserving or enhancing wetlands habitat, fish and wildlife resources” in the water. (Wat. Code, § 1707.) The project does not involve construction activities or relaxation of any standard allowing environmental degradation. Finally, this project is exempt from CEQA because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. (Cal. Code Regs., tit. 14, § 15061, subd. (b)(3).) The Division will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this Order.
18. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed change on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal. Rptr. 346, 658 P.2d 709].) There is no evidence that the dedication of water for instream beneficial uses will have any adverse effects on public trust resources.
19. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated the authority to administer the State Water Board’s water rights program. By memorandum dated July 6, 2012, the Deputy Director for Water Rights has redelegated the authority.

NOW, THEREFORE, IT IS ORDERED:

1. The purpose of use for Petitioner’s claim of pre-1914 water right as reported under Statement 15372 is modified to include fish and wildlife preservation and enhancement.
2. The place of use for Petitioner’s claim of pre-1914 water right as reported under Statement 15372 for the purpose of fish and wildlife preservation and enhancement is modified to include a 1.6-mile portion of Fall Creek. The upstream limit is the point of diversion as reported under Statement 15372 at North 2,613,443 feet and East 6,463,813 feet by California Coordinate System 1983, Zone 1, being within NW ¼ of NW ¼ of Section 19, T48N, R4W, MDB&M. The downstream limit is the confluence of Fall Creek and the tailrace of Petitioner’s Fall Creek Powerhouse at North 2,606,644 feet and East 6,463,113 feet by California Coordinate System 1983, Zone 1, being within SW ¼ of NW ¼ of Section 30, T48N, R4W, MDB&M.

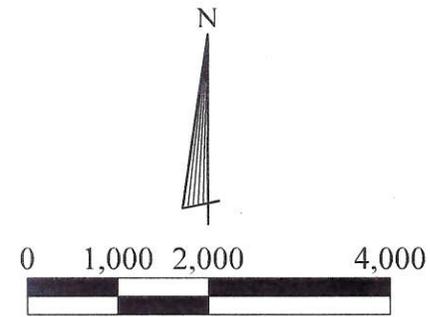
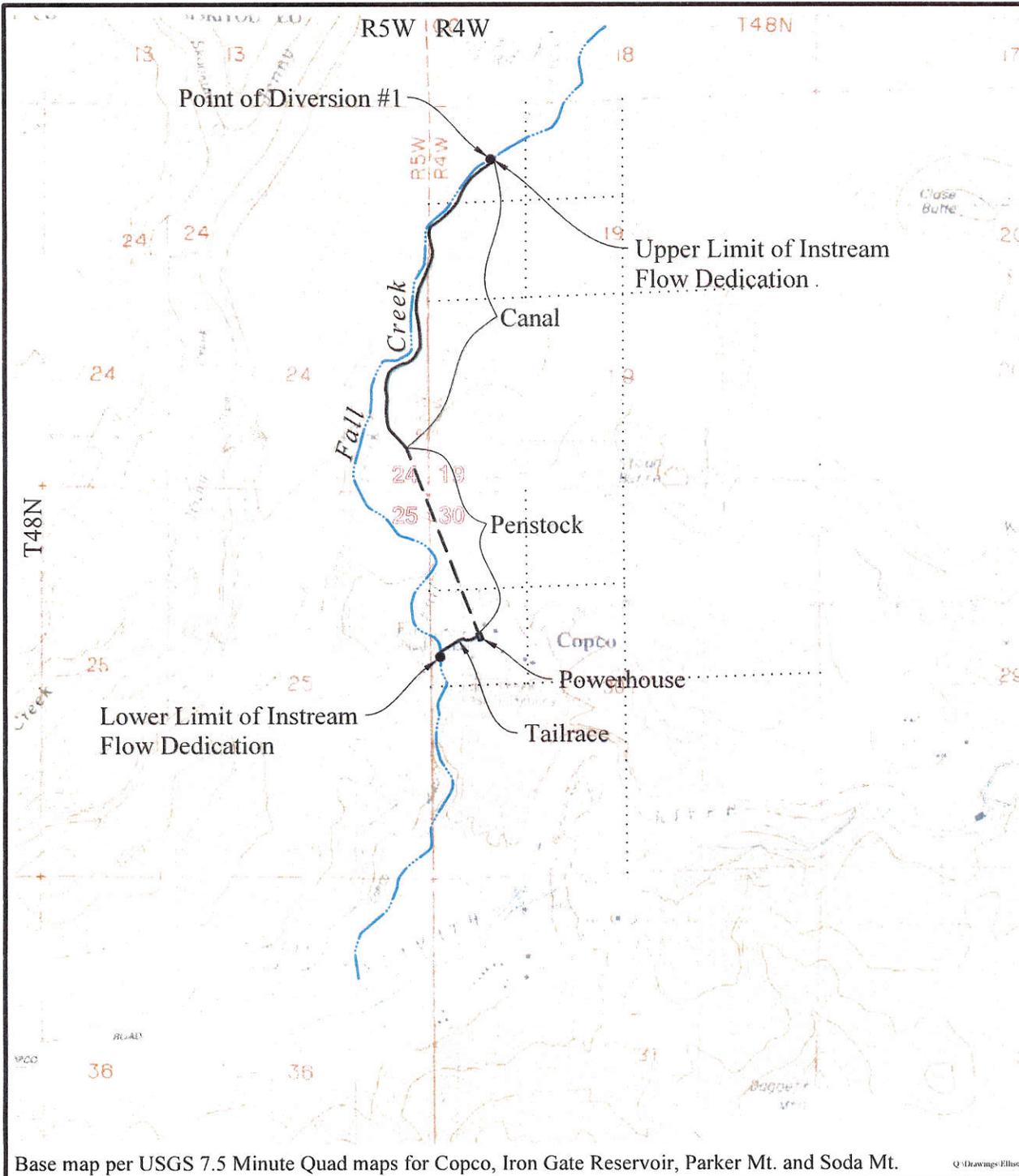
3. Petitioner shall install and maintain devices to measure the amount of water diverted for beneficial use under Petitioner's claim of pre-1914 right. (Wat. Code, § 5100 et seq.) The compliance monitoring point for the purposes of measuring the quantity of water beneficially used for instream purposes shall be the bypass culvert at the Fall Creek Diversion Dam at North 2,613,443 feet and East 6,463,813 feet by California Coordinate System 1983, Zone 1, or in accordance with a procedure acceptable to the Deputy Director for Water Rights. (0060900)
4. Petitioner shall satisfy the reporting requirements of Water Code section 5100 et seq. Petitioner shall maintain records of the amount of water used including: (a) the quantity of water diverted for consumptive use; (b) the quantity of water beneficially used for instream flow resources pursuant to this Order; and, (c) the total quantity of water diverted for consumptive use and/or beneficially used for instream flow resources. (0090900)
5. The State Water Board may supervise the diversion and use of water under this Order for the protection of legal users of water and instream beneficial uses and for compliance with the conditions. Petitioner shall allow representatives of the State Water Board reasonable access to the project works to determine compliance with the terms of this Order. (0000011)
6. This Order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this water right, the Petitioner shall obtain authorization for an incidental take prior to construction or operation of the project. The Petitioner shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this Order. (0000014)

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:
AMANDA MONTGOMERY FOR

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: JAN 8 2015



Point of Diversion:

<u>Map Point</u>	<u>Description</u>
1	Point of Diversion: Located N.2,613,443' and E.6,463,813', California Coordinate System, NAD83, Zone 1, being within the NW¼ of NW¼ of Section 19, T48N, R4W, MDB&M.

Limits of Instream Flow Dedication:

<u>Map Point</u>	<u>Description</u>
Upper	Located N.2,613,443' and E.6,463,813', California Coordinate System, NAD83, Zone 1, being within the NW¼ of NW¼ of Section 19, T48N, R4W, MDB&M.
Lower	Located N.2,606,644' and E.6,463,113', California Coordinate System, NAD83, Zone 1, being within the SW¼ of NW¼ of Section 30, T48N, R4W, MDB&M.

Map to Accompany
 Petition for Instream Flow Dedication
 for
 Statement 15372 of PacifiCorp

Fall Creek

Siskiyou County, California

Wagner Bonsignore
 Consulting Civil Engineers, A Corporation



S015372%\$%2005

2003, 2004, 2005

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
 Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by JULY 1, 2005.

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: PACIFICORP;

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

PACIFICORP
 CLAUDIA CONDER ✓
 1407 W NORTH TEMPLE STE 300 110 ✓
 SALT LAKE CITY, UT 84116

STATEMENT NO.: S015372
 CONTACT PHONE NO.: (801)220-2192

2252 ✓

Source Name: FALL CREEK
 Tributary To: KLAMATH RIVER
 County: Siskiyou

Year of First Use: 1903
 Parcel Number:

Diversion Within: NE1/4 of NW1/4 Section 19, T48N, R04W, MB&M

- A. **Water is Used Under:** Riparian claim _____ Pre-1914 right Other (explain): _____
 B. **Year of First Use:** (Please provide if missing above) _____

C. **Amount of Use:** Enter the amount (or the approximate amount) of water used each month, using the table below.

Amounts below are in: Gallons MONTHLY AVERAGE FLOW IN CFS Million Gallons (MG) Acre-feet (AF) Other CFS

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2003	33	32	30	39	35	31	30	30	29	34	35	35	33
2004	38	41	43	37	28	29	25	18	31	34	37	39	33
2005	36	40	39	38	37	35	33	33	32	33	39	42	36

D. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.
 Irrigation _____ acres; Stockwatering _____; Domestic _____

Other (specify) GENERATION OF POWER AT FALL CREEK POWERHOUSE - NON-CONSUMPTIVE
FULL LICENSE 2082

E. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.
 (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water
 a. Are you now employing water conservation efforts? YES NO
 Describe any water conservation efforts you have initiated: _____

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

Reduction in consumptive use:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

WRIMS/OR
 3-21-07 wr 2/23/07

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES ___ NO
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:
 Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES ___ NO ___

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ___ NO
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES ___ NO ___

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: MAY 17, 2006 at _____, California

SIGNATURE: [Signature]

PRINTED NAME: CLAUDIA (first name) CONDW (last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION
THIS WATER IS USED WITH WATER UNDER
5015373

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA
 There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A **riparian right** enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An **appropriative right** is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



STATE S015372%S%2002
 OCT 2000, 2001, 2002

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
 Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by September 1, 2003.
 *If the mail recipient's name, address or phone No. is wrong or missing, please correct.

2003 DEC -4 PM 12:10

DIVISION OF WATER RIGHTS
 SACRAMENTO

Owner of Record: PACIFICORP;

STATEMENT NO.: S015372
 CONTACT PHONE NO.: (801)220-2262 2192

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:
PACIFICORP

FOR ONLINE REPORTING AT
 www.waterrights.ca.gov

1407 W NORTH TEMPLE STE ~~110~~ 320
 SALT LAKE CITY, UT ~~84140~~ 84116

USER NAME: S015372
 PASSWORD: D30954

Source Name: FALL CREEK
 Tributary To: KLAMATH RIVER
 County: Siskiyou
 Diversion Within: NE1/4 of NW1/4 Section 19, T48N, R04W, MB&M

Year of First Use: 1903
 Parcel Number:

A. Water is used under: Riparian claim _____ Pre 1914 right XX Other (explain): _____

B. Year of first use (Please provide if missing above) _____

C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

MONTHLY AVERAGE FLOW
 Amounts below are: Gallons _____ Acre-feet _____ Other X CFS

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2000	60	60	45	45	45	45	45	45	45	45	60	60	50
2001	60	60	45	45	45	45	45	45	45	45	60	60	50
2002	60	60	45	45	45	45	45	45	45	45	60	60	50

AVERAGE FLOW

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation _____ acres; Stockwatering _____; Domestic _____;

Other (specify) GENERATION OF ELECTRIC POWER AT FALL CREEK POWERHOUSE
NON CONSUMPTIVE USE - PROJECT PART OF FERC LICENSE # 2082

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ___ NO ___
 Describe any water conservation efforts you have initiated: _____

b. If credit toward beneficial use of water under claimed pre 1914 appropriate water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)

Reductions in consumptive use:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ___ NO ___

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____.
- b. If credit toward use under a claimed pre 1914 appropriate water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
 I have data to support the above surface water use reductions due to wastewater reclamation. YES ___ NO ___

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO _____.
- b. If credit toward use under a claimed pre 1914 appropriate right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
 I have data to support the above surface water use reductions due to conjunctive use efforts. YES ___ NO ___

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: NOV 24, 2003 at _____, California

SIGNATURE: Roger B Rigby

PRINTED NAME: ROGER B. RIGBY
(first name) (middle init.) (last name)

COMPANY NAME: PACIF. CORP

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"



STATE WATER RESOURCES
CONTROL BOARD

2003 DEC -4 PM 12:10

DM. C. WATER RIGHTS
SACRAMENTO

Roger B. Rigby
Water Rights Manager

1407 West North Temple, Suite 320, Salt Lake City, Utah 84116
(801) 220-2192 Office: (801) 549-8764 Cellular: (801) 220-4373 Fax

November 24, 2003

State of California
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Supplemental Statements of Water Diversion and Use

Dear Mr. Sirs,

Please find enclosed 2 Supplemental Statements of Water Diversion and Use for water being diverted by PacifiCorp. Since the forms are designed to report consumptive uses rather than non-consumptive uses such as ours, they are completed with as much information as possible. The monthly average flows and annual average flows are listed. If there are any errors or you need further information, please let me know.

If you have any questions, please contact me via mail or e-mail at roger.rigby@pacificcorp.com. I can also be reached by telephone at (801)220-2192. Thank you.

Sincerely,

Roger B. Rigby
Water Rights Manager

S015372

STATEMENT OF WATER DIVERSION & USE

CLAIMANT: **PacifiCorp**

FILE NUMBER: S015372 NAME INDX(S): _____

CLAIM(S) RECEIVED BY: MAIL _____ OC _____ DATE REC'D: FEB 25 2002

ACCEPT: _____ RETURN: _____ STREAM CODE: 1-020-28000

QUAD MAP CODE: A016 QUAD MAP NAME: Copeo M.S.

CALIF COORD: ZONE 1 N 0972,200 E 1,901,950

REMARKS: 56 cfs

S015372

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

STATEMENT OF WATER DIVERSION AND USE

(This is not a Water Right)

This Statement should be typewritten or legibly written in ink and submitted to the address above.
 A separate statement should be filed for each point of diversion. A duplicate copy will be returned for your file.

A. Name of person diverting water PACIFIC CORP, DBA PACIFIC POWER
 Address (CORPORATE) 825 NE. MULTNOMAH, PORTLAND, OR 97228-5504
(MAILING) 1407 W. NORTH TEMPLE #110 SLC, UT 84149 Telephone: (801) 220-2252
ATTN: CLAUDIA CONDOR

B. Water is used under: Riparian claim; _____ Pre 1914 right; XX Other (explain) BASED ON
NOTICE DATED JULY 3, 1902 IN SISKIYOU CO. BOOK 5 OF WATER RIGHTS
PAGE 425

C. Name of the body of water at the point of diversion
FALL CREEK
 Tributary to KLAMATH RIVER

D. Point of diversion is located within SISKIYOU County on Assessors Parcel # _____, being
 within the NE 1/4 of NW 1/4 of Section 19, of Township 48N, Range 4W MDM-B&M.
 Name of works FALL CREEK DIVERSION/FALL CREEK POWERHOUSE

E. Do you own the land at the point of diversion? Yes X NO _____ The name and address of the owner of the land is:

F. Capacity of diversion works 3000 INCHES (cfs, gpm, or gpd) Capacity of storage tanks or reservoir _____ (gallons or acre-feet)
 Type of diversion facility: Gravity X Pump _____
 Method of measurement: Weir _____ Flume _____ Electric Meter _____ Estimate XX

G. Enter the amount (or approximate amount) of water used each month.
 Amounts below are shown in: Gallons _____ Acre-feet _____ Other PLANT CAPACITY 50 CFS

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual

H. Annual water use in recent years: Maximum _____ (gallons or acre-feet) Minimum _____ (gallons or acre-feet)
 Year of first use (nearly as known) 1903

I. Purpose of use: What is the water being used for: (example, number of acres and type of crop irrigated, average number of persons served, number of stock watered, etc.) GENERATION OF ELECTRICAL POWER AT FALL CREEK POWERHOUSE
PROJECT IS PART OF FERC LICENSE #2082

J. General description or location of place of use (example: 40 acres of pasture located 3 miles from Happyville on Alpha Road) FALL CREEK POWERHOUSE IS LOCATED IN THE SW 1/4 OF THE NW 1/4 SEC. 30, T. 48N. R. 4W. MDM

K. Map: Please locate the point of diversion and place of use on a print of a USGS quad map, or make a sketch on the section grid provided on the reverse side of this form. The sketch should identify the section lines, prominent local landmarks and roads, your point of diversion, and your place of use (your house, acreage irrigated, etc.).

L. Please answer only those questions below which are applicable to your project.

- 1. Conservation of water
 - a. Describe any water conservation efforts you may have started: _____

- 2. Water quality and wastewater reclamation
 - a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ___ NO ___.

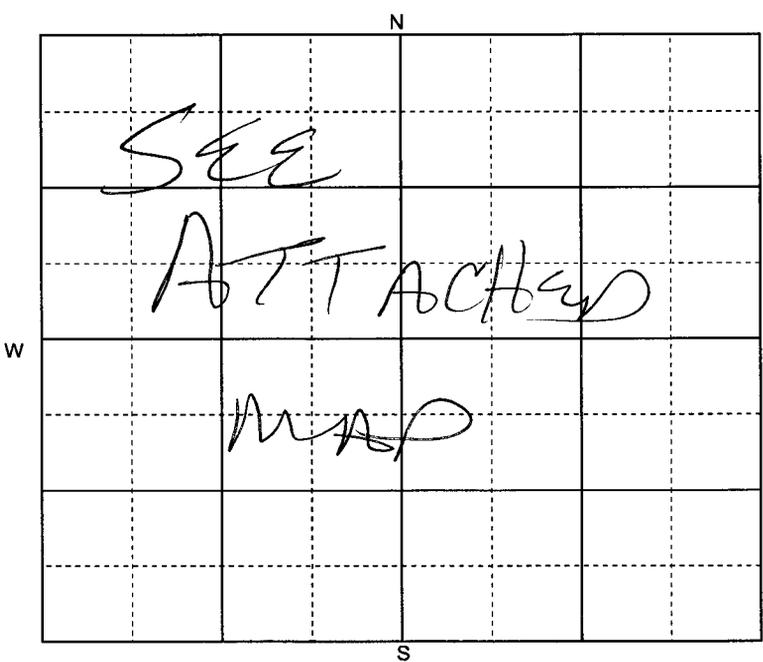
I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATE: 2-15-2002 at _____, California

SIGNATURE: Claudia Conder

PRINTED NAME: CLAUDIA CONDER
(first name) (middle init.) (last name)

COMPANY NAME: PACIFICORP



The location of the diversion point and the place of use may be sketched on the section grid provided. If it is used, please enter the section(s), township, range and the base & meridian below. Also, show any streams or other landmarks that will assist in identifying the area.

Section(s) _____
Township _____
Range _____
_____ B&M

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to 1) store water for later use 2) divert water which originates in a different watershed 3) divert water released from storage, or 4) divert return flows from groundwater use.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by a riparian and per-1914 appropriative water users. The filling of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Right in California and (3) Appropriation of Water in California.

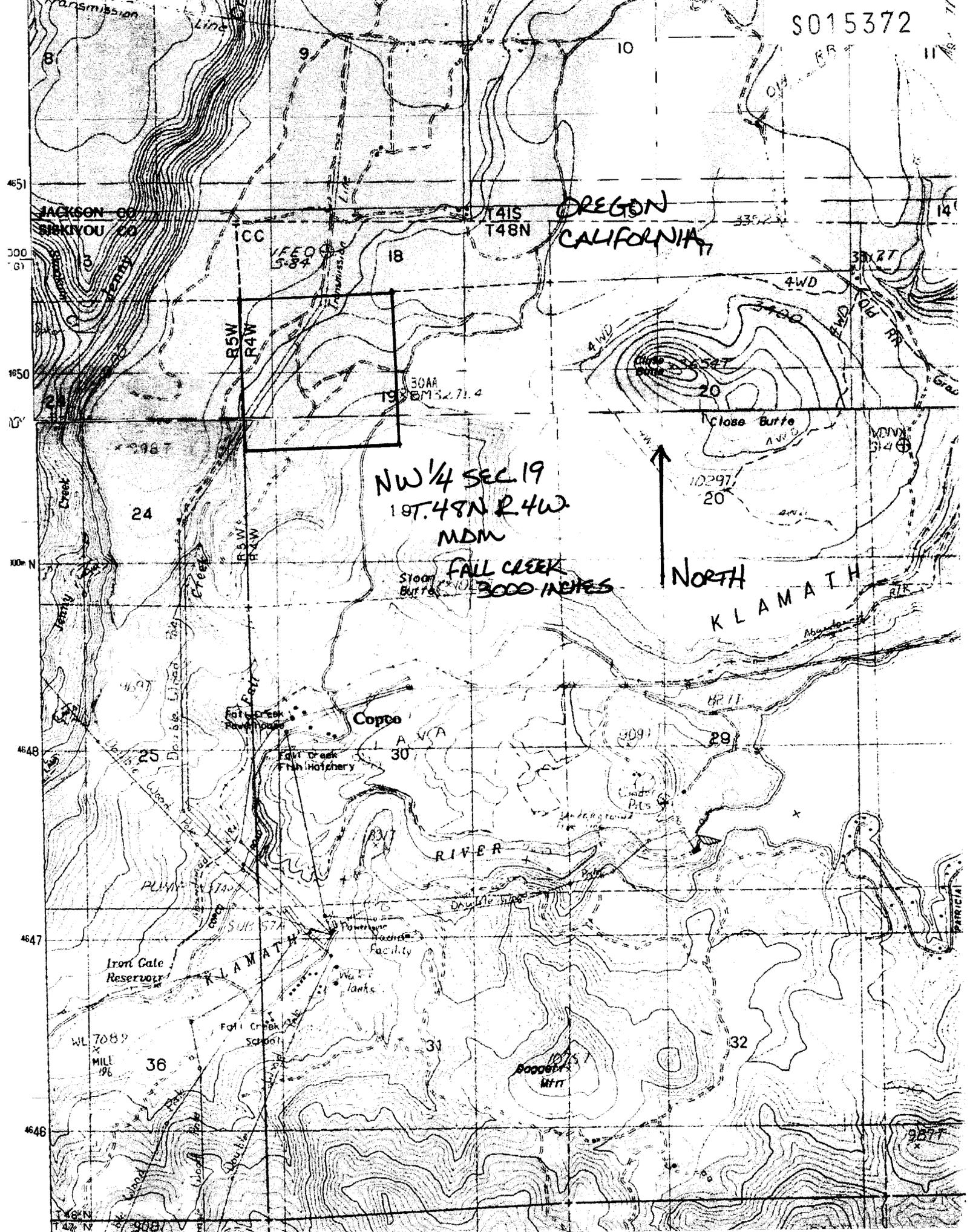
S015372

OREGON
CALIFORNIA

NW 1/4 SEC 19
19T.48N R.4W
MDM

FALL CREEK
3000 INCHES

NORTH
KLAMATH



1 o'clock P. M.

S015372

Eugene Dowling
County Recorder.

Water Right Location.

COMPARED

Notice is hereby given that the undersigned have this day located and claim 2000 inches of water from this creek, known as Joe Creek and to be used for mining and milling purposes. This notice or a copy is placed on Joe Creek about half a mile above its junction with the south fork of said stream and that I intend to hold and work said above described water right as provided by the local laws, and the customs and rules of miners and mining statutes and laws of the United States.

Recorded:-

Dated and Located June 12, 1902.

Witness

signed: } Olaus Feldness.

Andrew Feldness.

Recorded at Request of Andrew Feldness, June 23rd, 1902, at 7 min past 10 o'clock a.m.

Eugene Dowling
County Recorder

Notice

COMPARED

Notice is hereby given that the undersigned claims and hereby appropriates 3000 inches water under a 4" pressure, of the waters of Fall Creek. The same to be diverted into a flume by a dam 6ft in height, at a point on the creek where this notice is posted. being in N.W. 1/4 of Section,

S015372 ~~KSJ~~
1407 W. North Temple, Suite 110
Salt Lake City, Utah 84140
(801)220-2000



February 15, 2002

State of California
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Statements of Water Diversion and Use

Dear Sirs:

Please find enclosed 2 statements of Diversion and Use for water being diverted by PacifiCorp. The statements are based on notices filed by E.H. Steele and J.W. Churchill in 1902 for 1000 inches and 3000 inches of unappropriated water in Fall Creek to be used for generation electric power at what is now known as the Fall Creek Powerhouse. Since the forms are designed to report consumptive uses rather than non-consumptive uses such as ours, they are completed with as much information as possible. If there are any errors or you need further information, please let me know.

Attached to each form is a copy of the Notice for which we base our claims on. The Fall Creek Powerhouse and its appurtenances are part of our FERC license #2082 as noted on the forms.

If you have any questions, please contact me via mail or e-mail at claudia.conder@PacifiCorp.com. I can also be reached by telephone at (801)220-2252.

Cordially,

A handwritten signature in cursive script that reads "Claudia Conder".

Claudia Conder
Water Rights Administrator



State Water Resources Control Board

SURNAME



Gray Davis
Governor

Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • (916) 341-5300
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000
FAX (916) 341-5400 • Web Site Address: <http://www.swrcb.ca.gov>
Division of Water Rights: <http://www.waterrights.ca.gov>

JUN 09 2003

In Reply Refer
to:331:KSN:S015372-S015381

Claudia Conder
PACIFICORP
1407 W. North Temple, Suite 110
Salt Lake City, UT 84140

Dear Ms. Conder:

STATEMENT OF WATER DIVERSION AND USE, STATEMENT NUMBER S015372,
S015373, S015374, S015375, S015376, S015377, S01578, S015379, S015380, S015381

Your statements of water diversion and use have been received and assigned the above numbers.
You should refer to these numbers in any future correspondence to this office regarding the
statement.

Copies of the statements are enclosed for your records.

Please notify us of any change in address or change in ownership.

The law requires that supplemental statements be filed at three-year intervals. The forms will
automatically be sent to you by the State Water Resources Control Board at the close of the
period.

Thank you for your cooperation. If you have any questions or concerns, please telephone me at
(916) 341-5366.

Sincerely,

ORIGINAL SIGNED BY

Koso Nodohara
Sanitary Engineering Associate
Water Rights Processing

Enclosures

KSNodehara:ksn/itziar:6-5-03
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*"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"*

ST-TRANS-LTR (11-00)

SURNAME

Koso 6-6-03