



MEMORANDUM

**TO: STATE WATER RESOURCES CONTROL BOARD,
DIVISION OF WATER RIGHTS**

FROM: VICKI SACKSTEDER, WATER RESOURCES ANALYST

DATE: MARCH 6, 2015

**RE: SUPPLEMENTAL INFORMATION FOR SJWD'S REPORT IN RESPONSE
TO SWRCB INFORMATIONAL ORDER (S000656)**

Directors
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The San Juan Water District ("SJWD") submits the following supplemental information in support of its on-line report for Statement of Water Diversion and Use S000656 submitted in response to the State Water Resources Control Board's Order for Additional Information dated February 4, 2005.

1. Summary of SJWD's Pre-1914 Appropriative Water Right

In 1853, the Natoma Water and Mining Company commenced plans to construct a diversion dam and conveyance system to provide water for mining operations on the North Fork American River. The notice of appropriation of 3,000 miner's inches (about 60 cfs) of water for the pre-1914 water right was posted at the dam site during 1853 for mining, agricultural, mechanical and other purposes. According to historical documents attached to this memorandum, the notice of appropriation also was recorded in the Placer County Official Records although SJWD currently does not have a copy of that document. Regardless, the initiation of this right predated the enactment of the 1872 Civil Code statutes requiring recordation of a notice of appropriation so recording of the notice was not required. The American Ditch Company, successor to the Natoma Water and Mining Company, completed construction of its facilities and initiated water diversions from the North Fork American River in 1854. The system of ditches and flumes that ultimately was constructed to convey water from the diversion dam had a capacity of about 60 cfs, and became known as the "North Fork Ditch."

In 1882, C. W. Clarke acquired the North Fork Ditch water right and facilities. In 1898, the Sacramento Electric Gas and Railway Company (owner of the Folsom Dam that existed at that time) brought suit to claim a portion of the North Fork Ditch Company water right. On August 5, 1898, the Sacramento County Superior Court issued an adjudication decision that confirmed the pre-1914 water right of the North Fork Ditch Company. (*Sacramento Electric, Gas and Railroad Company v. C. W. Clarke, etc.*, Action No. 7815, Judgment No. 5353 – Attachment 2.a to this memorandum.)

In anticipation of the construction of the Folsom Dam and Reservoir project by the United States, which would interfere with the operation of the North Fork Ditch Company's diversion and

conveyance/distribution facilities, the United States and the North Fork Ditch Company held a series of meetings to resolve water right and water system relocation issues. In a memorandum dated March 20, 1952 (Attachment 2.b to this memorandum), the United States confirmed the material provisions of a water right settlement and water system relocation agreement with the North Fork Ditch Company. The memorandum discusses the results of a six-month investigation by the United States to confirm the water rights of the North Fork Ditch Company, and concluded that the Company had a right under its pre-1914 water right and Water Right Permit 4009 (Application 5830, License 6324) to divert about 33,000 acre feet per year at a maximum diversion rate of about 75 cfs.

On April 12, 1954, the North Fork Ditch Company and the United States entered into a facilities relocation and water right settlement agreement, Contract No. DA-04-167-eng-610 (Attachment 2.c to this memorandum). Among other matters, Article 4 of the 1954 Settlement Agreement provides for the United States to deliver the water supply under the Company's senior water rights in perpetuity and without reduction from Folsom Reservoir to the Company's New Hinkle Reservoir.

In 1947, and again in 1953, representatives of the Orange Vale Mutual Water Company, the Fair Oaks Irrigation District, and the Citrus Heights Irrigation District, all of which obtained their water supplies from the North Fork Ditch Company, formed a committee to study the water supply needs of the area, and concluded that they should: (1) acquire the Company's water system and water rights; and (2) promote the formation of a master water district to own and operate the North Fork water system. During the process of organizing the new district, the retail water customers of the North Fork Ditch Company and other water users in Placer County asked to be included within the new district. SJWD was formed following two-thirds voter approval at an election held within its proposed service area on February 10, 1954.

On May 25, 1954, SJWD entered into an agreement with the North Fork Ditch Company under which the District acquired all of the Company's water system and water rights, including the rights under the 1954 Settlement Agreement between the Company and the United States (Attachment 2.d to this memorandum). SJWD has been in possession of and continually used the pre-1914 water right supplies under that Agreement since it acquired those supplies.

2. Documents Evidencing SJWD's Pre-1914 Right and Continuous Use Thereunder

- A. Judgment dated August 5, 1898 in *Sacramento Electric, Gas and Railroad Company v. C. W. Clarke, et al.* (Action No. 7815, Judgment 5353).
- B. United States of America, Memorandum re "Informal Agreement Regarding Settlement of Water Rights of North Fork Ditch Company," dated March 20, 1952.
- C. Contract for Relocation, Rearrangement or Alteration of Facilities between the United States of America and North Fork Ditch Company, Contract No. DA-04-167-eng-610, dated April 12, 1954.
- D. Agreement between North Fork Ditch Company and San Juan Water District for acquisition of the Company's water system and water rights dated May 25, 1954.

3. Map of San Juan Water District's Service Area

The attached map shows SJWD's entire service area, which includes its retail service area centered in the community of Granite Bay, and SJWD's wholesale service area, which includes the retail water providers Citrus Heights Water District, Fair Oaks Water District, Orange Vale Water Company, and the portion of the City of Folsom north of the American River.

The documents described above in paragraphs 2.a-d and 3 are attached to email S000656 Pre-1914 Claim Supporting Documents.