WATER-RIGHT DOCKET

Sequoia & Kings Canyon National Park (see also: KICA)

Docket No: 4

ASH MOUNTAIN HEADQUARTERS-KAWEAH #3

Preliminary Docket Information

01-12-2015: Memo to File: Refer to Drought Assessment in Docket 1

January 12, 2015

MEMO TO FILE

In 2014, the State of California suffered the third consecutive year of extreme drought. In January 2014, the Governor declared a drought emergency. The State Water Resources Control Board issued projections for the summer of 2014 as to likely calls for curtailment in the state's major watersheds.

In response, WRB contacted all of the NPS units in California regarding the drought and offered WRB's services to assist in preparations for potential calls for curtailment. A few parks responded, and WRB prepared drought assessments for SEKI, YOSE, and LAVO, and also worked with PINN and WHIS. The drought assessments included an inventory of the park's rights and uses, an assessment of the relative seniority of the parks rights, and an estimation of the likelihood of the park's rights being called for curtailment. In spring 2014, WRB sent to SEKI, YOSE, and LAVO the drought assessments with recommendations to ensure that park water needs were protected.

In summer 2014, the Board did issue calls for curtailment of post-1914 rights in order to protect the diversions of senior rights (pre-1914 and riparian). In addition, the State legislature passed laws regarding the management of groundwater—the first legislation regarding groundwater in the State's history. As a result of these developments, WRB updated the drought assessment and provided a final hardcopy to SEKI, LAVO, and YOSE, reflecting these developments.

Given the size of the drought assessment, one hard copy was put into Docket #1 of each park listed above in the section "Other Supporting Information". In the remaining dockets, this Memo to File has been placed, referring readers to the drought assessment located in Docket #1.

In addition, the Drought Assessment is cross referenced as a .PDF in IRMA (Code No. 2242660) in each applicable docket.

Eric Lord
Water Rights Specialist
January 2015

Land History

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SPECIAL USE PERMIT
Sequoia and Kings Canyon
National Parks

Southern California Edison Company, of Los Angeles, California, is hereby authorized during the period from June 21, 1963, to August 6, 1974, to use the land in Sequoia National Park covering the project known as Kaweah #3 of the Southern California Edison Company in accordance with the authorization of a Joint Resolution, H. J. Res. 180, Public Law 88-47, approved June 21, 1963, for the purpose of operating a hydroelectric plant. This authorization is subject to the following conditions and to the payment to the Government of the United States of the sum of .03 cents per kilowatt hour generated (Kaweah Project #3), paid semiannually, provided that if the rates for electric service to the National Park Service at Ash Mountain are increased, this rate of .03 cents per KWH generated shall be increased proportionately, payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

CONDITIONS

1. Regulations. -- The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government governing the area.

2. Definition. -- The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. Rights of the Director. -- Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. Nondiscrimination. -- If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

(a) The permittee will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the officer issuing this permit setting forth the provisions of this nondiscrimination clause.

(b) The permittee will, in all solicitations or advertisements for employees placed by or on behalf of the permittee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The permittee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the issuing officer, advising the said labor union or workers' representative of the permittee's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The permittee will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The permittee will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records and accounts by the issuing agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the permittee's noncompliance with the nondiscrimination clauses of this permit or with any of the said rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and the permittee may be declared ineligible for further Government permits in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The permittee will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The permittee will take such action with respect to any subcontract, or purchase order as the issuing agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; PROVIDED, HOWEVER, that in the event the permittee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the issuing agency, the permittee may request the United States to enter into such litigation to protect the interests of the United States.

5. Damages. -- The permittee shall pay the United States for any damages resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. Construction. -- No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. Disposal of refuse. -- The permittee shall dispose of brush and other refuse as required by the Superintendent.

8. Timber cutting. -- No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

9. Fire prevention and suppression. -- The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

10. Soil erosion. -- The permittee shall take adequate measures, as directed and approved by the Superintendent, to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

11. Benefit. -- Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: Provided however, That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

12. Assignment. -- This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

13. Revocation. -- This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

14. The minimum release of water into the Kaweah River at the diversion structures on the Marble Fork and the Middle Fork of the Kaweah River shall be in accordance with the following schedule or the actual stream flow, whichever is the lesser. Details of the distribution of the flow between the Marble Fork and the Middle Fork shall be worked out by the permittee with the Superintendent. The flows shall be as follows: January and February, 20 c.f.s.; March through June, 30 c.f.s.; July and August, 20 c.f.s.; September through December, 11 c.f.s.

15. The present spillways for surplus water may be retained, but spilling shall be limited to relatively short periods of times. Water surplus to the quantity required for operation of the powerplant shall not be diverted into the flume of the intake, but shall be permitted to continue down the natural channel of the streams.

16. During the term of this permit the United States shall have the right to take from the existing tap on the Kaweah Project #3 flume such water as may reasonably be put to beneficial use for domestic and sanitary purposes at the Potwisha Campground. The United States shall at its expense and risk install, maintain, and operate facilities necessary for the diversion, storage, purification, and measurement of such water. The United States will hold the permittee harmless against the claims of others to waters furnished to the United States and the permittee shall not be responsible for the interruption or cessation of flow when said flume is out of service for maintenance purposes or for any cause not within control of the permittee.

17. Upon the expiration of this permit, the United States will require the permittee to remove such structures as may be determined by the Superintendent to be both feasible and necessary. If and when such removal shall be required, it shall be accomplished within such reasonable periods as determined by the Superintendent, but not less than six months after written notice to the permittee.

18. The United States shall not be liable for damage to, or loss of property, or injury to, or death of persons, resulting from the activities of the permittee, its representatives, or its employees, while exercising the privileges authorized in this permit.

19. The privileges granted hereby are to be exercised in accordance with the Federal Power Act (16 U.S.C. 791(a) - 825(r)), and the rules and regulations which the Secretary of the Interior, after consultation with the Federal Power Commission, determines to be applicable.

Issued at Washington, D. C., this 23rd day of September 1964

Acting John A. Carver Jr.
Secretary of the Interior

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

Attest

Elaine Botenstein
Asst. Secretary

SOUTHERN CALIFORNIA EDISON COMPANY
By W. A. Montgomery
Vice President

It is believed that the terms of the permit are fair and equitable to the Southern California Edison Company and will, at the same time, protect the Park to the fullest extent possible. The Service recommends that you approve the permit by signing the two enclosed copies which have already been signed by the Southern California Edison Company.

Enclosures

Enclosures approved by: SEP 23 1964

Acting Secretary of the Interior

7/1/64

Ed —

§3 of legislation requires there be a specific provision making the permit subject to Federal Power Act and whatever rules and regulations Secty determines applicable.

The letter from FPC merely states that, in their judgement, no rules & regulations need be included.

This does not lessen requirement of statute that permit contain the provision.

Otherwise, O.K.

Bernie Meyer

→ Mr Meyer

6/4/64

Bernie - Re Kawerak

Attached are copies of Public Law 88-47 authorizing issuance of permit by Secretary, proposed draft of permit by Region, and pertinent correspondence leading to formation of the draft. Undersecretary Carr approved wish to sign permit last February but FPC's reply was received only on June 1. Please review the draft and make any changes you think necessary

Ed Reed

07-22-1964: memorandum to regional director from director regarding special use permit for kaweah no. 3

WR copy 99
EWL
7/22/64
WBS

L3031-SLW JUL 22 1964

Memorandum

To: Regional Director, Western Region
ACTING ASSISTANT,
From: Director

Subject: Special use permit for Kaweah No. 3, Southern California Edison Company, Sequoia

Enclosed are four copies of the special use permit to the Southern California Edison Company for continued operation of its Kaweah No. 3 power project in Sequoia National Park until August 6, 1974. Some changes have been made from the draft submitted with Mr. Neilson's memorandum of February 17, but most of these changes were necessary because Standard Form 10-114 was not used.

Condition 4 (nondiscrimination) was rewritten to contain the revised wording usually attached as a supplement. Condition 7 (removal of structures) was deleted and replaced by Condition 17. This is in accordance with Mr. Hummel's memorandum of February 4. Condition 8 (water rights) was deleted also. The company has perfected its water rights under California law and should not be required to relinquish them. These two deletions resulted in a renumbering of the remaining conditions, but with the exception of Condition 14 (minimum releases) the wording was not changed. The phrase "at the diversion structures on the Marble Fork and Middle Fork of the Kaweah River" was added to the first sentence of Condition 14. As originally written, the point of release along the Kaweah River was not specified and, although the following sentence implied that both forks are involved, a definite location should prevent future misunderstanding.

Condition 19 (relation to the Federal Power Act) was added on the advice of the Solicitor's Office here. Section 3 of Public Law 88-47 contains the phrase: "Such permit shall specifically recite, etc." Although the Federal Power Commission has determined that none of its rules and regulations are applicable, this does not lessen the requirement that the permit "shall specifically recite" the conditions of section 3.

None of the changes appear to be of sufficient consequence to require further negotiation with the company. However, a copy of the letter

of May 28 from the Federal Power Commission stating that none of its rules and regulations are applicable should be sent to the company for its information. Copies of this letter were sent to you on June 17, and an extra copy is enclosed. If you agree that the permit is now satisfactory, please send three copies to the Southern California Edison Company and ask that two copies be signed by the proper officials and returned to this Office for the Secretary's signature. One of the signed copies will be retained here and the other returned to the company. Conforming copies will then be sent to the Region, Park, and WODC for insertion in the alien water rights docket.

(sgd) Thomas E. Flynn Jr.

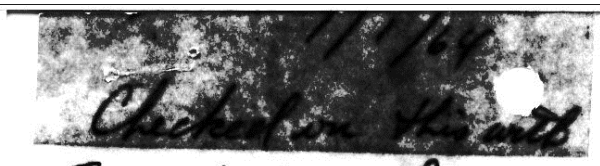
Enclosures 2

cc:
Superintendent, Sequoia, w/c Special Use Permit
Chief, WODC (2), w/c Special Use Permit
Mr. Reed

EWReed:ljc 7-14-64

7

00-00-0000: handwritten letter regarding federal power commission



Federal Power Commission
None of the projects in-
volve N.P.S. lands
so we have no
interest. Apparently
distribution to NPS
was an error by
FPC

C W Reed

06-25-0000: letter to director; nps from chief; bureau of power regarding transfer of licenses from california electric power compan

414-2-39-64

W. R. Copy

FEDERAL POWER COMMISSION
WASHINGTON 20426

20426

Projects Nos. 325 et al
Southern California Edison Company

JUN 25 1964

The Director
National Park Service
Department of the Interior
Washington, D. C. 20240

C

O

P

Y

Dear Sir:

Transmitted herewith are two copies each of instruments of projects as listed therein, covering transfer of licenses from California Electric Power Company to Southern California Edison Company. You will note on page 3 item (B) that projects Nos. 481 and 677 were dismissed.

Very truly yours,

F. Stewart Brown

F. Stewart Brown
Chief, Bureau of Power

Enclosure No. 16820
As above

Instrument No. 2

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Joseph C. Swidler, Chairman; L. J. O'Connor, Jr., Charles R. Ross, Harold C. Woodward, and David S. Black.

California Electric Power Company	)	Project Nos. 325, 344, 440, 474, 481
and	)	532, 677, 711, 782, 830, 882, 1008,
Southern California Edison Company	)	1353, 1388, 1389, 1390, 1394, 1395
	)	1396, 1397, 1398 and 1582

ORDER APPROVING TRANSFER OF LICENSES OR INTEREST THEREIN AND DISMISSING APPLICATION FOR APPROVAL IN OTHER RESPECTS

(Issued October 1, 1963)

Joint application was filed on June 11, 1963, and supplemented on July 3, 1963, by California Electric Power Company, licensee for the following projects:

PROJECT NOS.

325	711	1390
344	782	1394
440	830	1395
474	882	1396
481	1008	1397
532	1353	1398
677	1388	1582
	1389	

and Southern California Edison Company, of Los Angeles, California, for Commission approval of transfer of the licenses for the above-designated projects from the former to the latter.

According to the application, the approval herein sought is part of a merger transaction between the proposed transferor and transferee. Application for authority to consummate the merger has been filed with the Commission in a proceeding designated as Docket No. E-7106. Joint

Applicants herein request that Commission approval of the transfer of the licenses involved be made conditional upon consummation of the merger and be made effective as of the effective date of the merger.

The licenses for Project Nos. 481 and 677 waive Section 8 of the Federal Power Act, and consequently no Commission approval of the transfer is required.

The licenses for Project Nos. 325, 440, 474, 481, 711, 782, 830, 882, 1008, 1353, 1397, and 1582 are for transmission lines only which, according to a staff study of the function of each of such lines, are not primary lines or parts of a "project" as defined in Section 3 (11) of the Federal Power Act. However, in view of the pending merger, we are approving the transfer of the licenses for these lines, subject to the requirement that the transferee obtain authority from the appropriate Government agency for the continued occupancy by the lines of the Government lands involved, and upon obtaining such authority to then apply for surrender of its licenses or interest therein for the lines.

Our records show that the licenses for transmission line Project Nos. 325 and 1397 are held jointly by California Electric Company and Imperial Irrigation District to the extent of their respective interests in the lines. Our approval of the transfer of the licenses for these two lines is restricted to California Electric Company's interest only in the lines.

California Electric Company agrees to pay all annual charges accrued under its licenses to the effective date of the transfer of the licenses. Southern California Edison Company agrees to accept the licenses and all the terms and conditions therein and of the Federal Power Act, and agrees to be bound thereby to the same extent as though it were the original licensee of the projects herein involved.

The Commission finds:

(1) The proposed transferee is a corporation organized under the laws of the State of California.

(2) Transmission line Project Nos. 325, 440, 474, 481, 711, 782 830, 882, 1008, 1353, 1397 and 1582 are not parts of a "project" as defined in Section 3 (11) of the Federal Power Act.

(3) Approval of transfer, upon the conditions hereinafter set forth, of the licenses for Project Nos. 344, 440, 474, 532, 711, 782, 830, 882, 1008, 1353, 1388, 1389, 1390, 1394, 1395, 1396, 1398 and 1582, and of the transferor's interest in the licenses for Project Nos. 325 and 1397 to the proposed transferee will not be inconsistent with the public interest.

(4) The joint application should be dismissed to the extent that it seeks Commission approval of the transfer of the licenses for Project Nos. 481 and 677.

The Commission orders:

(A) The transfer of the licenses or interest therein for the projects designated in finding (3) above from California Electric Company to Southern California Edison Company is hereby approved, effective as of the effective date of the merger referred to above, subject to Section 9.3 of the Commission's rules and regulations, and subject to the further condition that the net investment in the projects will not be increased on account of the transfer; provided that the transferee shall be subject to the conditions and obligations of the licenses and to all the provisions of the Act to the same extent as though it were the original licensee for the projects. Our approval respecting the licenses for Project Nos. 325, 440, 474, 481, 711, 782, 830, 882, 1008, 1353, 1397 and 1582 is subject to the requirement that the transferee obtain authority for the continued occupancy by the lines of the Government lands involved, and upon obtaining such authority to then apply for surrender of its licenses for those lines.

(B) The application is dismissed to the extent that it seeks Commission approval of transfer of the licenses for Project Nos. 481 and 677.

(C) 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 Federal Power Act, and failure to file such an application shall constitute acceptance of the licenses or interests therein for the projects designated in finding (3) above by Southern

California Edison Company. In acknowledgment of the acceptance of such licenses, this instrument shall be signed for Southern California Edison Company, the new licensee, and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

Joseph H. Gutride,
Secretary.

IN TESTIMONY of its acknowledgment of acceptance of all of the conditions and provisions of the licenses for the projects designated in finding (3) of this instrument, Southern California Edison Company this 22nd day of November, 1963, has caused its corporate name to be signed hereto by W. E. Montgomery, its Vice President, and its corporate seal to be affixed hereto and attested by Elaine Botensten, its Assistant Secretary, pursuant to a resolution of its Board of Directors duly adopted on the 21st day of November, 1963, a certified copy of the record of which is attached hereto.

SOUTHERN CALIFORNIA EDISON COMPANY

By /s/ W. E. Montgomery
Vice President

Attest:

/s/ Elaine Botensten
Assistant Secretary

(Executed in quadruplicate)

373-6-4-64
W. R. Copy.

ADDRESS ALL COMMUNICATIONS
TO THE SECRETARY

FEDERAL POWER COMMISSION
WASHINGTON 25, D.C. 20426

MAY 28 1964

Honorable Stewart L. Udall
Secretary, United States
Department of the Interior
Washington, D. C. 20240

Dear Mr. Secretary:

This is in response to the letter dated February 27, 1964, from the Acting Assistant Director, National Park Service requesting advice as to what Rules and Regulations under the Federal Power Act should be included in the permit to be issued pursuant to Public Law 88-47 approved June 21, 1963 (77 Stat. 70).

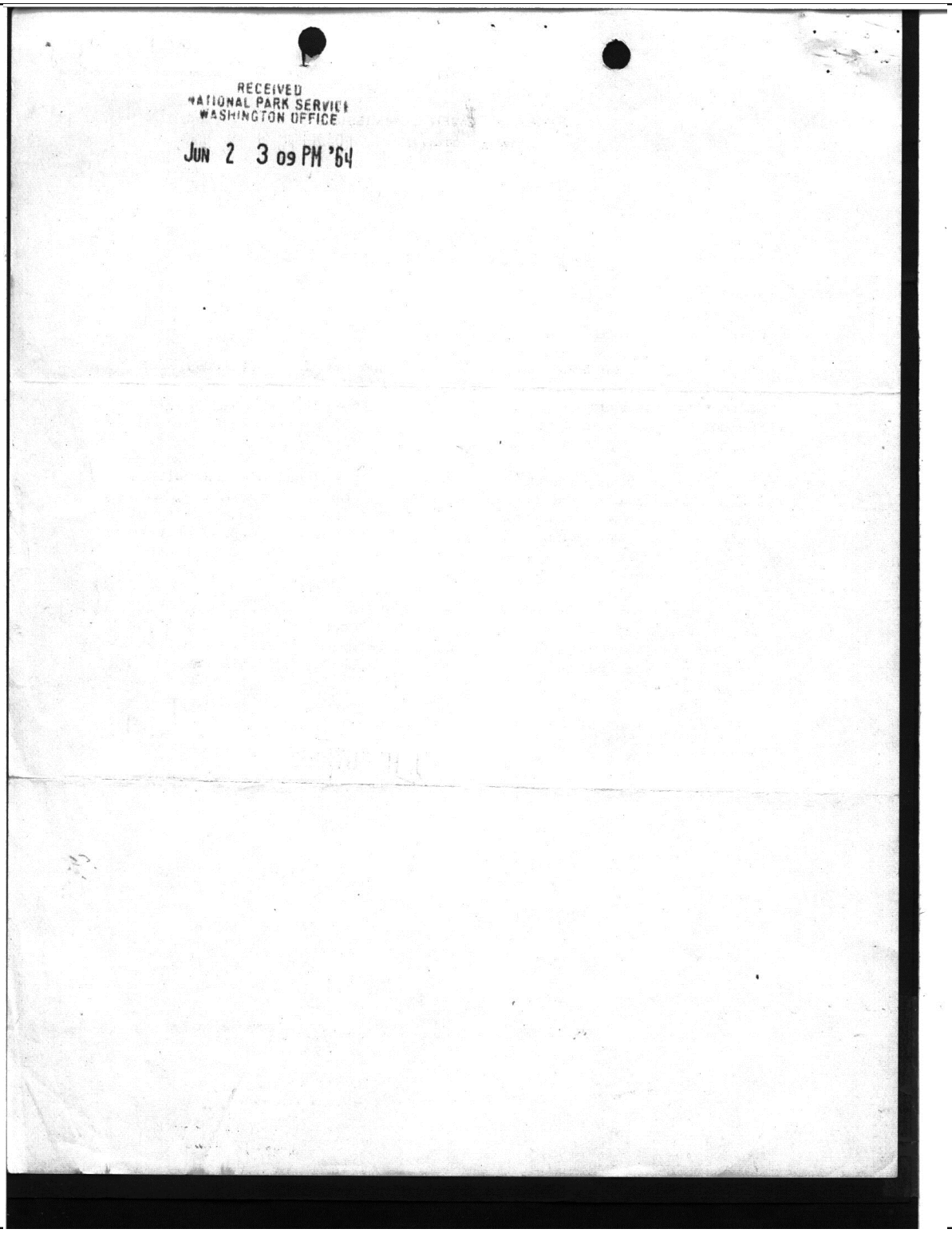
The permit would authorize the occupancy and use of lands within the Sequoia National Park necessary for the continued operation, maintenance and use of the hydroelectric project known as Kaweah No. 3 of Southern California Edison Company. The portions of the project within the national park are directly upstream from Project No. 298, licensed under the Federal Power Act.

After a review of the conditions contained in the draft of the permit submitted with the above letter, the Commission does not think it necessary to recommend that you include any of its Rules and Regulations under the Federal Power Act (18 CFR, subchapters B, C and D) in the permit.

By direction of the Commission.

J. H. GUTRIDE
Secretary

06-02-1964: stamp of receival



See letter 2/17/64

Form 10-114
(Rev. Oct. 1958)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists of _____ pages

PERMIT NO.	EXPIRES
PREVIOUS PERMIT NO.	

SPECIAL USE PERMIT

DRAFT

Sequoia and Kings Canyon National Parks
(Area)

Southern California Edison Co., of Los Angeles, California is hereby authorized during the period from June 21, 1963, to August 6, 1974, to use the following-described land in the above-named area: covering project known as Kaweah #3 of the Southern California Edison Company in accordance with the authorization of a Joint Resolution, HJ Res 180, Public Law 88-47, approved June 21, 1963.

for the purpose of operating a hydroelectric plant.

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of .03¢ per kilowatt hour benerated (Kaweah Project #3) Dollars ($_____), ~~in advance~~ paid semiannually (Monthly, semiannually, etc.), or as follows: provided that if the rates for electric service to the National Park Service at Ash Mountain are increased, this rate of .03¢ per KWH generated shall be proportionately increased.

payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at _____ (City), this _____ day of _____ 19____

_____
Superintendent.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES	* PERMITTEE (SIGNATURE)
NAME	NAME
ADDRESS	ADDRESS
NAME	NAME
ADDRESS	ADDRESS

APPROVED: (If approval is required by higher authority)

NAME		DATE

*Sign name or names as written in body of permit; for copartnership, permittees should sign as "members of firm"; for corporation, the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal, in lieu of witnesses.

Distribution: Fee Permit: Field Finance Office. No Fee Permit: To Superintendent's File.

CONDITIONS OF THIS PERMIT

1. **Regulations.**—The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with the regulations of the Secretary of the Interior, or other authorized officer of the Government, governing the area.

2. **Definition.**—The term "Director, National Park Service" as used herein shall include the appropriate Regional Director or Superintendent as the representative of the Director.

3. **Rights of the Director.**—Use by the permittee of the land covered hereby is subject to the right of the Director, National Park Service, to establish trails, roads, and other improvements and betterments over, upon, or through said premises, and further to the use by travelers and others of such roads and trails as well as of those already existing. If it is necessary to exercise such right, every effort will be made by the National Park Service to refrain from unduly interfering or preventing use of the land by the permittee for the purpose intended under this permit.

4. **Nondiscrimination.**—If use of the land covered by this permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.

The contractor further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials. (Executive Order 10557; September 3, 1954.)

5. **Damages.**—The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

6. **Construction.**—No building or other structure shall be erected under this permit except upon prior approval of plans and specifications by the Director, National Park Service, and the premises and all appurtenances thereto shall be kept in a safe, sanitary, and sightly condition.

7. **Removal of structures and improvements.**—Upon the expiration of this permit by limitation of time or its termination for any reason prior to its expiration date, the permittee, if all charges due the Government hereunder have been paid, shall remove within such reasonable period as is determined by the Superintendent, but not to exceed 90 days unless otherwise stipulated in this permit, all structures and improvements placed on the premises by him, and shall restore the site to its former condition under the direction of the Superintendent. If the permittee fails to remove all such structures and improvements within the aforesaid period, they shall become the property of the United States, but that will not relieve the permittee of liability for the cost of their removal and the restoration of the site.

8. **Water Rights.**—The United States reserves the rights to perfect title to all rights for water which may be developed or used in connection with this permit and shall furnish water to the permittee, when available, at reasonable rates to be approved by the Director, National Park Service. Should such water service be unavailable or inadequate, the permittee may, with prior approval of the Director, provide the same at his own expense, subject to such special requirements as may be prescribed.

9. **Disposal of refuse.**—The permittee shall dispose of brush and other refuse as required by the Superintendent.

10. **Timber cutting.**—No timber may be cut or destroyed without first obtaining a permit therefor from the Director, National Park Service.

11. **Fire prevention and suppression.**—The permittee and his employees shall take all reasonable precautions to prevent forest, brush, grass, and structural fires and also shall assist the Superintendent in extinguishing such fires in the vicinity of any tract which may be used hereunder.

12. **Soil erosion.**—The permittee shall take adequate measures, as directed and approved by the Superintendent to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

13. **Benefit.**—Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise therefrom: *Provided however,* That nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

14. **Assignment.**—This permit may not be transferred or assigned without the consent of the Director, National Park Service, in writing.

15. **Revocation.**—This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Director, National Park Service.

U. S. GOVERNMENT PRINTING OFFICE: 1956 16—35968-5

Conditions of this permit (continued)

16. The minimum release of water into the Kaweah River shall be in accordance with the following table or the actual stream flow, whichever is the lesser. Details of the distribution of the flow between the Marble Fork and the Middle Fork shall be worked out by the Edison Company with the superintendent. The flows shall be as follows: January and February, 20 cubic feet per second; March through June, 30 cfs; July and August, 20 cfs; September through December, 11 cfs.

17. The present spillways for surplus water may be retained, but spilling shall be limited to relatively short periods of times, water surplus to the quantity required for operation of the powerplant shall not be diverted into the flume of the intake, but shall be permitted to continue down the natural channel of the streams.

18. During the term of this permit the United States shall have the right to take from the existing tap on the Kaweah Project #3 flume such water as may reasonably be put to beneficial use for domestic and sanitary purposes at the Potwisha Campground. The United States shall at its expense and risk install, maintain, and operate facilities necessary for the diversion, storage, purification, and measurement of such water. The United States will hold Edison harmless against the claims of others to waters furnished to the United States and Edison shall not be responsible for the interruption or cessation of flow when said flume is out of service for maintenance purposes or for any cause not within control of Edison.

19. Upon the expiration of this permit, the United States will require Edison to remove such structures as may be determined by the superintendent to be both feasible and necessary. If and when such removal shall be required it shall be accomplished within such reasonable periods as determined by the superintendent, but not less than six months after written notice to the permittee.

20. The United States shall not be liable for damage to, or loss of property, or injury to or death of persons, resulting from the activities of Edison, its representatives, or its employees, while exercising the privileges authorized in this permit.

10-24-63

CONTINUATION OF CONDITIONS OF THIS PERMIT (Form 10-144)

United States Department of the Interior
National Park Service

The following provisions cancel and supersede Condition 4, Nondiscrimination (Executive Order No. 10557 of September 3, 1954, and Executive Order No. 10925 of March 6, 1961.) In accordance with Executive Order No. 11114 of June 22, 1963, Condition No. 4 now reads:

Nondiscrimination. If use of the land covered by the permit will involve the employment by the permittee of a person or persons, the permittee agrees to observe the following nondiscrimination provisions in connection with the use to which the lands covered by this permit may be devoted:

(1) The permittee will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the officer issuing this permit setting forth the provisions of this nondiscrimination clause.

(2) The permittee will, in all solicitations or advertisements for employees placed by or on behalf of the permittee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The permittee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the issuing officer, advising the said labor union or workers' representative of the permittee's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The permittee will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(5) The permittee will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records and accounts by the issuing agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the permittee's noncompliance with the nondiscrimination clauses of this permit or with any of the said rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and the permittee may be declared ineligible for further Government permits in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The permittee will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The permittee will take such action with respect to any subcontract, or purchase order as the issuing agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; PROVIDED, HOWEVER, that in the event the permittee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the issuing agency, the permittee may request the United States to enter into such litigation to protect the interests of the United States.

09-29-1960: letter to superintendent from assistant counsel regarding correction of the permit up for renewal

SOUTHERN CALIF .NIA EDISON COMPANY

September 29, 1960

File No.
W-416

Mr. John M. Davis
Superintendent
Sequoia and Kings Canyon
National Parks
Three Rivers, California

Re: Application Respecting Kaweah No. 3 Project

Dear Mr. Davis:

This Company's application, dated September 24, 1959 for a renewal of the permit for the portions of the Kaweah No. 3 Project within Sequoia National Park contains certain exhibits describing those facilities. It has come to our attention that a correction should be made in one of those exhibits.

On the first page of Exhibit A to the application the location of the diversion structure on the Middle Fork is stated to be in the SW 1/4 NW 1/4 of Section 25. A recent review of our data indicates that this structure is in fact located in the NW 1/4 NW 1/4 of Section 25. This structure is shown on the drawing, which is Exhibit D, but in such small scale that it is not believed that any revision of the drawing is necessary.

Five copies of a new first page for Exhibit A marked "(Revised 9/60)" are attached. It would be appreciated if these revised pages could be substituted for those attached to the original application.

Thank you for your assistance in this regard.

Yours very truly,

JOHN R. BURY

John R. Bury
Assistant Counsel

COPY

WR copy
L54-OBL

JAN 26 1960

Memorandum

To: Regional Director, Region Four

From: Assistant Director

Subject: Request of Southern California Edison Company for Renewal of Land Use Permit for Kaweah Power Plant No. 3, Sequoia

The attachments with this memorandum are submitted for your information and have been assembled as a result of the reference to Federal Power License 298 in the Company's request for renewal of the permit to use land in Sequoia National Park for part of the Kaweah Power Plant No. 3. A divider is provided so that they may be added to the assembly of Alien Water Right No. 1.

The attached description of Kaweah No. 3 Project, with the pertinent portion of Table 7 of Engineer's Report, together with item 2(a)(2) and 2(b), reflect that the Federal Power License covers only the land use outside the Park, and the 2.58 acre portion of Tract 37 on which Kaweah No. 3 Power House is located. This was taken verbatim from the original application, for inclusion in the alien water right folder.

The permit for use of Park lands and water needs involves renewal in 1962. The Federal Power License 298 does not need renewal until 1974.

The application, in its entirety, also attached, includes copies of the county water right filings. It is too bulky for this assembly so we are filing it as an attachments to this letter.

Items 5 and 6 have been compiled as a start toward clarifying the land status. The tract book records are not clear because the Forest Service permit is based on the 1883 plat of T 17 S, R 29 E, and the Federal Power Permit is based on the 1935 plat with relocation of Section 3 and the introduction of fractional Section 37. You will also note that item 6 gives references which explain that Sections 3 and 37 were excluded from the National Forest by Proclamation 1811 of August 19, 1927, three years after the Federal Power License was granted.

We note that the tract book shows that Patent No. 1126802 to the portion of Tract 37 in Section 33 conveys 2.58 acres while the act of December 21, 1943, authorizes the disposal of only 2.51 acres. We have not checked the patent.

(SGD) JACKSON E. PRICE
Assistant Director

Attachments

Copy to: Superintendent, Sequoia, w/c attachments
Chief, WODC (2), w/AWR No. 1 folder and attachments'
Mr. Dunn

AvVDunn:GWR:lct 1-25-60

Please file there as is

DRAFT
GWRobertson:vh
11/6/59

Gordon Robertson 11/13/59

Land Status from Tract Book - Book 119, page 37

Twp 17 S, R. 29 E, MDB&M

1. (Old) Sec. 3 in pencil on sketch. (in black on copies) Lots 1, 2 and 3 also in pencil are noted as: (Mt. Whitney Power and Electric Company) Conduit; Act of February 15, 1901. Permission granted by Forest Service June 15, 1912 297010-13 the last number being the letter identification in BLM files (Archives). ~~Note~~/ This land later excluded from Sequoia National Forest (see 2). Note forebay is on line between lots 2 and 3.

2. Tract 37 (formerly lot 4) is still part of resurveyed plat (new section lines shown in red on sketch) noted in Tract Book as: Excluded from National Forest Proc. ~~19~~ 1811 August 19, 1927, Patented October 10, 1904, V. 572, Page 301. Part later acquired by Southern California Edison Company.

3. Lots of 1949 survey in Sec. 3, and those in Sec. 37 (1, 2, 3, 4, 5, 6, 7, 8 $SW\frac{1}{4}$ $SE\frac{1}{4}$) which are superimposed in red on Lots 1, 2 and 3 mentioned in paragraph 1 above are noted as: P.S. Classification No. 185 Interpretation No. 242 January 17, 1936, 1267169.

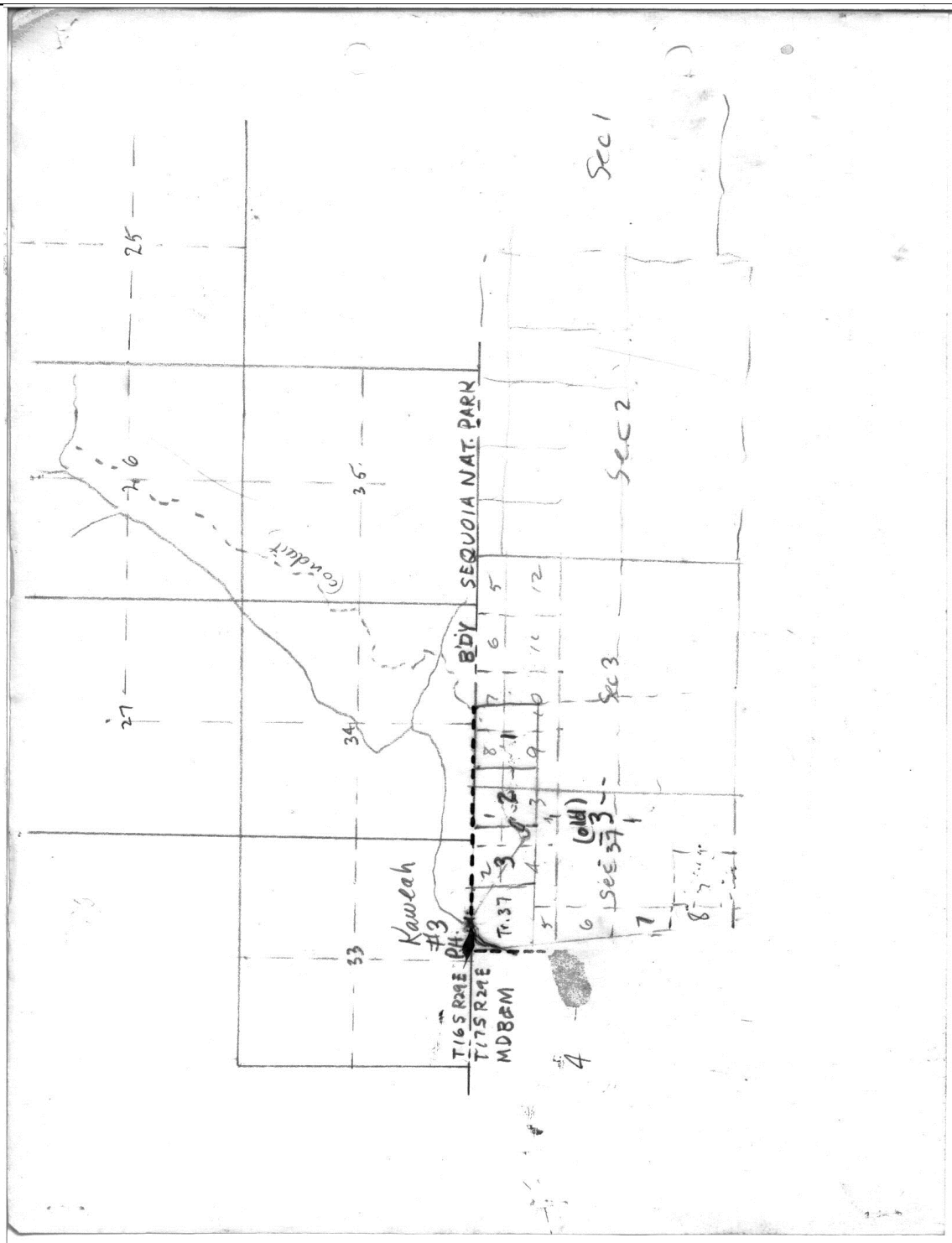
~~T. 17 S., R. 29 E.~~

Twp 16 S, R 29 E. — Book 119 p. 35

4. Tract 37 in paragraph 2 above invades Sec. 33 to the north to the extent of 2.58 acres. By act of 12/21/43 this portion is patented under No. 1126802 (~~7~~ 7/21/49) by the Southern California Edison Company. (As "Edison Securities")

This Twp., recognized in the Act of July 3 1926 (44 stat 818) as already a part of the Park, by virtue of the Act of Oct 1, 1890 (26 stat 650) making it a "forest reservation", could only be patented by an Act of Congress

00-00-0000: topographical map of land of seki



54

March 19, 1945.

MEMORANDUM for the Regional Director, Region Four.

Reference is made to Mr. Maier's memorandum of March 7 enclosing blueprint of drawing No. 54836 by the Southern California Edison Company to show the location of the caretaker's cottage in Sequoia National Park. Since we have no other copy, we are retaining this print.

It is assumed that the "summer house" designated as headworks tender's cottage on the map and the flume walker's cottage as described in Mr. Phillips' letter of January 3 are the same. Mr. Cook also advises that all other buildings in what was formerly Camp No. 1 have been removed except one iron shed near the former cement shed.

Article II, page 3, of the permit of February 25, 1907, specifies that Camps Nos. 1, 2, 3, and 4 were only for use during the period of construction. Article 2, page 2, of the permit of March 5, 1912, permits the Company to construct and maintain barn, cottage buildings, conduit tenders' houses, and other buildings necessary in the operation of the plant as delineated on the map approved August 1, 1911. The map of 1911 shows neither Camp No. 1 nor the headworks tender's cottage, and drawing No. 54836 is shown to be based on surveys between October 1922 and December 1923. The matter is not mentioned in the supplemental letter of agreement dated June 22, 1915. A permit was issued to the Company and approved by the Acting Director on May 5, 1937, to permit the construction of a telephone line from the headworks tender's cottage to the south park boundary.

Technically, the Company had no right to use the cottage from the time the power plant was completed until the telephone permit was granted. There is only an implied right at this date but it does not seem wise to question this until the area is needed by the United States.

The domestic pipe line to serve the headworks tender's cottage is not covered by permit either. This use does not come within the scope of the water rights established by county filings for power generation. This introduces the idea that the domestic use is riparian, and the water right would then be the property of the United States. Should it be desirable to move or eliminate the cottage, therefore, it will be wise to have the Water Rights Division take such steps as it can to preserve the right with its priority of 1908.

On further review of the act of February 15, 1901 (31 Stat. 790), under which the power development was made, it seems evident that the yard around the headworks tender's cottage should be limited to 50 feet each direction from the faces of the building. Superintendent White should take such steps as he judges to be appropriate to eliminate gardens which extend a greater distance from the cottage.

(SGD) HILLORY A. TOLSON

Acting Director.

AvVD:sh.
In duplicate.
cc: Mr. Dunn.

02-26-1945: memorandum to regional director from superintendent regarding edison company's cabin

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia-Kings Canyon National Parks
Sequoia National Park, Calif.

February 26, 1945.

MEMORANDUM for the Regional Director, Region Four:

Referring to your memorandum of February 21, 1945, and the Director's memorandum of February 25, on the subject of the Edison Company's cabin at Potwisha Camp, Sequoia National Park: this will answer the Director's questions.

The house now occupied by the flume walker or caretaker of the Edison Company's flume, which runs from points on the Marble Fork and Middle Fork near Potwisha, a distance of about 4-1/2 miles, to the reservoir above Edison Plant Kaweah No. 3, was constructed about 1908 or perhaps a year or two later. It was built from the remains of the old construction camp of the Mt. Whitney Company. This camp was used to construct the road, the cement and concrete plant, and the flume and all appurtenant structures at Potwisha and in the neighborhood. The caretaker's cabin was built on the site of the earlier cabins. There is now at Potwisha one good size caretaker's cabin with living room, kitchen, two bedrooms, bath, porches, and so forth. There is a small garage-woodshed structure sometimes used as a stable for a horse which the flume walker is permitted to have at Potwisha for the purpose of patrolling the flume and for miscellaneous work.

There is no immediate National Park Service development which makes it necessary to force the issue of the Company's right to occupy the cabin. We are gradually tearing down the old CCC buildings and using the lumber or stock piling it for various maintenance purposes. Also, we are gradually making a clean-up there and landscaping the area. There is no urgency about any plans for Potwisha.

Copy is attached for the Director.

John R. White
Superintendent

P.S. We are enclosing blueprint No. 54836, requested by the Director. This is our only copy, so we would ask that you have copies made for the Director and for your office, and return the print to us promptly.

JRW

54

February 5, 1945.

MEMORANDUM for the Regional Director, Region Four.

Reference is made to the copy of Superintendent White's letter of January 10 to Division Manager K. W. Phillips of the Southern California Edison Company, and attachments including a letter of December 27, 1944, from H. L. Wheeler, Manager of Right of Way and Land Department of that Company, to Mr. Phillips, all of which relate to the caretaker's and flume walker's cottages at Potwisha in Sequoia National Park.

It is evident that the Company does not have any clearer idea of the early details of its permits than this Service. The Company is a successor to another company and this Service is somewhat of a successor to the Department of the Interior so far as records go.

From our voluminous but unsegregated files it seems possible that the cottages at Potwisha are a part of a camp occupied during the construction of the road under the original permit of February 25, 1907. This permit was not canceled when the second, or revised, permit of March 5, 1912, was issued. There was much correspondence for some time thereafter regarding questions as to the extent to which the first permit still applied. The letter dated June 22, 1915, amending the 1912 permit, was needed to cancel the permit of 1907.

The files relating to the road construction are at least as extensive as those recently transcribed on the power plant development and perfection of water rights. The roads along the Kaweah and between Giant Forest and Wolverton were at first treated like private drives of the Company. Later, the Company deeded rights of way on private land crossed by the upper section to the United States. These deeds seem to be an indication of the date on which the Company ceded jurisdiction over the road to the United States, but there is no formal instrument to indicate that some camps were not continuously occupied thereafter.

It should be noted that the cottages shown on the map filed in 1911, which is the one in Alien WR-1, are all on the Power Plant No. 5 development which was later canceled. Unless drawing No. 54836, mentioned by Mr. Wheeler, indicates to the contrary, it is fairly evident that cabins used for maintenance of Plant No. 5 are occupied entirely on the basis of use beginning between 1905 and 1907. We should like to have a copy of drawing No. 54836.

We should like to know, if Superintendent White can find out, what year the cabins were built at Potwisha and if they were built on the sites of earlier cabins.

We hope there is no immediate National Park Service development which makes it necessary to force the issue of the Company's right to occupy the cabins. It will be better to let the matter rest until we decide on some procedure with regard to the whole development.

However, this does not prevent planning which might involve moving the cabins. The permit to the Company is limited to the area occupied by development and 50 feet on either side. The use of such land is conditioned on no conflict with federal interest. We shall wish to consider further the applicability of the 50-foot area before limiting land around a cabin, but we are certain that the occupant should not use land more than 50 feet from that building. We also feel that we can have the cabin moved to a new site if its present location conflicts with Park development.

(SGD) Hillory A. Tolson

Acting Director.

AvVD:sh.

In duplicate.

cc: Mr. Dunn.

November 20, 1944.

Suggestions Regarding the Future of the Kaweah Power Plant No. 3

Sequoia National Park

The Kaweah Flume No. 3 of the Southern California Edison Company in Sequoia National Park is maintained under a permit of March 5, 1912, with a last amendment under date of April 12, 1939, which was assigned contract number I-1p-15890 for convenient identification purposes. The same contract number is also assigned to an agreement for the sale of power at the Park by the same Company.

The permit has a life of 50 years and will expire, if not renewed, on March 4, 1962. By the amendment of April 12, 1939, it is nominally satisfactory to both the Company and this Service. There are good reasons to let the matter rest at this time, and yet there are even stronger reasons to consider the future.

The plant was built when it was planned to provide storage at the Wolverton area. The storage was not provided, and as a result the installation has limited value. Its justification is due to the fact that a natural flow of approximately 100 second-feet is available in the spring when power is most needed for irrigation pumping and the flow drops with the irrigation needs during the summer.

Under the amendments of April 12, 1939, the rental charge for the permit was reduced 40%, but the charge is still roughly 10 times that for the use of any federal land other than a national park. The high rental is supplemented by a contract to sell power to the Park at an extremely low rate. The records seem to indicate, too, that the cost of power from the plant is slightly higher than that charged to the National Park Service and is greater than the revenue even with the reduction in rental under the amendments of April 12, 1939.

The permit is predicated on lack of conflict with federal interest in the use of the Park land. The development conflicts with the general policy which has been evolved by this Service since 1917. It conflicts with federal and public water use in the Ash Mountain and Potwisha areas of the Park because it offers a potential demand for 5 times the available stream flow during the peak of the tourist season in July and August.

The Company has indicated that it is the least important of its developments as a reason for not completing the Wolverton Reservoir and Kaweah Plant No. 3 during the 20's. During that period there was an urgent need for water and power to pump water for irrigation.

With the construction of the Central Valley Project and Boulder Dam there will probably be a surplus of power after the war. There will also be a reduced demand for pumped water for irrigation.

This seems to be a propitious time to consider cancellation of the permit. Whether it would require additional legislation or not, arrangements might be made to sell power from the Central Valley Project to the Southern California Edison Company at a favorable rate in exchange for the cancellation of the permit. The value of the Kaweah No. 3 Plant is approximately $600,000. This could be expressed as a conservation value to the National Park Service as a measure of the discount which could be allowed in selling Central Valley power to the Company over a 20 or 40-year period.

The average output of the Kaweah No. 3 Plant is 20,000,000 KWH per year. At $0.0015 per KWH the $600,000 investment would be paid off in 20 years. At $0.005 per KWH the plant would be amortized with a reasonable interest on the investment. The 20-year period is suggested as being approximately the remaining life of the permit. If the 40-year period were adopted to conform with the normal schedule of the Bureau of Reclamation, the rate could be reduced accordingly.

Park power demands are another matter. They would continue. However, the same Company might continue to sell at a favorable rate if it obtained a more reliable supply from the Central Valley Project, the transmission lines being already installed.

State Engineer Hyatt has recently made several statements to indicate that there is a rather large faction in California which would like to have the State regain full control of the Central Valley Project. The preceding suggestions have been made without any consideration of the legal problems involved, and without consulting the policy-forming officers of the Service. If there is any endorsement of the suggestions, the possibilities should be discussed with the Bureau of Reclamation while it still has a maximum of control. The relations between this Service and the power interests would also be better if a long-time solution could be found which offered mutual gain.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

11-20-1944: memorandum to regional director from chief regarding alien water right no. 1 has been compiled from a 10-volume fil

November 20, 1944.

MEMORANDUM for the Regional Director, Region Four.

The accompanying assembly of Sequoia National Park Alien Water Right No. 1 has been compiled from a 10-volume (or 10-part) file in the Director's Office marked:

660-01 - Sequoia Lands, Buildings, Roads, Trails,
Plants and Systems,
Electric Light Plants and Systems,
Southern California Edison Company.

The permit to the Southern California Edison Company as successor to the Mt. Whitney Power Company thrpugh the Mt. Whitney Power and Electric Company has covered the original construction of the main road at Ash Mountain and part of the Wolverton Road, the construction of the Kaweah Power Plants Nos. 3 on the Middle Fork and 4 on the South Fork; surveys for Kaweah Power Plant No. 5 on the Marble Fork, and a reservoir at the Wolverton area which have been abandoned; and power service to the Ash Mountain and Giant Forest areas of the Park. The present assembly is an attempt to segregate the portion pertaining to the water right problem and provide data which may be helpful in designing the proposed Ash Mountain water system. It is a partial duplication of files in the Director's Office and Park, but is nearly all new data for the Regional Office and Water Rights Division.

It offers the first news to me that the Kaweah No. 3 Plant operates under county filings of February 1911, as well as the Judgment of January 26, 1909. This does not alter the riparian rights of the United States, but it does strengthen the rights of the Company.

The second discovery is that the Company has no rights of way, but only a 50-year permit to use the land if it does not conflict with the interests of the United States. It would probably add tinder to the strained relations between this Service and the power and irrigation interests to press the matter, but any action by the Company to prevent full enjoyment of federal riparian rights could be construed as a conflict with the interests of the United States and a justification for canceling the permit.

The permit has only 18 more years to run. The changing policy of the National Park Service is increasingly in conflict with the existence of any power development in the Park. The Company is therefore on the defensive if it wishes any renewal at all.

The Company has an installed demand for approximately 100 second-feet, but the available supply drops to slightly less than 20 second-feet in late summer. The installation is weak due to lack of storage, but fairly suitable for its main use, to supply power for pumping irrigation water.

The Company seems to have been unduly cooperative in view of the treatment it has received from the Department of the Interior. The Secretary of the Interior has given the most unfavorable interpretation of the legislation under which the Company made its initial developments. The Company has had to accept these rulings because of the investment it has made.

A table of stream flow measurements is included for a few years. A reasonably complete record could be compiled from the files, but not entirely broken down between Middle Fork and Marble Fork gauging stations. It seems probable that a more complete record could be obtained from the Company. It also seems possible that the complete records may have been published by the Geological Survey, a matter which can be determined by inquiry at its Regional Office in San Francisco.

The table is extended far enough to show that the Middle Fork flow drops to approximately 15 second-feet and the flow of the Marble Fork falls to 4 second-feet. It does not cover the daily variation, so it may be well to point out that the maximum flow in August or September is a flow of one or two days, apparently due to a storm, and that the average is much nearer the minimum than any mean.

(SGD.) A. VAN V. DUNN

Chief, Water Rights Division.

AvVD:sh.
Enclosure 424.

In duplicate.

12/19/43

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE
CHICAGO 54, ILLINOIS

November 29, 1943.

MEMORANDUM for the Regional Director, Region Four.

This is with reference to the execution of a permit by the Southern California Edison Company, Ltd., for a supply of water for domestic use of Camp CPS-107, Sequoia National Park. Five copies of a permit signed by officials of the company were forwarded by Acting Superintendent Tobin on November 9 with a statement that the Southern California Edison Company considers that its cooperation is with the War Department and an official of the War Department should sign the permit for the Government.

By virtue of the Selective Training and Service Act of 1940 (Public No. 783, 76th Congress), the Selective Service System was authorized by the Congress as an independent agency. Subsequently, by Executive Order No. 9279 of December 5, 1942, the Selective Service System was placed under the jurisdiction of the War Manpower Commission. As the Selective Service System has never been and is not now under the jurisdiction of the War Department, it follows that the proposed agreement with the Southern California Edison Company, Ltd., cannot be executed for the United States by the War Department.

The agreement was amended at Washington to eliminate all reference to the War Department and accepted for the Government by A. S. Imirie, Assistant Chief, Camp Operations Division, Selective Service System. Two copies of the signed agreement are enclosed. When transmitting a copy of the completed agreement to the Southern California Edison Company, Ltd., it is suggested that it be informed why the agreement was changed and that the Service ascertain if the amendments are satisfactory.

Two extra copies of this memorandum are attached as you may desire to send them to the Superintendent, Sequoia National Park.

(SGD) Hillory A. Tolson
Acting Director.

Enclosure 936.

In triplicate.

PERMIT

SOUTHERN CALIFORNIA EDISON COMPANY LTD., a corporation, hereby permits, to the extent it has the right so to do, the United States [redacted] to divert water from its Kaweah No. 2 flume for domestic use at Camp Buckeye, operated by the Selective Service System, [redacted], subject to the following conditions:

(1) The permission hereby given may be terminated by the Company at any time in its discretion, or if prevented from permitting such use of the water by protest made or litigation instituted by other prior owners of the right to the use of the water of the Kaweah River, or by order of the Railroad Commission of the State of California, or by the enforcement of any existing judgment, decree or injunction of any court, and shall terminate upon the abandonment by the United States of the use of said water at said camp, and in no event shall continue longer than the duration of the present war and six months after the declaration of peace with all enemy powers.

(2) The water shall be diverted from said flume by the United States at a point and in a manner satisfactory to and approved by the Company, and the United States shall install and keep in repair and in good working condition all at its sole expense, an intergrating water meter which will measure in cubic feet per second all water diverted from said flume.

(3) The Company shall not be liable for any injury or damage to any person or property occasioned by or resulting from the diversion or use of the water by the Selective Service System under or in accordance with the permission herein granted.

(4) The Company shall not be liable to the United States for interruptions in the use of the water from said flume due to emptying of the flume for repairs or other maintenance work by the Company. The United States shall make and maintain such sanitary arrangements as will prevent contamination of the river water.

(5) The amount of water diverted from said flume by the United States shall not exceed the amount actually necessary for use at said camp.

(6) Upon the termination of the permission hereby granted, or on the abandonment by the United States of the use of the water at said camp prior thereto, the United States shall notify the Company in writing and shall remove all equipment installed at or attached to said flume in connection with the diversion of said water and shall restore the flume in as good condition as it was before such use.

IN WITNESS WHEREOF, Southern California Edison Company Ltd., has caused this instrument to be signed by its duly authorized officers this 4th day of November 1943.

SOUTHERN CALIFORNIA EDISON COMPANY LTD.

By (Signed) Lane D. Webber
Vice President

By (Signed) Y.Y. Rutke
Asst. Secretary

Accepted this 23rd day of

Nov., 1943.

THE UNITED STATES/SELECTIVE SERVICE SYSTEM

By (Signed) A.F. Imirie
Asst. Chief Camp Operations

5/24

May 19, 1943.

MEMORANDUM for the Regional Director, Region Four.

Pursuant to your advice and Superintendent White's suggestion, I went to Sequoia National Park on May 13 to investigate the proposed exchange of land between the Southern California Edison Company and the United States, and the proposed exchange of land between the Van Leuven interests and the United States.

On May 14 Colonel White and Judge Griffith, the United States Commissioner, went over the land descriptions of the Van Leuven and Southern California Edison Company lands proposed to be exchanged by the bill introduced in Congress this session by Congressman A. J. Elliott. The last surveys made by Park Engineer Attwell had shown certain corrections in description but still showed that the Southern California Edison power house stood partly on Government land with our line bisecting the power house about two-thirds on one side and one-third on the other. The land owned by the Power Company proposed to be given to the Government in exchange for this power house site is 2 acres or 2-1/4 acres, very advantageously located at the entrance to the park. The Van Leuven lands are also strategically located within the development area of the entrance to the park, while the excess acreage proposed to be given Van Leuven by the Government is hilly land far from the highway, useful only for grazing.

On Monday, May 17, Colonel White and I went to the offices of the Southern California Edison Company and called on the general counsel, Mr. Larkin. Mr. Larkin stated that his company, fromthe investigations of his associate counsel, Mr. Trowbridge, had made five particular objections to the bill as introduced by Congressman Elliott. One of those objections was lack of detail of description of the proposed exchange; another was that it gave the Secretary of the Interior discretion instead of specific directions to make the exchange; thirdly, that the bill tied in the Van Leuven interests with the Southern California Edison interests so that if one exchange could not be made the other could not be made.

The other two objections were of minor importance, but still the Company had preferred the bill that had been introduced in the Seventy-seventh session of the Congress. However, Mr. Larkin said that the Company had finally concluded to waive all objections in order to save time and confusion in the introduction of a new bill, and the bill had been cleared by their Company several weeks ago.

FILE COPY

However, Mr. Larkin, on telephoning the District Manager, Mr. Phillips, at Visalia, found that Mr. Phillips did not know anything about the objections having been waived, and therefore had indicated his opposition to Colonel White. Neither had our Regional Office or the Superintendent received any information about the clearance. Therefore, Mr. Larkin suggested that in order to keep everybody advised he would have a copy made for me of the letter sent to Congressman Elliott under date of April 21 from the Southern California Edison Company giving the Company's approval to the proposed bill. I am therefore attaching herewith a copy of the letter from Clyde E. Houston, Vice-President and General Manager of the Southern California Edison Company of April 21 together with a copy of the transmittal letter from Gail C. Larkin, General Counsel of the Company, to me dated May 17.

Albert L. Johnson,
Attorney.

Attachment.

C O P Y

@D 5/24

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SEQUOIA NATIONAL PARK
SEQUOIA NATIONAL PARK, CALIF.

April 8, 1943.

Mr. M. W. Phillips,
District Manager,
Southern California Edison Co.,
Visalia, California.

Dear Mr. Phillips:

Referring to the matter of land exchange between the Federal Government and your Company at the Ash Mountain entrance to the Sequoia National Park where it abuts on your property at Kaweah No. 3 Powerhouse, and to our conversation in Visalia on April 6, I have now studied carefully the language of the proposed bill "To authorize the acquisition by exchange of certain lands for addition to the Sequoia National Park." It is presumed that the language of the proposed bill as furnished to me by our Chicago Office is the same as that furnished your Company by Congressman Alfred J. Elliott. In order to avoid misunderstanding, I quote the pertinent paragraphs:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to lands and interests in lands near the entrance to the Sequoia National Park, subject to existing easements for public highways and public utilities, within the following described tracts:

"Tract A. A portion of tract 37, township 17 south, range 29 east, Mount Diablo Meridian, Tulare County, California, comprising approximately 2 acres.

"The owners of the lands to be conveyed to the United States, before any exchange is effective, shall furnish to the Secretary of the Interior evidence satisfactory to him of title to such lands. Such property shall become a part of the Sequoia National Park upon the acceptance of title thereto by the Secretary, and shall thereafter be subject to all laws and regulations applicable to the park.

"SEC. 2. That in exchange for the conveyance to the United States of tract A, as provided in section 1 of this Act, the Secretary is authorized, in his discretion, to patent to the owner of tract A, subject to such terms and conditions as the Secretary may deem necessary, certain lands of approximately equal value described as follows:

"TRACT D. A portion of the southeast quarter of section 33, township 16 south, range 29 east, Mount Diablo Meridian, Tulare County, California, comprising approximately 2.50 acres."

This is an authorized bill only, and it appears that the rights of your Company are fully protected and that you will, as you desire, have the land on which Power House No. 3 is located excluded from the park. It appears to me that it would be legal quibbling to insist on any other conditions or descriptions. It also appears to me that if your Company now places any difficulties in the way of acceptance of the language of this bill, there may again be interminable delay in obtaining a settlement of this question. In which case, as Superintendent of the park, I shall feel obliged to abandon present plans at the Ash Mountain Entrance insofar as the Edison Company is concerned. I should state that Mr. John F. Van Leuven has stated that the proposed bill is understood and entirely agreeable to him.

In order to avoid delay, and because I was unable to reach you by telephone at Visalia this morning, I am sending a copy of this to the Southern California Edison Company at Los Angeles.

Sincerely yours,

John R. White
Superintendent

CC: So. Cal. Ed. Co.
Los Angeles

D5015-GEL

NOV 12 1959

Memorandum

To: Assistant Solicitor, National Parks

From: Acting Director, National Park Service

Subject: Application of Southern California Edison Company for Renewal of Permit for Kaweah No. 3 Project Within Sequoia National Park

There are attached Assistant Counsel John R. Bury's letter of September 25, 1959, to Superintendent Allen of Sequoia and Kings Canyon National Parks, California, and the accompanying application of the Southern California Edison Company for a 50-year renewal of its revocable permit for the use of lands of the United States within the Sequoia National Park for the operation, maintenance, and use of the Kaweah No. 3 project. Data in support of the application are also attached. For your information there are additional pertinent memoranda, including a copy of Field Solicitor McClellan's memorandum of October 14 to Regional Director, Region Four, of this Service, all relating to the project. Mr. Dunn of our Water Resources Section is also obtaining additional data on the project, including Federal Power Permit No. 298 applying to the portion outside of the Park.

Before this Service considers the application of the Company, we would appreciate your opinion as to whether there is legal authority to issue a permit, or a renewal of the existing permit, for the Kaweah No. 3 project as outlined in the application. Specifically, we would appreciate advice as to whether there is existing authority to grant a permit, or a renewal of the existing permit, and if such authorization does exist, whether any of the terms of the company's application are legally objectionable.

(Sgd) E. T. Scoyen

Acting Director

Attachments

Copy to: Mr. Dunn
Lands

DELee:lct 11-9-59
Rewritten-IP-11/10/59

4

DRAFT
7/10/59
JRB:jc

UNITED STATES OF AMERICA
DEPARTMENT OF INTERIOR

APPLICATION FOR PERMIT FOR CERTAIN WORKS
OF THE KAWEAH NO. 3 HYDROELECTRIC PROJECT
WITHIN SEQUOIA NATIONAL PARK

I

Southern California Edison Company, a corporation organized under the laws of the State of California, and having its principal office and place of business at 601 West Fifth Street in the City of Los Angeles, State of California, hereby makes application to the Secretary of the Interior to renew, for the term of fifty (50) years, the existing permit now held by the applicant for the use of lands of the United States within Sequoia National Park for the operation, maintenance and use of the Kaweah No. 3 Project, all as hereinafter more fully described.

II

The name, title and post office address of the person to whom correspondence in regard to this application should be addressed is as follows:

James F. Davenport, Executive Vice President
Southern California Edison Company
Post Office Box 351
Los Angeles 53, California

III

The Applicant is engaged in the business of generating, transmitting and distributing electricity in the central and southern portions of the State of California as a public utility

Draft, see docket

subject to the jurisdiction of the Public Utilities Commission of the State of California. Applicant is also subject to certain provisions of the Federal Power Act, both as a licensee of the Federal Power Commission and as a company engaged in the transmission of electric energy in interstate commerce.

IV

A concise general description of that portion of the Kaweah No. 3 Project lying within the boundaries and on the lands of the Sequoia National Park is as follows:

A. Diversion Works

Two diversion structures divert water for the project from the Kaweah River; one is located on the Marble Fork and the other on the Middle Fork of the Kaweah River.

The diversion structure on the Marble Fork of the Kaweah River is located in the NW 1/4 SE 1/4 of sec. 23, T16S, R29E, Mt. D.B. and M, with a crest elevation of 2173 feet, is an overflow, gravity type, concrete and masonry structure, with a crest length of 33 feet, a height of 7 feet 6 inches above streambed, and a width of 12 feet from toe to toe.

The diversion structure on the Middle Fork is located in the SW 1/4 NW 1/4 of sec. 25, T16S, R29E, Mt. D.B. and M, with a crest elevation of 2174 feet, is an overflow, gravity type, concrete and masonry structure with a crest length of 48 feet, a height above streambed of 10 feet, and a width of 13 feet from toe to toe.

B. Water Conduits

A conduit extends from the Marble Fork Diversion a distance of 4980 feet, to the confluence with the conduit from the Middle Fork. The Marble Fork conduit consists of a concrete

intake channel and sand trap, 6 feet deep, 10 feet wide, and 268 feet long; t[illegible] vertical 4 feet 6 inch by[illegible] feet 1 inch regulating slide gates; 3682 feet of concrete lined ditch (or canal); and 1030 feet of 48-inch diameter, 1/4-inch riveted steel plate, inverted siphon at the downstream end of which the Marble Fork conduit converges with the one from the Middle Fork. A "siphon" type spillway is located at each end of the inverted siphon. An overflow spillway is incorporated in the river side of the intake channel.

Another conduit extends from the Middle Fork Diversion Dam a distance of 3450 feet to the confluence with the conduit from the Marble Fork. The Middle Fork conduit consists of a concrete intake channel and sand trap, 9 feet deep, 10 feet wide and 358 feet long; two vertical 4 feet 6 inch by 4 feet 1 inch regulating slide gates; and 3092 feet of concrete flume, 3 feet wide and 6 feet deep. An overflow spillway is included in the river side of the intake structure and a siphon spillway is located in the flume about 2000 feet downstream from the intake.

The conduit system continues downstream from the Marble Fork-Middle Fork Junction to the boundary of the Sequoia National Park, a distance of 14300 feet and consists of slab-bench concrete flume 4 feet deep and 8 feet to 9 feet 6 inches wide. There are three siphon spillways in this stretch of conduit; located approximately 3000 feet, 6600 feet and 8500 feet below the Junction.

The conduit system continues beyond this point outside Sequoia National Park a distance of 3000 feet to the forebay and thence to the applicant's Kaweah No. 3 Powerhouse.

V

The location of the project is as follows:

(a) In the State of California;

(b) In the County of Tulare;

(c) On the Kaweah River, a non-navigable stream carrying no commerce;

(d) In the region of the following named cities and towns: Three Rivers, Porterville, Tulare, Visalia, Fresno and Bakersfield.

VI

The method of operation of the project works is as follows:

Preliminary work and construction of the Kaweah No. 3 Project took place between the years 1907 and 1913 and it was placed in operation in May, 1913.

Water for the project is diverted from both the Marble Fork and the Middle Fork of the Kaweah River by separate diversion works. Water is conveyed from the respective diversions to a point approximately two-thirds of a mile below the Middle Fork diversion and one mile below the Marble Fork diversion, where the waters are combined in a common conduit. This common conduit, about three miles of which lies within the boundaries of Sequoia National Park, carries the water approximately four miles further downstream to the applicant's Kaweah No. 3 Powerhouse. At said Powerhouse the water is used to generate electrical energy and then it is returned to the main stream of Kaweah River.

The average annual maximum diversions for a 4-year period (1955-58) were as follows:

From the Middle Fork of the Kaweah River	86 cfs
From the Marble Fork of the Kaweah River	63 cfs

The maximum indicated capacity of the common conduit carrying the combined flows during the 4-year period was 96 cfs.

Water diverted beyond the capacity of the respective conduits and/or the immediate use of the powerhouse, is returned to the Kaweah River immediately at the diversion spillways or at one or more of the seven additional spillways located between the intakes and the powerhouse.

A small diversion of water for Camp Potwisha of the United States Park Service is made from the Marble Fork Conduit approximately 2000 feet below the intake. This diversion, which is metered, has averaged 34,380 cubic feet (0.8 acre foot) for the past fourteen years. A 0.08 AF

The water available, and the amounts diverted from the two forks of the Kaweah River and beneficially used through the applicant's Kaweah No. 3 Powerhouse are adequately measured by a system of gages. Two gaging stations are located at each diversion just below the intakes. One gage is in the conduit and the other gage is in the stream from which the diversion has been made. The water which actually passes through the Kaweah No. 3 Powerhouse is measured by the gage in the tailrace of that plant.

The fullest practicable utilization of the water for power purposes has been made by this project.

The estimated capacity of the Kaweah No. 3 Project available to, and usable in, applicant's system at a time of critical low stream flow, such as occurred on September 19, 1934 is 400 kilowatts.

The average annual energy output of the project based on 38 years of operation is 23.18 million kilowatt-hours.

The power generated at the Kaweah No. 3 Powerhouse is utilized, in part, to supply the electrical energy requirements of the Sequoia National Park; the remainder of the output is transmitted for use in the applicant's integrated system which serves a large area in the central and southern portions of California. Applicant's system load in 1958 had a maximum demand of 2,962,000 kilowatts, a minimum demand of 924, 000 kilowatts, with a total of 15,804,100,000 kilowatt-hours transmitted.

VII

The nature and character of the permits and other rights held by applicant for the construction, operation and maintenance of the project works lying within the boundaries and on the lands of Sequoia National Park are as follows:

(a) Diversion works, conduits, and appurtenant structures and other equipment were constructed and are operated and maintained pursuant to the permit dated March 5, 1912 issued by the Department of the Interior to the Mt. Whitney Power & Electric Company, as per map approved by the Assistant Secretary of the Interior on August 1, 1911. The aforementioned permit was amended on: June 22, 1915; November 2, 1916; May 22, 1918; April 1, 1919; July 10, 1920; August 25, 1920; May 15, 1924; April 7, 1930 and April 12, 1939. By Deed dated June 15, 1920, Southern California Edison Company acquired the rights and assumed the obligations of the Mt. Whitney Power & Electric Company under said permit. Said permit terminates and expires on March 5, 1962.

(b) The telephone line was constructed and is operated and maintained pursuant to a Special Use Permit dated May 1, 1937, issued to Southern California Edison Company by the Department of the Interior, National Park Service, Sequoia

National Park, which permit was renewed on May 1, 1957 and expires on M 1, 1977, unless extended.

(c) The Kaweah No. 3 Powerhouse and other structures are located on a parcel of land containing approximately 2.57 acres located within Sequoia National Park which land was acquired by Edison Securities Company under Patent No. 1126802, dated July 21, 1949 and conveyed to Southern California Edison Company by Deed on October 20, 1950.

Records of said permit dated March 5, 1912, as amended, and of said Special Use Permit are on file in the offices of the Secretary of the Interior.

The portions of the Kaweah No. 3 Project located outside of Sequoia National Park are covered by a license for minor parts of three complete projects known as Kaweah Nos. 1, 2 and 3 issued by the Federal Power Commission for a term of fifty (50) years from August 7, 1924 and designated in the files of said Commission as Project No. 298.

VIII

Applicant has complied with the requirements of the laws of the State of California within which the project is located with respect to the appropriation, diversion and use of water for power purposes and with respect to the right to engage in the business of developing, transmitting and distributing electric energy. All steps were taken which were necessary to place the project in operation and said project has been in operation for many years.

IX

The following exhibits are filed herewith and are hereby made a part of this application:

Exhibit A: Certificate of Organization, Articles of Incorporation and By-Laws.

Exhibit B: Resolution of the Board of Directors of Southern California Edison Company, adopted _____.

Exhibit C: Balance Sheet

Exhibit D: Map of Conduit and Appurtenances

Exhibit E: Estimated Original Cost

X

The Kaweah No. 3 Project, including those portions thereof lying within the boundaries and on lands of the Sequoia National Park, are and will continue to be necessary and useful to applicant in performing its duties to the public and will not interfere with or be inconsistent with the purposes for which Sequoia National Park was created. Applicant will comply with all laws and regulations regulating the occupancy and use for water power purposes of government lands within the Sequoia National Park.

WHEREFORE, the Applicant, pursuant to the provisions of Article 14 of said permit dated March 5, 1912 issued by the Department of the Interior, hereby formally notifies the Secretary of the Interior that it desires the permit herein applied for and respectfully requests that the same be issued.

IN WITNESS WHEREOF, the Applicant has caused its name to be hereunto signed by _____, one of its Vice President, and its corporate seal to be hereto affixed by _____, one of its Assistant Secretaries, thereunto duly authorized, this _____ day of _____, 1959.

SOUTHERN CALIFORNIA EDISON COMPANY

By _____
Vice President

By _____
Assistant Secretary

(SEAL)

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

_____, being first duly sworn, deposes and says: That he is a Vice President of the Southern California Edison Company, the applicant; that he has read the foregoing application and knows the contents thereof; that the same are true to the best of his knowledge and belief.

_____

Subscribed and sworn to before me this _____ day of _____, 1959.

_____
Notary Public in and for the County of Los Angeles, State of California

I, O. C. Merrill, Executive Secretary of the Federal Power Commission, do hereby certify that the following is a true and correct copy from the record of the proceedings of the Commission in my custody of that portion of the minutes of the sixty-fifth meeting of the Commission, held on the 17th day of October, 1924, which refers to the license for Project No. 298.

"The Executive Secretary presented a list of licenses, amendment, and transfer of license executed since the meeting of July 17, 1924, recommending that the action of the Executive Secretary, or the Chief Engineer in the absence of the Executive Secretary, in issuing these instruments, pursuant to authority in each case given by the Commission, be approved. The Commission thereupon took action as follows:

"In order that the minutes of the Commission may contain record of the formal approval by the Commission of all licenses, amendment and transfer thereof, executed and issued by the Executive Secretary, or the Chief Engineer in the absence of the Executive Secretary, under authority of the Commission's Orders, No. 2, of August 23, 1920, No. 12, of October 6, 1921, No. 16, of June 15, 1923, and No. 17, of October 22, 1923, it was voted that the following licenses, amendment and transfer of license accepted and - or issued, on the dates respectively named, be and the same are hereby approved by the Commission:

"Licenses

. . . .

"Project No. 298

Southern California Edison Company
Kaweah and Tule rivers
Sequoia National Forest
Tulare County, California
Authorized April 17, 1922, and January 15, 1923
Accepted by licensee July 29, 1924
Issued August 7, 1924."

. . . .

Witness my hand and seal of the Federal Power Commission at Washington, D. C., this 14th day of November, 1924.

O. C. MERRILL

Executive Secretary.

I, O. C. Merrill, Executive Secretary of the Federal Power Commission, do hereby certify that the following is a true and correct copy from the record of the proceedings of the Commission in my custody of that portion of the minutes of the forty-fourth meeting of the Commission, held on the 15th day of January, 1923, which refers to the application of the Southern California Edison Company, of Los Angeles, California (Project No. 298).

"The Executive Secretary presented the matter of the correction of records with respect to the application of the Southern California Edison Company of Los Angeles, California (Project No. 298), stating that said company had filed application for three power plants on Kaweah River and one on Tule River, but that the record of approval of application and of authorization for issuance of license as contained in the minutes of the Commission's meeting of April 17, 1922, is apparently limited to the uppermost plant on Kaweah River. The Executive Secretary also stated that the four power plants were formerly owned by the Mt. Whitney Power Company of California, and were transferred, with the approval of the California Railroad Commission to the Southern California Edison Company prior to filing of application, that the three plants on the Kaweah River occupy only a small area of lands of the United States, but that the plant on the Tule River is largely situated on Government lands: He, therefore, recommended that the record of the minutes of the meeting of April 17, 1922, be amended to include all four plants applied for, and that with respect to the three plants on the Kaweah River the Commission authorize the issuance of a minor occupancy license. It was accordingly voted that in the matter of the application of the Southern California Edison Company the minutes of the Commission's meeting of April 17, 1922, be amended so as to cover the plants on the Kaweah River and the one plant on the Tule River as comprised in said application: and the Commission having found with respect to said three plants on Kaweah River that the Government lands involved constitute only a minor part of a complete project, it was further voted that, under the authority of Section 10, subsection (i) of the Federal Water Power Act waiver be made of such conditions, provisions and requirements of said Act and of the rules and regulations of the Commission pursuant thereto as are not necessary in the public interest."

Witness my hand and seal of the Federal Power Commission at Washington, D. C., this 13th day of February, 1923.

O. C. MERRILL

Executive Secretary.

2

I, O. C. Merrill, Executive Secretary of the Federal Power Commission, do hereby certify that the following is a true and correct copy from the record of the proceedings of the Commission in my custody of that portion of the minutes of the thirty-second meeting of the Commission, held on the 17th day of April, 1922, which refers to the application of the Southern California Edison Company of Los Angeles, California (Project No. 298):

> "In the matter of the application of the Southern California Edison Company of Los Angeles, California (Project No. 298), for a license for that part of its power project on Kaweah River, lying outside the Sequoia National Park, purchased from the Mount Whitney Power Company, the Executive Secretary stated that the entire project is covered by permits granted to the Mount Whitney Power Company by the Interior Department for the part lying within the National Park, and by the Department of Agriculture for that part lying outside the National Park; that the Southern California Edison Company purchased the rights of the Mount Whitney Power Company and applied to the two departments for the transfer of the permit; that the transfer was approved by the Interior Department, August 19, 1920, for the part within the National Park; that the Secretary of Agriculture refused to approve the transfer of the permit granted by his department for the part without the National Park, on the ground that the passage of the Federal Water Power Act deprived him of any authority to act in the matter. It was voted that a license for fifty (50) years be issued to the Southern California Edison Company for that part of the proposed project lying outside the National Park and covered by the original permits from the Department of Agriculture, subject to the provisions of the Federal Water Power Act, to the rules and regulations of the Commission pursuant thereto, and to such further conditions, if any, as the Secretary of Agriculture, shall deem necessary for the adequate protection and utilization of the Sequoia National Forest."

Witness my hand and seal of the Federal Power Commission at Washington, D. C., this 13th day of May, 1922.

Executive Secretary.

FEDERAL POWER COMMISSION

License for Minor Parts of Complete Projects on Government Lands

Project No. 296, California

Southern California Edison Company

WHEREAS, by Act of Congress, approved June 10, 1920 (41 Stat., 1063), designated therein as "The Federal Water Power Act" and hereinafter called "the Act," the Federal Power Commission, hereinafter called "the Commission," is authorized and empowered, inter alia, to issue licenses for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient for the development, transmission and utilization of power across, along, from or in any of the navigable waters of the United States, or upon any part of the public lands and reservations of the United States (including the Territories), or for the purpose of utilizing the surplus water or water power from any Government dam; and

WHEREAS, the Southern California Edison Company, hereinafter called "the Licensee," a corporation organized and existing under the laws of the State of California and having its office and principal place of business in the city of Los Angeles in the State of California, has made application in due and proper form to the Commission for a license for minor parts of three complete power projects, designated as Project No. 296 on the records of the Commission, and for authority to maintain and operate in the Sequoia National Forest, in the County of Tulare, State of California, certain project works, as hereinafter described, necessary or convenient for the development,

transmission and utilization of power, and to occupy and use therefor certain lands of the United States, as hereinafter described; and

WHEREAS, said project works constitute minor parts only of three complete projects already constructed, it is deemed in the public interest to waive under the authority of subsection (i) of section 10 of the Act such conditions, provisions and requirements of the Act and of the rules and regulations thereunder as are not specifically recited herein; and

WHEREAS, said project works are necessary or convenient for the development, transmission and utilization of power upon lands of the United States; and the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby was created or acquired; and

WHEREAS, the Licensee has submitted to the Commission satisfactory evidence of its compliance with the laws of the State of California as required by section 9, subsection (i) of the Act; and

WHEREAS, the Licensee, on the 29th day of July, 1924, pursuant to an authorization of its board of directors, a copy of the record thereof being hereto attached, accepted in writing all the terms and conditions of this license;

NOW, THEREFORE, the Commission hereby issues this license to the Licensee for a period terminating fifty (50) years from the date hereof, subject to the conditions hereinafter specified, for the purpose of operating and maintaining upon lands of the United States the following project works:

A. Four storage reservoirs all located in T. 17 S., R. 31 E., M.D.M., natural lakes, the storage capacity of said lakes having been increased by the construction of dams constituting a part of Kaweah No. 1 power development, designated and described as follows:

(1) Silver Lake Reservoir located in the SW¼ of SW¼ of Sec. 13, of said township formed by a low masonry dam about 84 feet in length, having a capacity of about 162 acre feet;

(2) Upper Monarch Lake Reservoir located in the SW¼ of NW¼ of Sec. 13 of said township formed by a low masonry dam about 241 feet in length, having a capacity of about 314 acre feet;

(3) Lady Franklyn Lake Reservoir located in the SW¼ of NW¼ of Sec. 25 of said township formed by a low masonry dam about 388 feet in length, having a capacity of about 467 acre feet;

(4) Eagle Lake Reservoir located in the NE¼ of the SE¼ of Sec. 28 of said township formed by a low masonry dam about 199 feet in length, having a capacity of about 209 acre feet.

B. Those parts of the following described water conduits, inclined railway, telephone lines, and appurtenant structures and works within the project boundaries shown on Exhibit K, hereinafter described:

(1) A conduit extending from a diversion dam in the East Fork of the Kaweah River located in tract 41, Section 14, T. 17 S., R. 29 E., M.D.M., to a power house designated as Kaweah No. 1 in the NW¼ of SE¼ of Sec. 8, T. 17 S., R. 29 E., M.D.M., consisting of an unlined tunnel, a wood flume, a steel penstock, 50 feet, 5.63 miles and 3,000 feet, respectively, in length;

(2) A conduit extending from a diversion dam in Middle Fork of the Kaweah River in tract 37, T. 17 S., R. 29 E., M.D.M., to a power house designated as Kaweah No. 2, located in NW¼ of

6

SE¼ of Sec. 7, T. 17 S., R. 29 E., M.D.M., consisting of a concrete-lined ditch, a redwood flume, an irregular-shaped concrete-lined reservoir, and a steel penstock 3.05 miles, 0.85 miles, 280 feet and 1,011 feet, respectively, in length;

(3) A conduit extending in a "Y" from diversion dams in the Marble Fork and the Middle Fork of the Kaweah River located in the SE¼ of Sec. 23 and the NW¼ of Sec. 25 of T. 16 S., R. 29 E., M.D.M., respectively to a power house, designated as Kaweah No. 3, located in tract 37, T. 17 S., R. 29 E., M.D.M., consisting of a concrete flume, a concrete-lined ditch, a steel pipe forming an inverted siphon, a concrete-lined regulating reservoir and a steel penstock 0.59 miles, 3.91 miles, 0.19 miles, and 3,150 feet, respectively, in length;

(4) A narrow gage inclined railway extending from a point near Kaweah Power House No. 3 to the upper end of the penstock leading to said power house;

(5) Three telephone lines, one each of said lines extending along the entire length of the conduits hereinbefore described;

as shown and described by certain exhibits which accompanied the application for license and which are described as:

Exhibit J - (Map in one sheet) with title "Key Map of Kaweah Project."

Exhibit K - (Maps in 4 sheets) with title "Detail Map of Kaweah Project."

All of the above sheets signed by W. A. Brackenridge on November 26, 1923;

which said exhibits approved by the Executive Secretary on behalf of the Commission are hereby made a part of this license, and no substantial change shall hereafter be made therein, until such change shall have been approved by the Executive Secretary; said license, including the period thereof, being subject to the following express conditions, other provisions and requirements of the Act being waived under authority of section 10 (i) thereof, to-wit:

Article 1. The Licensee shall be liable for all damages occasioned to the property of others by the maintenance or operation of said project works, or of the works appurtenant or accessory thereto, and in no event shall the United States be liable therefor.

Article 2. 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 maintenance, or operation of the project works or of the works appurtenant or accessory thereto. Arrangements to meet such liability, either by compensation for such injury or destruction, reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 3. Timber upon lands of the United States, to be used or destroyed in the operation and maintenance of the project works, shall be paid for in accordance with the requirements and estimates of the department concerned.

Article 4. The Licensee shall clear and keep clear to an adequate width lands of the United States along open conduits and along telephone lines, and shall dispose to the satisfaction of the District Forester of the Forest Service of all temporary structures, brush, refuse or unused timber on lands of the United States resulting from the clearing of lands or from the maintenance of said project works.

Article 5. The Licensee will interpose no objections to, and will in no way prevent, the use of water for domestic purposes by persons or corporations occupying lands of the United States under permit along or near any stream or body of water, natural or artificial, used by the Licensee in the operation of the project works covered by this license.

Article 6. The Licensee shall allow officers and employees of the United States free and unrestricted access in, through, and across said project works licensed hereunder, in the performance of their official duties, and shall allow the Forest Service, without charge, to construct or permit to be constructed, in, through, and upon the project area, and across the said project works thereon, railroads, chutes, roads, trails, conduits, and other means of transportation not inconsistent with the enjoyment of said project works by the licensee for the purposes herein set forth.

Article 7. 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 Forest Service, or other agents of the United States, to prevent and suppress fires on or near the lands to be occupied under this license.

Article 8. The Licensee shall maintain said project works in a condition of repair, adequate for the safe and efficient operation of said works in the development and transmission of power, and shall make all necessary renewals and replacements for such purpose.

Article 9. In the maintenance of the project works authorized by this license, the Licensee shall place and maintain suitable structures to reduce to a reasonable degree the liability of contact between its said telephone lines and other signal wires or power transmission lines now constructed and not owned by the (see page 7)

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Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any of said structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 10. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or of the United States of a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of such reservoir or other improvement for such part of the annual charges for interest, maintenance and depreciation thereon as the Commission may deem equitable. The proportion of such charges to be paid by the Licensee shall be determined from time to time by the Commission. Whenever such reservoir or other improvement is constructed by the United States the Licensee shall pay similar charges into the Treasury of the United States upon bills rendered by the Commission.

Article 11. If and when called for by the Commission the Licensee shall file with the Commission under oath and in such detail as the Commission may require, a statement in duplicate showing the actual legitimate cost of construction of said project works or of any additions thereto or betterments thereof, or estimated costs of the previously constructed works if actual costs are not obtainable.

Article 12. The Licensee shall pay to the United States as reimbursement for the use of the public lands an annual charge of One Hundred Seventy Dollars ($170.00), such charge for any calendar year to be paid at the end thereof or within thirty days thereafter upon bills rendered or approved by the Commission.

Article 13. With the written consent of the Licensee, the Commission may by order made under its seal, modify, alter, enlarge or omit, in so far as

authorized by law, any one or more of the conditions or provisions of this license.

Article 14. The provisions of sections 16 and 28 of the Act, all provisions reserving any power of condemnation of the project, and all provisions of law providing remedies to the United States for the violation of the terms and conditions of this license, shall remain applicable thereto.

IN WITNESS WHEREOF, the Federal Power Commission has caused its name and seal to be hereto signed and affixed by W. Kelly, its Chief Engineer, this 7th day of August, 1924.

FEDERAL POWER COMMISSION

By (SIGNED) WILLIAM KELLY.
Chief Engineer,
In the absence of the
Executive Secretary.

In testimony of acceptance of all the terms and conditions of the foregoing license, the Licensee, this 29th day of July, 1924, has caused its name and corporate seal to be hereto signed and affixed by W. A. Brackenridge, its Senior Vice-President, pursuant to a resolution of its board of directors, passed on the 25th day of July, 1924, a certified copy of the record thereof being hereto attached.

SOUTHERN CALIFORNIA EDISON COMPANY

By W. A. Brackenridge
Senior Vice - President

Attest:

T. F. Burke
Asst. Secretary.

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Duplicate

FEDERAL POWER COMMISSION
RECEIVED
DEC 12 1923.
WASHINGTON, D. C.

APPLICATION OF

SOUTHERN CALIFORNIA EDISON COMPANY

FOR MINOR PARTS ONLY OF KAWEAH PROJECTS

NOS. 1, 2 AND 3 ALREADY CONSTRUCTED ON

KAWEAH RIVER AND ITS TRIBUTARIES

IN TULARE COUNTY

CALIFORNIA.

BEFORE THE FEDERAL POWER COMMISSION.

The Southern California Edison Company, a corporation organized and existing under and by virtue of the laws of the State of California and having its office and principal place of business at 306 West Third Street, Los Angeles, California, in pursuance of the provisions of Section 23 of the Federal Water Power Act, approved June 10, 1920, (41 Stat. 1063), does hereby make application to the Federal Power Commission for a license for certain minor parts of three complete projects, already constructed, and known as Kaweah No. 1, Kaweah No. 2 and Kaweah No. 3, said license to authorize the operation and maintenance of those portions of the project works described herein and shown on general and detail maps signed by the applicant on the day of November, 1923, and filed herewith and made a part hereof, that are now constructed upon lands of the United States within the Sequoia National Forest. The principal ones of said project works are described as follows:

(a) DAMS AND RESERVOIRS:

(1) A low masonry dam 84' in length with spillway level at elevation 10,788 located on public lands in the S.W.¼ of S. W.¼ of Sect. 13, T. 17. S., R. 31 E., M.D.M. within the Sequoia National Forest across the outlet of Silver Lake, a natural body of water, and forming a reservoir, having a capacity of 162 acre feet, known as "Silver Lake Reservoir", and flooding 12.5 acres of land when the waters therein are at spillway level.

(2) A low masonry dam 241' in length with spillway level at elevation 10,638 located on public lands in the S.W.¼ of N.W.¼ of Sect. 13, T. 17 S., R. 31 E., M.D. M. in the Sequoia National Forest across the outlet of Upper Monarch Lake, a natural body of water, and forming a reservoir, known as "Upper Monarch Lake Reservoir" having a capacity of 314 acre feet and flooding 17.1 acres of land when the waters therein are at spillway level.

(3) A low masonry dam 388' in length with spillway level at elevation 10,327 located on public lands in the S. W.¼ of the

N.W.¼ of Sect. 25, T. 17 S., R.31 E., M. D. M., in the Sequoia National Forest across the outlet of Lady Franklin Lake, a natural body of water, and forming a reservoir, known as "Lady Franklin Lake Reservoir", having a capacity of 467 acre feet and flooding 30.4 acres of land when the waters therein are at spillway level.

(4). A low masonry dam 199' in length with spillway level at elevation 9991, located on public lands in the N.E.¼ of the S.E.¼ of Sect. 28, T. 17 S., R. 31 E., M. D. M. in the Sequoia National Forest across the outlet of Eagle Lake, a natural body of water and forming a reservoir, known as "Eagle Lake Reservoir", having a capacity of 209 acre feet and flooding 19.2 acres of land when the waters therein are at spillway level.

(b) CONDUITS:

A conduit, known as Kaweah No. 1 Conduit, having a horizontal length of 6.17 miles, 51% of which is located on public lands within the Sequoia National Forest, extending from the Kaweah No. 1 Diversion Dam, located across the East Fork of Kaweah River in Tract No. 41 in Sec. 14, T. 17 S., R. 29 E., M. D. M., to the Kaweah Power House No. 1, located in the N.W.¼ of the S.E.¼ of Sec. 8, T. 17 S., R. 29 E., M. D. M., and consisting of

(1) An unlined tunnel 50'in length, 3' wide and 6' high, the upper end of which receives water coming immediately from the diversion reservoir;

(2) A wooden flume 5.63 miles long, 3' wide, 2' deep, having a slope of 4 feet in a thousand feet and a carrying capacity of approximately 23.5 cubic feet per second, connected at its upper end with the lower end of the tunnel, and at its lower end with a penstock leading to the Kaweah Power House No. 1. This flume extends beyond the upper end of the penstock and forms a small regulating reservoir 10' wide, 9.5' deep and about 230' long. A short steel pipe 24" in diameter extending from a point near the bottom of this reservoir to a connection with the upper end of the penstock, allows practically all of the water in the regulating reservoir to be withdrawn, when required to supplement the capacity flow of the flume to meet peak load requirements;

(3) A steel penstock, 3300' in length, measured along its center line, varying in diameter from 48" at its upper end to 19" at its lower end, extending from the lower end of the wooden flume at a point on patented lands in the S.W.¼ of S.W.¼ of Sec. 9, T. 17 S., R. 29 E., M. D. M. to a receiver which is 35' long and has an average diameter of 14" and is located just outside of, and along the northeasterly wall of, the Kaweah Power House No. 1. The metal of this penstock varies in thickness from #12 Gage to 1/2".

A conduit, known as Kaweah No. 2 Conduit, having a horizontal length of 4.12 miles, of which only 12.9 percent is

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located on public lands within the Sequoia National Forest, and extending from the Kaweah No. 2 Diversion Dam, located across the Middle Fork of Kaweah River in Tract No. 37, T. 17 S., R. 29 E., M.D.M., to Kaweah Power House No. 2, located in the N.W.¼ of the S.E.¼ of Sec. 7, T. 17 S., R. 29 E., M.D.M. This conduit consists of

(1) 3.05 miles, more or less, of concrete lined ditch, 5' wide on the bottom, 12' to 13' wide at a point 3.5' above the bottom of the ditch which is the depth of the water when the ditch is carrying water to its full capacity, and having a slope of 1' in a 1000'.

(2) 0.85 miles, more or less, of redwood flume 5' wide by 4' deep built on a grade of 2' in a 1000'.

(3) A narrow irregular shaped concrete lined regulating reservoir 280' in length, which might be likened to an enlarged ditch section, located in the N.W.¼ of S.E.¼ of Sec. 7, T. 17 S., R. 29 E., M.D.M., adjacent to the upper end of the penstock leading to Kaweah Power House No. 2.

(4) A steel penstock 1,011' long, measured along its center line, extending from the regulating reservoir to a connection with a receiver 44' long located in the N.W.¼ of S.E.¼ of Sec. 7 T. 17 S., R. 29 E., M. D. M., adjacent to the outside wall of Kaweah Power House No. 2. The penstock varies in diameter from 60" at its upper end to 40" at its lower end.

A conduit, known as Kaweah No. 3 Conduit, extending in a Y from the Kaweah No. 3 Diversion Dams, one of which is located across the Marble Fork of Kaweah River in the S.E.¼ of Sec. 23, T. 16 S., R. 29 E., M.D.M., the other being located across the Middle Fork of Kaweah River in the N.W.¼ of Sec. 25, T. 16 S., R. 29 E., M.D.M., all unsurveyed lands, within the Sequoia National Park, to the Kaweah Power House No. 3, located in Tract No. 37, T. 17 S., R. 29 E., M.D.M. The total length of the conduit is 5.20 miles, more or less, of which nineteen percent is located on public lands within the Sequoia National Forest. It consists of

(1) A concrete flume 6' wide by 3' deep, made of precast concrete slabs and beams and rests on concrete posts and footings cast in place, extending from the diversion dam on the Middle Fork of the Kaweah River a distance of about 0.59 miles to an intersection with the conduit which extends from the diversion dam on the Marble Fork of the Kaweah River to Kaweah Power House No. 3.

(2) 1.08 miles of concrete lined ditch 6' wide on the bottom and 4' deep with side slopes of one to one and a grade of 1' in a 1000'.

(3) 0.54 miles of concrete flume, 9' 6" wide by 4' deep (inside measurements) made of precast concrete slabs and beams with concrete footings and posts cast in place, with a grade of 1' in a 1000'.

(4) 2.29 miles of conduit, 8' wide across the bottom and 4' deep, the uphill side being in the form of a concrete lined ditch, the side wall of which has a 1:1 slope, and the down hill side being in the form of a flume made of precast concrete slabs and beams supported on concrete posts and footings cast in place, with vertical side wall.

(5) 0.19 miles of steel pipe 48" in diameter forming an inverted siphon across the Middle Fork of the Kaweah River. Where this siphon is subjected to river erosion, it is covered with a block of concrete.

(6) A regulating reservoir, concrete lined throughout, approximately 300' in length and ranging in width from 15' to 70' and having a capacity of about eleven A.F., located between the lower end of the main conduit and the upper end of the penstock leading to Kaweah Power House No. 3.

(7) A steel penstock about 3150' in length measured along its center line and varying in diameter from 42" at the top to 36" at the bottom, and made of steel plates varying in thickness from 3/16th" to 1/2", extending from said regulating reservoir to Kaweah Power House No. 3.

(c) INCLINE RAILWAY:

A narrow guage incline railway extending from a point near Kaweah Power House No. 3 to the upper end of the penstock leading to said Power House.

(d) TELEPHONE LINES:

Three telephone lines, each consisting of one # wire circuit supported on wooden poles; one of said lines extending along the entire length of the conduit described herein as Kaweah No. 1 Conduit, one along Kaweah No. 2 Conduit and one along Kaweah No. 3 Conduit.

2. The location of the project works is as follows;

A. In the State of California.
B. In the County of Tulare.
C. On the Kaweah River and its tributaries, none of which are navigable or used in carrying commerce.

D. In the region of the following named cities and towns:

Bakersfield	Lindsay
Exeter	Porterville
Hanford	Tulare

Visalia

3. The project works hereinabove described, together with those shown on the maps filed herewith, are parts of three separate constructed projects, known as Kaweah No. 1, Kaweah No. 2, and Kaweah No. 3 Projects. The scheme adopted for the development of each of said projects is as follows:

Kaweah No. 1 Project

A small concrete diversion dam is located across the east fork of the Kaweah River in Tract No. 41 in Section 14, T. 17 S., R. 29 E., M. D. M., by means of which the water is diverted directly into the tunnel portion of the Kaweah No. 1 Conduit and conveyed through said conduit to and through Kaweah Power House No. 1. After passing through said power house, the waters are discharged into the Kaweah River through an open ditch.

Eagle Lake, Lady Franklin Lake, Silver Lake and Upper Monarch Lake Reservoirs are natural lakes, located at the headwaters of the East Fork of the Kaweah River. The natural area of these lakes are increased to some extent by the dams constructed across their outlets. The waters are withdrawn from each of these reservoirs during the period of low flow and allowed to flow down the natural channels of the streams into the main channel of the East Fork of Kaweah River from which they are diverted through the Kaweah No. 1 Conduit and passed through Kaweah Power House No. 1.

Kaweah No. 3 Project

A low concrete diversion dam is located across the Marble Fork and one across the Middle Fork of Kaweah River, both on lands of the United States within the Sequoia National Park, and the waters are diverted at these dams and carried through separate conduits to a point in the N.E.¼ of Sec. 26, T. 16 S., R. 29 E., M.D.M. where they meet, and from this point the waters are conveyed through a single conduit to and through Kaweah Power House No. 3, which is located on the Middle Fork of the Kaweah River in Tract No. 37, T. 17 S., R. 29 E., M. D. M. After passing through the power house, said waters are discharged into the Middle Fork of the Kaweah River just above the intake works of Kaweah No. 2 Project.

Kaweah No. 2 Project

The intake to Kaweah No. 2 Project is located immediately below the tailrace of Kaweah Power House No. 3. A small masonry dam is constructed across the Middle Fork of the Kaweah River on lands owned by the applicant in Tract No. 37, T. 17 S., R. 29 E., M. D. M. The waters are diverted through head-gates located in the west end of the dam into the conduit described herein as Kaweah No. 2 Conduit, through which they are conveyed to and through Kaweah Power House No. 2, which is located on the Kaweah River some distance below Kaweah Power House No. 1, on lands owned by the applicant, in the N.W.¼ of the S.E.¼ of Section 7, T. 17 S., R. 29 E., M. D. M. The waters, after passing through the power house, are discharged into a rubble masonry lined ditch or tail-race and conveyed to and discharged into a small tributary of the Kaweah River.

4. The use or market for the power generated is as follows:

The power is used for domestic, industrial, agricultural, manufacturing, railroad and other useful purposes throughout the Southern part of California.

5. The location and capacities of all of the projects owned or operated by the applicant, the market supplied thereby and relation thereof to the said Kaweah projects, are briefly described as follows:

Name of Project		County	POWER HOUSE LOCATED IN Sec.	Tp.	R.	Base & Mer.	INTAKE ON STREAM	CAP. H. P.
HYDRAULIC PLANTS								
Big Creek P.H.	#1	Fresno	28	8S	25E	MDM	Big Creek	64,300
" " " "	#2	"	25	8S	24E	"	" "	64,300
" " " "	#3	"	17&18	9S	24E	"	San Joaquin	100,000
" " " "	#8	"	27	8S	24E	"	Big Creek	30,200
Kern River	#1	Kern	29	28S	30E	"	Kern River	26,800
" "	#3	"	9	25S	32E	"	" "	42,900
Borel		"	10	27S	32E	"	" "	13,400
Santa Ana R.	#1	San Bernardino	26	1N	2W	SBM	Santa Ana R.	4,000
" " "	#2	"	34	1N	2W	"	" " "	1,300
" " "	#3	"	4	1S	2W	"	" " "	2,000
Mill Creek	#1	"	14	1S	2W	"	Mill Creek	1,000
" " #2 &	#3	"	13	1S	2W	"	" "	4,300
Lytle "	#1	"	6	1N	5W	"	Lytle "	700
" "	#2	" near Town of Rialto					" "	2,400
Sierra		Los Angeles	36	2N	8W	"	San Antonio	800
Azusa			22	1N	10W	"	San Gabriel	2,000
Kaweah	#1	Tulare	8	17S	29E	MDM	East Fork Kaweah River	1,800
"	#2	"	7	17S	29E	"	" "	2,300
"	#3	"	3	17S	29E	"	" "	3,800
Tule River			6	21S	30E	"	Tule River	2,700
STEAM PLANTS								
Long Beach		Los Angeles	in City of				Long Beach	63,000
Redondo		" "	" "				Redondo	53,600
Santa Barbara		Santa Barbara	" "				Santa Barbara	2,800
Visalia		Tulare	" "				Visalia	7,700

None of the other projects owned or controlled by applicant have any physical relation with the Kaweah Projects Nos. 1, 2 and 3, except that the said three Kaweah plants are connected by transmission lines to the general transmission system of applicant, and are operated with all of the other existing generating plants of applicant as a unit to supply the requirements of applicant's consumers throughout Southern California.

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6. The following exhibits are filed herewith and are hereby made a part of this application.

Exhibit A. Certified copy of Amended Articles of Incorporation.

" B. Official statement of Organization of the Corporation and List of Officers and Directors.

" D. Statement of Ownership of Water Rights.

" G. General Description and Specifications of Mechanical and other Equipment.

" H. Statement of cost of Project Works.

" I. Statement regarding Permits under which Project Works were constructed and are now operated and maintained on Public Lands.

" J. General Map of Projects.

" K. Detail Maps of Project Works.

In Witness Whereof, the applicant has caused its name and corporate seal to be hereunto signed and affixed by W. A. Brackenridge, its Senior Vice-President, thereunto duly authorized, this 26th day of November, 1923.

SOUTHERN CALIFORNIA EDISON COMPANY

By W A Brackenridge
Senior Vice-President.

Attest: Clifford Eden
Secretary.

Exhibit "A"

Certified Copy of Amended Articles of Incorporation

Reference is made to the certified copy of the amended Articles of Incorporation of Southern California Edison Company, which was filed with the Federal Power Commission as a part of applicant's application for license for its Tule River Project (Project #372), said application being dated November 9, 1923.

This statement is a part of the application for license made by the undersigned the 26th day of November, 1923.

W. B. Bracksmiage

Senior Vice-President
SOUTHERN CALIFORNIA EDISON COMPANY.

Exhibit "B"

Official Statement of Organization of the
Corporation and List of Officers and Directors

I, W. A. Brackenridge, Senior Vice-President of Southern California Edison Company, do hereby certify that the organization of said corporation has been completed and that the corporation is authorized to proceed with the project applied for, according to the existing laws of the State of California. I further certify that the following is a true list of the principal officers and of the directors of the said corporation, with the full name and official designation of each, to wit:-

OFFICERS

John B. Miller	President & Chairman Board of Directors
W. A. Brackenridge	Senior Vice-President
R. H. Ballard	Vice-President & General Manager
C. C. Ward	Vice-President
S. M. Kennedy	Vice-President
Clifton Peters	Secretary
W. L. Percey	Treasurer
D. M. Trott	Comptroller
Roy V. Reppy	General Counsel

DIRECTORS

R. H. Ballard	W. E. Dunn	H. E. Huntington
W. A. Brackenridge	Roy V. Reppy	John B. Miller
George I. Cochran	William R. Staats	H. M. Robinson
E. W. Rollins	John H. Fisher	G. C. Ward
	Albert W. Harris	

WITNESS my hand and the seal of the corporation this 26th day of November , 1923.

SOUTHERN CALIFORNIA EDISON COMPANY

By W A Brackenridge

Senior Vice-President

This statement is a part of the application for license made by the undersigned the 26th day of November , 1923.

W A Brackenridge

Senior Vice-President

SOUTHERN CALIFORNIA EDISON COMPANY

Exhibit "D"

Statement of Ownership of Water Rights

I, W. A. Brackenridge, Senior Vice President of Southern California Edison Company, do hereby certify that said corporation is the owner and entitled to the use and enjoyment of the water rights hereinafter described, in the operation of the Kaweah #1, #2 and #3 Projects.

KAWEAH #1 PROJECT

(a) All of the rights acquired by William H. Hammond under and by virtue of a notice dated December 31, 1897, and posted along the East Fork of the Kaweah River in Section 14, T. 17 S., R. 29 E., M. D. M., appropriating 1,000 miner's inches of the waters of said River, said water to be used for the generation of power in Kaweah Power House No. 1. A copy of said notice marked "Appendix A" is attached hereto.

(b) All of the right, title and interest acquired by Mt. Whitney Power Co. under and by virtue of a notice dated and posted October 6, 1902, along the East Fork of the Kaweah River, Section 14, T. 17 S., R. 29 E., M. D. M., appropriating 1,500 miner's inches of the waters of said River for the generation of power in Kaweah Power House No. 1. Copy of said notice marked "Appendix B" is attached hereto.

(c) The right to impound the waters of the East Fork of the Kaweah River and its tributaries in Eagle Lake Reservoir, Upper Monarch Lake Reservoir, Silver Lake Reservoir and Lady Franklin Lake Reservoir, whenever and so long as the flow of the Kaweah River within one mile above the head of Wutchumna Ditch, which is located in Section 34, T. 17 S., R. 27 E., M. D. M., equals or is not less than 2,400 cubic feet per second and to use the same for the generation of electric power at Kaweah Power House No. 1. Said right is based upon actual and continuous impoundage and use by this Company and its predecessors in interest of the waters of said Lakes as follows:

Silver Lake Reservoir since October,1903
Eagle Lake Reservoir since October,1904
Upper Monarch Lake Reservoir and
Lady Franklin Lake Reservoir since September, 1905.

KAWEAH #2 PROJECT

(a) All of the right, title and interest acquired by Mt. Whitney Power Company under and by virtue of a notice dated and posted February 16, 1902, along the Middle Fork of the Kaweah River near the Northwest corner of Tract No. 37 in T. 17 S., R. 29 E., M. D. M., appropriating 2,000 miner's inches of the waters of said River for the generation

of electric power in Kaweah Power House No. 2. Copy of said notice marked "Appendix C" is attached hereto.

(b) All of the right, title and interest acquired by Mt. Whitney Power Company under and by virtue of a notice dated and posted October 7, 1902, along the Middle Fork of Kaweah River near the Northwest corner of Tract No. 37, in T. 17 S., R. 29 E., M. D. M., appropriating 3,000 miner's inches of water of said River for the generation of electric power in Kaweah Power House No. 2. Copy of said notice marked "Appendix D" is attached hereto.

KAWEAH #3 PROJECT

(a) All of the right, title and interest acquired by Mt. Whitney Power Company under and by virtue of a notice dated and posted October 25, 1904, near the Middle Fork of the Kaweah River in or near Section 20 T. 16 S., R. 30 E., M. D. M., appropriating 3,000 miner's inches of the waters of said River for the generation of electric power in Kaweah Power House No. 3. Copy of said notice marked "Appendix E" is attached hereto.

(b) All of the right, title and interest acquired by Mt. Whitney Power & Electric Co. under and by virtue of a notice dated and posted February 18, 1911 along the Middle Fork of the Kaweah River in Section 25, T. 16 S., R. 29 E., M. D. M., appropriating 4,000 miner's inches of the waters of said River for the generation of electric power in Kaweah Power House No. 3. Copy of said notice marked "Appendix F" is attached hereto.

(c) All the right, title and interest acquired by Mt. Whitney Power & Electric Co. under and by virtue of a notice dated and posted February 18, 1911, along the Marble Fork of the Kaweah River in Section 23, T. 16 S., R. 29 E., M. D. M., appropriating 4000 miner's inches of the waters of said River for the generation of electric power in Kaweah Power House No. 3. Copy of said notice marked "Appendix G" is attached hereto.

WITNESS my hand and the seal of this corporation this 26th day of November, 1923.

SOUTHERN CALIFORNIA EDISON COMPANY

By W. W. Brackenridge

Senior Vice - President

This statement is a part of the application for license made by the undersigned the 26th day of November, 1923.

W. W. Brackenridge

Senior Vice-President

SOUTHERN CALIFORNIA EDISON COMPANY

Appendix "A"

NOTICE.

Notice is hereby given, that I, William H. Hammond, of Visalia, Tulare County, California, claims one thousand inches, measured under a four inch pressure, of the water flowing in the East Fork of the Kaweah River, at this point, to wit:-

In section fourteen, Township seventeen South of Range twenty-nine East, Mount Diablo Base and Meridian, and near Cains Flat, in the County of Tulare, and State of California, which said point is the point of intended diversion by me of the said water so claimed by me.

The said water so claimed by me, for the purpose of generating power, for mechanical and other purposes, and the power station for generating such mechanical power, will be located on section eight, in Township seventeen, South of Range twenty-nine East, in said County and State, which last described lands, is the place of intended use by me of said water. The diversion of said water from said East Fork of Kaweah River, will be made by me by means of a dam, ditches, flumes and pipes, which said dam will be located across said river at this point.

Said ditch to be eight feet wide on the bottom, with sides three feet high. Said flume to be four feet wide and three feet deep, and constructed of lumber, stone, cement, and mortar, said pipes to be thirty inches in diameter, and be made of wood, iron, stone or cement.

Said dam in the river or stream, to be the full width of the stream and four feet high, and to be constructed of wood, stone, or cement.

Visalia, California, Dec. 31st, 1897 Wm. H. Hammond

Witness: A. G. Wishon.

Recorded January 5th, 1898, in Vol. "A" of Water Rights, Page "358"

Records of Tulare Co., Cal.

Appendix "B"

NOTICE OF WATER APPROPRIATION.

Notice is hereby given that the Mt. Whitney Power Company, a corporation organized and existing under the laws of the State of California, and having its principal place of business at Visalia, in the county of Tulare, State of California does hereby claim and appropriate fifteen hundred inches measured under a four inch pressure of the waters flowing in the East Fork of the Kaweah River at the point where this notice is posted in said county of Tulare, to-wit; On Section fourteen in township seventeen south, range twenty-nine east of the Mount Diablo Base and Meridian, and near "Cains Flat" in the County of Tulare, State of California, which said point is the point of intended diversion of the said water so claimed by said corporation.

That the purposes for which said corporation claims said water are to develop power for the generation of electricity and for other mechanical devices, and for the development of power for all purposes, and that the place of intended use is at a power house located on section eight, in township seventeen south, range twenty-nine east of the Mount Diablo Base and Meridian, in the County of Tulare, State of California.

That said corporation intends to divert said water hereby claimed and appropriated by means of a dam or other appliances and by means of ditches, flumes and pipes, and the size of said ditch and flume will be ten feet wide and five feet deep, and the size of said pipe will be sixty inches in diameter and all to be sufficient size and capacity to carry said quantity of water hereby claimed and appropriated.

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Appendix "B" (Cont'd).

In witness whereof, the said corporation has caused its name to be hereunto subscribed and its corporate seal to be hereunto affixed by its Vice President and secretary this 6th day of October, 1902.

Mt. Whitney Power Company

By Ben M. Maddox, its Vice President,

and R. W. Davis, its Secretary.

(Cor)

(Seal)

Appendix "B" (Cont'd).

State of California,)

ss.

County of Tulare)

Carl H. Holly being duly sworn, says, that he is a citizen of the United States over the age of twenty-one years, and a resident of the County of Tulare, State of California, that on the 6th day of October 1902, affiant as the agent of the Mt. Whitney Power Company, a corporation whose name is subscribed to the within and foregoing notice, posted in a conspicuous place on the bank of the east fork of the Kaweah River in section fourteen in township seventeen south, range twenty-nine east of the Mount Diablo Base and Meridian, near "Cains Flat" in said County of Tulare, a notice of which the within and foregoing is a true, full and correct copy, that said notice was so posted by affiant on the bank of the east fork of the Kaweah River at the point of diversion, and at the place where the quantity of water claimed by said notice is to be taken and diverted from the said East Fork of said Kaweah River.

Carl H. Holly

Subscribed and sworn to before me this 8th day of October, 1902.

N. O. Bradley

Notary Public in and for the County of Tulare,

(Seal)

State of California.

State of California)

SS.

County of Tulare)

Robert McF. Doble being duly sworn, says; That he is a citizen of

the United States over the age of twenty-one years, and a resident of the City and County of San Francisco, State of California, that on the 6th day of October, 1902, affiant as the agent of the Mt. Whitney Power Company, a corporation whose name is subscribed to the within and foregoing notice posted in a conspicuous place on the bank of the East fork of the Kaweah River in section fourteen, in township seventeen south, range twenty-nine East of the Mount Diablo Base and Meridian, near "Cains Flat" in said County of Tulare, a notice of which the within and foregoing is a true, full and correct copy; that said notice was so posted by affiant on the bank of the east fork of the Kaweah River at the point of diversion, and at the place where the quantity of water claimed by said notice is to be taken and diverted from the said East Fork of said Kaweah River.

Robert McF. Doble.

Subscribed and sworn to before me this 8th day of October, 1902.

N. O. Bradley

(Seal) Notary Public in and for the County of Tulare,

State of California

Recorded at request of B. M. Maddox, Oct. 13, 1902, at 17 Min. past 3 o'clock P. M. in Vol. "A" of Water Rights, page 449, Tulare County Records.

J. O. Thomas, Recorder.

Appendix "C"

NOTICE OF WATER APPROPRIATION

NOTICE IS HEREBY GIVEN: That Mt.Whitney Power Company a corporation organized and existing under the laws of the State of California, and having its principal place of business at Visalia, in the County of Tulare, State of California, does hereby claim and appropriate two thousand inches measured under a four inch pressure, of the waters of the Middle Fork of the Kaweah River in said County of Tulare, at the point where this notice is posted, to-wit: on the north bank of said stream just below where the park line crosses the same, and immediately above and near where the East Fork of the Kaweah River empties into said Middle Fork.

That the purposes for which said corporation claims said water are to develop power for the generation of electricity, and for other mechanical devices and for the development of power for all purposes, and that the place of intended use is at a power house to be located on the north side of the Middle Fork of said Kaweah River, about opposite their present power house located on said stream.

That said corporation intends to divert said water hereby claimed and appropriated by means of a dam, or other appliances into a flume about five feet wide and about two feet deep with a grade of about twelve feet to the mile, or into a ditch about six feet on the bottom with sides about four feet high, built on a slope of about two feet to one, having a grade of about two and one half feet to the mile and from end of said flume or ditch to said power house by means of a pipe about thirty inches in diameter, the said flume ditch and pipe line being of sufficient size and capacity to carry said water hereby claimed and appropriated.

Appendix "C" (cont'd.)

IN WITNESS WHEREOF, the said corporation has caused its name to be hereunto subscribed and its corporate seal hereunto affixed by its president and secretary this 16th day of February, 1902.

(C. Seal) Mt. Whitney Power Company

By Wm. H. Hammond, its President

Ben M. Maddox, its Secretary.

—oOo—

Dated on the Ground)

at 5:30 A.M.)

Witnesses: A. G. Wishon, A. J. Robertson, C. H. Holley,

Recorded at the request of Ben M. Maddox, Feb. 24, 1902, at 50 Min. past 4 o'clock P.M. in Vol. "A" of Water Rights, page 419, Tulare County Records.

J. O. Thomas, Recorder.

—oOo—

Appendix "D"

NOTICE OF WATER APPROPRIATION.

Notice is hereby given, that the Mt. Whitney Power Company, a corporation organized and existing under the laws of the State of California, and having its principal place of business at Visalia, in the County of Tulare, State of California, does hereby claim and appropriate three thousand inches, measured under a four inch pressure, of the waters of the Middle Fork of the Kaweah River in said County of Tulare, at the point where this notice is posted, to-wit: on the north bank of said stream in the northwest quarter of section three, in township seventeen south, range twenty-nine east of the Mount Diablo Base and Meridian.

That the purposes for which said corporation claims said water are to develop power for the generation of electricity and for other mechanical devices and for the development of power for all purposes, and that the place of intended use is at a power house, to be located on the North Side of the Middle Fork of said Kaweah River, in Section seven, in township seventeen south, range twenty-nine east, of the Mount Diablo Base and Meridian.

That said corporation intends to divert said water hereby claimed and appropriated by means of a dam or other appliances, and by means of ditches and pipes and the size of said ditch and flume will be ten feet wide and five feet deep and the size at said pipe will be sixty inches in diameter, and all to be at sufficient size and capacity to carry said water hereby claim and appropriated.

In witness whereof the said corporation has caused its name to be hereunto subscribed and its corporate seal to be hereunto affixed by its Vice President and Secretary this 7th day of October 1902.

Mt. Whitney Power Company
By Ben M. Maddox, Its Vice President
and P. W. Davis, Its Secretary.

(COR—SEAL)

Appendix "D" Cont'd.

State of California,)

ss.

County of Tulare)

Carl H. Holly, being duly sworn, says; that he is a citizen of the United States over the age of twenty-one years and a resident of the County of Tulare, State of California, that on the 7th day of October, 1902 affiant as the agent of the Mt. Whitney Power Company, a corporation, whose name is subscribed to the within and foregoing notice, posted in a conspicuous place on the north bank of the Middle Fork of the Kaweah River in the northwest quarter of section three in township seventeen south, range twenty-nine East of the Mount Diablo Base and Meridian, a notice of which the within and foregoing is a true full and correct copy; that said notice was posted at said point of diversion and at the place where the quantity of water claimed by said notice is to be taken, and diverted from said Middle Fork of the Kaweah River, as described in said notice.

Carl H. Holly

Subscribed and sworn to before me this 8th day of October, 1902

N. O. Bradley

(Seal)

Notary Public in and for the County of Tulare, State of California.

State of California)

ss.

County of Tulare)

Robert McF. Doble, being duly sworn, says/that he is a citizen of the United States over the age of twenty-one years and a resident of

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Appendix "D" Cont'd.

State of California,)

ss.

County of Tulare)

Carl H. Holly, being duly sworn, says; that he is a citizen of the United States over the age of twenty-one years and a resident of the County of Tulare, State of California, that on the 7th day of October, 1902 affiant as the agent of the Mt. Whitney Power Company, a corporation, whose name is subscribed to the within and foregoing notice, posted in a conspicuous place on the north bank of the Middle Fork of the Kaweah River in the northwest quarter of section three in township seventeen south, range twenty-nine East of the Mount Diablo Base and Meridian, a notice of which the within and foregoing is a true full and correct copy; that said notice was posted at said point of diversion and at the place where the quantity of water claimed by said notice is to be taken, and diverted from said Middle Fork of the Kaweah River, as described in said notice.

Carl H. Holly

Subscribed and sworn to before me this 8th day of October, 1902

N. O. Bradley

(Seal)

Notary Public in and for the County of Tulare, State of California.

State of California)

ss.

County of Tulare)

Robert McF. Doble, being duly sworn, says that he is a citizen of the United States over the age of twenty-one years and a resident of

the City and County of San Francisco, State of California, that on the 7th day of October, 1902, affiant as the agent of the Mt. Whitney Power Company, a corporation whose name is subscribed to the within and foregoing notice, posted in a conspicuous place on the north bank of the Middle Fork of the Kaweah River in the northwest quarter of section three in township seventeen south, range twenty-nine East of the Mount Diablo Base and Meridian, the notice of which the within and foregoing is a true, full and correct copy; that said notice was posted at said point of diversion, and at the place where the quantity of water claimed by said notice is to be taken and diverted from said Middle Fork of the Kaweah River as described in said notice.

Robert McF. Doble.

Subscribed and sworn to before me this 8th day of October 1902.

N. O. Bradley

(Seal) Notary Public in and for the County of Tulare, State of California.

Recorded at the request of B. M. Maddox, Oct. 13, 1902, at 16 Min past 3 o'clock P.M. in Vol. "A" of Water Rights page 446, Tulare County Records

J. O. Thomas, Recorder.

Appendix "E"

NOTICE OF WATER APPROPRIATION.

Notice is hereby given that the Mt. Whitney Power Company, a corporation organized and existing under the laws of the State of California and having its principal place of business at Visalia, in the County of Tulare, State of California, does hereby claim and appropriate three thousand inches, measured under a four inch pressure of the water flowing in the Middle Fork of the Kaweah River at the point on the bank of said Middle Fork where this notice is posted on the south bank of said stream about two and one half miles above Hospital Rock, and just below where a stream running from the North (sometimes known as Tharp Creek) empties into the said Middle Fork which said point is the point of intended diversion of the said water so claimed by said corporation, and is situated in the said county of Tulare, in section 20 of Township 16 south of range 30 east, M.D.B.&M. the said place of intended diversion and the greater part of the route of intended conveyance of the water so claimed and appropriated, being within the Sequoia National Park (a National Park reserved and created by the Government of the United States) and being a part of said Park.

That the purposes for which said corporation claims said waters are to develop power for the generation of electricity and for other mechanical devices, and for the development of power for all purposes and that the place of intended use is at a power house to be located on the south side of the Middle Fork of said Kaweah River in section 3, township 17 south, of Range 29 East, M. D. B. and M.

That said corporation intends to divert said water hereby claimed and appropriated by means of a dam, or other appliances, and by means of ditches, flumes and pipes, and the size will be sixty inches in diameter, and all to be of sufficient size and capacity to carry said quantity of

Appendix "E" cont'd.

water hereby claimed and appropriated.

In witness whereof the said corporation has caused its name to be hereunto subscribed and its corporate seal to be hereunto affixed by the Manager and Secretary this 25th day of October, 1904.

Mt. Whitney Power Company

By Ben M. Maddox, Manager

(Corp Seal) P. W. Davis, Secretary.

_____ooo_____

State of California,)

ss.

County of Tulare.)

On this 1st day of November, in the year one thousand nine hundred and four before me E. C. Farnsworth a Notary Public in and for said County of Tulare, personally appeared Ben M. Maddox, and P. W. Davis known to me to be the manager and secretary, respectively of the Mount Whitney Power Company, the corporation that executed the within instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by official seal at my office in the said county of Tulare, the day and year in this certificate first above written.

E. C. Farnsworth

(Seal) Notary Public in and for Tulare County
State of California

Recorded at the request of Ben M. Maddox, Nov. 1, 1904 at 55 Min past 10 o'clock A. M. in Vol. B. of Water Rights, page 75, Tulare County Records.

Ira Chrisman, Recorder

Appendix "F"

NOTICE OF WATER APPROPRIATION.

Notice is hereby given that the undersigned Mt. WHITNEY POWER AND ELECTRIC COMPANY, does hereby claim and appropriate Four Thousand inches, measured under a Four-inch pressure, of the waters flowing in the Middle Fork of the Kaweah River, at the point where this notice is posted in the county of Tulare, State of California, to-wit:

N.W. 1/4 of the N.W. 1/4 of Section 25. Twp. 16 S., R. 29 E. Notice tacked on oak tree, 50 ft. above Stream bed, 30 ft. Northwest of north end of dam site.

which said point is the point of intended diversion of the water hereby claimed and appropriated. That said place of intended diversion is within and a part of the Sequoia National Park.

That the route of intended conveyance of the water so claimed and appropriated is partly within and a part of the Sequoia National Park, the remaining portion together with the point of intended use of said water being within and a part of the Sequoia forest reserve adjoining said Sequoia National Park.

That the purpose for which the undersigned claims said water are to develop power for the generation of electricity, and for other mechanical devices, and for the development of power for all purposes, and that the place of intended use is at a power house to be located on the South Bank of the Middle Fork of the Kaweah River, being located in the North-west Quarter of the Northwest Quarter of Section Three, Township Seventeen South, Range Twenty-nine East, Mt. Diablo Base and Meridian.

That the undersigned intends to divert said water hereby claimed and appropriated by means of a dam or other appliances, and by means of a ditch tunnel, flume and pipe line or pipe lines, or either or any thereof, and the size of said ditch and flume or either thereof, will be eight feet wide and three feet deep, and the size of the tunnel will be six feet wide and six feet high, and the size of the pipe will be four feet in diameter, and the equivalent thereof in smaller pipes, and all to be of sufficient size and capacity to carry the said quantity of water hereby claimed and appropriated.

MT. WHITNEY POWER & ELECTRIC COMPANY

John Coffee Hays, President.

Feb. 18, 1911

(Seal)
Posted by:
H. C. Wolff

February 18, 1911.

Appendix "F" Cont'd.

State of California)
ss AFFIDAVIT OF POSTING.
County of Tulare)

N. C. Wolff, being duly sworn says: That he is, and was at all times herein mentioned, a citizen of the United States, over the age of twenty-one years and a resident of Visalia, California, that on the 18th day of February, 1911, affiant whose name is subscribed to the within and foregoing notice, posted in a conspicuous place at the place of intended diversion, to wit: N.W. 1/4 of the N. W. 1/4 of Section 25, TWp, 16 S., R. 29 E. Notice tacked on oak tree, 50 ft. above stream bed, 30 ft. Northwest of North end of dam site, in the County of Tulare, State of California, a notice of which the within and foregoing is a true, full and correct copy and that said notice was so posted by affiant at the place where the quantity of water claimed and appropriated by said notice is to be taken and diverted from said Middle Fork of the Kaweah River.

N. C. Wolff.

Subscribed and sworn to before me
this 21st day of February, 1911.

JAMES A HANNAH.

Notary Public in and for said County
of Tulare, State of California.

(seal)
Recorded at the request of Mt. Whitney Power & Electric Co. Feb. 21, A.D. 1911 at 41 min. past 1 o'clock P. M. in Vol. B. of Water Rights Page 306- Tulare County Records.

Ira Chrisman, Recorder.

Appendix "G"

NOTICE OF WATER APPROPRIATION

Notice is hereby given that the undersigned MT. WHITNEY POWER AND ELECTRIC COMPANY, does hereby claim and appropriate Four Thousand Inches measured under a Four-inch pressure, of the waters flowing in the Marble Fork of the Kaweah River, at the point where this notice is posted in the County of Tulare, State of California, t o wit;

N. W. 1/4 of the S. E. 1/4 of Section 23, Twp. 16 S., R. 29, E. Notice tacked on alder tree 18-ft. above stream bed, 10-ft. South of East end of dam si te, also six feet South of 10-ton Boulder.

Which said point is the point of intended diversion of the water hereby claimed and appropriated. That said place of intended diversion is within and a part of the Sequoia National Park.

That the route of intended conveyance of the water so claimed and appropriated is partly within and a part of the Sequoia National Park, the remaining portion together with the point of intended use of said water being within and a part of the Sequoia Forest reserve adjoining said Sequoia National Park.

That the purposes for which the undersigned claims said water are to develop power for the generation of electricity, and for other mechanical devices, and for the development of power for all purposes, and that the place of intended use is at a power house to be located on the South Bank of the Middle Fork of the Kaweah River, being located in the Northwest Quarter of the Northwest Quarter of Section Three, Township Seventeen South, Range Twenty-nine East, Mt. Diablo Base and Meridian.

That the undersigned intends to divert said water hereby claimed and appropriated by means of a dam or other appliances, and by means of a ditch tunnel, flume and pipe line or pipe lines, or either or any thereof, and the size of said ditch and flume or either thereof, will be eight feet wide and three feet deep, and the size of the tunnel will be six feet wide and six feet high, and the size of the pipe will be four feet in diameter, or the equivalent thereof in smaller pipes, and all to be of sufficient size and capacity to carry the said quantity of water hereby claimed and appropriated.

MT. WHITNEY POWER AND ELECTRIC COMPANY.

John Coffee Hays, President.

February 18, 1911.

Posted by
H. C. Wolff.
February 18, 1911.

Appendix "C" cont'd.

State of California)
ss
County of Tulare)

AFFIDAVIT OF POSTING.

N. C. Wolff, being duly sworn says: That he is, and was at all times herein mentioned, a citizen of the United States, over the age of twenty-one years, and a resident of Visalia, California, that on the 18 day of February, 1911, affiant whose name is subscribed to the within and foregoing notice, posted in a conspicuous place at the place of intended diversion, to-wit: N. W. 1/4 of the S. E. 1/4 of Section 23, twp. 16 S. R. 29 E. Notice tacked on alder tree, 18-ft. above stream bed, 10-ft. South of East end of dam site; also six feet South of 10-ton boulder. In the County of Tulare, State of California, a notice of which the within and foregoing is a true , full and correct copy and that said notice was so posted by affiant at the place where the quantity of water claimed and appropriated by said notice is to be taken and diverted from said Marble Fork of the Kaweah River.

N. C. WOLFF.

Subscribed and sworn to before me
this 21st day of February 1911.

JAMES A. HANNAH.

Notary Public in and for said County
of Tulare, State of California.

(Seal)

Recorded at the request of Mt. Whitney Power and Electric Co., Feb. 21st. A.D. 1911 at 40 min. past 1 o'clock P. M. of Vol. B. of Water Rights Page 304-- Tulare County Records.

Ira Chrisman, Recorder.

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Exhibit "G"

General Description and Specifications of Mechanical and Other Equipment

I, W. A. Brackenridge, Senior Vice-President of the Southern California Edison Company, do hereby certify that the following are general specifications covering Mechanical and Electrical equipment of the Kaweah No. 1, No. 2 and No. 3 projects involved in this application:

KAWEAH NO. 1:

Kaweah Power House No. 1 contains three main generating units, each consisting of a Doble Impulse Water Wheel, direct connected by a horizontal shaft to a 450 K.V.A., 440 Volt three phase, sixty cycle 515 R. P. M. Generators.

One of these water wheels is provided with a hand operated needle nozzle and each of the other two units is provided with a simple nozzle and hand operated deflecting head. The maximum hydro static head at the elevation of the nozzles is 1,288.33'. Two exciters, one of which is belt driven from a pulley on one of the main generator shafts and the other by a direct connected induction motor, furnish the necessary excitation for the main generator units. The motor driven exciter constitutes a spare unit.

A small building constituting an annex to the main generating station houses the necessary switch board panels required in connection with the operation of the station.

Within a short distance of the main generating station there are four small concrete buildings, 12' x 12' x 9'6" high, having walls 18" in thickness. In each of these cells there is a transformer having a capacity of 500 K.V.A. Three of these transformers are banked and the remaining transformer is a "spare". The low voltage coils are connected "Y", giving a transformation from the generated voltage of 440 volts to 35,000 volts for transmission purposes.

KAWEAH NO. 2:

Kaweah Power House No. 2 contains one horizontal Francis type, reaction turbine, direct connected to a 1,200 K. W. three phase 2300 volt A. C. 720 R. P. M. Generator, the water wheel being under the control of a "Lombard" type "E" governor; one Victor Girard reaction type turbine, direct connected by a horizontal shaft to a 500 K. V. A. three phase 2300 volt A.C. 450 R.P.M. generator. Two exciters, each direct connected to a small 1,050

R.P.M. Girard water turbine as well as necessary switchboard are located in the power house. The maximum static head is 368' of which 17' is suction head.

A concrete transformer house, containing 7 transformer cells, is located adjacent to the power house and contains two banks of transformers as well as spare transformers. Each of these banks consist of three 350 K.W. Stanley shell type transformers, with low tension coils connected delta and high tension coils connected "Y" giving transformation from 2300 volt to 34,000 volt for transmission purposes.

KAWEAH NO. 3:

Kaweah Power House No. 3 contains two "Pelton-Doble" reaction water wheels each controlled by a "Pelton" governor and each direct connected by a vertical shaft to a 1,750 K.V.A. 2300 volt three phase sixty cycle 300 R.P.M. Generator. The main generators receive excitation current from two exciters, one of which is driven by a small impulse water wheel and the other by an induction motor. The maximum static head at the elevation of the nozzles is 775.67'. The Power House also houses the necessary switchbourds, a bank of main transformers and a spare transformer for use in the bank. The bank of transformers consist of three 1,250 K.V.A. water cooled, 2300 volt delta to 35,000 volt "Y" connected transformers.

WITNESS my hand and the seal of the corporation this 26th day of November, 1923.

SOUTHERN CALIFORNIA EDISON COMPANY,

W. W. Brackenridge
Senior Vice-President.

This statement is a part of the application for license made by the undersigned the 26th day of November, 1923.

W. W. Brackenridge
Senior Vice-President,
Southern California Edison Company.

Exhibit "I"

Statement regarding Permits under which Project Works were constructed and are now operated and maintained on Public Lands.

I, W. A. Brackenridge, Senior Vice-President of Southern California Edison Company, do hereby certify that said corporation claims and holds the following permits, easements and rights of way for the projectworks herein applied for:

Kaweah No. 1 Conduit.

Final Power Permit, granted on July 7, 1917, to Mt. Whitney Power & Electric Company by the Secretary of Agriculture under the permission of the Act of Congress, approved February 15, 1901 (31 Stat. 790), covering that part of Kaweah No. 1 Conduit that is located on lands of the United States within the Sequoia National Forest. Said Final Power Permit bears designation "L. Sequoia - Water Power, Mt. Whitney Power and Electric Company, Conduit (Kaweah #1) 4/24/16", and a duplicate copy thereof is on file in the office of the Secretary of Agriculture, to which duplicate copy reference is made.

Kaweah No. 2 Conduit.

Final Power Permit, covering that part of Kaweah No. 2 Conduit that is located on lands of the United States within the Sequoia National Forest, granted on July 2, 1913, to Mt. Whitney Power & Electric Company, by the Secretary of Agriculture, under the provisions of the Act of Congress, approved February 15, 1901, (31 Stat. 790). Said Final Power Permit bears designation "Sequoia, Water Power, Mt. Whitney Power & Electric Company, Conduit (Kaweah No. 2), 9-20-12", and a duplicate copy thereof is on file in the office of the Secretary of Agriculture, to which copy reference is made.

Kaweah No. 3 Conduit.

Final Power Permit, granted on June 15, 1912, to Mt. Whitney Power & Electric Company by the Secretary of Agriculture, under the provisions of the Act of Congress, approved February 15, 1901 (31 Stat. 790), covering that part of Kaweah No. 3 Conduit that is located on lands of the United States within the Sequoia National Forest. Said Final Power Permit bears designation "Sequoia, Water Power, Mt. Whitney Power & Electric Company, Conduit, 5-12-11", and a duplicate copy thereof is on file in the office of the Secretary of Agriculture, to which copy reference is made.

Permit, granted March 5, 1912, to Mt. Whitney Power & Electric Company by Carmi A. Thompson, Assistant Secretary of the Interior, under authority of the Act of February 15, 1901 (31 Stat. 790), covering the part of Kaweah #3 plant, which is located within the Sequoia National Park. A copy of said permit (which is in the

form of an executed agreement) is on file in the office of the Secretary of the Interior, to which copy reference is made.

Mineral Kings Lakes Reservoirs.

Right of way, granted, December 28, 1900, to Mt. Whitney Power Company by the Acting Secretary of the Interior, under authority of Sections 18 to 21, inclusive, of the Act. of March 3, 1891, (26 Stat. 1095), as amended by Section 2 of the Act of May 11, 1898, (30 Stat. 404), for five reservoirs to be constructed at Eagle Lake, Lady Franklin Lake, Silver Lake, Upper Monarch Lake and Lower Monarch Lake. Reference is made to the map bearing the approval of the Acting Secretary of the Interior and on file in the office of the Secretary of the Interior.

All of the above permits and grants were conveyed to applicant by Mt. Whitney Power & Electric Company by deed dated June 15, 1920, and all rights thereunder are now held and claimed by applicant by virtue of said conveyance.

Witness my hand and the seal of the corporation this 26th day of November, 1923.

SOUTHERN CALIFORNIA EDISON COMPANY,

By W. R. Mackenzie
Senior Vice-President.

The above statement is a part of the application for license made by the undersigned this 26th day of November, 1923.

W. R. Mackenzie
Senior Vice-President,

Southern California Edison Company.

SEQUOIA NATIONAL PARK

WATER SYSTEMS

Branch of Engineering
San Francisco, California
March 13, 1935

Revised list based on information supplied in letters from Acting Superintendent to Director February 26, 1935 and to Chief Engineer February 27, 1935 and March 11, 1935.

DRAINAGE

The western portion of the Park is drained by Kaweah River. The entire flow of Kaweah River is used for irrigation in Tulare County.

The eastern portion is drained by Kern River, which flows into Buena Vista Lake Reservoir in Kern County.

A very small area at the south is drained by the North and Middle Forks of Tule River. Tule River water is used for irrigation in Tulare County.

WATER SYSTEMS
(Existing unless otherwise designated)

1. Ash Mountain Dwg. SEQ-4981,5062
Serves: Park Headquarters, employees' residences, utility area, tree nursery, barn and public camp ground. Domestic use, sanitary, lawn sprinkling, fire protection and water for livestock.

Source of Supply: Spring tributary to Alder Cr., which is tributary to Kaweah River.

System: Dam in Alder Cr. impounding 140,000 gallons; 6" supply line to reservoir; 50,000 gal. concrete storage reservoir; 4" and 3" main; 2" and smaller laterals.

Notes: Estimated flow of springs Nov. to May, 40,000 gal. per day (0.062 sec. ft); May to Nov. 20,000 gal. per day (0.031 sec.ft).

Future use: 100,000 gal. per day (0.155 sec.ft.)

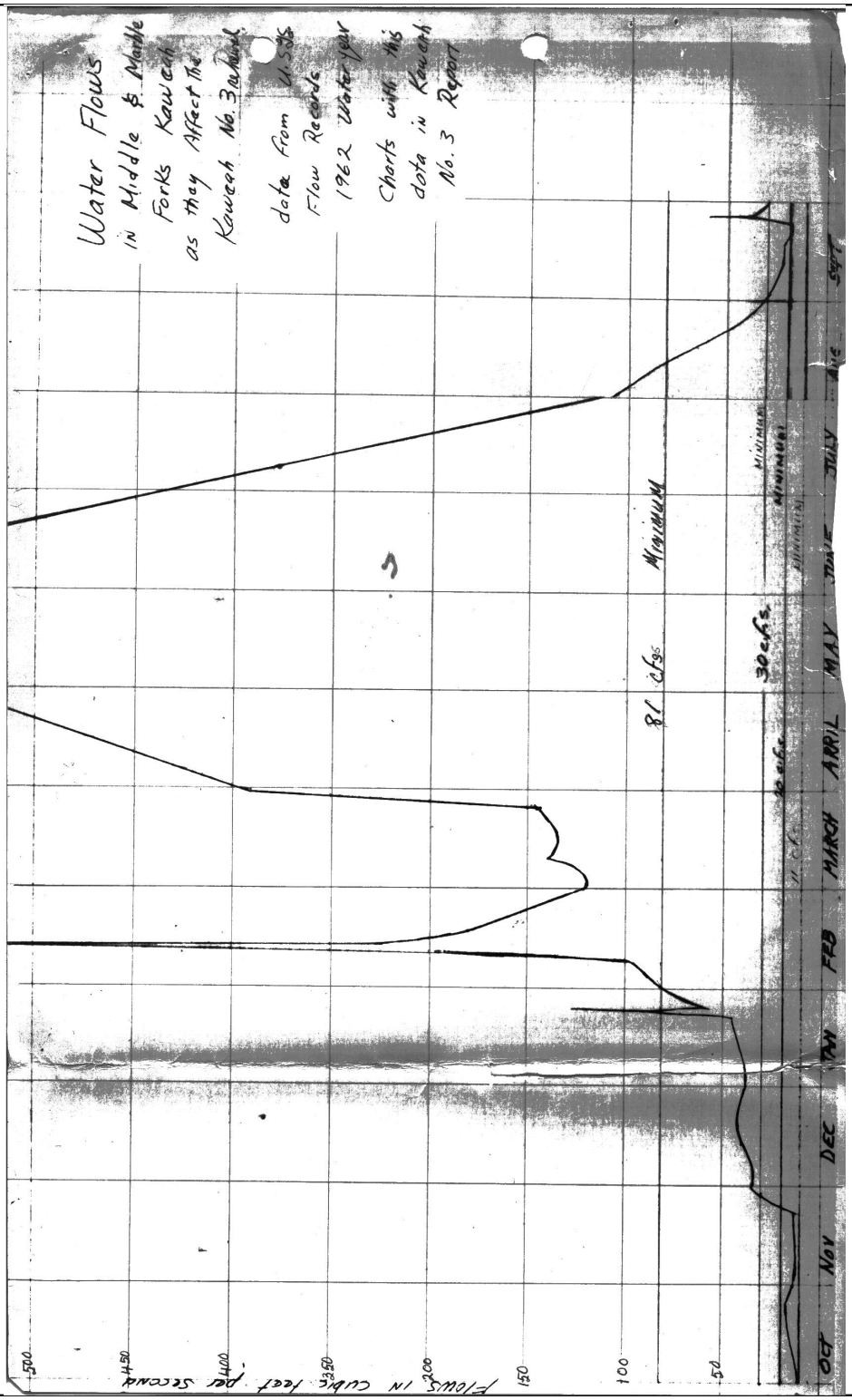
2. Ash Mountain (Proposed)

Source of Supply: Middle Fork of Kaweah River.

System: Three miles of pipe line from diversion dam of Southern California Edison Co. to existing reservoir at Ash Mountain; new distribution system.

Refer to Docket # SEQU-0001 Sycamore Creek Water System for a complete inventory of existing water rights/systems/uses as of March 13, 1996

00-00-1962: line graph of water flow



05-29-1962: letter to regional manager; california department of fish and game from regional director regarding flow recorder was i

180 New Montgomery
San Francisco 5, California

L3031 May 29, 1962

Mr. L. H. Cloyd, Regional Manager
California Department of Fish and Game
Region Four
1234 East Shaw Avenue
Fresno 26, California

Dear Mr. Cloyd:

In accordance with our letter of May 2 replying to your letter of April 23, we and the superintendent's office have reviewed the data contained in your letter.

We have been informed that a flow recorder was installed on September 26, 1961 at a suitable site above the pumping station for Ash Mountain. The chart was changed each week until November 18, 1961 when high flows required its removal. The river flow is still at such levels that recordings have not been renewed.

The first flow was measured at 2.04 cfs on September 26. On October 6, the flow was recorded at 1.47 cfs. While the weir chart was being changed, a hydrographer from the Southern California Edison Company was measuring the river flow by the cross section method using a current meter for velocity. His determination was 1.52 cfs.

The flow increased to 1.90 cfs during the week ending October 14. This flow remained constant until November. The flow recorded for the week ending November 6 fell to 1.35 cfs.

From November 6 until November 18, the flow was fairly constant at 2.14 cfs.

The initial V-notch type weir was replaced with a Cipolletti type on November 6.

Although these flow recordings were taken over a very short period, they did record flows at the most critical portion of a three-year drought.

Extreme drought conditions may not occur again for many years to come. These values, however, are actually much less than the flows indicated in your letter of April 23 which showed a variation of from 14 to 20 cfs.

We would appreciate definite recommendations as to minimum flows you believe necessary to maintain adequate fish life in the Kaweah River.

Sincerely yours,

MERRIAM

Lawrence C. Merriam
Regional Director

Copy to: Director
Superintendent,

43031

December 16, 1959

Memorandum

To: Director

From: Acting Assistant Regional Director, Region Four

Subject: Stream Flow in connection with renewal of Permit for Kaweah No. 3 Power Plant, Sequoia and Kings Canyon

Attached is a copy of Acting Superintendent Clement's memorandum of December 11, replying to our request of November 12 for stream gauging data.

Mr. Clement reports that the Park has no additional records of stream flow available nor any knowledge of a weir opposite Ash Mountain.

Also attached are two sheets of an analysis of stream flow of the Kaweah we started in response to Mr. Dunn's request of October 23 (L54-CBL, Water Meters for Investigation of Water Resources and Use). The sheets show by months the minimum, maximum and mean flow in the Middle and Marble Forks. The sheets are incomplete in that additional data are needed to show stream flows between the intakes and Power House No. 3. Provided data are available, the completed analysis will show the actual monthly minimum release to the Kaweah made by the Southern California Edison Company and will show the number of days on which no water was released by the intakes.

Please let us know if we are on the right track of providing the analysis Mr. Dunn desires.

Acting Assistant Regional Director

Attachment

Copy to: Supt., Sequoia and Kings Canyon(w/attachments)
Chief, WODC (w/attachment)

Dir.

Sheet 1 of

National Park Service - Region Four
Sequoia & Kings Canyon National Parks

MIDDLE & MARBLE FORKS - KAWEAH RIVER

ANALYIS OF STREAM FLOW DATA

L. Spaulding
Dec. 15, 1959

A	B	C	D	E	F	G	H	J	K	L	M	N	P	Q	R	S
WATER YR. & MONTH	COMBINED FLOW - STREAM + CONDUIT (Equal to streams above intakes) cfs									STREAM FLOW - INTAKES TO POWER HOUSE Cubic Feet per Second						
	MIDDLE FORK			MARBLE FORK			TOTAL			DAYS with no flow just below intake	BELOW INTAKES Middle + Marble			OPPOSITE ASH MOUNTAIN		
	Low	High	Avg.	Low	High	Avg.	Low	High	Avg.		Low	High	Avg.	Low	High	Avg
Water Year Oct 1912 to Sept 1913								Plant started May 18, 1913								
May							550	650		none	360	560				
Jun							205	440		none	115	418				
Jul							75	325		5	0	235				
Aug							48	290		18	0	197				
Sep							27	390		23	0	297				
Year										46	0					
Oct							26	30		31	0	0	0			
Nov							29	150		26	0	49				
Dec							33	115		26	0	59				
Jan							60	1570		none	28	1370				
Feb							120	270		none	120	270				
Mar							80	355		none	80	265				
Apr							185	485		none	100	396				
May							220	700		none	87 220	606				
Jun							325	705		none	238	620				
Jul							175	405		none	89	323				
Aug							87 [illegible]	158		13	0	150				
Sept.							26	94		28	0	20				
Year										124						
Oct							24	60		31	0	0				
Nov							22	42		28	0	42				
Dec							19	46		31	0	0				
Jan																
Feb																
Mar																
Apr																
May																
Jun																
Jul							105	372		none	LT	280				
Aug							31	97		28	0	12				
Sep							20	34		30	0	0				
Year																

1913
1914
1915

Dir.

Sheet of

Water Years 1955-56, 1956-57, 1957-58

A	B	C	D	E	F	G	H	J	K	L	M	N	P	Q	R	S
WATER YEAR & MONTH	COMBINED FLOW Stream + Conduit (equal to streams above intakes) cfs									STREAM FLOW Cubic feet per sec.				between intake & power house		
	MIDDLE FORK			MARBLE FORK			TOTAL			DAYS with no flow just below intakes	BELOW INTAKES Middle + Marble			OPPOSITE ASH MOUNTAIN		
	Min.	Max.	Mean Avg.	Min.	Max.	Mean Avg.	Min.	Max.	Mean Avg.		Min.	Max	Avg.	Min.	Max.	Avg.
1956 Oct																
Nov																
Dec																
Jan																
Feb																
Mar																
Apr																
May																
Jun																
Jul																
Aug																
Sep																
Year																
1957 Oct				6.0	12	7.8										
Nov				6.2	10	8.5										
Dec				6.7	12	8.2										
Jan				7.0	85	13.7										
Feb				13	108	37.0										
Mar				32	64	47.7										
Apr				51	149	95.0										
May				122	870	254										
Jun				156	580	346										
Jul				16	142	52.7										
Aug				5.7	14	9.1										
Sep				4.8	12	6.0										
Year				4.8	870	73.7										
1958 Oct	16	48	29.5	5.6	19	9.8	21.6	60	39.3							
Nov	33	62	47.6	11	25	17.7	44	85	65.3							
Dec	30	171	60.6	11	112	29.0	41	283	89.6							
Jan	34	179	68.0	16	60	24.5	50	239	92.5							
Feb	70	322	110	30	120	49.8	100	442	160							
Mar	87	365	173	40	117	67.5	128	483	241							
Apr	207	719	378	76	416	193	283	1135	571							
May	388	1230	837	260	881	624	648	2076	1461							
Jun	496	898	697	334	645	513	830	1543	1210							
Jul	167	506	316	82	338	194	249	841	1167							
Aug	56	168	113	16	96	44.5	72	264	177							
Sep	28	111	48.2	9.5	43	16.7	37.5	146	134							
Year	16	1230	239	5.6	881	149	21.6	2076	388							

L3031

November 12, 1959

Memorandum

To: Superintendent, Sequoia and Kings Canyon

From: Acting Regional Chief of Operations, Region Four

Subject: Stream Flow in connection with renewal of Permit for Kaweah No. 3 Power Plant, Sequoia and Kings Canyon

We have examined our records of stream flow of the Kaweah preparatory to making an analysis as requested by Mr. Dunn in his October 23 memorandum. The analyses Mr. Dunn wants we believe is a summary of the actual stream flow opposite Ash Mountain and a comparative summary of diversions to Kaweah No. 3 Power House.

We have records which show the daily combined flows in the conduits and in the Middle and Marble Forks for the 1957-58 water year and for the combined conduit and Marble Fork flow for the water year 1956-57. The USGS supplied the records and reported that records were not obtained at the gaging station on the Middle Fork for the 1956-57 water year. Copies of these records are attached for your information.

To make the analysis we will need records of flow at the weir opposite Ash Mountain mentioned by Mr. Dunn. Please send this office copies of flow records for the weir, if available. Also, please return one copy of the enclosed map marked to show the location of the weir.

G. F. WHITWORTH

Acting Regional Chief of Operations

Attachments

Copy to: Director (2) w/cys of attachments

9-2216 UNITED STATES DEPARTMENT OF THE INTERIOR—GEOLOGICAL SURVEY—WATER RESOURCES DIVISION File No. 967

Daily discharge, in second-feet, of (Combined flow) Marble Fork Kaweah River & No. 3 conduit at Potwisha Camp, Calif., for the year ending September 30, 19 57

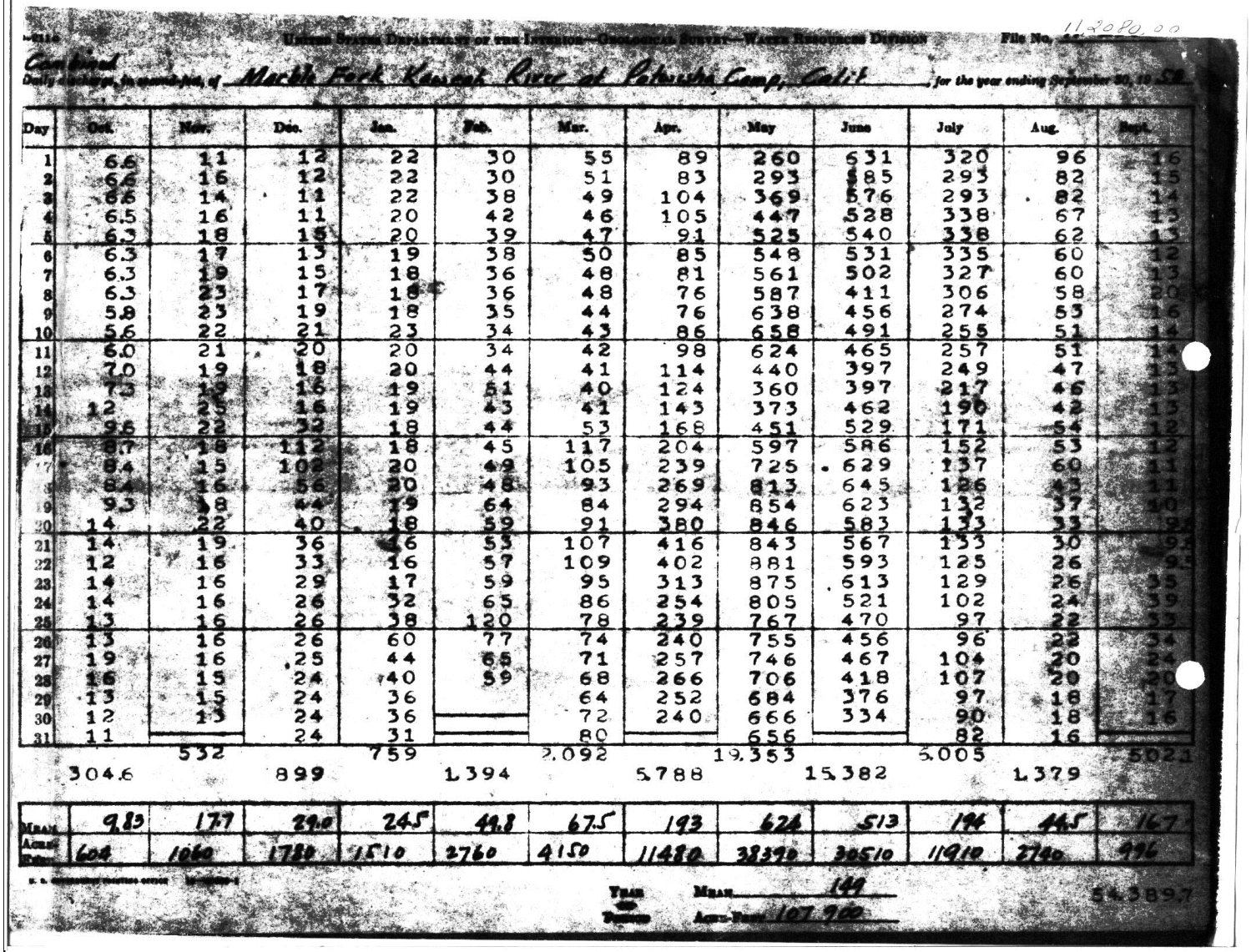
Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	6.0	9.9	6.2	7.2	13	52	59	157	478	142	14	6.4
2	6.0	8.7	6.2	7.2	13	55	51	164	531	124	13	6.0
3	6.2	9.6	5.7	7.0	13	49	58	183	577	121	13	5.6
4	7.3	9.9	6.9	7.2	13	45	76	217	580	118	13	5.4
5	9.9	9.9	7.3	7.8	13	46	103	241	560	109	13	5.3
6	8.7	9.9	10	7.2	13	52	112	254	520	95	12	5.3
7	7.6	10	8.2	7.8	13	59	98	227	531	78	12	5.0
8	9.6	9.9	7.1	7.2	36	62	102	200	445	76	12	4.8
9	7.9	9.9	7.9	6.7	27	64	96	164	374	70	11	4.8
10	7.3	10	8.2	7.8	24	55	108	152	299	65	11	4
11	8.4	9.6	8.4	7.5	41	54	135	140	304	60	10	5
12	9.6	9.3	9.6	8.6	51	54	102	126	366	55	9.9	5.1
13	8.4	9.3	10	85	55	46	115	124	388	49	9.5	5.1
14	7.9	9.3	12	25	47	44	130	129	328	43	9.1	5.1
15	7.6	8.7	10	16	41	42	97	122	284	41	8.8	5.1
16	7.3	8.4	10	15	43	47	88	134	269	38	8.5	5.3
17	7.0	8.4	9.6	14	43	39	90	155	281	38	8.3	11
18	7.0	8.4	9.2	12	39	38	85	693	289	33	7.9	12
19	7.0	8.1	8.3	13	35	38	74	870	319	31	7.6	8.2
20	6.8	7.9	8.1	14	33	37	72	349	296	30	7.3	7.3
21	6.5	7.6	8.1	14	29	38	67	301	265	26	7.3	6.5
22	6.5	7.4	7.2	13	28	34	63	267	254	24	7.1	5.9
23	6.8	7.1	8.6	14	46	32	66	231	262	23	6.8	5.7
24	8.1	7.0	8.1	13	45	34	84	205	266	21	6.5	5.2
25	8.1	6.8	7.2	13	108	41	101	221	275	20	6.4	5.2
26	8.1	7.0	7.2	13	65	48	105	270	251	20	6.2	5.4
27	7.6	6.8	7.8	13	54	51	117	309	233	19	6.2	5
28	7.6	6.8	7.5	12	55	54	139	312	220	18	5.7	5.4
29	7.9	6.5	7.5	12		52	149	286	185	16	6.1	5.9
30	8.1	6.2	7.8	12		50	136	286	156	16	6.2	7.0
31	12		7.8	12		56		387		16	6.6	
	240.8	254.2	253.3	425.2	1,037	1,478	2,881	7,574	10,386	1,635	282.0	180.6
Mean	7.77	8.47	8.17	13.7	37.0	47.7	95.0	254	346	52.7	9.10	6.02
Acre-feet	478	504	502	843	3,060	2,930	5,650	15,620	20,600	3240	559	358

U. S. GOVERNMENT PRINTING OFFICE

Year Mean 73.7

Runoff in Acre-Feet 53,340 Runoff in Second-Feet 73.7

00-00-0000: chart of combined flow of marble fork kaweah river and no. 3 conduit of potwisha camp, page 2cont



Form 9-329a — United States Department of the Interior—Geological Survey—Water Resources Division — File No. 11-2080.00

Combined

Daily discharge, in second-feet, of Marble Fork Kaweah River at Potwisha Camp, Calif. for the year ending September 30, 19 52

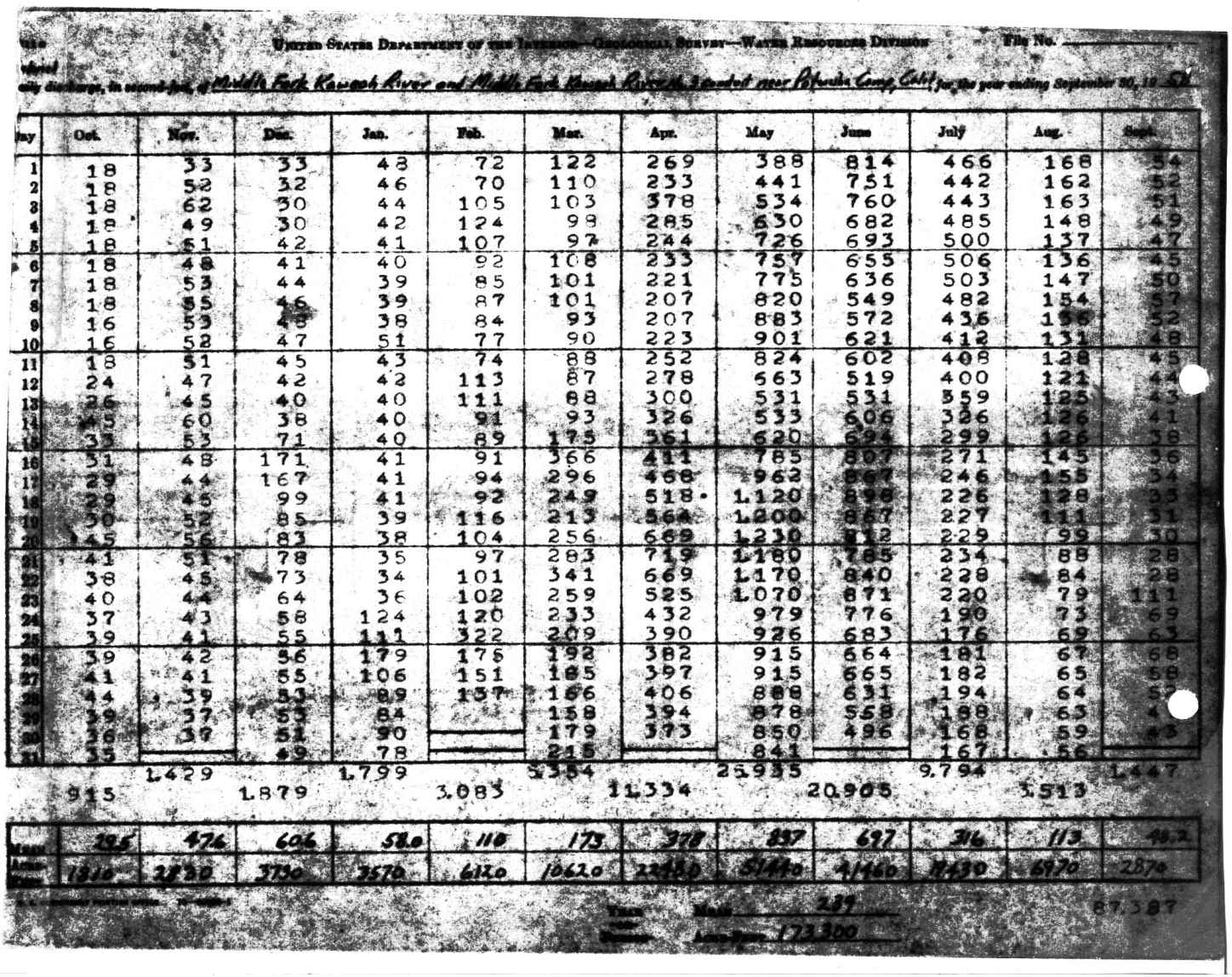
Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	6.6	11	12	22	30	55	89	260	631	320	96	16
2	6.6	16	12	22	30	51	83	293	585	293	82	15
3	6.6	14	11	22	38	49	104	369	576	293	82	14
4	6.5	16	11	20	42	46	105	447	528	338	67	13
5	6.3	18	15	20	39	47	91	525	540	338	62	13
6	6.3	17	13	19	38	50	85	548	531	335	60	12
7	6.3	19	15	18	36	48	81	561	502	327	60	13
8	6.3	23	17	18	36	48	76	587	411	306	58	20
9	5.8	23	19	18	35	44	76	638	456	274	53	16
10	5.6	22	21	23	34	43	86	658	491	255	51	14
11	6.0	21	20	20	34	42	98	624	465	257	51	14
12	7.0	19	18	20	44	41	114	440	397	249	47	15
13	7.3	19	16	19	51	40	124	360	397	217	46	13
14	12	25	16	19	43	41	143	373	462	196	42	13
15	9.6	22	32	18	44	53	168	451	529	171	54	12
16	8.7	18	112	18	45	117	204	597	586	152	53	12
17	8.4	15	108	20	49	105	239	725	629	137	60	11
18	8.4	16	56	20	48	93	269	813	645	126	43	11
19	9.3	18	44	19	64	84	294	854	623	132	37	10
20	14	22	40	18	59	91	380	846	583	133	33	9.8
21	14	19	36	16	53	107	416	843	567	133	30	9.2
22	12	16	33	16	57	109	402	881	593	125	26	9.5
23	14	16	29	17	59	95	313	875	613	129	26	25
24	14	16	26	32	65	86	254	805	521	102	24	39
25	13	16	26	38	120	78	239	767	470	97	22	53
26	13	16	26	60	77	74	240	755	456	96	22	34
27	19	16	25	44	65	71	257	746	467	104	20	24
28	16	15	24	40	59	68	266	706	418	107	20	20
29	13	15	24	36		64	252	684	376	97	18	17
30	12	13	24	36		72	240	666	334	90	18	16
31	11		24	31		80		656		82	16	
		532		759		2,092		19,353		5,005		5021
	304.6		899		1394		5788		15,382		1,379	
Mean	9.83	17.7	29.0	24.5	49.8	67.5	193	624	513	194	44.5	16.7
Acre-ft.	604	1060	1780	1510	2760	4150	11480	38390	30510	11910	2740	996

Year — Mean 149

Acre-Feet 107,900

54,389.7

00-00-0000: chart of combined flow of marble fork kaweah river and no. 3 conduit of potwisha camp, page 3cont



UNITED STATES DEPARTMENT OF THE INTERIOR—GEOLOGICAL SURVEY—WATER RESOURCES DIVISION — File No. _____

...ed ...
...ged ...
...ily discharge, in second-feet, of Middle Fork Kaweah River and Middle Fork Kaweah River No. 3 conduit near Potwisha Camp, Calif. for the year ending September 30, 19 52

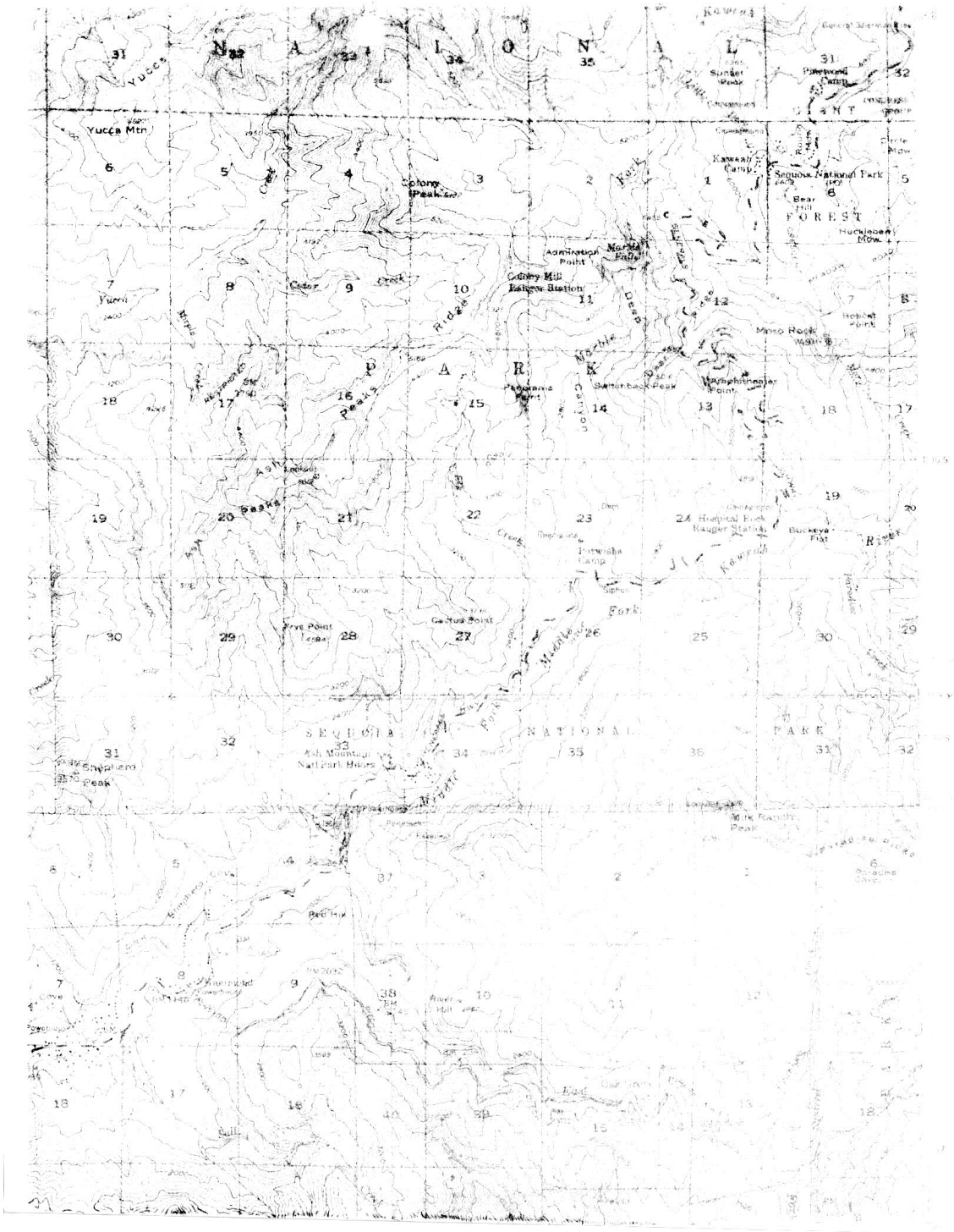
Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	18	33	33	48	72	122	269	388	814	466	168	54
2	18	52	32	46	70	110	233	441	751	442	162	52
3	18	62	30	44	105	103	378	534	760	443	163	51
4	18	49	30	42	124	98	285	630	682	485	148	49
5	18	51	42	41	107	97	244	726	693	500	137	47
6	18	48	41	40	92	108	233	757	655	506	136	45
7	18	53	44	39	85	101	221	775	636	503	147	50
8	18	55	46	39	87	101	207	820	549	482	154	57
9	16	53	48	38	84	93	207	883	572	436	136	52
10	16	52	47	51	77	90	223	901	621	412	131	48
11	18	51	45	43	74	88	252	824	602	408	128	45
12	24	47	42	42	113	87	278	663	519	400	121	44
13	26	45	40	40	111	88	300	531	531	359	125	43
14	45	60	38	40	91	93	326	533	606	326	126	41
15	33	53	71	40	89	175	361	620	694	299	126	38
16	31	48	171	41	91	366	411	785	807	271	145	36
17	29	44	167	41	94	296	468	962	867	246	155	34
18	29	45	99	41	92	249	518	1.120	898	226	128	33
19	30	52	85	39	116	213	564	1.200	867	227	111	31
20	145	56	83	38	104	256	669	1.230	812	229	99	30
21	41	51	78	35	97	283	719	1.180	785	234	88	28
22	38	45	73	34	101	341	669	1.170	840	228	84	28
23	40	44	64	36	102	259	525	1.070	871	220	79	111
24	37	43	58	124	120	233	432	979	776	190	73	69
25	39	41	55	111	322	209	390	926	683	176	69	63
26	39	42	56	179	176	192	382	915	664	181	67	68
27	41	41	55	106	151	185	397	915	665	182	65	58
28	44	39	53	89	137	166	406	888	631	194	64	52
29	39	37	53	84		158	394	878	558	188	63	4
30	36	39	51	90		179	373	850	496	168	59	43
31	33		49	78		215		841		167	56	
		1429		1799		5354		25935		9.794		1447
	915		1879		3.083		11334		20905		3.513	

Mean	295	476	606	580	110	173	378	837	697	316	113	48.2
Max.	1810	2830	3730	3570	6130	10620	22440	51440	41460	11430	6970	2870

Mean 289
Max. 173300

67.387

00-00-0000: topographical map of seki



In reply refer to:
D5039 SEQU-L

May 21, 1952

Memorandum

To: Regional Director, Region Four

From: Chief, Water Resources Branch

Subject: Kaweah River Flow Records, Sequoia National Park

The records forwarded with the memorandum of May 16 from Mr. Crowley, and the information in the memorandum of January 21 for you from Mr. Carlson, are very enlightening even though I am not certain whether the two sets of measurements at No. 3 conduit are of the diverted flow or the amount in the rivers before diversion. I assume that they are the amounts of water diverted. The following analytical example is offered:

	1951 Mean Flow (s.f.)		1951 Min. Flow		Flow (s.f.) Aug. 16, 1951
	July	Aug.	July	Aug.	
Conduit No. 3 on Marble Fork	23.7	6.4	9.3	4.36	5.6
Conduit on Middle Fork	57.9	27.5	44.0	9.9	24.0
Total	81.6	33.9	53.3	14.26	29.6
Marble Fork near Potwisha Camp	1.04	0.17	0.1	0.1	0.1
Middle Fork near Potwisha Camp	36.4	0.67	1.6	0.5	0.6
	37.44	0.84	1.7	0.6	0.7
Middle Fork near Ash Mountain					0.86

The purpose of these and future measurements is to determine what restrictions should be placed on the diversions by the Southern California Edison Company to protect Park values, particularly in connection with the renewal of the Company permit for Power Plant No. 3 when the present permit expires in 1962. At the present time, the Company seems to consider it satisfactory to divert all but about 0.7 second-foot of the water, and the releases are apparantly augmented very slightly by lower streams and conduit leakage by the time the water passes Ash Mountain. Although not shown in this analysis, the Company diverts a fairly consistent 103 second-feet when the water is available. As shown, however, a minimum diversion of about 14 second-feet, with release of 0.7 second-foot was all that was possible in the closing days of August.

There is some question in my mind whether the power plant could actually be operated with a 14 second-foot diversion. With a diversion of 30 second-feet or more, if operation is practical, a release of one or two second-feet more would probably have little effect on the plant, and could materially increase the sustained fish life capacity throughout the reaches of the river in the Park, below the diversions. This is the matter which seems to merit further consideration.

(SGD.) A. VAN V. DUNN.

A. van V. Dunn
Chief, Water Resources Branch

In duplicate

Copy to: Mr. Vint
Mr. Doerr
Mr. Coffman

AvanVDunn:sh

01-21-1952: memorandum to regional director from acting superintendent regarding gauging stations at ash mountain and intakes

Mr. Dunn
To: Director
Date forwarded 1/22/52
By: Region Four Office
R.H.H

NR Files @

D5039 SEQU

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA AND KINGS CANYON NATIONAL PARKS
THREE RIVERS, CALIFORNIA

1952 JAN 22 AM 8:42

Richey

January 21, 1952
Return to Dunn

Memorandum

To: Regional Director, Region Four

From: Acting Superintendent, Sequoia and Kings Canyon

Subject: Gauging Stations at Ash Mountain and Intakes of Kaweah Flume No. 3

During the Spring of 1950, we had correspondence on the above subject, and under date of May 11, 1950, advised you that the Southern California Edison Company would install a gauge so that low water readings could be obtained.

Under date of January 9, 1952, the company advises that a staff gauge installed on the Middle Fork of the Kaweah River near our Ash Mountain headquarters was washed out in the November 1950 flood, and was not replaced during 1951. However, they plan to install another gauge as soon as water conditions permit. Meanwhile, they have furnished the following readings taken by their hydrographers during the low-flow periods. To the best of their knowledge, our pump was not in operation when the readings were taken:

August 8, 1950	0.99	second-feet
September 14, 1950	1.15	" "
October 14, 1950	1.15	" "
November 9, 1950	1.09	" "
August 16, 1951	0.86	" "
September 12, 1951	0.70	" "
October 17, 1951	0.87	" "
December 20, 1951	1.85	" "

O. W. Carlson
Acting Superintendent

NATIONAL PARK SERVICE
RECEIVED
JAN 22 1952
REGION FOUR OFFICE

January 5, 1942.

MEMORANDUM for the Regional Director, Region Four:

Reference is made to Senior Sanitary Engineer Hommon's letter to Superintendent White of January 2 giving some very interesting figures on water consumption at Ash Mountain in Sequoia for the past summer.

As Mr. Hommon says, per capita consumption is preposterously high on the basis of any urban water use. However, a national park area is always a special case and actual per capita figures are extremely difficult to apply.

The average rural residence is recognized in most States as demanding approximately 350 gallons per day based on an average of 3 or 4 people in the home. The States also recognize that a half acre plot with a similar residence and perhaps a few chickens and cows will require approximately 0.015 sec. ft. or around 7000 gallons a day. Since the stock watering is a negligible demand, this expresses irrigation of a kitchen garden. City water consumption usually varies from 75 to 125 gallons per day, which includes the irrigation of lawns, street flushing, and such other community needs, but Denver, Colorado, has a water consumption of 175 gallons per day. Many of the smaller Colorado towns, like Loveland, Longmont, and Fort Collins, have as high as 350 gallons per capita demand due to the relatively large water demand for sugar refining in proportion to the relatively small population of the community.

Mr. Hommon has suggested that there may be leaks to cause the apparent high rate at Ash Mountain. This point is worth considering, but in addition it would be interesting to make a further analysis of the total use. For instance, due to landscaping around administration buildings and perhaps due to an extremely high utility area demand in proportion to the total population of the area, the figures may not be as extreme as they at first appear.

Any information which might be obtained would be extremely interesting and valuable in the further analysis of water systems for main administration areas in other parks, as we have found that there is not a uniform rate in the administration areas of the various parks.

AvVD:SH

Hydraulic Engineer.

cc: Director.
Snr. Sanitary Engr. Hommon.
Supt., Sequoia National Park.
Reg. Engr., Reg. 4.

FILE COPY

Mr. Dunn

COPY

FEDERAL SECURITY AGENCY

U. S. PUBLIC HEALTH SERVICE

Jan. 2, 1942

Col. John R. White, Supt.,
Sequoia National Park, Cal.

Dear Colonel White:

When Mr. Waterhouse and I were in Sequoia, on November 25, 1941, Mr. Parkes gave me a table showing the volume of water entering the settling tanks at Ash Mountain, the volume used in gallons per 24 hours, and air temperature and humidity during the period from June 9, 1941, to November 14, 1941. Water measurements are for every eighth day, which give a record for the different days of the week. We have added to the table a column showing the gallons per capita, and a copy of the revised table is enclosed. It will be noted that the per capita consumption varied from a maximum of 933 gallons on July 21 to a minimum of 135 on October 21 and further, that on November 14th the consumption was 250 gallons, when it is presumed that irrigation was at a minimum.

The figures given above indicate a very high consumption of water, which has been explained as being due to irrigation of lawns. Even for this purpose, however, the figures seem to be high and if there is a shortage of water next summer it is recommended that an investigation be made to determine whether there is any unusual amount of water used for irrigation, and it might be worth while to make a survey of the water system to determine whether there is any unusual loss through leakage in the distribution system. If there is a master meter on the water system it could be read at night, preferably after midnight, to determine whether there is any flow through it of sufficient volume to indicate leakage in the pipe joints or through fixtures.

By direction of the District Director.

Very truly yours,

H. B. Hommon
Senior Sanitary Engineer

HBH:R
Enc.
c.c. O. G. Taylor
Region 4

COPY

WATER SUPPLY
ASH MOUNTAIN, SEQUOIA NATIONAL PARK,CAL.

Average population during period 120 — Measurements made every 8th day

DATE 1941	Gal. per 24 hours used	Gal. per 24 hours Input	Gal per capita	Max. Temp.	Max. Humid.	Min. Temp.	Min. Humid.
6/9	51,000	180,000	425	84	70	60	30
6/17	72,000	228,000	600	87	70	60	29
6/25	46,000	348,000	383	79	84	49	38
7/3	59,000	367,992	491	94	56	65	27
7/11	60,000	300,000	500	98	58	69	24
7/21	112,000	219,984	933	105	40	74	24
7/29	75,000	174,000	625	93	52	62	26
8/6	66,000	156,800	550	97	52	73	25
8/14	77,000	146,000	641	96	58	65	29
8/22	58,000	129,600	483	90	66	63	30
9/1	53,000	132,000	441	83	58	57	27
9/9	69,400	115,200	578	91	42	66	13
9/17	85,400	107,520	711	92	36	60	19
9/25	86,500	105,000	720	85	37	58	18
10/3	93,800	103,800	781	82	24	46	10
10/13	55,000	97,440	458	69	60	46	27
10/21	16,250	92,280	135	59	86	45	32
10/29	34,400	95,520	286	68	72	44	35
11/6	40,000	93,500	333	82	60	46	36
11/14	30,000	94,000	250	72	75	48	44

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SEQUOIA NATIONAL PARK
SEQUOIA NATIONAL PARK, CALIF.

November 29, 1941.

MEMORANDUM for the Superintendent:

On Friday, November 28, 1941, Homer Hardin and the undersigned made a trip from Milk Ranch Peak to Ash Mountain down a ravine containing water which starts about a mile west of Milk Ranch Peak and runs one more mile in the same direction, where this stream joins another running almost north to the Kaweah River below Ash Mountain Headquarters. From the above named junction to the river is approximately two miles.

The water was measured below the junction of the two creeks as follows:

2 gallon flow every 2 seconds.
60 gallons per minute = 3600 gallons per hour =
86,400 gallons in 24 hours.
Time of measure was 1:40 P.M.
Water sample was taken and will be sent to the
Public Health Service for analysis.

Following on down the stream to a point where the Southern California Edison Company's flume crosses the same, was found to be a very steep, rocky gorge with brush in the entire bottom of the stream and above the rocky ledges on both sides. This distance was estimated at one mile.

The water was measured at the flume and found to be the same flow as the first measure a mile up stream - 86,400 gallons per 24 hours.

The water at the flume crossing was measured during the summer, as follows, which shows the rise and fall of the stream during the season:

Gallons given are for 24 hour periods:

Aug. 8, 1941	-	24,480 gallons
" 19		43,200 "
" 29		43,200 "
Sept. 5, 1941		24,480 "
" 18		34,560 "

Samples of water were taken at this point.

Continued examination of thewater supply and creek was made from the flume crossing to the river and found to be the same type of country.

A measure was taken about 100 yards from the junction of the Kaweah River where it was determined all the visible water was in one channel, and the following was found:

2 Gallons every 1½ Minutes = 80 gallons per minute = 4,800 gallons per hour - 115,200 gallons per 24 hours. Time of measure was 2:30 P.M.

The measures were done with a pipe banked into the stream with dirt, and a bucket used to catch the water flowing through the pipe. Time was taken by a second hand on a watch 10 times, and any variations were averaged.

Hugh W. Parkes
General Foreman

CC: H. B. Hommon
Region IV
Director

Other Supporting Information

National Park Service
U. S. Department of the Interior
Natural Resource Stewardship & Science
Water Resources Division

1201 Oakridge Dr., Ste. 250
Fort Collins, CO 80525
970-225-3548 phone
970-225-9965 fax

Water Rights Branch

Note to File

Date: July 21, 2017
From: Sally Jordan-Hemming, Research Assistant
File: SEKI Dockets (All)
Subject: Other Supporting Information
1) Sequoia & Kings Canyon National Parks California Drought Assessment

1) Sequoia & Kings Canyon National Parks California Drought Assessment
IRMA – Data Store – Published Report – (Code: 2242660)
https://irma.nps.gov/DataStore/Reference/Profile/2242660

Description

WRB prepared drought assessments for SEKI, YOSE, and LAVO, and also worked with PINN and WHIS. The drought assessments included an inventory of the park's rights and uses, an assessment of the relative seniority of the parks rights, and an estimation of the likelihood of the park's rights being called for curtailment

STATEMENT OF THE DEPARTMENT OF THE INTERIOR BEFORE THE NATIONAL PARKS AND RECREATION SUBCOMMITTEE, HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, REGARDING H.J. RES. 444, TO AUTHORIZE THE CONTINUED USE OF CERTAIN LANDS WITHIN SEQUOIA NATIONAL PARK BY PORTIONS OF AN EXISTING HYDROELECTRIC PROJECT.

JULY 1974

MR. CHAIRMAN, I AM PLEASED TO DISCUSS WITH YOU TODAY THE EFFECTS OF THIS LEGISLATION REGARDING SEQUOIA NATIONAL PARK.

THIS RESOLUTION CONCERNS THE RENEWAL OF A PERMIT FOR A HYDROELECTRIC FACILITY OPERATED BY THE SOUTHERN CALIFORNIA EDISON COMPANY, SOME OF THE COMPONENTS OF WHICH ARE LOCATED ON FEDERAL LANDS WITHIN SEQUOIA NATIONAL PARK. SUCH USE IS PURSUANT TO A PERMIT ISSUED BY THE NATIONAL PARK SERVICE AND RENEWABLE UPON THE SPECIFIC AUTHORITY OF THE CONGRESS.

(I SHOULD POINT OUT THAT OUR DEPARTMENTAL REPORT ERRONEOUSLY STATES THAT THIS PROJECT HAS BEEN IN EXISTENCE BEFORE THE PARK WAS ESTABLISHED. ACTUALLY, SEQUOIA NATIONAL PARK IS ONE OF OUR EARLIEST PARKS, ESTABLISHED BY CONGRESS IN 1890; WHEREAS THE KAWEAH NUMBER 3 PROJECT DATES FROM 1913.)

WHEN THE FEDERAL POWER COMMISSION PERMIT WAS GRANTED FOR THIS PROJECT, IT WAS TO EXTEND UNTIL 1963, AT WHICH TIME IT WAS RENEWED FOR AN ADDITIONAL 10-YEAR PERIOD UNDER THE STATUTORY AUTHORITY OF THE FEDERAL POWER ACT AND THE ACT OF JULY 13, 1926. THE LATTER STATUTE

PROVIDES THAT NO POWER PROJECT MAY BE PERMITTED ON PARK LANDS "WITHOUT SPECIFIC AUTHORITY OF THE CONGRESS."

SPECIAL AUTHORITY SUCH AS THE CONGRESS PASSED IN 1963 AND SUCH AS IS EMBODIED IN H.J. RES. 444 IS THEREFORE NECESSARY IF THE PROJECT IS TO CONTINUE OCCUPYING PARK LANDS, AND THAT IS WHY THE COMMITTEE IS CONSIDERING THIS MATTER TODAY.

MR. CHAIRMAN, WE DO NOT OPPOSE THE EXISTENCE OF THE SO-CALLED KAWEAH NUMBERED 3 HYDROELECTRIC POWER PLANT, EVEN THOUGH IT CONSISTS OF FLOWLINES, DIVERSION STRUCTURES AND OTHER APPURTENANCES WITHIN THE BOUNDARY OF SEQUOIA NATIONAL PARK. BECAUSE THESE HAVE BEEN IN PLACE FOR MANY YEARS AND HAVE BECOME SOMEWHAT INTEGRATED INTO THE LANDSCAPE, THEY DO NOT GIVE RISE TO THE SAME VISUAL CONCERNS WHICH NEW OR EXPANDED CONSTRUCTION WOULD CREATE.

WE FEEL THAT THE SOUTHERN CALIFORNIA EDISON COMPANY HAS SHOWN GOOD FAITH IN ITS ATTEMPTS TO MINIMIZE THE IMPACT THE FLOWLINES AND OTHER STRUCTURES HAVE ON THE RIVER AND THE LANDS NEARBY. WE ALSO RECOGNIZE THAT THE REMOVAL OF THESE FIRMLY CONSTRUCTED STRUCTURES COULD CAUSE DAMAGE GREATER THAN ANY NOW EXISTING.

HOWEVER, WE BELIEVE THAT THE PRESENTLY REGULATED FLOW OF THE KAWEAH RIVER, RESULTING FROM THE DIVERSION OF WATER THROUGH THESE STRUCTURES, PLACES AN UNNATURAL STRESS UPON THE RIVER ENVIRONMENT DIMINISHING POTENTIAL VISITOR ENJOYMENT OF A SIERRA NEVADA FOOTHILLS RIVER ECOSYSTEM THAT IS UNIQUE WITHIN SEQUOIA NATIONAL PARK.

OUR POSITION, THEN, IS SIMPLY THAT THIS PROJECT SHOULD BE SUBJECT TO CONTINUED CLOSE SCRUTINY AND THAT AN EXTENSION OF THE PERMIT SHOULD NOT BE FOR LONGER THAN 10 YEARS, AS WAS THE OPINION OF THE CONGRESS IN 1963. IF I MAY, I WOULD LIKE TO READ A PORTION OF THE HOUSE COMMITTEE REPORT OF MARCH 5, 1963, CONCERNING H.J. RES. 180, WHICH BECAME PUBLIC LAW 88-47, AND WHICH THIS DEPARTMENT SUPPORTED:

> "SINCE THE PRIOR PERMIT EXTENDED OVER THE PERIOD OF 50 YEARS, IT, OF COURSE, HAS BEEN A LONG TIME SINCE THE CONGRESS HAS HAD ANY OPPORTUNITY TO TAKE A LOOK AT THIS SITUATION, BY PROVIDING A PERMIT EXPIRATION DATE OF AUGUST 6, 1974, SECTION 2 OF THE RESOLUTION AFFORDS CONGRESS ANOTHER OPPORTUNITY TO REVIEW THE CIRCUMSTANCES SURROUNDING THE EXISTENCE OF THIS HYDROELECTRIC PROJECT IN SEQUOIA NATIONAL PARK."

BY AMENDING H.J. RES. 444 TO PROVIDE FOR AN ADDITIONAL 10-YEAR EXTENSION, CONGRESS WILL ONCE AGAIN RESERVE THE OPPORTUNITY TO REVIEW THE HYDROELECTRIC PLANT, THIS TIME IN 1984. TO DO OTHERWISE WOULD PLACE THE BURDEN OF DETERMINING THE LENGTH OF THE PERMIT EXTENSION ON THE FEDERAL POWER COMMISSION, WHICH WOULD BE CONSIDERING THE RELICENSING OF ALL OF THE FACILITIES ON THE KAWEAH RIVER AS A SINGLE PROJECT RATHER THAN CONSIDERING THIS PROJECT ALONE.

IN CLOSING, MR. CHAIRMAN, LET ME REITERATE THAT THE SOUTHERN CALIFORNIA EDISON COMPANY HAS BEEN A GOOD NEIGHBOR OF THE SEQUOIA NATIONAL

PARK, AND WE APPRECIATE ITS CONSERN FOR THE WISE USE AND CONSERVATION OF THE LANDS AND WATER IT UTILIZES. WE ALSO APPRECIATE THAT DENYING THE EXTENSION OF THE PERMIT COULD LEAD TO USE OF FOSSIL FUELS TO OPERATE THE FACILITY, WHICH COULD GIVE RISE TO OTHER UNPREDICTABLE POLLUTION PROBLEMS AND IS NOT PRUDENT IN LIGHT OF TODAY'S CONCERN FOR ENERGY.

BUT NEITHER CAN WE PREDICT WHAT TOMORROW'S ENERGY TECHNOLOGY MAY HOLD IN STORE; PERHAPS WE WILL HAVE PROGRESSED TO A POINT WHERE EVEN THESE DIVERSION STRUCTURES AND FLOWLINES WILL NOT BE NECESSARY WITHIN THE BOUNDARIES OF A NATIONAL PARK.

FOR THESE REASONS, WE FAVOR A 10-YEAR EXTENSION OF THE HYDROELECTRIC PLANT PERMIT. I WILL BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU OR THE MEMBERS MAY HAVE.

THANK YOU.

STATEMENT FOR USE BEFORE HOUSE COMMITTEE
ON INTERIOR AND INSULAR AFFAIRS
RE: SOUTHERN CALIFORNIA EDISON COMPANY'S
KAWEAH PROJECT IN SEQUOIA NATIONAL PARK
(HOUSE JOINT RESOLUTION NO. 444

I

Introduction

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, ETC.:

We recognize and believe that one of the purposes of this Country's system of national parks is to preserve areas of unique scenic beauty. We also recognize and believe that Sequoia National Park, with its groves of giant Sequoias and beautiful High Sierra back country, is uniquely qualified to be a part of this park system. We can understand how it would be objectionable if it were the purpose of House Joint Resolution No. 444 to convert these beautiful scenic areas of Sequoia (Exhibit A)[1] into some kind of a large scale hydro-electric development. But Edison has no such plans and the proposed Resolution you are considering certainly does not purport to authorize anything of this kind. All that is involved is authorization for a small, although essential, part of a total hydroelectric facility to continue to extend across the Park's boundaries into a relatively non-scenic part of the Park. (Exhibit B).

Essentially, all that is on Park Service land are the flowlines, diversion structures and certain minor

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1 Small scale reproductions of all Exhibits are attached hereto.

appurtenances. (Exhibit C). The rest of the project, including the powerhouse, switchrack and other facilities of this kind are outside of the park. (Exhibit D).

The flowlines and diversions have existed in their present locations for over sixty years (a time which, incidentally, is longer than the existence of the National Park Service). Although we intend to develop these points further, let me just say for the moment that it doesn't take much imagination to visualize that any kind of an attempt at removal would be far more disruptive and aesthetically displeasing than leaving them in place where they are mostly unnoticeable. The fact of the matter is that the diversions and flowline have been in place for so long that they have become an accepted part of the Park's landscape.

II

General Description of the Area Where The Diversions and Flowlines are Located

Let me be more specific about the location of the facilities we are talking about by directing your attention to this large blow-up of U.S.G.S. quad map. (Exhibits E, F).

The area around the hydroelectric facilities and park entrance is relatively low in elevation and is a transition zone between oak woodland and chaparral forest types. Although we find neither supportive or contradictory documentation, it appears evident that the inclusion of this transition zone within the boundaries of the Park was merely an incident to the administrative convenience of drawing a

straight boundary line on a map rather than it being included for reasons related to its unique scenic beauty. Any objective observer would agree that it was not this part of the Park that made Sequoia worthy of inclusion in the park system.

I have pictures of this area which I believe support this observation. (Exhibits G, H). You may see from these pictures that insofar as those portions of the project that are located within the National Park are concerned, both visual and physical access to the facilities from the highway are restricted in most locations due to the precipitous nature of the terrain and the overgrowth of native brush that now, after sixty years, affords an effective natural screen. Thus, these facilities which are low profile in design and wherever possible constructed of native materials, have for the most part blended with their natural surroundings to a degree that they probably are unnoticed by most travelers going to the Parks main attractions. For the most part, one must be familiar with the project facilities in the Park and actively seek them out in order to detect them from the highway or the river area.

The Edison facilities are not the only development in this part of the Park. The Park at this location is also a transition zone between the commercial-residential area to the south and the undeveloped rugged mountainous terrain several miles to the northeast. In the general vicinity of the Edison facilities are located a large modern National Park Service administrative area, a National Park Service

maintenance area and the General's Highway, which provides access to the upper reaches of the Park proper.

The Park Service's Potwisha Campground is adjacent to one of the flowlines. Water is supplied to Potwisha campers from the flowline by means of the water tank shown in this picture. (Exhibit I). It is of interest to note that probably the single most conspicuous structure on Park Service land connected with the hydroelectric development is this Park Service water tank.

III

History of the Project

Since there has been hydroelectric development on the Kaweah River for nearly as long as Sequoia has been a national park, a brief review of this development may be useful.

Hydroelectric development on the Kaweah River began as early as 1899 when one of the predecessor companies of Southern California Edison Company (the Mt. Whitney Power Company, a small power company serving the local area) constructed the Kaweah No. 1 hydroelectric power plant on property entirely outside the present boundaries of Sequoia National Park.[2]

Soon thereafter, it became apparent that more development was going to be necessary to serve the growing

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2 Sequoia National Park had been created nine years earlier; i.e., on September 25, 1890. (C 926 Para. 1, 26 Stat. 478)

requirements of the local service area and in 1902, a formal application was made to the Secretary of the Interior for permission to make surveys within Sequoia National Park.[3] Permission to make the surveys was granted by the Secretary on February 28, 1906 and on February 25, 1907, an application for the construction of Kaweah No. 3 project was approved.

Due to the continued growth of power demand, this authorization went through several evolutionary changes until finally on March 5, 1912, the Secretary issued a new permit which enlarged the original authorization so as to permit construction of not only the Kaweah No. 3 Project within the Park but also another hydroelectric development consisting of a powerhouse, dam and reservoir which was identified as Kaweah No. 5.

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3 The Letter of Application stated that "...said rights of way will be so located and so used and the preliminary surveys will be so made as not to interfere in any manner with the uses and purposes for which said National Park was originally dedicated, and will not result in any damage or injury to the natural conditions of any of the property or scenery existing therein, and will not injure said National Park in any way, and will not be incompatible with the public interest. In making the said appropriations of water from these streams, points of diversion have been selected in the lower altitudes of the Park which are seldom frequented by tourists and pleasure seekers, and where summer temperatures are high, and the higher altitudes where natural conditions are more picturesque and which are frequented by tourists during many months of each year, have not been selected. The altitudes for our points of diversion are about three thousand feet above sea level, while the pine timberline does not reach below about thirty-five hundred feet elevation above sea level. The elevations of the Sequoia National Park most used by tourists are in altitudes of five thousand feet and over." (Pages 2 and 3 of Letter of Application filed January 29, 1902).

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Kaweah No. 3 was ultimately constructed and put into operation in May, 1913, but Kaweah No. 5 met another fate. Although considerable work was done on Kaweah No. 5, including partial completion of the dam for the reservoir, plans for it were ultimately abandoned; the abandonment being accepted by the Department of the Interior on April 7, 1930.[4]

With the exception of the growth of screening foliage, Powerhouse No. 3 with its appurtenant flowlines and diversions within Sequoia National Park still looks pretty much the same as it did when first constructed. However, its relationship to Park land has changed. Initially, a part of the powerhouse and other company buildings were located entirely on Park Service land. But in 1936, because of the Park Service's interest in some Edison Company owned land just outside the entrance to the Park, an exchange of lands was initiated. It took until July, 1949, for this exchange to be completed; the net effect of which was for the Park Service to get the land that it desired at the Park entrance in exchange for conveying the land where the powerhouse and buildings were located to the Edison Company.

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4 It is significant to note that thus, up until 1930, authorization continued to exist to permit a full scale hydroelectric project entirely within Sequoia National Park including dams, reservoirs, etc. Just why these plans were abandoned is not entirely clear but from available records, it appears that the problem was one of economics and not because of opposition by someone seeking to preserve the Park. In this regard, the act to revise the boundary of Sequoia National Park on July 3, 1926 (44 Stat. 818; USC 45c) gave Congress specific authority to continue to license power developments within the Park.

IV

Response to Park Service Comments

Although we recognize that this hearing is not the place to resolve minor differences with the Park Service, we feel compelled to respond to certain statements contained in Mr. John Kyl's letter of May 24, 1974 to Mr. James A. Harley, Chairman, Committee on Interior and Insular Affairs, House of Representatives, particularly the last two paragraphs of Page 2 and the first paragraph of Page 3 which read as follows:

> "...The diverted portion of the Kaweah River is characterized by sluggish runs, warm water and algae-coated pools during the season of highest visitor use..."

The elevation of the stream bed drops approximately 790 feet in the four and one-half miles between the diversion dam and the Park boundary. Water moving down such a slope in response to the natural law of gravity cannot be accurately described as a sluggish run. The presence of algae in the Kaweah River, like all Sierra Nevada foothill streams, is a function of water temperatures which are largely dependent upon ambient air temperature and solar radiation and upon nutrient enrichment. The high nutrient level is predominatly caused by the high level of contamination which results from visitor use of the stream. There are no sanitary facilities in the immediate vicinity of the stream anywhere along this entire

4-1/2 mile reach. Ambient air temperature, solar radiation and pollution are not subject to direct project influence. It is unfortunate that the natural regime of this stream is such that the season of minimum flows coincides with the period of high visitor use. (Exhibit J). During the past ten years, releases have been maintained throughout the year in accordance with the requirements of the National Park Service Permit. There have been occasions when the natural flow of the river has been less than the specified release. (A total of 175 days during the nine summer seasons.) On these occasions, the Kaweah No. 3 Project was shut down and the full river flow maintained in its natural channel. The letter continues:

> "...Located near the Ash Mountain entrance to the Park, where 458,000 visitors enter each year, the project facilities are detrimental to such popular visitor uses as hiking, visual enjoyment and photography, fishing and swimming..."

We don't agree with this statement and in support offer the following observations:

First, the visitor use in the Ash Mountain area is primarily confined to Potwisha Campground and the nearby streambeds. The only project facility in this immediate vicinity is the flowline which is hardly discernable to the casual observer. This area is primarily a transitional pass-through zone as suggested by the Park's information tape. Further, the project facilities are remote from the usable area as shown in the photographs and with the exception of a short

length of the Middle Fork flume at the diversion dam (Exhibit K) are virtually undetectable from the highway or area of normal visitor use. Further, this area of steep slopes and heavy brush growth is not particularly suitable or attractive to hikers. (Exhibit L). In fact, the only trails in the project area have not been constructed for the recreational hiker but are those associated with the project operation and maintenance. As for photography and photographers, we believe the project facilities offer unusual possibilities for interesting and imaginative photographs - far more interesting than the brush covered slopes alone. (Exhibits M, N, O). Fishermen and swimmers are not affected by project facilities beyond the immediate vicinity of the diversion dams. Mr. Kyl's letter continues:

> "...Reduction of the natural flow of the river by the diversion works increases water temperatures to lethal levels for trout..."

As previously noted, stream temperatures are a function of ambient temperatures and solar radiation and during the late summer and early fall period, relatively high stream temperatures will be experienced with or without the diversion. Actually, the lower reach of the Kaweah River is not a natural trout habitat. Seasonal trout populations have been maintained by planting hatchery reared trout or by periodic drifting of adult trout from upstream reaches. The letter continues:

"...Reduction of pool size concentrates fish and subjects them to abnormal pressure from predatory animals such as raccoons, water snakes and herons..."

We do not believe there is a significant reduction in pool size under project conditions as compared with natural conditions during normal periods of low flow. Reduction in flow tends to have the greatest effect on stream velocity, not depth. Thus pool sizes remain relatively stable in the range of flows normally experienced after the spring - early summer run off period. (Exhibits P, Q). Predation by raccoons, water snakes and herons appears to be a natural phenomenon assisting in the control of trash fish (sucker and squawfish) populations which abound in the lower reaches of this stream with a minimum effect on trout. The letter also states:

"...Abundant algae growth, favored by higher temperatures, is unsightly and further contributes to the degradation of this stretch of the Kaweah River..."

As we noted above, the growth of algae in the low elevation reaches of streams of this type is a natural phenomena, intensified by enrichment of unnatural pollution attributable to visitor use. There have been instances during the past ten years when the Kaweah No. 3 project was completely shut down with the full natural flow of the river remaining in the channel during the late summer and early

fall months with no significant change in the characteristics of the project associated portion of the river.

We might also comment at this point about the Park Service recommendation for a ten year limitation. Ten years for a constructed hydroelectric project severely limits expenditures that can be made for project improvement. Authorization for a longer period of time would eliminate the costly and time-consuming process of additional legislative study while the integrity of the Park remains secure under the continued protection of the Park Service and the conditions imposed by a new permit.

In addition, the facilities within the Park are only a part of the total power development on the Kaweah River. An application has been filed with the Federal Power Commission to relicense all of the facilities on the river as a single project. The relicensing procedure will involve appropriate weighing of all considerations including those advanced by the Park Service. Under these circumstances, it appears to us that the Federal Power Commission will be in the best position, after appropriate consideration of all factors, to make the final determination as to the length of time that power development should remain on the river. It is for this reason that the legislation that you are considering contemplates authorizing the Park Service to grant a license for the same period of time as the new license to be issued by the Federal Power Commission.

V

Effects of Removal

The most obvious effect of the removal of the diversions and flowlines from the Park is the elimination of the rest of the project; i.e., the powerhouse and other appurtenances outside the Park obviously cannot generate electricity if the diversions and flowlines are not available to divert water to them. Not so obvious, however, is the additional fact that this powerhouse is just one of a three-powerhouse complex and that if Powerhouse No. 3 is eliminated, the economics of operating the other two will be jeopardized. Accordingly, the impact of removing the relatively small and insignificant facilities within Sequoia National Park cannot be measured within the narrow limits of Kaweah No. 3. Consideration must also be given to the fact that two other powerhouses will also be seriously jeopardized.

This would be the loss of an important source of electric power from a clean, renewable resource. To replace the loss caused by the elimination of the flowlines and diversions in the Park would require, for example, the burning of 16,200,000 gallons of fuel oil over the next ten years if Kaweah No. 3 is considered separately. If the loss of Kaweah No. 3 should also dictate the abandonment of the other two powerhouses, which is a distinct possibility, then 34,425,000 gallons of fuel would have to be burned over the next ten years. This is hardly consistent with the Administration's

policy to eliminate dependence on foreign sources of energy by 1980.[5]

All of the above fuel oil would have to be burned in the Los Angeles Basin, an area with air pollution control problems.

In view of the national energy crisis and the all-out effort to conserve our nonrenewable natural resources as evidenced by both voluntary and mandatory cutbacks in the use of energy at all consumer levels and the expectation that this situation will remain with us for some time yet, it would just seem to be common sense to avoid any action that would cause the loss of an important source of clean energy. In addition to the reduction in system generating capacity at a time when utilities are faced with the prospect of further curtailments of service to customers, the burning of additional fuel oil in Southern California, even when available, aggravates an already existing air pollution problem.

Elimination of these facilities would also discontinue an important monetary return to the National Park Service which receives compensation from Edison based upon total generation at Powerhouse No. 3. Tulare County would also lose the benefit of taxes from the project and local expenditures of project employees would be a loss to the local economy.

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5 Project Independence announced by the President on November 7, 1973 and discussed in President's Message on the Energy Crisis on January 23, 1974 (1 U.S. Code and Admin. News (1974) 31).

Perhaps the most important consideration, however, is what I touched on earlier about the difficulty of removing the facilities in the Park. You can see from the pictures of the diversion structures that they are made of concrete and have been anchored into bedrock. (Exhibit R). The strength and stability of these structures is demonstrated by their having been in place for over sixty years and the numerous storms and floods they have withstood during this time. Removal inevitably would require blasting, the use of heavy equipment and the construction of access roads to get the equipment on the job. To a lesser extent, the same thing would be true of some segments of the flowline. The destruction of sixty years of screening foliage and the scars in the river bottom and on side hills resulting from the removal is hardly going to make the Park a more attractive place for visitors.

Let me also point out that Sequoia is not unique in having power development within its boundaries. Probably nearly all the national parks have electricity from some source. For example, in addition to the much maligned Hetch Hetchy project in Yosemite, the Park Service itself has established a complete hydroelectric facility on the Merced River in Yosemite Valley. (Exhibit S). This facility is no doubt required to serve development in the Valley floor. The same thing is true of Sequoia. Kaweah No. 3 is the source of electricity required by the Park Service for the various Park buildings and administrative offices. Power would have to be supplied from

another source if the powerhouse is eliminated. It just doesn't make sense to provide this source by burning oil in areas with air pollution problems so that those areas of the Park here under consideration may be free of the existing hydroelectric facilities.

Let me conclude by pointing out that in an objective overview, the presence of this facility does not significantly conflict with the purpose for which Sequoia National Park was created nor with the general public's use and enjoyment of the Park.

05-13-1969: untitled note to the file

5/13/69

Vic,

as per our conversation here is the correspondence on "Kaweah Project 3". Swenson & I had a short conversation on it before we went down to see Costello

Gerry

392-5-15-69.

RECEIVED
San Francisco Planning and Service Center
Office of Land and Water Rights
NATIONAL PARK SERVICE
MAR 2 6 1969
WATER RIGHTS FILE

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:
L3031
(WR)ORM

March 24, 1969

Memorandum

To: Chief, Land and Water Rights, SSC

From: Regional Director, Western Region

Subject: Kaweah Project #3, Southern California Edison Company Special Use Permit issued September 23, 1964, by Acting Secretary Carver. Federal Power Commission License No. 298

Forwarded herewith is a memorandum of March 6 from Superintendent McLaughlin, Sequoia and Kings Canyon, briefly reviewing Kaweah Project #3. This Southern California Edison Company project involves about 2.5 miles of water conduit and diversion dams on the Middle and Marble Forks of the Kaweah River in Sequoia National Park.

We concur with Superintendent McLaughlin that a complete review of this project should be made to clarify the Service position. We request that a study be made including the legal aspects and that you give us a report upon which we may base proper management action. Specifically, can we at some future date extinguish this adverse park use?

Enclosure

cc:
Superintendent, Sequoia & Kings Canyon

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia and Kings Canyon National Parks
Three Rivers, California 93271

IN REPLY REFER TO:

L3031
(WR)O

March 6, 1969

RECEIVED
MAR 10 '69

Memorandum

To: Regional Director, Western Region

From: Superintendent, Sequoia and Kings Canyon

Subject: Kaweah Project #3, Southern California Edison Company Special Use Permit issued September 23, 1964, by Acting Secretary Carver. Federal Power Commission License No. 298

Subject project, which involves approximately 2.5 miles of conduit, diversion dams on the Middle Fork of the Kaweah and Marble Fork, and a siphon under the Ash Mountain-Giant Forest Road and the Middle Fork, all in Sequoia National Park, presently operates under the Special Use Permit indicated above. Authorization for this project terminates on August 6, 1974, as provided in the Special Use Permit. The Act to revise the boundaries of this Park, approved July 3, 1926 (44 Stat. 818), provides that no permit, license or lease or authorization for dams, conduits, transmission lines "or other works for the storage or carriage of water" shall be granted without specific authority of Congress.

This project has a unique history. Sequoia National Park was, as is well known, established in 1890. On September 5, 1912, a permit was issued to the Mt. Whitney Power and Electric Company by Assistant Secretary of the Interior Carme H. Thompson, for 50 years, under authority of the Act of February 15, 1901 (31 Stat. 790). This permit authorized the diversions from the two streams and the conduit, as well as the Wolverton reservoir. In 1918, the authorization to construct the reservoir was withdrawn because the Company had not constructed it within the time allotted by the Permit. Interestingly, the Permit was issued by the Department upon the recommendation of W. L. Huber, District Engineer. Mr. Huber allowed as how the Park was established to protect the Big Trees and the proposed project works would not directly affect these values. The "Ranger in Charge" at the time was similarly minded. Obviously the park environment was not of particular concern. Mr. Huber served on the National

Park Advisory Board about ten years ago and was, I believe, its Chairman for a year or two. (The Army which was then in charge of protecting the Park does not seem to have entered into this matter. This is quite different than the procedures followed in Yellowstone where the Army in several instances and at about the same time opposed intrusions into the Park.)

On June 21, 1920, the Mt. Whitney Power and Electric Company was purchased by Southern California Edison Company and shortly thereafter the latter applied to the Federal Power Commission for a license to operate the Kaweah Project, and on July 29, 1924, the Commission granted License 298 to operate the project for a term of 50 years. The Commission license thereby authorized the project for a term beyond that authorized by the Departmental permit, which was for a term of 50 years and would terminate in 1962. In 1926, Congress extended Sequoia to include a portion of the High Sierra, including part of Mount Whitney. This legislation contains the prohibition against "works for the storage and carriage of water" mentioned earlier, without "specific" consent of Congress.

A dilemma arose in the early 1960's when the Departmental permit was about to expire. As a result, Congress authorized the Secretary to extend the permit for a term "to expire not later than August 6, 1974." This was done through a Joint Resolution which became Public Law 88-47, approved June 21, 1963. A Special Use Permit was issued by Acting Secretary John Carver on September 23, 1964, for the term June 21, 1963, to August 6, 1974.

This permit was an improvement over the earlier instrument and provided for minimum releases at the diversions and other safeguards. It also indicates that the "permittee upon expiration of the permit will remove such structures as may be determined by the Superintendent to be both feasible and necessary." Revenues to the Government based on power produced were also stipulated. In the calendar year 1968 this amounted to $7,057.38.

The Federal Power License also authorized other uses and activities on Forest Service and BLM lands. The Forest Service is particularly concerned about power company activities involving several lakes in Mineral King, where adjustments may be necessary due to developments there as proposed by the Disney project. The State Fish and Game Department is also concerned because of the stream diversions and their effects on aquatic life. In view of the

termination of the license and permits, the various public agencies involved are now looking at the project with a view toward making recommendations concerning future operations.

A meeting of the various public agencies involved was held here on February 19. It was the consensus that each agency should plan to secure data looking toward preparation of individual agency reports, but it seemed desirable to coordinate planning efforts. In general, it appeared the Forest Service did not favor termination or "recapture" of the license, but they seemed interested in better control of water releases from the storage lakes in Mineral King. The Fish and Game representatives obviously thought additional controls on stream regulation were needed.

While I cannot conceive of any justification for continuing that portion of the project in the Park due to its obvious detrimental effects on the environment, it is recommended that a thorough study be made of the project so that an up-to-date position will be available regarding it. The portion of the project in the Park is an important element of the whole and from an economic standpoint may be the most important. There are legal aspects that need to be clarified, particularly those involving well recognized water rights, with specified points of diversion in the Park dating back to at least 1911.

So far as the environmental concerns are involved, I feel that we are in a position locally to reach basic conclusions and recommendations, but it is suggested a legal review of the project and its background be made this coming field season in order that the permittee's continuing rights, if any, can be determined so far as the Park is concerned. We plan to cooperate with other agencies involved with the project as far as we can locally.

Your comments will be appreciated.

John S. McLaughlin

In duplicate

W. R. Copy L 40 2-17-64

2/19/64

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

February 17, 1964

IN REPLY REFER TO:
L54-RLW

L3031

Memorandum

To: Director

From: Acting Regional Director, Western Region

Subject: Special use permit for Kaweah Project #3, Southern California Edison Company, Sequoia and Kings Canyon

A conference was held at Fresno, California on February 14 with representatives of the Southern California Edison Company and Sequoia and Kings Canyon to resolve the question of minimum releases of water, and to insure that all parties were in agreement as to the conditions for the special use permit for Kaweah Project #3.

Those attending the conference consisted of Messrs. Wosky and Whitworth of the Regional Office; Messrs. Davis, Hill, and Riegelhuth of Sequoia and Kings Canyon; and Assistant Counsel John Bury, General Superintendent T. C. Stavert, Division Manager L. R. Quinby, of the Edison Company.

The only change on the minimum releases of water, as covered in our memorandum to you of February 4, was in the month of February, where the minimum release was decreased from 30 cubic feet per second to 20 cfs. We also determined that the distribution of flow between the Marble Fork and Middle Fork would be left to the discretion of the superintendent.

On the basis of this conference and in accordance with a P.S. to this office on Mr. Thompson's letter of August 13, 1963 to Mr. Bury of the Edison Company, we are enclosing a draft of the permit recommended for use on this project.

Mr. Whitworth discussed the special use permit in general with Mr. Don Lee, with particular reference to Section 3 of Public Law 88-47, which states that the permit to be issued shall be in accordance with the Federal Power Act and the rules and regulations thereunder which the Secretary, after consultation with the Federal Power Commission, determines to be applicable.

Mr. Lee was going to obtain clarification from the Federal Power Commission as to what effect any rules and regulations might have on the issuance of a special use permit. Such changes will be noted on the final draft of the permit. Mr. Lee was also going to determine who would execute the permit for the Park Service.

Please review and let us have your comments on the draft of the special use permit.

Keith Neilson

Keith Neilson

Enclosure

cc:
Superintendent, Sequoia and Kings Canyon
w/enclosure

6274 2/7/64
80-2-7-64
W.R. Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
February 4, 1964

IN REPLY REFER TO:
L3031

Memorandum

To: Director

From: Regional Director, Western Region

Subject: Special use permit for Kaweah Project #3, Southern California Edison Company, Sequoia and Kings Canyon

A conference was held in the Regional Office on January 29 with representatives of the Southern California Edison Company and Sequoia and Kings Canyon to review the conditions for the special use permit for the Kaweah Project #3. Those attending the conference consisted of the following: Messrs. Hamilton, Wosky, Prasil, Siler, Fagerlund, and Whitworth of the Regional Office; Messrs. Riegelhuth, Davis, and Hill of Sequoia and Kings Canyon; and Assistant Counsel John Bury and General Superintendent T. C. Stavert of the Edison Company. In general agreement was reached on all of the special conditions of the permit, with the exception of water usage.

On August 13, 1963 Assistant Director Thompson wrote Mr. Bury, transmitting a list of the items recommended by this office for inclusion in the permit. Using these as a basis the following is the current status of special conditions for the special use permit. The numbers listed below correspond to those in Mr. Thompson's letter of August 13.

1. The minimum releases of water as recommended by the Park Service shall be as follows: January, 20 cubic feet per second; February through June, 30 cfs; July and August, 20 cfs; September to December, 11 cfs; or the actual stream flow in each case, whichever is the lesser. Of the above a minimum of 4 cfs shall come from Marble Fork the year around. The remaining flow shall come from the Middle Fork. The Edison Company had prepared extensive studies on other releases and have the data available for computing possible losses to them in revenue based on given releases. They propose taking the above figures, running them through the computer, and will let us know in the near future if these releases are satisfactory, or they shall propose alternates based on computer studies.

2. The fee will be based on .03¢ per kilowatt hour. Hence, the obverse side of the special use permit will read substantially as follows:

> * * *subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of .03¢ per kilowatt hour generated by Kaweah Project #3, payable semi-annually, provided that if the rates for electric service to the National Park Service at Ash Mountain are increased, this rate of .03¢ per kilowatt hour generated shall be proportionately increased * * *.

3. This will be covered by a special provision #16.

> 16. The present spillways for surplus water may be retained, but spilling shall be limited to relatively short periods of times, water surplus to the quantity required for operation of the powerplant shall not be diverted into the flume of the intake, but shall be permitted to continue down the natural channel of the streams.

4. The water for use at Potwisha Campground to be covered by special condition #17, reading substantially as follows:

> 17. During the term of this permit the United States shall have the right to take from the existing tap on the Kaweah Project #3 flume such water as may reasonably be put to beneficial use for domestic and sanitary purposes at the Potwisha Campground. The United States shall at its expense and risk install, maintain, and operate facilities necessary for the diversion, storage, purification, and measurement of such water. The United States will hold Edison harmless against the claims of others to waters furnished to the United States and Edison shall not be responsible for the interruption of cessation of flow when said flume is out of service for maintenance purposes or for any cause not within control of Edison.

5. Emergency supply system at lower Ash Mountain. This water is obtained from a flume for the Kaweah Project #2 and hence is not part of the Kaweah Project #3. We have deleted it from the special conditions with the understanding that if water is required from this flume, separate agreements will take care of this.

6. No reference is being made to master meter service at Ash Mountain as it was our feeling that if this were done the whole matter would be reviewed by the Public Utilities Commission of California and we might lose our favorable rate structure. Special condition #16 was written to take care of this situation.

7. The connection to the main flume was deleted as unnecessary because if recommendation #1 is effected, ample water will be available, making this provision unnecessary.

8. Use of the right-of-way across the former Van Leuven property. The grant deed to the Edison Security Company for this road was reviewed. Inasmuch as the Edison's access rights are limited to the necessary ingress and egress to maintain, operate, or repair project facilities, we do not believe that this road can be used by the general public. Therefore, this provision has been deleted.

9. The termination clause has been rewritten as special provision #18.

> 18. Upon the expiration of this permit, the United States will require the Edison to remove such structures as may be determined by the superintendent to be both feasible and necessary. If and when such removal shall be required it shall be accomplished within such reasonable periods as determined by the superintendent, but not less than six months after written notice to the permittee.

10. The non-discrimination provision shall be the standard provisions.

In addition, we agreed to a new condition to protect the Government which shall read substantially as follows:

> 19. The United States shall not be liable for damage to, or loss of property, or injury to or death of persons, resulting from the activities of Edison, its representatives, or its employees, while exercising the privileges authorized in this permit.

When we have received the data regarding the releases from the Edison Company, we will advise you further. In the meantime we would appreciate any comments you may have on the conclusions reached as outlined above.

Our memorandum to you of December 10, 1963, transmitting a report on the conference held in the Regional Office on December 3, 1963, contained the following statement:

> The penultimate paragraph of this report refers to the statement in Mr. Thompson's letter to the Edison Company that the Washington Office would contact the Federal Power Commission to determine what rules and regulations

are to be exercised in accordance with the Federal Power Act, as directed by Section 3 of Public Law 88-47.

We would appreciate receiving the determination of the Federal Power Commission as to the rules and regulations that are to be exercised in accordance with the above.

Edward A. Hummel

cc:
Superintendent, Sequoia and Kings Canyon

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

December 10, 1963

WR Copy 12/9/63

Dec 13

Read

Copy made and supplied to O. L. Wallis

IN REPLY REFER TO:
[redacted]-RLW

L3031

Memorandum

To: Director

From: Acting Regional Director, Western Region

Subject: Special use permit for Kaweah Project #3, Southern California Edison Company, Sequoia and Kings Canyon National Parks

Enclosed is a copy of a report on a conference held in the Regional Office with representatives of the Southern California Edison Company to discuss the conditions proposed for the special use permit covering their operations under Public Law 88-47.

The penultimate paragraph of this report refers to the statement in Mr. Thompson's letter to the Edison Company that the Washington Office would contact the Federal Power Commission to determine what rules and regulations are to be exercised in accordance with the Federal Power Act, as directed by Section 3 of Public Law 88-47.

Please let us know if you have contacted the Federal Power Commission.

Leo J. Diederich

Enclosure 1

cc:
Superintendent, Sequoia and Kings Canyon

SEQU

December 5, 1963

L3031

Memorandum

To: Regional Director, Western Region

From: Regional Chief of Facilities Maintenance, Repair and Operations, Western Region

Subject: Conference on special use permit for Kaweah Project #3, Southern California Edison Company, Sequoia and Kings Canyon National Parks

A conference was held in the Regional Office Tuesday morning, December 3, with representatives from the Southern California Edison Company to discuss the conditions proposed for a special use permit covering the operations of the SCE under Public Law 88-47, 88th Congress, H. J. Resolution 180, June 21, 1963. Those attending the conference consisted of General Superintendent T. C. Stavert and Assistant Counsel John R. Bury, Southern California Edison Company; Messrs. Hamilton, Fagerlund, and the writer from the Regional Office; and Assistant Superintendent Charles Hill of Sequoia and Kings Canyon.

Assistant Director Thompson's letter of August 13 to Mr. Bury of SCE was the basis for the discussions. The principal point discussed was the amount of the minimum release. Mr. Stavert stated that 5 cubic feet per second was the minimum amount of water that could be used in the plant with a maximum of 90 cfs. The generator capacity is approximately 4,500 Kva. They did not agree with our theory that the falloff of the irrigation load after the first of September materially affected the overall load conditions of their system. They claim that beginning about the first of June their load increases each year with a maximum during the month of November so that they needed every bit of kilowatt capacity. This is particularly true in that during the fall and early winter months their overall hydro capacity decreases because of the lack of water.

The SCE further stated that our requirement of a minimum of 11 cfs during most of the year, with an increase to 20 cfs from the period

September 1 through November 30, was contrary to their experience elsewhere. They stated they had recently completed a very extensive study with representatives of the State Department of Fish and Game in the Kern River watershed and while the two streams are not entirely comparable, they felt the general principles were similar. They agreed that there should be an increase in the amount of water released from the current bypass, but were not prepared to state how much water should bypass their flumes.

Mr. Hill loaned the SCE representatives the park's copy of Mr. Riegelhuth's report. They propose to study this and discuss the data with the State Department of Fish and Game and possibly also with Mr. Riegelhuth. Flow records of the Kaweah River have been placed on punchcards and the information so obtained will be correlated with the data furnished in Mr. Riegelhuth's report. They will then be in a position to present their recommendations as to releases.

Recommendation 2 calls for maintenance of the fee on a kilowatt-hour basis. They concurred that this is the fairest way to establish the charges but believe that the present rate of 3/10 of a mill per Kwh is too high. It is our contention that inasmuch as this rate was established in 1938, when all costs were materially lower, possibly consideration should be given to raise the fee. However, in general we agree that the fee would stay as it now exists with the proviso that if the present master meter servicing and rates at Ash Mountain are increased, a proportional increase should be made in the charge per Kwh.

Recommendation 3, covering retention of the flume system as it now exists, was agreed to, as was also the release of surplus flow at present spillway. This release may be somewhat less than currently exists if a larger flow is maintained in the stream.

The fourth recommendation on the reservation of the present right to obtain water for use at the Potwisha Campground was agreed to, although there was some question as to the derivation of the amount of this diversion of 7,200 gallons per day. This recommendation would have to be modified to take care of water rights inasmuch as the Edison Company would have no authority to give us the required water.

The fifth recommendation relative to retention of the present emergency supply pump system at lower Ash Mountain (Buckeye) is satisfactory, although there is some question as to whether this should be included as part of the subject permit. This supply is located on the flume for Kaweah #2 covered by Federal Power Commission Project #298 and is separate from the Kaweah #3 operation.

Recommendation 6 requests retention of the present master meter servicing and rates for Ash Mountain proper. Mr. Bury stated that all of these rates are of course subject to the California State Public Utilities Commission. These rates are special and the Utilities Commission has several times indicated that they should be abolished and their standard rates for this type of service substituted. He believed that if this were included as a condition in the special use permit the whole permit would have to be reviewed by the Utilities Commission, which would again open up the question of the special rate and might result in its cancellation. I suggested that perhaps in lieu of including this recommendation that recommendation 2 be modified to provide for an increase in the fee if the rates are increased.

Recommendation 7 on the reservation on the rights to connect to the main flume to provide supplemental water at Ash Mountain to the extent of 80,000 gallons per day, is satisfactory provided that if this connection were made there would be an equivalent reduction in the stream flow requirements. In general we agreed that this recommendation will be unnecessary because the minimum flow that will be mutually acceptable will probably provide all the water required at a lesser cost for supplemental purposes at Ash Mountain.

Recommendation 8 called for the conveyance of the right-of-way across the former Van Leuven property to the United States if and when the permit to the Edison Company is terminated. Mr. Bury was of the opinion that this right-of-way was exclusively for the Edison Company and could not in any way be interpreted to permit public use subsequent to termination of the permit. He is to forward us a copy of the right-of-way easement. If it is evident that no public use can result from this right-of-way agreement we would be willing to cancel this recommendation.

Recommendation 9 called for removal of the flume headworks, the razing of buildings, and restoring sites when the permit to the Edison Company terminates. Both Messrs. Bury and Stavert were very much opposed to any wording that implies that when the permit expires on August 6, 1974 in accordance with Special Law 88-47 that they will be required to abandon their holdings. They apparently believe that they are going to be able to keep Eshcah #3 in operation as long as it has any commercial value. They believe that any reference to razing the structures should be so worded as not to imply that there would be no further operation of Eshcah #3 and they also believe that all actions at the end of the permit should conform to regulations of the Federal Power Commission.

Recommendation 10 applies to the non-discrimination condition and no discussion was necessary.

The last sentence of Mr. Thompson's letter to the Edison people stated that the Washington Office would contact the Federal

Power Commission to determine what rules and regulations are to be exercised in accordance with the Federal Power Act as directed by Section 3 of Public Law 88-47. As we have not received any information regarding FPC requirements, we believe it advisable to ask the Washington Office if they have received any word from the Commission.

The Southern California Edison Company will review the questions raised at this conference with particular reference to the minimum stream flow and in the near future will transmit their recommendations and perhaps call for a second conference.

(Sgd) George F. Whitworth

George F. Whitworth
Regional Chief of Facilities
Maintenance, Repair and Operations

cc:
Superintendent, Sequoia and Kings Canyon
Director

Cleared for distribution:

(SGD.) KEITH NELSON DEC 6 1963
Assistant Regional Director, CIU

AUG 13 1963

W Rowley 8/14/63 ies

L3031-RLW

Mr. John R. Bury
Assistant Counsel
Southern California Edison Company
Edison Building
Los Angeles 53, California

Dear Mr. Bury:

Public Law 88-47, 88th Congress, H.J. Resolution 180, June 21, 1963, authorizes the Secretary of the Interior to issue a permit to the Southern California Edison Company to occupy and use lands of the United States within Sequoia National Park necessary for the continued operation, maintenance, and use of the Kaweah No. 3 hydroelectric project.

In your discussion on July 30 with Messrs. Lee and Reed of this Office, you requested a list of the items recommended by our Western Regional Office for inclusion in the permit. Those recommendations are:

1. Minimum release of 11 cubic feet per second of water, except that during the period September 1 through November 30, the minimum shall be 20 c.f.s., or the total available water, whichever is the lesser.

2. Maintain fee on kw.-hr. basis.

3. Retain flume system as is, including release of surplus flow at present spillways.

4. Reserve present right to obtain water for use at Potwisha Campground, estimated 7,200 g.p.d.

5. Retain present emergency supply pump system at Lower Ash Mountain.

6. Retain present master meter servicing and rates for Ash Mountain proper.

7. Reserve right to connect to main flume to provide supplemental water at Ash Mountain, 80,000 g.p.d. (If recommendation No. 1 is effected, No. 7 can be cancelled, as

sufficient water would be flowing to furnish a potable supply by pumping from the river to the storage tanks).

8. If and when permit to Southern California Edison Company is terminated, the right-of-way across the former Van Leuven property (Buckeye residential area) should be conveyed to the United States.

9. When permit to Southern California Edison Company terminates, the permittee should be required to remove flume headworks from both the Marble Fork and the Middle Fork, and raze all buildings and restore sites. (It is not known how practicable it would be to remove or demolish the flume. Probably without maintenance and with a limited amount of demolition, nature would, in a few years, overgrow and cover it).

10. Nondiscrimination provision.

It is suggested that, after your office has considered these recommendations, you contact Regional Director Edward A. Hummel, Western Region, National Park Service, 180 New Montgomery Street, San Francisco 5, California, and arrange a meeting between representatives of your office and our Regional Office to discuss any possible changes, inclusions, or deletions. Mr. Hummel and his staff will be glad to discuss their recommendations with you and do all they possibly can to expedite the issuance of the permit. In the meantime,this Office will contact the Federal Power Commission to determine what rules and regulations are to be exercised in accordance with the Federal Power Act, as directed by section 3 of Public Law 88-47.

Sincerely yours,

Ben H. Thompson
Assistant Director

cc:
Regional Director, Western, w/copy of P.L. 88-47
NOTE: As requested by Mr. Lee, after you have reached a basis for all terms of the permit, will you please prepare for our review a draft of the permit you recommend.
Chief, WODC (2), w/copy of P.L. 88-47
Supt., Sequoia and Kings Canyon, w/copy of P.L. 88-47
Mr. Reed, w/copy of P.L. 88-47

EWReed:fjp 8/8/63

12-87 7-22-63
419 7-22-63

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
July 18, 1963

IN REPLY REFER TO:
[redacted] RLW
L3031

RL
7/22
Read (sw)
Em

Memorandum

To: Director

From: Acting Assistant Regional Director, CIU, Western Region

Subject: Renewal of Southern California Edison Company permit, Kaweah No. 3, Sequoia and Kings Canyon National Parks

Mr. Thompson's memorandum of July 10 informed us that House Joint Resolution 180, as amended, had been signed by the President. He stated that your office had reviewed the report and correspondence pertaining to water use requirements to be included as part of the permit. The memorandum contained references to the wide differences in minimum flows recommended in the several reports.

The Regional Office staff has reviewed the past correspondence and reports and we have discussed them with Superintendent Davis. We are all in accord that the recommendations made in our memorandum of April 10, 1963 are the most practical. There is no storage on the Kaweah River above the powerhouse, hence there is no way of augmenting minimum flows.

Enclosed is a copy of a chart prepared by the area which indicates flow records during the 1962 water year. This indicates that during the period of October 1 to the end of November the available flow was only about 11 second feet. Then there was a period of a couple of months when the flow was in the neighborhood of 40 second feet, after which it jumped way up.

We can see no need of establishing a complicated formula as recommended by the Bureau of Fisheries and Wildlife. By the same line of reasoning we can see no object in specifying minimum flows in both the Marble and Middle Forks.

See Supt. memo Feb. 18, 1963 SEQV
for copy of chart.

Summarizing the above we recommend that the minimum flow be 11 second feet, except that during the period of September 1 through November 30, the minimum flow shall not be less than 20 second feet or the actual total available water, whichever is the lesser. The period from September 1 through November 30 is the critical controlling factor for biota and is the period in which the minimum flow should be established. During the balance of the year the possibility of the flow getting down as low as 11 second feet is doubtful and even so the possibility of harming fishlife for the short period of such an occurrence would be negligible.

John B. Wosky

John B. Wosky

Enclosure E

cc:
Supt. Sequoia and Kings Canyon

07-10-1963: memorandum to regional director from assistant director regarding renewal of southern california edison company pe

WR Copy

WRB ajl 7/29

JUL 10 1963

L54-RLW

Memorandum

To: Regional Director, Western Region

From: Assistant Director, Resource Planning

Subject: Renewal of Southern California Edison Company Permit, Kaweah No. 3, Sequoia

Please refer to Mr. Diederich's memorandum of April 10 on the above subject. House Joint Resolution 180, as amended by the House of Representatives, has been passed by the Senate and signed by the President. The Secretary of the Interior now has the authority to issue a permit for Kaweah No. 3.

This Office has reviewed the report on Kaweah No. 3 by Biologist Riegelhuth and personnel of the California Department of Fish and Game, and has had it reviewed by the U. S. Fish and Wildlife Service here. We note the wide difference in the minimum flows recommended in the report (28 c.f.s. for Marble Fork and 53 c.f.s. for Middle Fork), and by the region (11 c. f.s. except 20 c.f.s. for September 1 to November 30).

We would appreciate an explanation of why the region's recommendation is so much lower than that of the report and also whether the region does not consider it necessary to specify minimum flows in both Marble and Middle Forks.

To complicate matters further, the Bureau of Sport Fisheries and Wildlife suggests a third schedule of minimum flow as follows:

April - July	81 c.f.s.
August	50 c.f.s.
September - January	20 c.f.s.
February - March	50 c.f.s.

These minimum flows are in line with their recommendations for other California streams, and are based primarily on the assumption that most fishing will be done in the summer.

Please review the minimum flows as recommended by the Bureau and let us have your evaluation of them and any changes you may believe to be desirable. In the meantime, we will prepare a preliminary draft of a proposed permit in which the question of required minimum flows will be left open. This draft will be forwarded to the Solicitor's office here for comment.

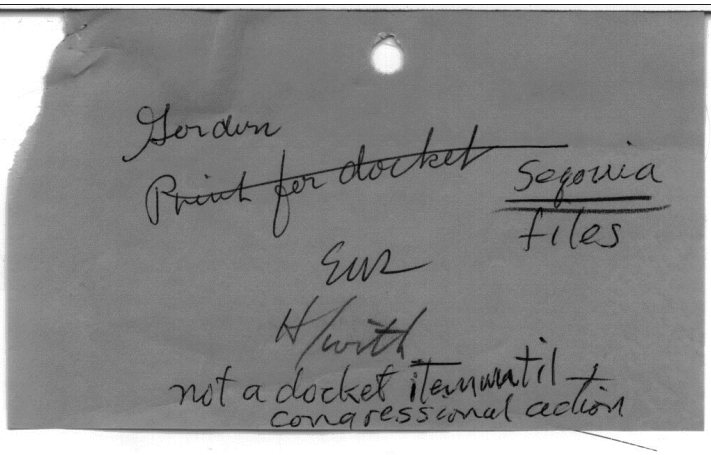
(Sgd) Ben H. Thompson

Ben H. Thompson

cc:
Superintendent, Sequoia
Chief, WODC (2)
Mr. O.L. Wallis, Room 1442
Mr. Reed

EWReed:OLW:ljc 7-8-63

00-00-0000: note to docket



WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

March 5, 1963

Dear Mr. Aspinall:

Your Committee has requested a report on H.J.Res. 180, a joint resolution "To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project."

We recommend enactment of the joint resolution.

Under a permit, issued by the Secretary of the Interior on March 5, 1912, under authority of the Act of February 15, 1901 (31 Stat. 790; 16 U.S.C. 79), the Southern California Edison Company occupies and uses certain lands in the Sequoia National Park in connection with its operations of a hydroelectric project. That permit expired on March 5, 1962, and continuance of the company's water-power operations on park lands is the subject of H.J.Res. 180.

The joint resolution authorizes the Secretary of the Interior to issue a permit to the Southern California Edison Company to occupy and use those lands of the United States, situated in the Sequoia National Park, that are necessary for the company's operation, maintenance, and use of its Kaweah No. 3 Project. The joint resolution further empowers the Secretary of the Interior to issue the permit for a term not to exceed fifty years and on such other terms and conditions as he shall deem necessary for the protection and utilization of the national park.

The Kaweah No. 3 Project of the Southern California Edison Company is on its lands located both within and without the south boundary of the Sequoia National Park. The water necessary for the operation of the project is diverted, within the boundary of the national park, both from the Marble Fork and the Middle Fork of the Kaweah River by separate diversion works. Then the water is carried from its points of diversion to a common conduit which lies about two-thirds of a mile below the Middle Fork diversion and one mile below the Marble Fork diversion. This conduit carries the water downstream to the Kaweah No. 3 power-house; from there it is returned to the main stream of the Kaweah River. All of these operations take place within the boundaries of the park. The operations of the Company that take place outside

of Sequoia National Park are carried on under a Federal Power Commission license (Project No. 298), which expires on August 6, 1974.

Since the prior permit extended over the period of fifty years, it, of course, has been a long time since the Congress has had any opportunity to take a look at this situation. By providing a permit expiration date of August 6, 1974, section 2 of the resolution affords Congress another opportunity to review the circumstances surrounding the existence of this hydroelectric project in Sequoia National Park. That date would be conterminous with the Company's Federal Power Commission license (Project No. 298).

The resolution further states in section 3 that the permit shall specifically recite that the privileges granted under it are to be exercised in accordance with the rules and regulations of the Federal Power Commission which the Secretary determines to be applicable.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Under Secretary of the Interior

Hon. Wayne N. Aspinall, Chairman
Committee on Interior and Insular Affairs
House of Representatives
Washington 25, D. C.

837 4/16/63
105 - 4-16-63
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APR 15 11

1. ~~Director~~ 4
2. Beard 16.

RL

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Western Region
180 New Montgomery
San Francisco 5, California

IN REPLY REFER TO:
L3031-RL

April 10, 1963

Memorandum

To: Director

From: Assistant Regional Director, Western Region

Subject: Southern California Edison Company Power Plant Renewal, Kaweah No. 3, Sequoia and Kings Canyon National Parks

Mr. Dunn's memorandum of December 17, 1962 replied to our memorandum of December 10 relative to a study of the flow in the Kaweah River being made jointly by the Service and the California Department of Fish and Game. Our memorandum stated that some progress had been made in this study, but that its completion would be in February. Mr. Dunn's reply stated that it was doubtful if Congress would act on the House Resolution renewing the permit for Kaweah No. 3 before the middle of February but requested the report be forwarded reasonably promptly.

The report was transmitted February 4 and was reviewed in this office. Before transmittal to Washington we felt it necessary to obtain additional data from the superintendent. In addition to the report, also enclosed are copies of our memorandum of February 13, Mr. Davis' reply of February 18, our memorandum of February 26, and his reply of March 7.

In addition to the data contained in these enclosures we have the following comment to make. We believe that the minimum natural stream flow should never be permitted to fall below 11 cfs. We believe the 20 cfs recommended in Mr. Davis' memorandum of February 18 should not be unduly restrictive to the company. As the controlling factor for biota is from September to November, the critical period of low water, it might be advisable to stipulate that during this period the minimum flow would not be less than 20 cfs or the actual total available water, whichever is the lesser. This is the period that will determine the trout-carrying capacity of the stream, and should be, if possible, not less than 20 cfs. For aesthetic reasons 81 cfs should be maintained when water flow permits.

SEQV

The recommendations of the enclosed and earlier correspondence may be summarized as follows.

1. Minimum release of 11 cfs, except that during the period September 1 to November 30 the minimum shall be 20 cfs, or total available water, whichever is the lesser.

2. Maintain fee on kwh basis.

3. Retain flume system as is, including release of surplus flow at present spillways.

4. Reserve present right to obtain water for use at Potwisha Campground, estimated 7,200 gpd.

5. Retain present emergency supply pump system at Lower Ash Mountain.

6. Retain present master meter servicing and rates for Ash Mountain proper.

7. Reserve right to connect to main flume to provide supplemental water at Ash Mountain, 80,000 gpd. (If recommendation #1 is effected, #7 can be cancelled as sufficient water would be flowing to furnish a potable supply by pumping from the river to our storage tanks.)

8. If and when permit to Southern California Edison Company is terminated, the right-of-way across the former Van Leuven property (Buckeye residential area) should convey to the United States.

9. When permit to Southern California Edison Company terminates, the permittee should be required to remove flume headworks from both the Marble Fork and the Middle Fork, and raze all buildings and restore sites. (It is not known how practicable it would be to remove or demolish the flume. Probably without maintenance and with a limited amount of demolition, nature would, in a few years, overgrow and cover it.)

It is trusted that the data contained in this memorandum and the enclosures will be of assistance in preparing the conditions for the permit necessary for protection and utilization of Sequoia National Park.

Leo J. Diederich

Enclosures

Copy to: Superintendent, Sequoia and Kings Canyon

File in Sequoia-Kings

WRP my Lands
esm
mrs

LANDS DIVISION
FEB 14 1963

LEE		
SANDERS	[illegible]	2
GARRETT	[illegible]	3
[illegible]	CAP	4
COVER	[illegible]	5
SMITH	[illegible]	6
IMRIE		7
DUNN	[illegible]	8
SELKIRK		9
FILE Maggie		10

88TH CONGRESS
1ST SESSION

H. J. RES. 180

IN THE HOUSE OF REPRESENTATIVES

JANUARY 24, 1963

Mr. HAGEN of California introduced the following joint resolution; which was referred to the Committee on Interior and Insular Affairs

JOINT RESOLUTION

To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

Whereas portions of the Kaweah number 3 plant of Southern California Edison Company consisting of diversion works, water conduits, and related facilities were constructed and are being operated and maintained on the Middle and Marble Forks of the Kaweah River near the southwesterly boundary of Sequoia National Park under a permit dated March 5, 1912, granted by the Secretary of the Interior pursuant to the Act of Congress dated February 15, 1901 (31 Stat. 790); and

Whereas said permit expires on March 5, 1962; and

Whereas the power and energy generated by the Kaweah number 3 plant is used to serve the public including use in con-

nection with the administration and enjoyment of the park; and

Whereas Southern California Edison Company has made application to the Secretary of the Interior to renew such permit to occupy and use said lands which are necessary for the continued operation of its Kaweah number 3 plant; and

Whereas the continued operation and maintenance of said facilities within Sequoia National Park upon such terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of the park is in the public interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to issue a permit to occupy and use lands of the United States within Sequoia National Park necessary for the continued operation, maintenance, and use of the hydroelectric project known as the Kaweah number 3 project of Southern California Edison Company.

SEC. 2. The term of such permit shall expire not later than August 6, 1974, and the permit shall contain such other terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of Sequoia National Park.

SEC. 3. Such permit shall specifically recite that the

privileges granted thereby are to be exercised in accordance with the rules and regulations of the Federal Power Commission which are determined by the Secretary of the Interior to be applicable.

88TH CONGRESS
1ST SESSION

H. J. RES. 180

JOINT RESOLUTION

To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

By Mr. HAGEN of California

JANUARY 24, 1963

Referred to the Committee on Interior and Insular Affairs

01-24-1963: joint resolution regarding h.j. res. 180, page 4cont

02-23-1963: memorandum to superintendent from assistant regional director regarding southern california edison company power

Western Region
150 New Montgomery
San Francisco 5, California

L3621 February 11, 1963

Memorandum

To: Superintendent, Sequoia and Kings Canyon

From: Assistant Regional Director, Western Region

Subject: Southern California Edison Company Power Permit Renewal, Sequoia and Kings Canyon

We appreciate receiving the report on Kaweah #3 prepared jointly by Fish Biologist Ringelheim and personnel of the California Department of Fish and Game.

The report contains definite recommendations as to minimum flow, namely 25 cfs in the Marble Fork and 33 cfs in the Middle Fork. The present permit contains no clause regarding a minimum flow, although according to former Superintendent Allen in his memorandum of August 28, 1959, the Southern California Edison Company has been very cooperative in maintaining fishlife and at the present time is insuring this by controls of not less than 2 cfs. Your memorandum of transmittal did not state whether you agreed or not with the recommendations of the accompanying report.

Inasmuch as a new bill is being introduced to cover the proposed renewal of the permit to the Edison Company, it might be well to review and analyze the past correspondence. On the basis of such a review, we believe it advisable to prepare new recommendations based on the latest available data.

Mr. Allen's memorandum of August 28, 1959 to this office had three recommendations.

1. The company should be required to maintain not less than 3 cfs of water in the river for the protection of fishlife.

2. The company should eliminate the flume and siphon now running up the Marble Fork of the Kaweah River.

3. Control ... the amount of flow through the ... should be made at the headgate of the Middle Fork rather than by spill points at intervals along the length of the flume.

On September 28, 1959 Mr. Allen had the following additional comments to make. He favored continuing the present method of basing the fee on the number of kilowatt hours generated from the water diverted to the company's flume within the park rather than on a flat fee as suggested by Mr. Dunn, and the installation of a siphon to permit the Service to maintain a small pumping station on the open flume near the Buckeye residential area for supplemental water for the Ash Mountain headquarters. The above information was forwarded to the Director with our concurrence on October 22, 1959.

On January 30, 1961 we wrote your office summarizing the correspondence to date and requesting further comments. This memorandum was accompanied by a copy of Mr. Seaqum's memorandum to the Legislative Council on June 26, 1961 outlining the Service's recommendations relative to House Joint Resolution 488, To Authorize the Continued Use of Certain Lands within the Sequoia National Park by Portions of an Existing Hydroelectric Project. This memorandum recommended reducing the period of permit from 50 years to 10 years.

On July 12, 1961 you replied stating that you agreed entirely with Mr. Seaqum's recommendation that the company be phased out in 10 years rather than 50 years. You also gave six recommendations as follows:

1. Require additional water to preserve fishlife with the amount being unknown.

2. Maintenance fee on a KWH basis.

3. Reserve the right now exercised of obtaining water from the Potwisha camp at an estimated requirement of 7200 gallons per day.

4. Connect the main flume to provide supplemental water at Ash Mountain consisting of a 4" connection controlled by a float valve effective only when the regular water supply fails behind the demand, estimated maximum daily need 80,000 gallons.

5. If the permit is limited to 10 years, you raised no objection to retaining the Marble Fork flume and siphon in place; if term extended, consideration should be given to eliminating this diversion.

6. If the renewal of the permit is limited to 10 years, you saw no need of changing the control of the flow to the headgate.

This memorandum was forwarded to the Director July 14, 1961.

On February 1, 1963, Assistant Director Nelson requested any further comments we might have on the proposed application. On February 7 we wrote you requesting your comments on Mr. Nelson's memorandum. On February 8, 1963, Mr. Weeks wrote the Washington Office stating that inasmuch as when the permit with the company terminates we would have no further need for right-of-way across the former Van Loeven land a provision should be included in the permit that this right-of-way shall be conveyed to the United States when the permit is terminated.

On February 12, 1963, you replied to our memorandum of February 7, emphasizing the need for permit conditions to include the reservation of the right to obtain a water supply for Potrisko camp and to obtain a supplemental water supply for Ash Mountain. You also suggested the desirability of including terms relative to electric power rates within the park. With our memorandum of March 1 we forwarded your comments to Washington and explained your recommendation relative to including data on rates.

On June 7, 1963, Mr. Nelson requested additional data on the necessary flow to support fishlife. Subsequent correspondence has enlarged upon this request culminating in the report accompanying your memorandum of February 4, 1963.

Finally, your attention is called to Under Secretary Carr's letter to Chairman Wayne Aspinall, Committee on Interior and Insular Affairs, stating that the Department recommended the enactment of the joint resolution with a termination date of August 6, 1974 and relating the pursuit to the extent practical to the system prescribed by the Federal Power Act.

In preparing your analysis and comments we are sure you will give due consideration to the new factors brought out in the biological report with particular reference to the relatively small amount of power generated during the months of low runoff. Because of this relatively small amount of power it may be that the company will not seriously object to the large increase in minimum river discharge suggested in the biological report.

(Sgd.) Leo J. Diederich

Leo J. Diederich

3

02-18-1963: memorandum to regional director from superintendent regarding southern california edison company power permit re

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia and Kings Canyon National Parks
Three Rivers, California

IN REPLY REFER TO:

L3031

February 18, 1963

RECEIVED
NPS Western Regional Office
FEB 20 1963

Memorandum

To: Regional Director, Western Region

From: Superintendent, Sequoia and Kings Canyon

Subject: Southern California Edison Company Power Permit Renewal
Sequoia and Kings Canyon

In Mr. Diederich's memorandum of February 13 it was requested, in essence, that I recommend the amount of water that should be released to flow down the Marble and Middle forks of the Kaweah River below Southern California Edison Company's points of diversion on their flumes.

Because of the complicated and technical nature of this matter, there is no factual basis that I know of which I could use to arrive at the number of cfs of water that should be released into the river. For this reason, I believe that the best answer could be obtained after detailed evaluation of the material contained in this report by a biologist either in your Office or in the Washington Office. However, inasmuch as Mr. Diederich wants my recommendation, I will be glad to give him one even though it is arrived at through arbitrary processes.

The study reported on by Mr. Riegelhuth was a cooperative project with the California Department of Fish and Game. Mr. Riegelhuth worked with a water project crew from that department and their joint recommendation was that 81 second feet, or all if less, be permitted to flow down these streams. Eighty one cfs produced optimum natural conditions for trout.

The lowest natural flow, without any diversion, in the combined Marble and Middle forks, based on records beginning October 1, 1961, through September 30, 1962, considered an average year, is approximately 11 cfs. On the assumption that this river should never be permitted at any time to run lower than its natural minimum flow, we should not settle for less than 11 cfs as the minimum amount that should be released and permitted to flow in this stream. On this basis, the Kaweah No. 3 Power Plant could operate at full capacity for 178 days, or 49% of the year. For 306 days of the year, or 84% of the time, the flow in these two streams would provide for the 11 cfs to be released to the river

and no less, and much of the time more, than 10 cfs that could be diverted down the Power Company flume. As near as we can gather from local power plant employees, their power plant cannot operate on less than 10 cfs.

Twenty cfs of water released to flow naturally down the stream would be much more than twice as effective in maintaining fish and aquatic food organisms than would be 11 cfs. Should 20 cfs be released to the stream, Power Plant No. 3 would be able to operate approximately 288 days of the year, or 79% of the time, with no less, and much of the time more, than 10 cfs going down their flume. It should be pointed out that power plant No. 3 would operate for 176 days of the year, or 48% of the time, at full capacity if 20 cfs were left to flow naturally down the stream.

All of the above data has been obtained from Mr. Riegelhuth's report. This report should be given further technical review in your Office, and perhaps in the Washington Office. I would recommend that no less than 11 cfs be released to the river, and as much more above that figure up to 81 cfs as can be obtained through negotiation with the Southern California Edison Company.

John M. Davis
Superintendent

Enclosure: Water Flow chart

DW Rlofy 8/14

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

File in Sequoia - South Cal Edison

Aug 10, 1962

Dear Mr. Aspinall:

Your Committee has requested a report on H.J.Res. 422, a joint resolution "To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project."

We recommend the enactment of the joint resolution, amended as we suggest in this report.

Under a permit, issued by the Secretary of the Interior on March 5, 1912, under authority of the Act of February 15, 1901 (31 Stat. 790; 16 U.S.C. 79), the Southern California Edison Company occupies and uses certain lands in the Sequoia National Park in connection with its operations of a hydroelectric project. That permit expired on March 5, 1962, and continuance of the company's water-power operations on park lands is the subject of H.J.Res. 422.

The joint resolution authorizes the Secretary of the Interior to issue a permit to the Southern California Edison Company to occupy and use those lands of the United States, situated in the Sequoia National Park, that are necessary for the company's operation, maintenance, and use of its Kaweah No. 3 Project. The joint resolution further empowers the Secretary of the Interior to issue the permit for a term not to exceed fifty years and on such other terms and conditions as he shall deem necessary for the protection and utilization of the national park.

The Kaweah No. 3 Project of the Southern California Edison Company is on its lands located both within and without the south boundary of the Sequoia National Park. The water necessary for the operation of the project is diverted, within the boundary of the national park, both from the Marble Fork and the Middle Fork of the Kaweah River by separate diversion works. Then the water is carried from its points of diversion to a common conduit which lies about two-thirds of a mile below the Middle Fork diversion and one mile below the Marble Fork diversion. This conduit carries the water downstream to the Kaweah No. 3 powerhouse; from there it is returned to the main stream of the Kaweah River. All of these operations take place within the boundaries of the park. The operations of the Company that take place outside

of Sequoia National Park are carried on under a Federal Power Commission license (Project No. 298), which expires on August 6, 1974.

Since the prior permit extended over a period of fifty years, it, of course, has been a long time since the Congress has had any opportunity to take a look at this situation. It seems to us therefore that in the future the Congress might provide for more frequent reviews of the circumstances surrounding the existence of this hydroelectric project in Sequoia National Park. Accordingly, we suggest in this instance a permit expiration date of August 6, 1974. That date would be coterminous with the company's Federal Power Commission license (Project No. 298).

We also believe that the permit authorized by the bill should be related to the extent practicable to the system prescribed by the Federal Power Act.

These two suggestions can be included in the bill by amending section 2 and by adding a new section 3 as follows:

"Sec. 2. The term of such permit shall expire not later than August 6, 1974 and the permit shall contain such other terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of Sequoia National Park."

"Sec. 3. Such permit shall specifically recite that the privileges granted thereby are to be exercised in accordance with the rules and regulations of the Federal Power Commission which are determined by the Secretary of the Interior to be applicable."

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

James K. Carr

Under Secretary of the Interior

Hon. Wayne N. Aspinall, Chairman
Committee on Interior and Insular Affairs
House of Representatives
Washington 25, D. C.

L3031 July 12, 1961

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: House Joint Resolution 422 - To Authorize the Continued Use of Certain Lands within the Sequoia National Park by Portions of an Existing Hydroelectric Plant

Mr. Wosky's memorandum of June 30, 1961, requests comments relative to the continuance of the existing hydroelectric diversions from the Middle Fork and the Marble Fork of the Kaweah River.

Mr. Scoyen's recommendation to the Legislative Council that the Kaweah No. 3 project of the Southern California Edison Company be phased out over the next ten (10) years is endorsed in toto. It is quite possible that the Central California Sportsmen's Council will oppose a renewal of this permit. In a conversation in my office in May, three members of this organization from Woodlake indicated they would oppose the continued diversion of water from the Marble Fork and Middle Fork of the Kaweah River on the basis that this water was needed to improve fishing in these streams.

Comments on the points in Mr. Wosky's memorandum follow: Fist, the amount of water needed to preserve fish life is not known. The main factor here appears to be that there shall be enough to avoid stagnancy and maintain a low enough water temperature for the type fish in the streams. Former Superintendent Allen stated that three second feet would be adequate. Certainly an additional second foot of water would be helpful in improving fishing. Messrs. Sumner and Wallis undoubtedly can contribute to the solution of this problem.

Second, in our opinion the fee might just as well stay on a K.W. hour basis. On this basis, the permittee pays for what he receives.

Third, the reservation of the right, now exercised, of obtaining water for the Potwisha Camp is important. There is a two-inch tap in the flume. The flow is controlled by actual use as there is a float control valve in this line. This water is metered. Estimated requirement is 7,200 gallons per day.

Fourth, a connection to the main flume to provide supplemental water at Ash Mountain is essential. This would consist of a four-inch connection and would be controlled by float valve also in order that water shall only be taken from the flume when the regular water supply (Alder Creek) is falling behind the demand. The needed water is now pumped from the river at Ash Mountain. Estimated maximum daily need - 80,000 gallons.

Fifth, inasmuch as the Marble Fork flume and siphon are in place and established, I see no serious objection to keeping them in operation for another ten years. However, if the term of this permit is extended for a longer period of time, then consideration should be given to eliminating diversion on the Marble Fork. Before this decision is made it would be necessary to make a study to determine if there is a sufficient flow of water in the Middle Fork during drought periods to meet reasonable power generating requirements.

Sixth, control of the flow through the flume at the headgate will add another structure in or near the main stream bed which will be as unsightly as the present system. In view of the proposal to limit the life of the renewal of the lease or permit to ten years, we do not consider this point to be important.

Again, we wish to emphasize that the approach which leads to the removal of the development in ten years is excellent. The removal of the flumes, siphon, and other developments and the return of the natural flow of water to the stream bed will not only improve the beauty of this part of Sequoia National Park, but will result in a marked improvement in the fishing in the Middle Fork of the Kaweah River.

/s/ John M. Davis

John M. Davis
Superintendent

87TH CONGRESS
1ST SESSION

H. J. RES. 422

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1961

Mr. HAGEN of California introduced the following joint resolution; which was referred to the Committee on Interior and Insular Affairs

JOINT RESOLUTION

To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

Whereas portions of the Kaweah number 3 plant of Southern California Edison Company consisting of diversion works, water conduits, and related facilities were constructed and are being operated and maintained on the Middle and Marble Forks of the Kaweah River near the southwesterly boundary of Sequoia National Park under a permit dated March 5, 1912, granted by the Secretary of the Interior pursuant to the Act of Congress dated February 15, 1901 (31 Stat. 790); and

Whereas said permit expires on March 5, 1962; and

Whereas the power and energy generated by the Kaweah number 3 plant is used to serve the public including use in con-

nection with the administration and enjoyment of the park; and

Whereas Southern California Edison Company has made application to the Secretary of the Interior to renew such permit to occupy and use said lands which are necessary for the continued operation of its Kaweah number 3 plant; and

Whereas the continued operation and maintenance of said facilities within Sequoia National Park upon such terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of the park is in the public interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to issue a permit to occupy and use lands of the United States within Sequoia National Park necessary for the continued operation, maintenance, and use of the hydroelectric project known as the Kaweah number 3 project of Southern California Edison Company.

SEC. 2. Such permit shall have a term not to exceed fifty years, and shall be granted upon such terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of Sequoia National Park.

87TH CONGRESS
1ST SESSION

H. J. RES. 422

JOINT RESOLUTION

To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

By Mr. HAGEN of California

MAY 10, 1961

Referred to the Committee on Interior and Insular Affairs

05-10-1961: joint resolution regarding h.j. res. 422, page 3cont

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L3031

January 22, 1960

Memorandum

To: Director

From: Regional Director, Region Four

Subject: Stream Flow Requirements for Proposed Renewal of Permit for Kaweah No. 3 Power Project, Sequoia

Mr. Dunn wrote us January 15 discussing flow measurements of the Kaweah River and requesting our estimate of releases needed for fish.

It will be very difficult if not impossible to make a detailed summary of actual flow which occurred over the past few years in the stretch of the Kaweah between the intakes and Power Plant No. 3. The lack of continuous measurements opposite Ash Mountain and the fact that flow in the stretch of the river is augmented at various points by unmeasured spillage from the flume causes the difficulty.

However, Mr. Allen reported by memorandum of August 28 that the company was maintaining the flow in the lower distance at not less than two second feet. In the same memorandum he suggested that clauses be included in any legislation authorizing continuance or renewal of the permit requiring the company to maintain not less than three second feet between the Marble Fork and the western park boundary at all times of the year.

We believe that a minimum of three second feet of water would be adequate for the protection of fish life and concur in Mr. Allen's recommendation, provided a permit is to be issued.

A copy of Mr. Allen's memorandum of August 28 was sent you with our memorandum of October 22. Two additional copies are attached for your convenience. We are also attaching two copies of Mr. Clement's memorandum of December 11 which Mr. Dunn said he did not receive.

(SGD) HERBERT MAIER

Regional Director

Attachments

Copy to: Superintendent, Sequoia

08-25-1959: memorandum to regional director from superintendent regarding renewal of southern california edison company perm

August 25, 1959

Memorandum

To: Regional Director, Region Four

From: Superintendent, Sequoia and Kings Canyon

Subject: Renewal of Southern California Edison Company Permit

Comment is made following receipt of your memorandum of July 28, 1959. The Southern California Edison Company does plan to apply for renewal of their existing permit to operate a diversion ditch from the Marble Fork and the Middle Fork of the Kaweah River within Sequoia National Park. The present permit expires early in 1962 and they realize they will need to go to Congress for this renewal. Their representatives have discussed this with me recently and are intending to visit Washington again on this. Perhaps they have already been there by now.

In any case, their application for such renewal is being prepared and they expect to present it through this office in time to give the Department opportunity to review it before the proper committee of Congress with a proper period to consider it.

Such a permit would, of course, have no endorsement from this office if the application was intended to cover an original period for such use. The diversion ditch, or constructed flume which it actually is, has been here all during the past 50 years. It has been in use all during that period for the generation of power and has become an accepted thing. In actual growth of ground cover, shrubs and trees have grown up around it until now the flume is not particularly objectionable and not particularly visible except to those looking for it and knowing of its location. The power produced from the water riding through the flume is produced in a small power plant just outside the western National Park boundary and is conducted into the general power flow system of the Company. Inasmuch as the installation of both flume and plant have been made, it would be rather a drastic action to recommend their elimination abruptly.

Our suggestion is that in any legislation authorizing continuance or renewal of this permit there be included clauses which will more directly protect the fish life in the Kaweah River between the Marble Fork and the western park boundary, and that the Company be required to maintain not less than three second feet of water in the river throughout that distance at all times of the year. The Company has been very cooperative in maintaining the fish life and at the present time is insuring by controls of not less than two second feet flow through this lower distance. There is, however, no clause in the present permit which requires that protection and one should be included in any future permit.

A second clause might be included to the effect that the Company will, as early as possible during any continuing term, eliminate the flume and siphon now running a short way up the Marble Fork of the Kaweah River. I believe it would be feasible to secure all the water they need from the Middle Fork of the Kaweah and that within a practical length of time they could now eliminate from the Park the flume which takes water from the Marble Fork and without serious loss to their purposes. Certainly such a possibility should be discussed before legislation is finally drawn.

A third clause might be inserted that control of the amount of flow through the flume will be made at the head gate on the Middle Fork of the flume in the Kaweah, rather than by spill points at intervals along the length of the flume. The purpose of this clause would be to curtail the practice of opening gates along the flume length and allowing the water to flow down the hillside at certain intervals. The flow points at these intervals are well established and continued use of them will do not damage to the hillside inasmuch as they are located in natural gulches. However, by controlling the flow at the headgate, the water not needed to run completely through the flume will then be all available for fish life and scenic purposes in the stretch of the river between the Marble Fork and the western park boundary.

/s/ Thomas J. Allen

Thomas J. Allen
Superintendent

3 WR Copy

L3031-GHL

See memo to Reg IV from acting chief Div of Operations

August 19, 1959

Memorandum

To: Assistant Director Price

Through: Chief of Lands

From: Chief, Water Resources Section

Subject: Kaweah No. 3 Project - Extension of Rights to Occupy Lands within Sequoia National Park

The letters of July 6 to Mr. Scoyen and July 20 to you, with attachments, from John R. Bury, Assistant Counsel of Southern California Edison Company, have reached me with your request of August 11 to D. H. Lee, to keep them handy until the application is received. I have selected L-3031 of the General Files as the handiest place, requesting immediate filing.

Practically all of the attachments are also in our Sequoia Alien Water Right 1, which I compiled from Archives records about 1950. Considerable study has been made in anticipation of the renewal which is needed in 1962:

1. There is nothing in the present permit to require release of some water at the diversions on the Marble and East Forks to maintain reasonable flows past Ash Mountain to the Park boundary. The Company is supposed to be maintaining diversion records; and we installed a gauge near Ash Mountain some years ago and I assume that measurements are being made. The data should be assembled, and the Regional Director should determine how much water should be allowed to flow past the diversions under the next permit. Within the past few months the State Water Rights Board has also begun limiting diversions to preserve reasonable flows when permits require renewal or licenses are granted. Although the average annual flows at both diversions have been 149 sec.ft., and flume capacity is only 96 sec.ft., all water has been diverted at times in the past, leaving only pools of water in the River near Ash Mountain.

2. The fee for the present permit is based on kilowatt hours of power generated, and the rate has been reduced from $0.005 to $0.003 per KWH by Demaray memorandum to the

Secretary which was approved by the Acting Assistant Secretary on September 26, 1938. Rates before 1915 were based on 2½% of revenue and then on $1.00 per horsepower. After nearly 50 years of operation, there are enough records to fix a fee based on average power production if desired. There are arguments for and against the fixed fee. The average seems to be invited by giving 38 year average of 23,180,000 KWH per year. Applicant also quotes 1958 output of 15,804,100,000 KWH which I think should be only 15,804,100 KWH or 68% of average.

3. The draft of the proposed application, with letter of July 6, states that the Park Service obtains a small amount of water from the Marble Fork unit for Camp Potwisha. The 34,380 cubic feet average, which seems about right, is said to be equivalent to 0.8 acre-foot, but should be 0.08 acre-foot.

4. Not mentioned, the Park Service has considered, and I thought it had made a connection to the main flume to provide supplemental water for the Ash Mountain area. If this is desired, it should be covered by the new permit.

SIGNED

A. van V. Dunn
Chief, Water Resources Section

Copy to: Mr. Dunn

AvVDunn:let

08-19-1959: memorandum to assistant director price from chief regarding kaweah no. 3 project- extension of rights to occupy land

Sequoia?

WR copy

WR

In my memorandum of September 10, 1956, covering my management inspection trip to Sequoia [illegible] there is the following paragraph:

"Southern California Edison Company water diversion, Sequoia. This company takes water from the Marble Fork and Middle Fork of the Kaweah River for the purpose of power generation. Their authorization from the Department of the Interior for certain works inside the Park, including ditches, conduits and diversion dams, expires in 1962. The company has already made inquiry to the Superintendent regarding the renewal of its authorization and has been referred by him to the Washington office. It seems desirable that the Service

determine the position it intends to take in connection with diversion well in advance of the expiration date. It seems that the application should be considered from several points of view, including the general policies of the Service toward installations of this sort, the extent of impact on the Park of continuance of these operations, and the public reaction (including the conservation organizations) toward the continuance of such use of Park lands. Apparently renewal of the permit now requires a further act of Congress."

In the light of the above information, we would appreciate receiving your comments as to specific provisions, and the restrictions, if any that should be included in the proposed act of Congress.

Lawrence C. Merriam
Regional Director

Copy to: Director

W.R. Copy 3

SOUTHERN CALIFORNIA EDISON COMPANY
EDISON BUILDING • P.O. BOX 351
LOS ANGELES 53, CALIFORNIA
LAW DEPARTMENT

ROLLIN E. WOODBURY
GENERAL COUNSEL
HARRY W. STURGES, JR.
ASSISTANT GENERAL COUNSEL

VICTOR E. KOCH
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DAVID N. BARRY, III
C. ROBERT SIMPSON, JR.
JOHN R. BURY
RICHARDS D. BARGER
H. CLINTON TINKER
WILLIAM E. MARX
ASSISTANT COUNSEL

L 3031

July 20, 1959

File No. W-416

Mr. Jackson E. Price
Assistant Director
National Park Service
Interior Building
Washington, D. C.

Re: Kaweah No. 3 Project - Extension of Rights for Facilities located in Sequoia National Park

Dear Mr. Price:

Pursuant to your request made at our meeting last week, we transmit herewith photostatic copies of the documents constituting our permit as amended for the subject facilities. These are:

1. Agreement dated March 5, 1912 issuing a permit pursuant to the Act of February 15, 1901 to Mt. Whitney Power & Electric Company;

2. Amendment of June 22, 1915 granting extension of time and modifying certain provisions re charges;

3. Amendment of November 2, 1916 granting extension of time;

4. Letter of May 22, 1918 approving the abandonment of certain proposed construction;

5. Amendment of April 1, 1919 granting extension of time;

6. Application dated July 10, 1920 requesting approval of transfer of permit to Southern California Edison Company;

Item 4 add to AWR 8-20 9/21/59 SEQU

7. Approval of assignment, dated August 25, 1920;

8. Amendment of May 15, 1924 granting extension of time on certain conditions;

9. Letter of April 7, 1930 approving abandonment of certain proposed construction;

10. Amendment of April 12, 1939 reducing changes and cancellation of conditions.

We have retained the negatives of these photostatic copies and will be happy to supply additional copies if they should be necessary or convenient to your copies of this matter.

Let me take this opportunity to express my thanks to Mr. Scoyen, yourself and your staff for the opportunity to meet with you to discuss our proposed application.

Yours very truly,

John R. Bury

John R. Bury
Assistant Counsel

JRB:jc
enclosures

02-09-1956: memorandum to chief of design and construction from chief regarding drawing np-sk-3153, ash mountain residential

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

IN REPLY REFER TO:
L54-L

February 9 1956

Memorandum

To: Chief of Design and Construction
Through: Chief of Lands

From: Chief, Water Resources Section

Subject: Drawing NP-SK-3153, Ash Mountain Residential Addition, Sequoia

Drawing NP-SK-3153 is up for Director's approval this week, as a Master Plan of development of Sycamore Creek area at Park Entrance. I suggest that it be held over for a week or two, until the matter can be discussed with Mr. Scoyen, and the following related problems can be presented to Mr. Wirth:

1. The area is wrapped around lands of Mary E. Wylie and Charles H. Frary, who are trying to obtain firm access and rights to a spring in Sycamore Creek, a few hundred feet within the Park, on the basis that that spring provides the only water economically available to them.

2. The water from said spring is reported to be so small that it disappears in the ground before reaching Park Boundary, and yet the Superintendent's monthly report from December indicates that NPS has also started using it at the old CCC Buckeye Camp because of failure of the Southern California Edison Co. Flume No. 2 from which water was formerly obtained under unspecified agreement.

3. While the Park Service has some justification for demanding water from the Kaweah Flume No. 3 which was constructed in the Park under a 50-year permit of 1912, it has had no sound basis for obtaining any more than emergency supplies of water from the Kaweah No. 2 Flume which has been entirely outside the Park. (Parts of Flume No. 2 may be on land included in the Park extension which also includes the proposed residential addition.

4. The correspondence with Drawing NP-SK-3153 indicates that water for the residential addition will be piped (about a mile) from the Reservoir on present Ash Mountain Water System. The Ash Mountain water supply is already inadequate for the Park Headquarters, particularly with the increasing use of air conditioners.

a. The spring supply has been inadequate for years.

b. The supply from the Kaweah is limited to water released from, or which escapes from the Kaweah No. 3 development of Southern California Edison Company; and the existing permit to company, which does not expire until 1962, does not provide for releases to serve Park needs except by cooperative interpretations. (The Kaweah flow at Park headgate is now unintentionally large because of leakage from the dilapidated Flume No. 3.

5. The construction of any NPS pipeline to proposed residential addition, or public information that such pipeline is proposed, will lead to Wylie-Frary requests for water therefrom.

There is no question about the need for enlarging Park Headquarters facilities. It is also probable that the site on the Park addition is best, but I think a lay-out plan is premature if not supported by adequate plans for water supply, water rights, and sewage disposal.

A. van V. Dunn
Chief, Water Resources Section

06-10-1952: memorandum to messrs. from chief regarding kaweah river flow records

STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Messrs. Cook, Cahalane, Doerr, and Vint DATE: June 10, 1952

Last. to Dunn

FROM : Mr. Dunn

SUBJECT: Kaweah River Flow Records

If you wish to join the fray, I have more data to support my argument that more than 0.8 sec. ft. of water should be allowed to flow past Ash Mountain.

The attached copy of my memo of May 21 is an extra one, but copies were sent to you at the time.

Arvard Dunn

A. van V. Dunn
Chief, Water Resources Branch

C O P Y

In reply refer to:
D5039 SEQU-L

May 28, 1952

Memorandum

To: Superintendent, Sequoia and Kings Canyon

From: Assistant Regional Director, Region Four

Subject: Kaweah River Flow Records

Attached is a copy of a memorandum of May 21 from Mr. Dunn (D5039 SEQU-L), on the above subject.

The records mentioned by Mr. Dunn were prepublication flow data on the forks of the Kaweah provided by the San Francisco office of the U.S.G.S. to our Director thrpugh our office.

Your attention is called especially to Mr. Dunn's comments on the second page.

In connection with the "one or two second feet" release and the material increase in fish life capacity, we refer you back to comments by our Regional Counsel on August 24, 1949 (copies sent to you and the Director), in which he says, "Mr. Scoyen states (in his memorandum to the Regional Director, August 2, 1949), that the company under its contract with us must allow enough water to flow by its intake to sustain fish life. I fail to find such a provision in the permit issued to the Mount Whitney Power & Electric Company March 5, 1912."

We also refer to Engineer Hohl's report of November 21, 1947, Comment #2, page 2, in which he says,"the two streams would never be good fish streams, because of the fact that the water is too warm. Low water injury to aquatic life is not serious. Regional Biologist Sumner seems to have a similar view."

In the light of the foregoing it would seem that we cannot demand any release into the stream bed under the contract as it now stands, nor do we have a strong argument for any stipulated amount for aquatic life. It seems that the only riparian right that we could establish is the small amount now used to supplement the Ash Mountain water system in late summer.

We shall be pleased to have any comments or replies you may wish to make to Mr. Dunn's memorandum and our present one.

(Sgd) Sanford Hill

Sanford Hill
Assistant Regional Director

Attachment

Copy to: Director

07-18-1951: memorandum to director from acting assistant regional director regarding auxiliary water system, ash mountain

WR Copy EWR

In reply refer to:
D5039 SEQU

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Region Four
180 New Montgomery Street
San Francisco 5, California

July 18, 1951

Memorandum

To: Director

From: Acting Assistant Regional Director

Subject: Auxiliary Water System, Ash Mountain, Sequoia National Park

Your memorandum of June 20 on the subject, asked for an explanation of an item in the Superintendent's monthly report for April 1951, appearing under "New Construction", which in part read, "Ash Mountain Auxiliary Water System is well under way".

A copy of your memorandum was forwarded to the park for their comment. A copy of Acting Superintendent Carlson's reply is attached.

Also attached is a print of Drawing No. NP-SK-5008, which was the approved construction drawing for the project. It is believed this drawing will furnish adequate hydraulic data for your present purposes.

The system has a single, centrifugal pump on the line and was designed to pump 100 g.p.m. into the reservoir. The system is fully automatic, being controlled by float switches at the reservoir. The floats were set at levels in the reservoirs to make the pumping unit a truly auxiliary supply. In addition, the controls contain a manual switch whereby the unit can be completely cut out during the periods when the spring furnishes adequate water.

When the job completion report is submitted by the park, a complete set of "As Constructed" plans will be forwarded to your office.

B. F. Manbey
Acting Assistant Regional Director

Attachments 2

Ash Mt to Edison Co. Flume P<P U-43-1
+ References on our tracing

02-24-1950: memorandum to regional engineer from engineer regarding inspection of southern california edison company stream

WR Copy
COPY FOR THE DIRECTOR

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA
180 New Montgomery Street

Memorandum February 24, 1950

To: Regional Engineer, Region Four

From: Engineer Leonard L. Mohl

Subject: Inspection of Southern California Edison Company Stream Gauging Stations, Sequoia National Park

On invitation of Mr. Reeve C. Briggs, District Engineer, U. S. Geological Survey to inspect the new gauging stations recently installed by Southern California Edison Company in connection with the operation of Kaweah #3 hydroelectric plant, the writer was designated as Regional Office representative of the National Park Service.

On the morning of February 14, the party consisting of Mr. Briggs, District Engineer, U.S.G.S., Mr. Stafford, Hydrographer, U.S.G.S. (Sacramento Office), Mr. Cooper, local Stream Gauger, U.S.G.S., Mr. Lang, Chief Hydrographer, Southern California Edison Company, and the writer, met in, and departed from the Johnson Hotel in Visalia, driving in government and company cars toward the park on State Route #198.

Our first stop was at the gauging station on the Kaweah River three miles below Three Rivers. This station is incomplete, construction having been delayed because of weather. It is of minor interest, if any, to us. Farther upstream Mr. Lang pointed out various flumes, pipe lines, power plants, etc., to us for the special benefit of Mr. Briggs.

About 10:00 a.m., we stopped at the Kaweah Plant #3, where Mr. Lee, the plant operator and Mr. Bartholomew, Stream Gauger, Southern California Edison Company joined the group, which proceeded to the Superintendent's office in Sequoia. Superintendent Sequyen then called in Mr. Carlson, Assistant Superintendent, and Mr. Parkes, General Foreman, after which a short discussion was initiated by the writer as follows:



The Washington Office has agreed to the establishment and supervision by the U.S.G.S., of the gauging stations on the Marble Fork and Middle Fork, but seemed somewhat concerned over measurements at Ash Mountain just below the two forks. What amount was flowing past Ash Mountain? I knew that either Washington or I were laboring under a misunderstanding which I wished to clear up. A rough sketch similar to the one attached was made. Mr. Lang then corroborated by statements that continuous measurements (hydrographs) were to be taken:

(a) In the Middle Fork bed immediately below the diversion for Power House #3.
(b) In the Flume to P.H. #3 just below its intake.
(c) In the Marble Fork bed immediately below the diversion into the pipe line.
(d) In the flume leaving Marble Fork and supplying the pipe line augmenting flume (b) before it enters the power house forebay.

The amount of water passing at Ash Mountain can be derived by adding (b) and (c). This being the case, with all the foregoing data to be published and made available to us as required by the order of the Secretary of the Interior, I could not see any use of another station or measurements at Ash Mountain. I asked Messrs. Briggs, Sampson, and Lang whether anything could be gained by such measurements from their points of view. The consensus was "No".

The only information that could be gained by measurements at Ash Mountain would be hydrologic; a figure on the net evapo-transpiration and/or spring replenishment in which we are not interested. But Mr. Lang told me later that he would try to have Mr. Bartholomew make such measurements when convenient for those hydrologic data, which are of interest to him, if they show anything different from (a) plus (c).

In addition to the stations of interest to us there is another one in the flume from Power House #3 tailrace; also the one already mentioned three miles below Three Rivers.

The gauging stations are thoroughly up-to-date with Stevens recorders; Parshall flumes for low flow and even continuous thermograph

recordings for aquatic biological purposes. Southern California Edison has done a thorough and expensive job, probably not so much because they love the Park Service as the fact that the menace of litigation, adjudication, and various water rights problems is constantly hanging over their heads. This is probably also the reason that they are not only cooperative but anxious to work with the U.S.G.S.

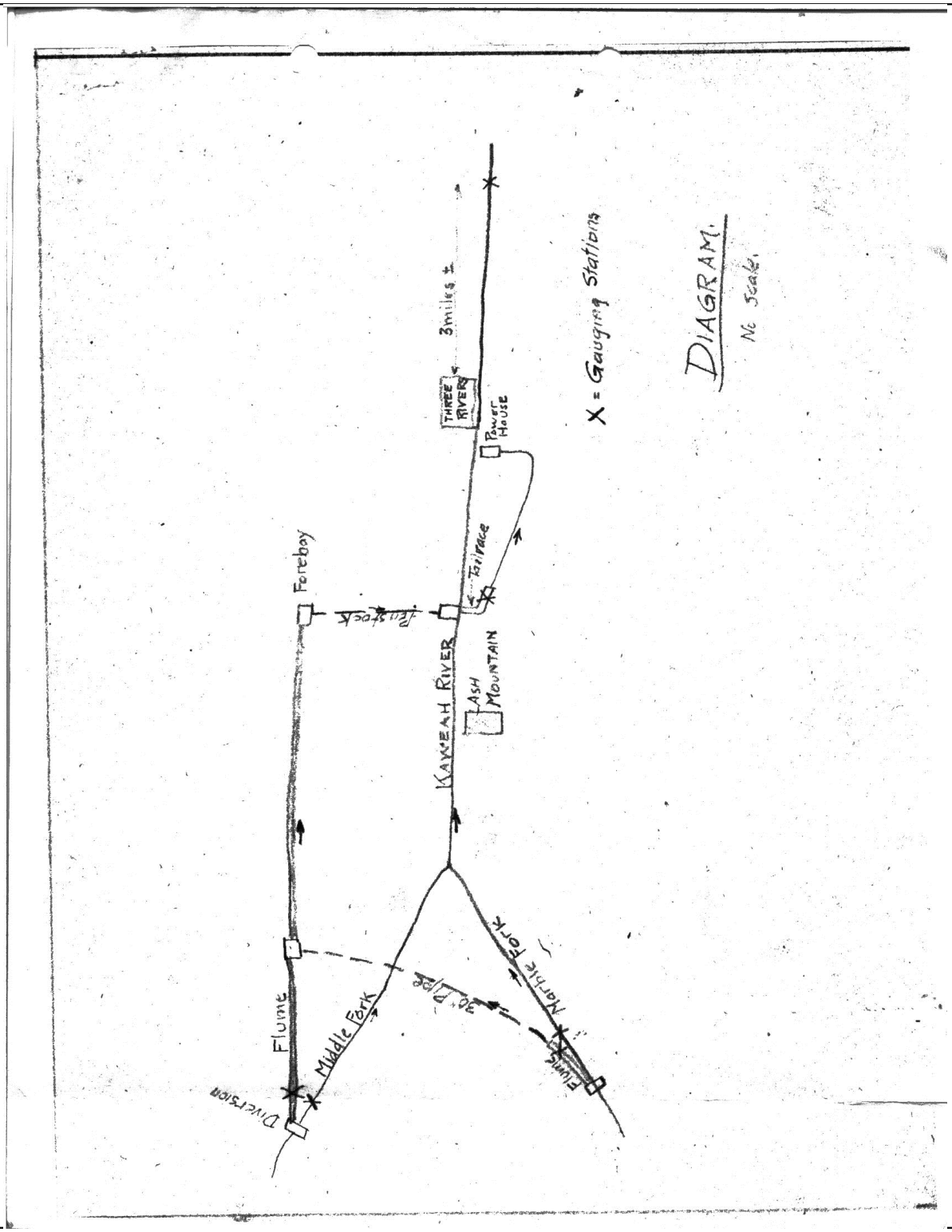
(SGD) LEONARD L. HOHL

Leonard L. Hohl,
Engineer

Attachment

cc: Supt., Sequoia and Kings Canyon
Planning and Construction Div. Mo. Report (2)

02-24-1950: map showing california edison company gauging stations



01-05-1950: letter to the superintendent of hydro generation from the appraisers building regarding stream gauging

C
O
P
Y

702 Appraisers Building
San Francisco 11, Calif.-SW
January 5, 1950

Mr. G. R. Woodman,
Superintendent Hydro Generation,
Southern California Edison Company
Edison Building,
Los Angeles 53, California

Attention: Mr. W. A. Lang, Chief Hydrographer

Dear Sir:

The Washington Office of the National Park Service through the Regional Director in San Francisco has requested this office to supervise the stream gaging being carried on in Sequoia National Park by your company in accordance with Article 9 of the Department of Interior permit dated March 5, 1912, which relates to your Kaweah River No. 3 project.

It is understood that the four stream-gaging stations listed below are involved:

(1) Middle Fork Kaweah River, (spill past Southern California Edison Company diversion point).
(2) Middle Fork Conduit, (diversion to Southern California Edison Company hydro plant).
(3) Marble Fork Kaweah River (spill past Southern California Edison Company diversion point).
(4) Marble Fork Conduit, (diversion to Southern California Edison Company hydro plant).

We interpret the request of the National Park Service to mean supervision in the same sense as supervision over gaging stations maintained under permit by the Federal Power Commission.

Performance by your company would therefore include maintenance and operation of the four gaging stations so as to furnish satisfactory records of daily discharge. The base data, (original water-stage recorder charts and original current meter measurement notes), are to be sent to this office for checking, drawing of rating curves, preparation of rating tables, and computation of daily discharge. Physical equipment and base data are to equal Geological Survey standards and the records of discharge are to be published in the regular Water Supply Papers of the Geological Survey.

This office will make such current-meter measurements and field inspections as are necessary to supplement and check field work done by your company.

It is understood that, as in the case of gaging stations operated under permit of the Federal Power Commission, your company will reimburse the Geological Survey for expenses of field and office work incurred in carrying out the work outlined above, (but your company will not be charged for publication expense).

Prior to publication, records of discharge at the four gaging stations named will be furnished to the National Park Service and to your company as the figures become available.

It is assumed that your company will forward to this office such base data as have been collected during the past year.

It is suggested that a representative of this office meet a representative of your company at Visalia some time next month to inspect the stations and arrange a program for rating and various other details.

Kindly confirm if you are in accordance with our understanding of the situation as outlined above.

Very truly yours,

Revoe C. Briggs
District Engineer

cc: Mr. J.V.B. Wells, Washington
National Park Service, San Francisco

01-03-1950: memorandum to the director from associate regional director regarding ash mountain water system and water rights

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA
180 New Montgomery Street

Memorandum January 3, 1950

To: Director

From: Associate Regional Director, Region Four

Subject: Ash Mountain Water System and Water Rights

This refers to Mr. Demaray's memorandum of December 1 (your file D-5039 SEQK), relating to the above subject.

You will note from the attached copy of Mr. Scoyen's memorandum of December 9 that plans have been approved for providing additional water at Ash Mountain by pumping from the river and that some preliminary work on the project has been done. The cost of a gravity-flow water system for Ash Mountain was found to be prohibitive regardless of whether the intake was located above the power company's dam, at the power company's dam, or below the dam; in other words, it was determined that the cheapest and most feasible way to secure the water is to pump it from the river, unless the company should belatedly consent to permit us to tap their flume. Inasmuch as the company is not at liberty to grant us this permission without running the risk of getting into a controversy with the irrigationists for diminishing the down-stream flow, it was the consensus in this office and the park that we should go ahead with the pumping system, which would undoubtedly be the method by which we would obtain the water if the power company were not in the picture.

In regard to the point raised in the last paragraph of page 3 of Mr. Demaray's memorandum (D5039 SEQK), we have taken up the matter of stream measurements, including an extra station at Ash Mountain, with Mr. Briggs of the U. S. Geological Survey by quoting most of the content of another memorandum from your office (L3031 SEQK, December 1). To date we have heard nothing further from Mr. Briggs.

As to the paragraph on page 4 concerning sanitary standards, the U. S. Public Health Service here has approved our proposed pumping from the river, provided adequate chlorination is applied.

(SGD.) H. MAIER

Herbert Maier,
Associate Regional Director



Attachment

cc: Supt., Sequoia and Kings Canyon

12-01-1949: memorandum to regional director (4) from associate director regarding ash mountain water system and water rights a

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WASHINGTON 25, D. C.

In reply refer to: D5039 SBCK

Surnamed by
Dunn
Barton
Price
Lee
Kittredge
Vint

1 - DEC 1949

Memorandum

To: Regional Director, Region Four

From: Associate Director

Subject: Ash Mountain water system and water rights, and related interests of Southern California Edison Company in Kaweah Power Plant No. 3, Sequoia National Park

This refers to the memorandum of August 2 from Mr. Scoyen to you, and the one of August 24 from the Regional Counsel to you, concerning plans for a supplemental water supply for Ash Mountain and the potential conflict with the interests of the Southern California Edison Company in the Kaweah Power Plant No. 3, Sequoia National Park.

Mr. Scoyen has requested a final statement of the position of this Service on the points raised in the letter of October 15, 1941, from Mr. Davenport, Assistant Manager of Operations, Southern California Edison Company, if he is to pursue the matter further with the Company. Mr. McClellan, on the other hand, states that he believes the final statement would be premature and recommends that the Service first be sure of its facts. Actually, the facts and the policy have been largely determined except as they relate to the selection of the most desirable point and method of diversion and design of the water system on the basis of engineering and economics. The following paragraphs, when in quotations, relate to a memorandum prepared for the Superintendent in this Office under date of November 6, 1941, but never released, presumably due to priority of defense projects. Consequently, reference to costs and project construction proposals are subject to revision on the basis of present-day data.

"To bring the record up to date, it seems advisable to analyze briefly the four possible methods of obtaining an additional water supply for the Ash Mountain area.

"The first possible method is by means of a pipeline approximately 3.5 miles in length to a point on the middle fork of the Kaweah River above the intake of the flume maintained by the Southern California Edison Company. There is

in our files an alternative project proposal form (Project U-22) showing an estimated cost of $45,950 for a pipeline six and eight inches in diameter to that point. This method has certain advantages, among which are gravity flow and the elimination of any serious water right controversy. There is no question in our minds regarding the right of this Service to divert the necessary water, and if the right were challenged the burden would be on any contestant to initiate the contest. The chief disadvantage of this method is the high cost, largely owing to the nature of the terrain."

There have also been proposals to construct the diversion dam below instead of above the Power Company diversion, as stated in the penultimate paragraph of Mr. McClellan's memorandum, and Mr. Dunn has suggested that the Park Service might actually install its intake pipe in the Company's dam itself, to share the collecting facilities of the reservoir behind that dam. However, this installation would require the consent of the Southern California Edison Company. Strategically, it would be least desirable to provide a dam or diversion works below the Company headgate, as this would require constant watching to be sure that the Company released sufficient water to satisfy the Park needs. In the interest of conservation and engineering efficiency, it would probably be most desirable for the Service to insert its intake pipe in the reservoir created by the existing Company dam, being careful to see that the intake is actually low enough to obtain water at all times, regardless of the amount being diverted by the Company. In this plan, or the one mentioned in 1941 to divert above the Company headgate, it will also be necessary to provide proper check valves where the pipe line would discharge into the reservoirs at Ash Mountain, in order to prevent the diversion of more water than is actually needed.

"The second possible method involves a well in or near the river bed adjacent to the Ash Mountain area, to collect the seepage or underground flow of the river. There is in our files a project proposal form (Project U-21) for the extension of a six-inch supply line to the well and installing a 25 horsepower motor and pump. According to our information, a test well has been sunk and it was found that no water can be produced by this method, at least in the dry season. However, our budget estimates for the fiscal year 1943 include an item of $14,400, which was the estimated cost of the project. If the funds are appropriated, they can undoubtedly be used to achieve the same object by other methods."

This would probably result in an unreliable supply, even though the Company were to release sufficient water to get a reliable steady flow on the surface.

"The third possible method would involve diverting the surface flow of the river at a point adjacent to the Ash Mountain area. The advantage of this method would be low cost, which is the principal advantage under the second possible method. The disadvantages would consist in the necessity for pumping, the probable necessity for some sort of compulsion to secure the release of sufficient water to maintain the stream flow, and the poor quality of the water. It may be doubted whether the Southern California Edison Company would be willing, without litigation, to let enough water pass its flume diversions to maintain the flow at Ash Mountain. We have no record of an estimate of the seepage loss between the flume diversions and Ash Mountain, but it may be assumed that a considerable volume of water would be required to by-pass the flume diversions to produce a reliable flow sufficient to enable us to pump even as much as 30,000 gallons per day. Our files show that Sanitary Engineer Hommon has condemned the river water for domestic use, so that even if the water were allowed to come down we could not use it."

We have been attempting to determine the amount of water which the Company would have to release to acquire an adequate surface flow for this diversion, and also to maintain fish life as covered in correspondence during the past year or two with regard to the restoration of gauges at the Company's headworks on the Marble and Middle Forks. Also, as pointed out in the memorandum of August 8, 1947, for the Director from Mr. Dunn, we need simultaneous flow records at Ash Mountain, and this point was called to your attention in the memorandum of October 20 of this year from Mr. Wirth in connection with the proposal of Reeve C. Briggs, District Engineer of the Geological Survey, to take over the operation and maintenance of the gauging stations installed by the Company during the last two years. The amount of compulsion which we believed might be necessary in 1941 to secure the release of the necessary waters at the Company headgates is now apparently subject to considerable reappraisal. As stated in Mr. Scoyen's memorandum of August 2, the Company seems to be in a more willing mood to cooperate with this Service perhaps in part as a result of the decision of Presiding Examiner Farrington in the matter of the application of the Southern California Edison Company for a

license under Project No. 1930 for the use of waters of the Kern River for power purposes. In addition, there are several references in the correspondence from former Superintendent White during the war and until his retirement, to cases in which he had obtained the necessary releases of water by a mere request to the Company's ditch rider.

As a further consideration, the Public Health Service has now adopted standards which require such nearly universal treatment of the water supplies in the National Park Service that the sanitary conditions merit careful review by that Service if that is the only remaining obstacle to making use of the surface water diversion directly below Ash Mountain.

"The fourth possible method involves the tapping of the flume at the point nearest the Ash Mountain area. As has been pointed out by all who have considered it, this method has all the advantages. The sole disadvantage arises from the necessity of securing the consent of the Southern California Edison Company to the use of its flume as a conduit. Unless the right is condemned and paid for, the company's voluntary consent is essential.

"The conditions stated by Mr. Davenport in his letter of October 15 are clearly unacceptable, particularly conditions 1 and 2. In the first place, the judgment rendered by the Superior Court of the County of Tulare on January 26, 1909, was a water rights judgment, and on its face purported to recognize the rights of riparian owners. Further, since the judgment did not bind any other parties than those involved in the action, it could have no effect on the riparian rights of the United States. That such rights exist with respect to park lands was held by the District Court for the Southern District of California in the case of United States v. Adolph Nevares, No. 1092Y (judgment rendered April 9, 1941). In the second place, a modification of the judgment of January 26, 1909 would require in effect a new action. In the original action there were 56 parties plaintiff. If a new or supplemental action were to be conclusive as against them, it would be necessary to serve process on all of them and on all of their successors in interest. It would take a great deal of time and effort merely to determine who these successors in interest are. And once the matter were reopened, any person or corporation claiming an interest in the subject matter would be

entitled to come in and be made a party on one side of the case or the other. Insofar as such extensive proceedings would result in acknowledgment of the right of the Government to divert water, they would not only be unnecessary but undesirable. Insofar as they would result in acknowledgment of the right of the company to carry the water in its flume, they would not be worth while.

"The requirement that consent of the Railroad Commission of California be obtained is probably a proper one. Under the provisions of the Act 6386, sec. 51(a), General Laws of California, 1937, the taking of water from the flume with the consent of the company would be the exercise of a permit or franchise which would require authorization from the Railroad Commission. We would be willing to comply with that condition."

This conclusion is probably still valid even though the water taken from the flume be understood to be that which is properly claimed for use under the riparian rights of the United States. In other words, it is the use of the flume as a conduit which requires the consent of its owner.

"If the Company is willing to waive conditions 1 and 2 as set forth in Mr. Davenport's letter of October 15, we would be willing to make a counter proposal based upon conditions 3 and 4. We do not think it is necessary to amend the permit issued by this Department for the occupation of land in the park for the operation of Kaweah plant No. 3. That permit is concerned wholly with the occupation of land, and has no relation to water rights. On the basis of use of space in the flume for carrying water, we should be willing to make a utility contract with the company whereby this Service would measure the water taken from the flume and make payments in amounts which would reimburse the company for the loss in power output caused by reduction of the volume of water carried in the flume. We roughly estimate that a diversion of 30,000 gallons per day would reduce the power output by approximately 1562 kilowatt hours per month, assuming a plant efficiency of 70%, which would otherwise be salable by the company at 1.56 cents per kilowatt hour, or $24.37 per month. In this way, the company would be guaranteed against loss. Such an arrangement would be justifiable from the standpoint of this Service, since it would avoid the heavy capital outlay involved in a pipeline 3½ miles in length."

The suggested $24.37 would not necessarily be applicable throughout the entire year. However, even if it should be determined to be the average annual rate, the total annual payment would be negligible.

In this connection, the suggested payment would be for rental of ditch capacity and a fee for tapping the flume. The measure based on the loss of 30,000 gallons per day or the revenue from 1,562 kilowatt hours per month is purely a way of expressing some value which might be paid to the Company. Actually, the United States, if it claims preeminent water right is entitled to the 30,000 gallons per day without recompense to the Company. In addition, a large portion of the ditch capacity is unused except during the flood period of May and June. From these observations, the suggested $24.37 per month may be high, even under present standards of value, but is still small in comparison with the possible cost of a pipe line from near the present Company headgate on the Middle Fork.

> "It has been suggested that a threat to require the company to bypass enough water to maintain the stream flow might influence it to consent more readily to the tapping of the flume. We think that if the position of this Service were clearly explained to the company, the possibility of such a requirement would clearly appear. It would not be in the nature of a threat, but a statement of an alternative which this Service might be required to adopt. Of course, if the water were not usable for reasons of sanitation, then there would seem to be no purpose in taking that position."

From these observations, it should be possible to anticipate action to be followed in dealing with the Southern California Edison Company. The next step, therefore, is to plan the best water system for ultimate needs. Further negotiations with the Company should be deferred until we have a definition of what we wish to obtain from the Company, if anything.

(SGD.) A. E. DEMARAY

Associate Director

In duplicate

Copy to: Mr. Dunn

AvanVDunn:MB:sh

08-06-1948: letter to southern california edison company from acting director regarding cancellation of a letter (file w-402) from th

25, D. C.

AUG - 6 1948

George E. Trowbridge, Esq.,
Assistant Counsel,
Southern California Edison Company,
Edison Building,
Los Angeles 53, California.

Dear Mr. Trowbridge:

We have received, by reference, your letter (File W-402), dated June 9 to Mr. E. T. Scoyen, Superintendent, Sequoia-Kings Canyon National Parks, requesting withdrawal or cancellation of the letter of October 31, 1946, from your Company to the Secretary of the Interior applying for an amendment of Article 9 of the permit covering the Kaweah No. 3 plant.

Since the request dated October 31, 1946, has been held in this Office pending additional investigations, we are at this time cancelling it of record.

Our appropriate field officials are being advised of this action.

Sincerely yours,

(SGD) A. E. DEMARAY

A. E. Demaray,
Acting Director.

cc: Regional Director, Region Four (2).
Mr. Vint (Attn: Mr. Dunn).
Mr. Price.
GBH:rd

WR Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
~~CHICAGO, ILLINOIS~~
Washington 25, D. C.

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

March 1, 1948.

MEMORANDUM for the Regional Director, Region Four.

In Mr. Hohl's memorandum of November 21, which you forwarded by memorandum of the same date, he has given an excellent report on his interview with officials of the Southern California Edison Company with regard to the measurement of diversions and flows of the Kaweah River in Sequoia National Park. The frank exchange of views is a real accomplishment.

Before commenting on the points developed, it may clarify matters to state that Mr. Hohl could not find any reference to a quantity of water involved in riparian rights of the United States because no quantity has been, or can be, fixed. The right to make riparian use of water is based on beneficial need and may change from time to time. At the present time the riparian uses in Sequoia National Park are measured by the beneficial uses now being made of water diverted by Federal and concessioner's water systems, but that does not mean that the United States does not have a right to increase the riparian uses if the beneficial need arises.

There is still some question, too, as to how far the United States can claim riparian rights in Sequoia National Park, how far the Federal use of water may be protected by exclusive jurisdiction, and how far such use is protected by the terms of the permit under which the Southern California Edison Company is permitted to use Park land for a conflicting diversion. For further negotiations with the Company at this time, it will have to suffice that the United States claims some riparian rights.

It is extremely interesting, and helpful, to learn that officials of the Company feel any responsibility for reducing the seepage, evaporation, and transpiration losses in the river for the benefit of the farmers downstream; or that they consider they have any rights to convey all water by more efficient conduit, to the detriment of riparian landowners along the parallel streambed. Such practice, to transfer the water from the natural channel to a closed conduit, would be contrary to the State water laws, and contrary to their permit from the Secretary of the Interior so far as they may be practiced within the Park. This practice would also constitute a purpose not covered by notice of appropriation which was posted

FOR VICTORY
BUY UNITED STATES WAR BONDS AND STAMPS

and recorded in the county in February 1911. It is essential that all water not beneficially used remain in the natural channel while in the Park.

Our records show that Mr. Davenport has questioned the authority of the Company to convey water for other than power purposes as an argument for not permitting this Service to tap the Kaweah Flume No. 3 for a domestic supply at Ash Mountain. Mr. Davenport, in his discussions with Superintendent White four or five years ago, was considering the regulation by the State Railroad Commission. We can also ask him to consider the terms of his permit to use Federal lands in the Park for a hydroelectric development. He should also note that the act of February 15, 1901 (31 Stat. 790) authorizes the permit only on condition that it is not found incompatible with the public interest and that it may be revoked at the discretion of the Secretary of the Interior.

It is particularly significant that the apparent harmony between Superintendent White and the Company regarding the maintenance of some flow in the river, was the result of unauthorized action by local employees of the Company. This indicates the need for a more specific definition of the best public interest by the Secretary of the Interior, and the need for properly executed rules and regulations to protect that interest. Much of the past misunderstanding has probably resulted from local verbal agreements. There is also cause for misunderstanding through the failure to issue rules and regulations; and to revise them, as necessary, from time to time to protect the changing public interests in Sequoia National Park.

As indicated in previous correspondence and reports, the Secretary is in a very difficult position because he has not defined the public interest in a flow of water in the River between the Company diversions and the Park boundary, and he is in no position to do so at this time because of lack of records of stream flow and related studies of wildlife conditions. We only know that variable quantities of water have been allowed to flow, at times such small quantities that stagnant pools resulted throughout parts of the distance. We also have reports, including those in Mr. Hohl's memorandum, that the water becomes too warm for certain types of fish, but we do not know how far the temperature can be improved by maintaining a more adequate flow.

These are the points to be studied when measuring devices are established and before the time for renewal of the permit to the Company. It should be noticed that this also implies that the Company will be expected to maintain certain specified flows, which may be quite variable for the first few years, but which will be fixed more closely to serve the basic needs of the Park as time goes on. This regulation will concern only the parties to the permit, and not the agricultural interests below the Kaweah Power Plant No. 3. It is expected, however, that the regulation will be covered by written agreements, and not by verbal requests to the ditch rider.

We are not in a position to comment on the suggested road approach to the headgate on the Middle Fork. We should like to know how the Company now gains access for the maintenance of the upper portion of the ditch and headgate. We see no reason, at this time, for better access to install and operate the measuring device than is needed for maintenance of the flume. On the other hand, as long as the Company has a permit to maintain the flume until 1962, we also wonder why it does not have adequate access, or what has happened to the access provided when the structures were constructed.

We realize that much of the history of the Kaweah Power Plant No. 3 is a record of Company frustration and Federal action based on third party reports and arbitrary decisions. We should take a practical stand and either permit a rational land use, or cancel the permit. Neither the Park nor the Company has been satisfied by some of the past whittling at original privileges.

We agree that a Parshall flume to measure flows of between 0.35 and 5.01 second feet will satisfy our probable demands. We are not able to identify the #1A, but assume that a flume with approximately a 1-foot throat width is described. In approving the flume size, on the basis of those flows in which this Service will be interested, we also call your attention to the fact that the flow of the Middle Fork has actually reached a magnitude of between 500 and 1300 second feet during May and June of many years between 1916 and 1937 while the Company maintained records. The flume, therefore, and particularly any recording instruments which the Company wishes to install, should either be designed to withstand the high water, or of such cost that they can be replaced if washed out.

(SGD) A. E. DEMARAY

AvVD:sh.

Associate Director.

In duplicate.

cc: Mr. Dunn.

10-21-1947: memorandum to the director from the regional director regarding water measurements on the kawea river

Water Rights.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
~~SAN FRANCISCO, CALIFORNIA~~ 5
~~601 Sheldon Building~~

November 21, 1947.

MEMORANDUM for the Director.

Reference is made to Acting Director Coffman's memorandum of September 10, 1947 to which was attached a memorandum to the Director by Mr. A. van V. Dunn dated August 8 concerning water measurements on the Marble and Middle Forks of the Kaweah at Sequoia National Park, which has been under discussion for the past fourteen months.

A meeting was arranged for Thursday, November 13 by Acting Superintendent Carlson with officials of the Southern California Edison Company, Ltd., the results of which are reported in the attached memorandum by Engineer Leonard L. Hohl.

It seems that the Company is now very willing to make measurements even at considerable expense. They have, however, suggested that we define our minimum requirements.

Please review and comment on Mr. Hohl's report, especially his suggestion in the last paragraph for a five second-foot Parshall measuring flume, based upon his ideas of the optimum low flow in the stream beds.

(SGD) O. A. TOMLINSON

O. A. Tomlinson,
Regional Director.

Enclosure 866.

cc: Acting Superintendent, Sequoia-Kings Canyon.



11-21-1947: memorandum to regional engineer (4) from the director regarding a conference held nov. 13, 1947

COPY FOR THE DIRECTOR

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
REGION FOUR
SAN FRANCISCO, CALIFORNIA

November 21, 1947.

MEMORANDUM for the Regional Engineer, Region Four.

The following is a report of a conference at Sequoia-Kings Canyon National Parks held on November 13, 1947 in the headquarters office at Ash Mountain concerning water measurements on the Middle Fork and Marble Fork of the Kaweah River, which had been under active discussion for more than a year past (see Files 660-05 and 661).

Present at the conference representing the Southern California Edison Company, Ltd., were: Messrs. James F. Davenport, Assistant Vice President, G. R. Woodman, Superintendent Hydro Generation, and W. A. Lang, Chief Hydrographer. Representing the National Park Service, were: Acting Superintendent Oscar Carlson, and Engineer Leonard L. Hehl, from Region Four Office.

The discussion took an entirely different direction from which, we of the Park Service, had expected. There was no argument whatever about water measurements, except the quantity to be left in the natural river bed. (See below). Mr. Davenport stated at the outset that his company did not wish to evade their contract in regard to water measurements, that he was not disturbed about the cost of installing measuring devices and that if it costs $100,000 or more, they will still put them in without any argument. (This sounded different from the $2,000 to $12,000 over which we haggled for months).

I then pointed out that we were interested in the release of sufficient water at the diversion points into the natural river bed to avoid detrimental effects on fish and other aquatic life and possible domestic use at Ash Mountain. This brought out another startling point, viz., Mr. Davenport expressed surprise when he was told that every time the Park Superintendent called attention to the fact that too much water was diverted out of the river channel for the safety of fish in the river, Mr. Lee, Superintendent of Kaweah #3 Plant would be requested to turn in more water, which he did. Mr. Davenport said that Mr. Lee must have been acting without authority, that permitting any water to escape into the river bed was a call to arms for the irrigationists, riparian owners, etc. below. The reason for this is that the natural river bed loses much more by percolation, transpiration, and evaporation than the flume. (This may be of the order of 30% in low flow times - my figure, L.L.H.) The situation is such that last year the Company was compelled to gunite (cement finish) the four miles (plus) of flume so there would be no "waste" from leakage. With water worth $1,500 to $2,000 per miners inch ($60,000 to $80,000 per sec. ft.) in the valley, the slightest curtailment of water in the upper reaches of a stream will bring injunction or litigation from below, or at least threats.

FOR VICTORY BUY UNITED STATES WAR BONDS AND STAMPS

Mr. Davenport then pointed out that the minimum that should be left in the natural stream bed for aquatic life plus domestic water needs should be determined and defined. I mentioned the fact that I had seen in one of Mr. Dunn's reports or been told by him that we have a riparian right to 10 second feet, but could not lay my hands on it, nor did I have any means of knowing on what basis this claim rests. (Ten second feet is in excess of the total low flow in September of very dry years). Later in the office I found a report by Mr. Dunn dated October 7, 1943 on Ash Mountain. Under water rights in this report he mentions riparian right, but no definite quantity.

After some discussion Mr. Lang suggested a Parshall flume to measure that portion of the water to be retained in the river, but the correct size to be chosen is dependent on the volume to be measured, which we should determine as noted above. Mr. Lang suggests building a stilling basin and Stevens recorder for the Parshall flume. All this is a high class, expensive installation, but Mr. Lang now believes in "doing it right" and going well beyond our Mr. Dunn's modest recommendations of August 1947. Mr. Woodman has promised to send us a print of a similar measuring station design.

Mr. Lang also casually mentioned the need of an approach road to the gauging station and that a request would be forthcoming to build and maintain this road. This is another reversal in policy by the Company. As the last straw in the argument against building a gauging station, Mr. Lang wrote on May 13, 1947 to Superintendent White, "We are-------hesitant-------to mar the beauty-------, etc."

Now that they seem to want the measuring station themselves, these remarks may prove embarrassing to them.

I am not clear why they now want measuring stations, but I believe it is necessary for the perennial threat of or actual adjudication and litigation going on in the valley below.

Comments: The picture has changed radically. The Company now apparently wants measurements. I wonder now whether we do when we consider the following points:

1. An access road to the station on the Middle Fork would scar the hillside opposite the main road and add this scar to the flume already there. Construction by means of a highline might eliminate this.

2. After the conference in the Superintendent's office, I learned from several sources that the reaches in question of the two streams would never be a good fish stream because of the fact that the water is too warm. Low-water injury to aquatic life is not serious. Regional Biologist Sumner seems to have a similar view.

3. At the time of inspection about 0.1 sec. ft. was turned back into the stream bed from each of the two diversions. This, I was told, is about the usual minimum and if we could be assured of such a minimum at all times, it would be adequate for any future domestic needs at Ash Mountain.

If a gauging station is approved, we should recommend a Parshall flume of 5 sec. ft. (#1A) having a range from 0.35 to 5.01 sec. ft.

/s/ Leonard L. Hohl

Leonard L. Hohl,
Engineer.

cc: Acting Superintendent, Sequoia-Kings Canyon.
Director.

Appendix

Miscellaneous Notes:

Kaweah Power Plant #3 at capacity uses 85 sec. ft. of water with 775 ft. head. (About 6000 HP).

Low flow (e.g., Sep. 1924) is sometimes only 1/10th of this.

Measurement taken over a crude weir across Middle Fork Nov. 13, 1947, about 1/4 mile below diversion was 0.38 sec. ft. ± 10% (170 g.p.m. or 1/4 m.g.d.). A similar amount.

Southern California Edison considers the small plants at the far end of the system important despite their small contribution to the total system. They perform a valuable function in regulating and stabilizing the northern end of the system.

COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

Berkeley, California,
August 8, 1947.

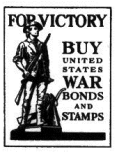
Memorandum for the Director:

By memorandum of July 2, Mr. Burney sent me copies of correspondence relating to the proposed restoration of flow measurements under the permit by which the Southern California Edison is maintaining its Kaweah Power Plant in, and adjacent to Sequoia National Park. He requested that I investigate the matter and submit a report on the needs of this Service and the type of measuring devices needed. I made the investigation on August 1, and the report follows.

The permit provides for the construction and maintenance of the power plant so long as it does not conflict with the basic values for which the Park was established, and that the annual fee for the use of the park land shall be based on the power generated by the plant. It also provides that the Company shall measure the river flow and amount diverted, in a manner satisfactory to the Secretary of the Interior.

The flow and diversion measurements were originally for use in determining the power output for computing the annual fee. These measurements were made until 1937 when the measuring devices were washed out. The power output seems to have been determined, for some time, by some other method such as volt and ammeters. I believe that the electric meters are fully as satisfactory as flow measurements for determining the power, whether the method is technically in compliance with the permit, or not. The measurement of generated power, of course, does not give the power lost in the transition from water to electric power (efficiency of water wheel and connection between wheel and generator); but the error in gross power development is probably as close as can be determined by measuring the flow of water and head, because no flow measurements are closer than 5 or 10%. Since the last amendment of the permit fixes the fee on the basis of electricity generated, we can forget the flow measurements in so far as they relate to the annual fee for the permit.

It is also probable that the provision for flow and diversion measurements was originally intended to provide data for the Geological Survey, but the Secretary never defined the standard of measurements which would be satisfactory for that purpose, and as a result, none of the past records have been acceptable to that bureau. In addition, since the water is not available for commercial use until after itleaves the park, or after the authorized use in the Kaweah Power Plant No. 3, the Geological Survey has indicated that it has no interest in the installation of standard gauging stations at points specified in the permit of the Southern California Edison Company.



It has been suggested by a few, that the flow measurements should be required to indicate that Article 9 of the permit is still in effect, although the measurements appear to be needless. Article 9 IS still in effect, but it should not be enforced for the mere purpose of reminding the Company of its permit, or any part thereof. A review of the Sequoia Alien Water Right Assembly No. 1, which is on file in the Director's office, the Region, and the Park, will show that the Company, and its predecessors have had frequent reminders of their obligations to the United States under the permit and its amendments. The Assembly should be reviewed because it includes copies of the original, and amended permits, the important records of relations between the United States and the Company, and the past records of flow. As a matter of fact, the Secretary of the Interior, in the early days of the permit, demanded some highly excessive fees and other unreasonable actions by the Company; and he made his demands without personal investigation, relying on reports from representatives of other Departments. It is true that the men from the Forest Service who made reports, such as Fred Fowler and Walter Huber, were excellent men and made good reports, but I consider that the Company had pretty harsh treatment; and that the Secretary acted without proper personal qualification.

Having eliminated the prceding reasons for demanding further flow measurements, we have left, the question of what Park values may, or may not be jeopardized by the maintenance and operation of the Kaweah Power Plant No. 3. For one thing, the Company has diverted ALL flow at times, and the result has been that the Kaweah River has been little more than a series of stagnant pools from Potwisha to the Park boundary. It is not possible to maintain fish life, or to prevent mosquito breeding when such a condition prevails. In the second place, the National Park Service has some idea of using some of the river flow as a source of water supply for the Ash Mountain area.

To date, however, the Secretary has not defined the water needs (basic values) of the Park. We do not even know how much flow is needed in the river at Ash Mountain to maintain fish life, nor how much of the flow at the intakes of the Flume No. 3 is needed to provide the proper flow at Ash Mountain. We cannot determine such need from the past flow records because there was no supplemental measurement and observation of resulting conditions along the river between Potwisha and the Park boundary. The present permit is for the period from 1912 to 1962, or has 15 years to run with a requirement that flow measurements be made and recorded. For mutual protection, and to permit the drafting of a more rational permit in 1962, it is essential that proper studies be made during the next 15 years. This will require the continuation of flow measurements at the two flume intakes, and at one or more places along the river between Potwisha and the Park boundary.



Figure 1, showing Kaweah No. 3 flume diversion in Kaweah River



Figure 2 showing Kaweah No. 3 diversion structures in the Marble Fork

Figure 1 shows the Kaweah River and the diversion works and upper portion of the Flume No. 3 in that River, and should be studied with a magnifying glass. Conditions are similar in the Marble Fork, where the other diversion is made. It is evident that a standard USGS gauging station is neither essential nor practical. All flow must pass over the diversion dam or through the flume, and the stream offers no channel sections of sufficient regularity for accurate measurement by cross-section and current meter. The dam is indicated by No. 1. Arrow No. 2 points to the discharge from the flume through an 18" section of culvert pipe and control gate. No water is flowing over the dam. Figure 2 shows the diversion dam and upper part of the flume in the Marble Fork, in closer detail. The No. 1, in a circle, indicates the Ogee section of the dam, and the No's 2 in circles, indicate the vertical walls of the head of the concrete flume. Figure 3 shows a section of the Marble Fork flume a few hundred feet below the diversion, in which arrow No. 1 indicates the wier for measuring diverted water, and arrow No. 2 indicates a rotary screen to pick up floating debris. Although of no significance in this report, the flimsy construction of flume walls, in the latter picture, should be noted.

The measuring wiers in the flumes, are satisfactory for the measurement of water diverted and used in power generation, although it was not decided whether they could handle the maximum diversions. In dry seasons, such as those observed on August 1 when no water was flowing over the dams, the residual, or waste water, which was being released to flow past Ash Mountain could be adequately measured by providing a box (concrete) with a Cippoletti wier, into which the flow from the culvert pipe, as shown in Figure 1, would discharge. For durability, the box should be built as a homogeneous part of the flume wall. Also, while suggesting that the discharge flow into the box and thence over the wier, it would be equally satisfactory to put the box and wier inside the flume so that the water would be measured before it is permitted to discharge through the gate and culvert.

Although the Ogee dam sections are not standard (seem to be too thin), they could be used to measure released flows in excess of the culvert capacities. However, the crests would have to be made level, the ends would have to be restricted, and higher walls would have to be added at the head of the flume so that all water either flowed over the Ogee section, or into the flume for measurement by the two other wiers described or proposed. It would also be desirable to break the crest of the Ogee sections into two or more portions with provisions for flash-boards, so that low flows could be confined to one part at a resulting greater depth, for more accurate measurement.

To make the complete study, it would also be necessary to measure the released water at one or more points along the river between Potwisha and the Park boundary. Figure 4 was not properly exposed but was taken directly below the Ash Mountain shops, to show a place where the water



Figure 3, showing Marble Fork lateral of Kaweah Flume No. 3.

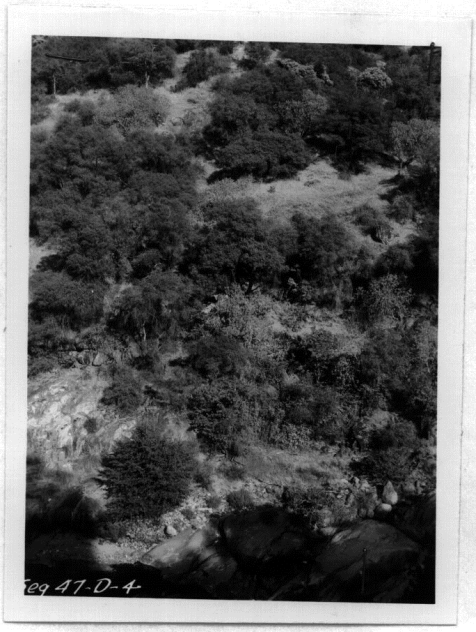


Figure 4, showing (?) section of Kaweah River at Ash Mountain

flows over a rock out-cropping. Two arrows show the approximate edges of the flow. The location has the advantage of close proximity to the headquarters for easy and frequent observation. Although the rock formation is too irregular for use as a wier, it could be built up with, or backed with masonry and a Cippoletti wier at nominal cost.

The construction and operation of the wiers between Potwisha and the Park boundary are not required by the permit under which the Company now maintains its flume. The cost, however, of the whole group of improvements which have been suggested herein, to provide measurements, should fall between $1000 and $2000, or only about 10% of the cost estimated for the two USGS gauging stations proposed by the Company. As an alternate, it would probably be quite proper to build the wiers between Potwisha and the Park boundary with water right funds, as a measure of water right protection.

With the recommended measurements it is not essential to obtain great accuracy, but rather to determine approximately how much water is needed in the river, and how much more or less must be released at the diversions to provide it at different seasons of the year. There are varying rates of evaporation during the year, there may be springs along the river, and the per cent of surface and ground-water flow may vary along the stream. Before the present permit expires in 1962, the National Park Service should prepare itself to state, within the accuracy of measurement, what flow must be maintained in the Kaweah River; and any other amount, which will be small, which will be needed for the satisfaction of human wants at Ash Mountain and other developed areas below Potwisha. The next permit, like the present one should grant the use of land for the maintenance and operation of the flume subject to the prior satisfaction of such Federal needs. Finally, with the past, as well as the future measurements, and the better definition of Federal needs, the Company can determine the value of its development, and can probably replace obsolete equipment with a greater feeling of assurance.

My copies of the past correspondence, and the negatives of the photographs are also enclosed for filing by Miss Hicks.

(Sgd) A. van V. Dunn
Chief, Water Division.

December 27, 1944.

MEMORANDUM for the Commissioner,
Bureau of Reclamation.

Under the act of February 15, 1901 (31 Stat. 790, 43 U.S.C. 959), the Secretary of the Interior was authorized to permit the use of rights of way for hydroelectric power plant developments in Sequoia and Yosemite National Parks to the extent of the ground that was occupied, provided the use was not incompatible with the public interest; that the permit conferred no right, easement or interest in, or to, the land; and that such permits were subject to revocation by the Secretary in his discretion. The Hetch Hetchy development of the City of San Francisco in Yosemite National Park, and the Kaweah Power Plant No. 3 of the Southern California Edison Company, successors to Mt. Whitney Power and Electric Company, in Sequoia National Park, have been constructed under this Act. A map of the general plan of the Mt. Whitney Power and Electric Company developments is enclosed.

At approximately the same date the Mt. Whitney Power Company, predecessor of the Mt. Whitney Power and Electric Company, built the Kaweah Power Plant No. 1 and provided certain storage at its East Fork Reservoirs, Monarch, Silver, Lady Franklin and Eagle Lakes, in what was all part of Sequoia National Forest at that time. The area including the East Fork Reservoirs has since been left as a Forest Service corridor which has been omitted from Park extensions because of these reservoirs.

As originally planned, there was to be a Kaweah Power Plant No. 5 above Plant No. 3, and a Wolverton Reservoir above the two. Through rulings by succeeding Secretaries of the Interior and other causes, the Company lost its permits to construct Power Plant No. 5 and the Wolverton Reservoir. Kaweah Power Plant No. 3 now has an installed capacity of approximately 100 sec. ft., to judge from its peak diversions, but the available flow of late summer frequently drops to 19 sec. ft. The average annual output is approximately 21,000,000 KWH, but a minimum of approximately 9,000 KWH has occurred in dry years.

Plant No. 3, with its flume and diversion, was appraised at slightly more than $600,000 as stated by the Company in a letter of June 6, 1936. The Company has also paid the United States more than $200,000 in permit fees. The Company has stated that one reason for not completing Power Plant No. 5 and the Wolverton Reservoir, and therefore a reason for forfeiture, was that it had other sites which offered more favorable investments.

The Kaweah developments were made to provide power to pump ground water for irrigation in the area between Delano and Visalia. To a certain extent,

the decreasing output during the summer was in conformity with the decreasing irrigation demand. However, the Company has become increasingly involved in municipal power service as the towns have grown.

The permit which covers Kaweah Power Plant No. 3 will expire in 1962. We have not yet gone so far as to investigate the status of the East Fork Reservoir permits which were issued by the Forest Service. However, the expanding use and development of Sequoia National Park make it extremely undesirable to renew permit for the Kaweah Plant No. 3. With all these developments at the entrance to Sequoia National Park and the proposed developments near Pine Flat, at the entrance to Kings Canyon National Park, we feel that there should be a definite zoning of the whole area.

It occurs to us that pumped ground water may not be so essential to the area when the Central Valley Project is completed, or that a more reliable power supply could be obtained from Friant Dam than from the Kaweah No. 3 plant shortly after the war. It seems possible that the Department of the Interior might arrange to sell approximately 21,000,000 KWH per annum to the Southern California Edison Company at a preferred rate to amortize the Kaweah Plant No. 3, even though some additional legislation would probably be needed.

We are approaching the matter through you first, for comments and suggestions. We should like to discuss the matter if it seems at all feasible. Although the present permit can run another 18 years, we feel that the immediate postwar period might be the best time to make harmonious adjustments between this Service and the power interests. Immediate action is even more important if the rumors are correct that the State of California might take over the Central Valley Project.

(SGD) NEWTON B. DRURY

Director.

AvVD:sh.

Enclosure 448.

cc: Regional Director, Region Four (2).
Mr. Dunn.

11-22-1943: memorandum to regional director (4) from acting director regarding the proposed water system for the ash mountain

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

November 22, 1943.

MEMORANDUM for the Regional Director, Region Four.

Reference is made to your memorandum of October 11, concerning the proposed water system for the Ash Mountain area, Sequoia National Park.

The reopening of negotiations with the Southern California Edison Company on the basis of the original proposal that we be permitted to tap their flume or attempt to procure a modification of the judgment of the Superior Court as has been suggested, would seem to be futile. Consequently, the solution of our water requirements would seem to be an independent water system, relying upon our riparian rights.

The only reliable adequate sources of water supply appear to be the Marble and Middle Forks of the Kaweah River, although both would have to be treated for human consumption. The Engineering Division should design the most desirable water system without regard to water rights or possible repercussions from the Southern California Edison Company. Mr. Dunn's memorandum of October 7 and Drawing NP-SEQ-6976 refer to various survey lines, such as the "W" line parallel with the flume and "P" line up the highway. We assume, therefore, that there are probably sufficient data in the park or Region Four Office files to prepare a complete design, except for some details of the diversion works or river crossings. The design should be based on the full needs for the Ash Mountain area on the basis that it is to remain as the headquarters area, but allowing for the supplemental supply from Alder Creek. The quantity of water required should be stated for both summer and winter seasons. Full consideration should be given to storage capacity where that may reduce the peak seasonal, weekly and daily rate of direct diversion and size of pipe.

It is assumed that the probable point of diversion will be on the Middle Fork of the Kaweah River and slightly above the diversion from the flume of the Southern California Edison Company. The plans should be prepared to show two possibilities: (1) a design entirely independent of the Southern California Edison Company's property; and (2) a design which will provide for discharging water from our intake into the flume and removing it at a point opposite Ash Mountain headquarters. A complete cost estimate should be prepared for each design in such form that it may be used to determine the amount of possible payments which would be made to the Southern California Edison Company to compensate it for the use of a portion of its flume capacity.

Until these plans are complete and reviewed by this Office and the Water Rights Division, there should be no more correspondence with the Southern California Edison Company.



(SGD) Hillory A. Tolson

Acting Director.

In duplicate.

10-26-1943: memorandum to the director from the superintendent regarding flume intakes on the kawea river

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia-Kings Canyon National Parks
SEQUOIA NATIONAL PARK, CALIF.

OCT 27 1943
ROUTING | Date
JR 10/27

October 26, 1943.

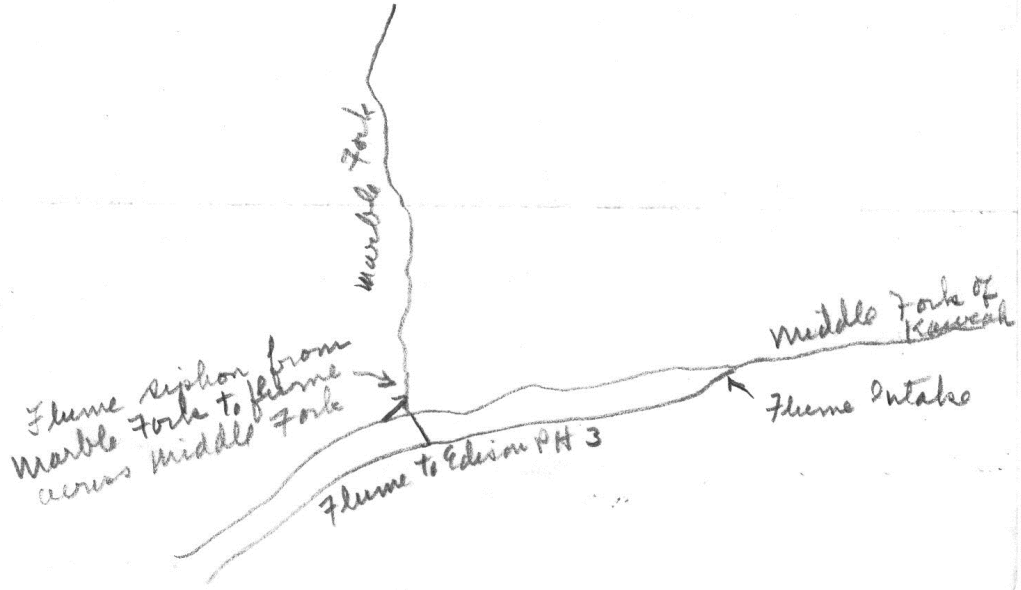
MEMORANDUM for the Director:

Referring to Chief Engineer Burney's memorandum of October 20, about the intakes for the Southern California Edison Company's flume on the Kaweah River, this is to inform you that Engineer Dunn is mistaken in believing that there is an entrance to the flume on "an unnamed tributary to the Middle Fork of the Kaweah." The two entrances to the flume are: (1) On the main or Middle Fork of the Kaweah about half a mile above Potwisha Camp, at which point the Marble Fork tributary joins the main Kaweah River. (2) The other is from the Marble Fork, which is siphoned across the Middle Fork to the main flume.

The enclosed rough sketch will show the situation as regards these two flume entrances.

John R. White
Superintendent

CC: Region Four



Mr. Lemm

UNITED STATES

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

WATER RIGHTS SECTION

SAN FRANCISCO, CALIF.

601 Sheldon Building

October 7, 1943.

MEMORANDUM for the Regional Director, Region Four.

Reference is made to Mr. Tolson's memorandum of September 23, 1943, with regard to the water supply problem at Ash Mountain in Sequoia National Park.

After reviewing the whole file it seems to me that it is time to offer a review. We are all quoting individual memoranda with the wrong interpretation.

In reply to Mr. Tolson's second paragraph I enclose an extra copy of the judgment and one of several memoranda of transmittal from Mr. Tobin (not Col. White) of Sept. 16, 1941. We made the copy of the judgment some time ago and did not strike out the clause to which Mr. Tobin refers, but I have done so in this copy for the Director. In answer, by memorandum to you of October 22, 1941, Mr. Johnson states that it would be very difficult to modify the 32 year old judgment to which the United States was not a party.

In answer to his comments on "Page 1 - last paragraph" of my memorandum of August 12, 1943, I have prepared accompanying drawing NP-SEQ-6976. The "W" line showed diversion at the flume intake. The "S" and "P" lines on the Marble Fork did go above that flume intake.

As a matter of fact, the correspondence all refers to a Southern California Edison Company flume diversion on the Middle Fork of the Kaweah, but the map of 1937 by J. S. W. shows it on a tributary to the south. If this map is cofrect, the Park Service is at liberty to do anything it pleases on the Middle Fork above the junction without regard to the Edison Company, provided it complies with riparian requirements to dispose of the sewage in the same drainage above the park boundary.

In reply to the last paragraph -- comments on "Page 2 - first paragraph" of my memorandum, Mr. Hommon seems to have been misquoted unless there have been oral statements without later written reference:

1. By letter of April 26, 1933, to Colonel White, Mr. Hommon states that the use of the waters of the Marble Fork would need disinfection and since the Edison Company flume conveys Marble Fork, as well as other water, any water from the flume would have to be

disinfected if used for domestic purposes. He suggested that Ash Mountain might be served by one water system for domestic purposes -- presumably from Alder Creek -- and another for irrigation.

2. In his report on a field inspection, dated May 18, 1935, Mr. Hommon states further that he favors the use of flume water in spite of the need for disinfection, because of the lower cost of such a system. From a report by Mr. Parks in 1936 I gather that the Alder Creek water had been chlorinated for some time by that year.

3. The only records I can find in Regional and Water Rights files to Mr. Hommon's condemnation of the river water for domestic purposes are:

   a. Mr. Demaray to Col. White - October 1940.
   b. Mr. O. G. Taylor to Mr. Hommon - November 10, 1941.
   c. Mr. Tolson to you - August 12, 1943.
   d. Technical comments from Mr. Hohl to the Regional Engineer.

We have sewage disposal on the Marble Fork at the Lodgepole Area, and on the Middle Fork at Hospital Rock. The only requirement which Mr. Hommon seems to make is that the water for Ash Mountain shall be chlorinated if diverted below these areas. It is also evident that the sewage disposal systems must be maintained on high standards.

From Mr. Tolson's second paragraph, page 2, in reply to "Page 3 - last paragraph" we seem to agree that any payment will be carefully defined before we agree to make it. From data in the following notes, I conclude that the flume may lose as much as 28,800 g.p.d. in the quarter mile where it crosses the Milk Creek drainage. If the same rate of seepage prevails all the way from the diversion there may be as high as 300,000 g.p.d. lost from the flume in seepage which the park could regain by repair. Also, if the Edison Company does not now divert from the main Middle Fork, but from a southerly tributary (a point to be verified by Colonel White), we might augment the Company supply and provide our own by a short ditch from the Middle Fork to the flume intake. Finally, from Mr. Joseph Taylor's Report on Water Rights, Sequoia National Park, sent to the Director by memorandum of June 3, 1935, I gather that the Company pays the United States an annual fee for the permit to maintain the flume. Instead of paying rental for flume capacity the Park Service can doubtless reduce the charge for the permit in exchange for such capacity as it may require. I conclude that we better not attempt to decide on the form of recompense until the Park Service design and cost estimates are prepared.

In reply to Mr. Tolson's penultimate paragraph, Milk Creek has been proven to be worthless as a source of supply as shown in the accompanying notes and drawing NP-SEQ-6977.

In spite of the magnitude of the Regional files on Sequoia water supplies there is not an actual plan for any water supply for Ash Mountain except that from Alder Creek. From the aforesaid map by J. S. W., however, it is evident that the park must have extensive survey notes if not much more detailed maps. Messrs. Diehl and Attwell have also given the matter sufficient study to boost the estimated cost from $40,000 to $60,000 or more during the past ten years. I offer the following notes for what they are worth, but I think it is time to formulate a plan rather than debate details.

As far back as September 13, 1934, Colonel White defined the ultimate water needs at Ash Mountain as between 150,000 and 200,000 g.p.d. We have so nearly forgotten our real problem that recent negotiations with the Edison Company have been based on a "standby" supply from their flume of between 30,000 and 70,000 g.p.d. to augment the Alder Creek supply of about 80,000 g.p.d. in August of an average year. What do we do in the fifty per cent of the years when the Alder Creek supply will drop toward 30,000 g.p.d. in that month?

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

Attachments.

October 7, 1943.

Notes on Ash Mountain Water Supply Problem

Sequoia National Park

By

A. van V. Dunn
Hydraulic Engineer

Drawing NP-SEQ-6976

This map is compiled from "Proposed Ash Mountain Water Lines" prepared in November 1937 by J. S. W., on a scale of 1"=400', and credited to the Office of the Chief Engineer but not assigned a file number. Alder Creek Water System is taken from NP-S-5060. Drainage basins, the park boundary, and the Kaweah below and above the limits of the map by J. S. W., are pantagraphed from the U. S. G. S. map of the park.

Drawing NP-SEQ-6977

This graph is prepared from data of the Water Resources branch of the Geological Survey, and measurements by General Foreman Parks of Sequoia.

Ash Mountain Water Demand

The following measurements of water use in 1940 and 1941 were made by Mr. Parks and supplied by memorandum of Mr. Hommon of April 23, 1940 and memorandum of Mr. Parks dated January 2, 1942:

March 6-25, 1900	15,500 gpd	Aug. 6, 1941	66,000 gpd
March 25-April 1	10,560 "	Aug. 14	77,000 "
April 1-8	10,740 "	Aug. 22	58,000 "
April 8-15	26,900 "	Sept. 1	53,000 "
April 15-22	32,460 "	Sept. 9	69,400 "
		Sept. 17	85,400 "
June 6, 1941	51,000 "	Sept. 25	86,500 "
June 17	72,000 "	Oct. 3	93,800 "
June 25	46,000 "	Oct. 13	55,000 "
July 3	59,000 "	Oct. 21	16,250 "
July 11	60,000 "	Oct. 29	34,400 "
July 21	112,000 "	Nov. 6	40,000 "
July 29	75,000 "	Nov. 14	30,000 "

In a draft of a letter to the Edison Company, dated June 5,1943, but not released, Colonel White gave some data from which to estimate domestic demand. Mr. Parks also advised that the total population in April was 150 people.

80 residents at 100 gpc.....	8,000 gpd
70 in dormitories & camps @ 85 gpc...	5,950 "
Use in shops.....	1,000 "
Total.....	14,950 "

This figure agrees closely with use March 6 to April 8 and on October 21. Irrigation started about April 8, 1940, according to Mr. Parks. The total summer use averaged about 75,000 gpd. Exclusive of domestic demand of 15,000 gpd, there were about 60,000 gpd for irrigation. Hose sprinkling is usually at about 5400 gpd per acre, suggesting that 11.1 acres might have been irrigated. Dividing this equally between 43 residences and the administration building allows for a lawn of about 0.252 acres at each. A lot 50 ft. x150 ft. has an area of 0.17 acre. Since no allowance has been made for public use, the rate during 1940 and 1941 seems fairly reasonable.

From the master plan, the gross area is about 60 acres in extent. There are 83 buildings at Ash Mountain, which means a development of about 20 acres at 0.25 acre per building. If 30% of the gross area is in roads, storage yards and wooded slopes not suitable for development, there can only be a 100% growth regardless of the effect of combining Sequoia and Kings Canyon. On this basis, ultimate water demand will average about 150,000 gpd. A peak of 224,000 gpd might be expected around July 21, but as the area is more intensively developed the percentage of irrigated area should decrease. On this basis, an ultimate demand of 130,000 gpd, or 0.2 sec. ft., should be a quite reasonable estimate. Of this, not more than 30,000 gpd should be needed for domestic purposes, and the remaining 100,000 gpd would be for irrigation.

Potential Sources of Supply

Kaweah River

Appended is the average monthly flow of the Kaweah River at Three Rivers, as computed by the Geological Survey. The gauging station was moved two miles in 1936 to increase the drainage area by about 1%, which is negligible for this study. Both gauges are below the confluence of the North, Middle, and East Forks, and below the power plants at the park boundary, but they have little or no regulatory storage. However, the East Fork is somewhat regulated by storage in Silver, Monarch, Lady Franklin, and Eagle Lakes.

We do not know the proportion of the flow coming from the Middle Fork, but the combined flow has varied from 12.6 sec. ft. in September 1924 to

4840.0 sec. ft. in June 1906. The annual flow of any given month is also at considerable variance with the annual index of wetness. For these reasons, the records of the Kaweah are merely an indication of the behavior of its tributaries but we are probably not far off in assuming that the flow available to the Edison Flume No. 3 and the Park Service is not more than 35% of the total. Average and minimum flows for each month at Three Rivers are shown on NP-SEQ-6977. The average annual flow is 546 sec. ft., of which 35%, or 191 sec. ft., can be considered as coming from the Middle Fork.

If the Ash Mountain area is to take 0.2 sec. ft. it will claim 0.15% of the average. In September 1924 this diversion would have constituted 4.54% of the supply. A meter on the proposed Park Service line might measure 0.2 sec. ft. within an error of 1% or 2%, but any weir measurement on the Edison Company installation will probably have a limit of error of nearer 5%. From drawing NP-SEQ-6976 it is suggested that the Edison Company may not divert the flow of the Middle Fork which passes Hospital Rock and that is certainly more than 5% of the flow which would naturally pass Ash Mountain. It seems possible that the Park Service can divert its Ash Mountain needs from the Kaweah without depleting the Company supply at all, but even if it does deplete the latter supply the Company would not notice it except observing it actually in the park system.

Milk Creek

Mr. Parks measured the flow of Milk Creek where it is crossed by Flume No. 3, as follows, according to his memorandum to the Superintendent of November 29, 1941:

August 8, 1941.....	24,480 gpd
August 19.....	43,200 "
August 29.....	43,200 "
September 5.....	24,480 "
September 18.....	34,560 "
November 28.....	86,400 "

This is plotted on NP-SEQ-6977 together with the probable average flow adjusted by the stage of the Kaweah River for the same months. It is evident that Milk Creek cannot supply more than 30-50% of the summer demand in an average year, and much less in a dry one. Its drainage area is only 952 acres at a much lower elevation than the headwaters of the Kaweah so that it is quite probable that it actually goes dry in many years.

On November 28, 1941, Mr. Parks found that the flow was about the same at the flume crossing and at the split in the stream about 0.75 mile above, but was 33% greater near the mouth, about half a mile below. The flume crosses the drainage for a length of about one-quarter of a mile. The question arises as to whether the increase in flow is from springs and normal

run-off or from seepage losses from the canal. A seepage loss of 28,800 gpd in a quarter mile, if indicative of the loss in the whole 3.6 miles above, suggests a total loss of 288,000 gpd or more than the park needs at Ash Mountain.

Alder Creek

From Colonel White's memorandum to the Director of September 13, 1934, and Mr. Diehl's memorandum to Colonel White of November 1, 1934, we are informed that Alder Creek can only offer a maximum reliable flow of 30,000 gpd. In his letter to Colonel White of January 2, 1942, Mr. Hommon gives actual measurements by Mr. Parks during 1941. From the U.S.G.S. records of the Kaweah we find that the river flow in 1934 averaged only 181 sec. ft. as compared with 886 sec. ft. in 1941. Using this index, the following table gives Mr. Parks' readings for 1941 and the probable flow of 1934 on which Mr. Diehl based his statement:

	Parks 1941	Probable 1934
June 9	180,000 gpd	36,700 gpd
" 17	228,000 "	46,500 "
" 25	348,000 "	71,000 "
July 3	367,992 "	75,000 "
" 11	300,000 "	61,300 "
" 21	219,984 "	44,700 "
" 29	174,000 "	35,500 "
Aug. 6	156,800 "	31,800 "
" 14	146,000 "	29,800 "
" 22	129,600 "	26,500 "
Sept. 1	132,000 "	26,900 "
" 9	115,200 "	23,500 "
" 17	107,520 "	21,800 "
" 25	105,000 "	21,400 "
Oct. 3	103,800 "	21,000 "
" 13	97,440 "	19,900 "
" 21	92,280 "	18,800 "
" 29	95,520 "	19,500 "
Nov. 6	93,500 "	19,100 "
" 14	94,000 "	19,200 "

Drawing NP-SEQ-6976 shows that Alder Creek has practically no drainage above the present diversion. Its springs clearly drain from a greater and more remote area. Hence there is no assurance that its flow will follow that of the river so closely; in fact, the peak is 2 months later than that

of the river, as shown on NP-SEQ-6977; yet the table shows that Messrs. Diehl and Parks were probably both right with greatly divergent statements.

If the 1941 water demand at Ash Mountain was as rational as it seems, Alder Creek is not even an adequate supply for ultimate domestic purposes. It, like Milk Creek, might better be abandoned. Of course, however, with the consolidation of Sequoia and Kings Canyon it may be found desirable to move the headquarters, or divide it. In that case it might be that the Ash Mountain development could be limited to fit the Alder Creek water supply.

In his letter of January 2, 1942, Mr. Hommon suggested combining the waters of Alder and Milk Creeks for Ash Mountain use. The graph and preceding discussion seem to make that impractidal, too.

Other Sources

Drawing NP-SEQ-6976 shows Elk Creek to the east, and a nameless stream to the west of Ash Mountain. Drainage areas suggest that little or no reliable flow can be expected from them. The westerly stream also leaves the park before it joins the Middle Fork so that its water could not be used at Ash Mountain without appropriative filing with the State — a procedure opposed by Attorney Taylor in his report of June 3, 1935.

Potability

Mr. Hommon specified disinfection of any water used for domestic purposes from the Marble Fork. A chlorination system is probably required on any system diverting from the Kaweah. (See memorandum of transmittal.)

Water Rights

From the report of June 3, 1935, by Attorney Taylor, the park has riparian rights to the use of the water of the Kaweah vested as of Sept. 25 and October 1, 1890. This right is to the use of all water flowing over the portion of the Kaweah in Sequoia National Park, but the riparian doctrine makes it essential that the major portion of the water be returned tothe same drainage at the park boundary for similar riparian use of the owner of the lower land. Nearly all water diverted by the park will be so returned as the treated effluent of the Ash Mountain sewer system or by percolation from the irrigated areas.

The Southern California Edison Company ditch occupies park land under a permit of Feb. 25, 1907. The Company has no right, easement or interest in the land and the use of water is subordinate to any rule, order or

regulation of the Secretary of the Interior covering use by the park. However, the right to divert by the ditch is vested by use prior to the adoption of the state water code which went into effect December 19, 1914. As between the participating parties, these rights were strengthened by the judgment of January 26, 1909, but that was made applicable to the participating parties only, and the United States was not a party.

By memorandum to the Director of October 24, 1941, Mr. Johnson states that the park riparian rights are superior to, or coequal with the rights of the Southern California Edison Company. They would probably be found coequal in a court case based on the state water code, but they are superior in that the United States permitted the Company to perfect them only to the extent they would not conflict with park use and needs to be determined by the Secretary of the Interior.

The river is reported to be over-appropriated in Mr. Taylor's report. Any appropriative filing now would be junior to all vested rights including the riparian rights of the park and the vested rights of the Southern California Edison Company. Therefore, any park water use in the Kaweah drainage must be made in compliance with the riparian doctrine unless it becomes desirable to buy other rights — a step not yet considered necessary.

So far the Edison Company recognizes no riparian rights of the park. By letter of February 5, 1935, Colonel White advised Mr. Kittredge that Manager Ben Maddox of the Company told him 10 years before that the park owned no rights to water within its boundaries — they all belong to the people in the San Joaquin Valley. If Company attorneys do not agree with the views of Messrs. Taylor and Johnson it may become necessary to refer the case to a higher tribunal and perhaps adjudicate the rights under the most reconciliatory interpretation of the state water code and the permit from the United States to that Company. Whether such procedure is ever needed or not, the next step is for the Park Service to make a diversion. We should also be in a position to show that park riparian use does not injure water users below the park boundary.

The Company Viewpoint

By memorandum to the Regional Director of March 29, 1940, Mr. Scoyen defined the attitude of the Edison Company toward a Park Service tapping of Flume No. 3. It is unfortunate that so much of the discussion has been with regard to "tapping the flume", with its implication that the Park Service will take something from the Company. In all future discussion and correspondence we should define the plan as one "to use a portion of the flume capacity", and we should point out that it is excess flume capacity whenever the flow at the diversion is less than the flume capacity.

Mr. Scoyen reported that the Company was reluctant to permit tapping because it would set a precedent and they have had similar requests for such rights in connection with their other conduits throughout the state. He thinks it would have to have State Railroad Commission approval to put its water to use for other than power while in the flume. These are probably true, but neither would apply to granting the park flume capacity to convey federal water.

As the third point Mr. Davenport is reported to feel that it would be better to release water at the diversion for capture by the Park Service at some point further downstream. The water in the stream does not come under Railroad Commission jurisdiction nor the jurisdiction of the court which defined the Company rights in 1909. That would be the safest procedure for the Company.

In his letter to Colonel White of October 15, 1941, Mr. Davenport gave the conditions under which it would allow the Park Service to "divert water from the Kaweah 3 Flume." This, again, is based on the false premise that the water would be that of the Company. The Company cannot make use of its water except as it was using it when the judgment was rendered. Conditions 1 and 2 can be eliminated if the water is not that diverted by the Company. We should agree to condition 4 as we should consider the rights of the United States and the Company in designing the water system. We should also agree to modification of the terms of the permit as suggested as condition 3 because the modification may be the easiest way to pay the Company for the flume capacity. It is also my own opinion that the Edison Company should refer any contracts it makes to the Railroad Commission for its own protection. This should not concern the United States except that we should define the terms of the contract so that it will have to be approved by the Commission.

The Edison Company is bound by the judgment of 1909 and by the regulations of the State Railroad Commission relating to public utilities in the State. Even though the United States is not bound by any requirements of either, it will have to make any agreement with the Edison Company fit the regulations under which the Company operates.

Value of Water

In veyy round numbers the average flow of the Middle Fork is 200 sec. ft. and there is a fall of about 600 feet from the Flume 3 diversion to the park boundary. The average output of the Kaweah plant No. 3 should be about 815 K.W. The plant might potentially generate 7,139,400 K.W.H. per year and sell it wholesale at $0.003 per K.W.H. for a total of $21,418. If the Park Service depletes the flow by 0.2 sec. ft. it will reduce the annual income by 0.1% or $21.42. This is the approximate damage to the Edison Company of park diversions from the sources serving the flume.

It was pointed out earlier that there might be a loss of 288,000 gpd or 0.446 sec. ft., by seepage from the flume between the diversion and Ash Mountain. If these leaks were stopped there would be an increased revenue of about $47.70 per year at the same wholesale rate of 3 mills per K.W.H. Capitalized at 5%, on the basis that repairs are needed about every 20 years, it would now be justifiable to put about $954 into repairs. The portion of the reclaimed water to be used by the Park Service would be 0.2 sec. ft. and would justify repairs of $427. The Park Service should certainly pay the $427 if it is to take water from the source used by the Company. The other $527 should be paid by the Company.

These figures are all mere approximations. Before a final value is determined we should know the actual head and output of the plant and the schedule of charges for power. It also happens that the Bureau of Reclamation expects to liquidate its investments in 40 years instead of 20 years. On the latter basis, the justifiable expenditures for flume repairs could be doubled.

Points of Diversion

Pump at Ash Mountain

From Mr. Scoyen's memorandum of March 29, 1940, it is evident that the Company would favor a diversion from the Middle Fork near Ash Mountain. It offered to provide a pump and make a test of the underground flow, and suggested releasing water at the Ditch diversion to make up the deficit.

If drawing NP-SEQ-6976 is correct in showing that the flume does not divert the Middle Fork, but a tributary, there is no reason why there should not be enough underground flow at Ash Mountain without releases except in a few very dry years, but the cost of reclaiming it from a rather large channel might be excessive. Likewise, any releases at the Flume intake would have to be far in excess of the required 0.2 sec. ft. to cover evaporation, possible seepage, and other transit and recovery losses. Further, the water will be subject to the maximum contamination from all sources above.

By memorandum to Mr. Tobin of August 3, 1935, Mr. Attwell advised that this pump system would cost $20,000 less than a gravity line from the head of the flume. The cost of the gravity line has been boosted gradually from $43,000 to $60,000. But assume for the moment that the pump system will cost $29,000. Mr. Attwell also estimates annual operating charges at $575, or a total of $11,500 during 20 years. The installation might save $10,000 over 20 years, but the chlorination plant may not be included in these costs, and the whole plan looks like too much of an expedient to be successful.

Diversion at Head of Flume

If neither the Park or Edison Company now diverts the Middle Fork, that should be the source for the former. From Mr. Hehl's technical comment of

April 20, 1943, or PCP-U-22, the cost of such a system would be about $46,000 whether from the Middle Fork or the tributary from which the Flume No. 3 diverts. If the system does not divert from the source for the flume there is no conflict with the Edison Company. Also, there is no reason why the diversion has to be close to the flume tributary. It can be moved downstream at reduced cost, or up above Hospital Rock for reduced pollution.

Diversion at, or above Flume Intake

PCP-U-43 is designated as diversion at Flume Forebay, but this is clearly an error as the length of pipe is far too small. The system will cost about the same as U-22. This plan offers no advantage over the preceding one if the flume does not divert the Middle Fork. It is a substitute for the preceding one if the flume does divert the Middle Fork. It introduces the conflict in claims by the park and Edison Company for water, but it might provide a less polluted supply.

Use of Flume Capacity

PCP-U-43 at a cost of $8,000 designates diversion at "Flume Forebay" with 4,900 feet of pipe to the Ash Mountain reservoirs. This is the length from the flume at Milk Creek to the reservoirs. Therefore, the project is really for the so-called "tapping" of the flume. The flume, at Milk Creek, is apparently about 300 feet higher than the reservoir (exact values not known), and the plan calls for 3" pipe to the Ash Mountain area and then the use of a 6" supply and distribution pipe to the reservoir. The capacity would be between 175,000 and 200,000 gpd.

By letter to the Edison Company of March 25, 1940, Mr. Scoyen explains that it is planned to use this 3" pipe, but he also states that only 70,000 gpd will be needed for the present. In another letter to the Company, a year later, on March 15, 1941, he advises that he feels that previous estimates have been too high and that 30,000 gpd conveyed by 2" pipe will probably serve immediate needs for 10 years. Before any further thought is given to design we might as well admit that nothing less than plan U-43 will serve in half the years.

This plan is weak in that it depends on the maintenance of the flume by a second party. A slide could put the service out of commission for some days. It also requires that the Company reduce its own diversion at the intake by at least 175,000 gpd whenever there is enough available water for full ditch capacity; although, as previously shown, the loss would not exceed $21 per year.

To make this plan most accessible it would be desirable to repair the flume to reduce leakage. As previously stated, there is justification for adding between $1,000 and $2,000 to the project for this work. If possible, it would also be desirable for the park to provide its own water supply from a source not now used by the Company. A pipe or ditch from the Middle Fork to the flume intake would be about a quarter of a mile in length and cost approximately $2,000 more. On this basis, plan U-43 should be revised upwards from an estimated cost of $8,000 to at least $12,000.

Conclusions

Nine years ago when the streams were flowing at about 33% of the average, a plan was formulated to provide an adequate supply of about 200,000 gpd at a cost of about $46,000. Since that time, with flows reaching 220% of the average, the needs have been belittled. If the Park Service can justify an investment of $360,000 for 0.33 second foot of water for Mesa Verde, it can certainly justify $60,000 or $75,000 for 0.2 second foot at Ash Mountain if that area is to be maintained and expanded according to past plans.

Any agreements and joint systems with the Southern California Edison Company will probably result in complications similar to those relating to the Hondius-Beaver Pipe Line at Rocky Mountain, and the State Highway Department Line at Mineral Headquarters, in Lassen Volcanic National Park. Before abandoning all hope of an independent system we should have a detailed map of the stream junction and existing flume diversion at Diversion 1 of Flume #3 to determine what unappropriated water may exist in the Middle Fork or a tributary.

Appendix A

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES BRANCH

Monthly and annual discharge, in sec. ft., of Kaweah River at near Three Rivers.

(Drainage area, 520 square miles) (after Feb. 1, 1936)

Year	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Annual
1902-03								2130.0	1790.0	456.0	57.4	44.3	
1903-04	44.3	68.6	55.0	59.3	230.0	760.0	1050.0	2300.0	1180.0	230.0	110.0	120.0	518.0
1904-05	545.0	109.0	89.5	112.0	252.0	560.0	799.0	1440.0	1990.0	299.0	73.5	43.9	477.0
1905-06	42.1	55.6	82.0	795.0	416.0	2480.0	1850.0	3260.0	4840.0	3510.0	693 .0	206.0	1530.0
1906-07	104.0	102.0	229.0	417.0	602.0	1040.0	1980.0	1980.0	2080.0	1050.0	262.0	94.1	827.0
1907-08	115.0	107.0	200.0	208.0	327.0	604.0	806.0	903.0	608.0	186.0	88.4	84.2	353.0
1908-09	102.0	75.4	89.2	1510.0	1390.0	868.0	1510.0	2640.0	3650.0	1150.0	260.0	111.0	1110.0
1909-10	92.2	218.0	758.0	823.0	466.0	792.0	321.0	1410.0	587.0	195.0	59.9	48.4	481.0
1910-11	72.1	71.2	107.0	869.0	645.0	1140.0	1270.0	1730.0	2050.0	842.0	186.0	78.7	755.0
1911-12	78.0	83.3	90.6	102.0	105.0	198.0	378.0	1100.0	1030.0	173.0	54.6	37.1	285.0
1912-13	38.1	51.0	47.1	81.6	137.0	251.0	636.0	1110.0	725.0	254.0	174.0	151.0	305.0
1913-14	49.9	110.0	120.0	1170.0	607.0	837.0	1130.0	1760.0	1450.0	629.0	122.0	71.2	672.0
1914-15	69.9	58.2	80.5	135.0	345.0	439.0	888.0	1690.0	1770.0	500.0	104.0	57.2	511.0
1915-16	42.9	56.7	124.0	1530.0	1070.0	1760.0	2130.0	2360.0	2200.0	959.0	271.0	103.0	1050.0
1916-17	319.0	145.0	283.0	279.0	690.0	580.0	1190.0	1660.0	2010.0	497.0	128.0	56.6	651.0
1917-18	49.4	55.4	54.8	56.3	142.0	545.0	789.0	1060.0	777.0	158.0	52.1	65.9	317.0
1918-19	161.0	143.0	143.0	108.0	340.0	428.0	1110.0	1610.0	494.0	116.0	39.2	39.4	394.0
1919-20	63.1	60.9	474.0	117.0	167.0	978.0	1170.0	1760.0	1630.0	370.0	94.8	61.5	580.0
1920-21	127.0	147.0	156.0	269.0	427.0	890.0	829.0	1450.0	1430.0	326.0	66.0	43.8	513.0
1921-22	40.9	41.5	213.0	282.0	479.0	502.0	848.0	2520.0	1990.0	506.0	147.0	77.3	638.0
1922-23	66.5	131.0	330.0	248.0	270.0	361.0	1130.0	1800.0	1050.0	446.0	87.9	90.1	501.0
1923-24	86.6	66.0	63.2	70.4	93.7	121.0	445.0	589.0	91.5	26.0	14.0	12.6	140.0
1924-25	43.6	184.0	168.0	179.0	378.0	447.0	924.0	1510.0	1080.0	339.0	96.7	54.6	450.0
1925-26	84.8	81.9	103.0	77.5	222.0	312.0	1070.0	1160.0	385.0	77.8	33.5	22.3	302.0
1926-27	25.3	390.0	210.0	202.0	1050.0	816.0	1330.0	1970.0	1480.0	444.0	96.2	53.7	668.0
1927-28	53.8	326.0	144.0	142.0	190.0	536.0	657.0	854.0	338.0	69.5	32.5	14.6	280.0
1928-29	20.9	81.7	118.0	116.0	147.0	316.0	516.0	1290.0	827.0	176.0	46.9	30.4	308.0

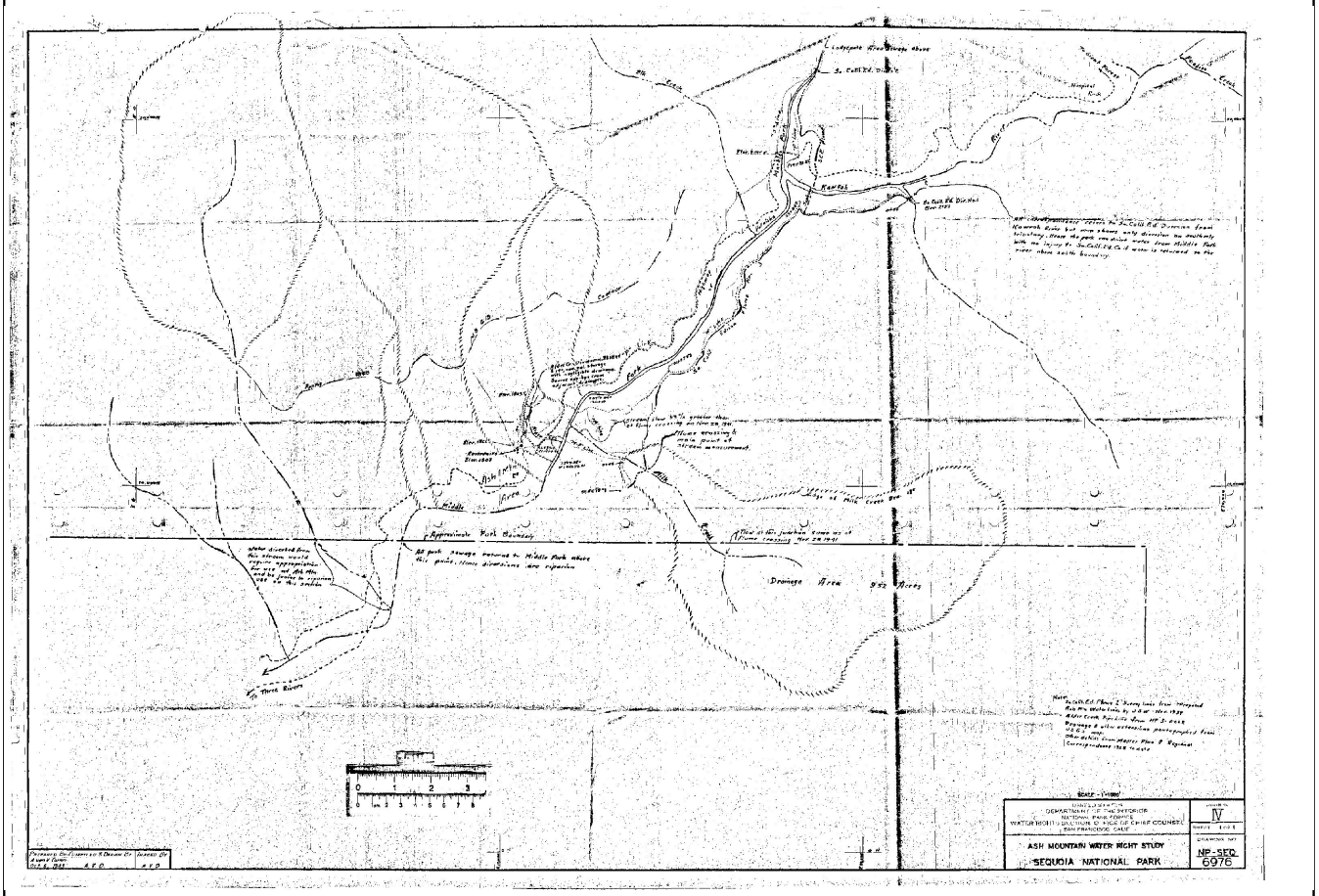
10-07-1943: notes on the ash mountain water supply problem, page 11 - appendix acont

Year	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Annual
1929-30	25.3	26.7	35.7	87.5	232.0	378.0	756.0	1040.0	849.0	126.0	34.9	21.8	300.0
1930-31	23.6	61.9	51.1	94.1	132.0	183.0	397.0	660.0	211.0	38.9	21.3	18.1	158.0
1931-32	15.9	29.3	368.0	246.0	930.0	718.0	1250.0	2110.0	2110.0	667.0	118.0	46.8	715.0
1932-33	41.8	36.4	53.5	134.0	172.0	366.0	730.0	994.0	1740.0	344.0	60.2	34.1	391.0
1933-34	33.5	43.8	187.0	207.0	183.0	335.0	530.0	354.0	207.0	52.1	23.8	14.0	181.0
1934-35	20.6	86.5	132.0	151.0	262.0	380.0	1415.0	1698.0	1421.0	264.0	68.7	39.9	494.0
1935-36	49.2	58.3	72.5	137.0	1137.0	779.0	1754.0	2225.0	1309.0	420.0	104.0	49.6	671.0
1936-37	55.4	64.6	215.0	186.0	1959.0	1143.0	1689.0	3121.0	2035.0	654.0	137.0	68.2	935.0
1937-38	64.9	73.5	1077.0	345.0	1026.0	2138.0	2069.0	3233.0	2946.0	1062.0	285.0	111.0	1203.0
1938-39	170.0	160.0	136.0	157.0	249.0	502.0	1116.0	974.0	426.0	116.0	50.8	43.8	341.0
1939-40	104.0	49.6	54.6	667.0	1079.0	1101.0	1555.0	2292.0	1250.0	241.0	64.6	44.1	706.0
1940-41	80.6	101.0	456.0	462.0	1003.0	906.0	1217.0	2818.0	2414.0	908.0	211.0	81.1	886.0
1941-42	85.0	122.0	269.0	447.0	411.0	627.0	1240.0	1958.0	2195.0	601.0	122.0	61.6	678.0
Total	3307.2	3933.0	7639.3	13280.7	19962.7	28117.0	42474.0	68523.0	58045.5	19478.3	4751.9	2507.0	21276.0
Average	84.8	100.7	195.9	340.5	512.5	721.0	1087.0	1715.0	1450.0	487.0	118.8	62.7	546.0

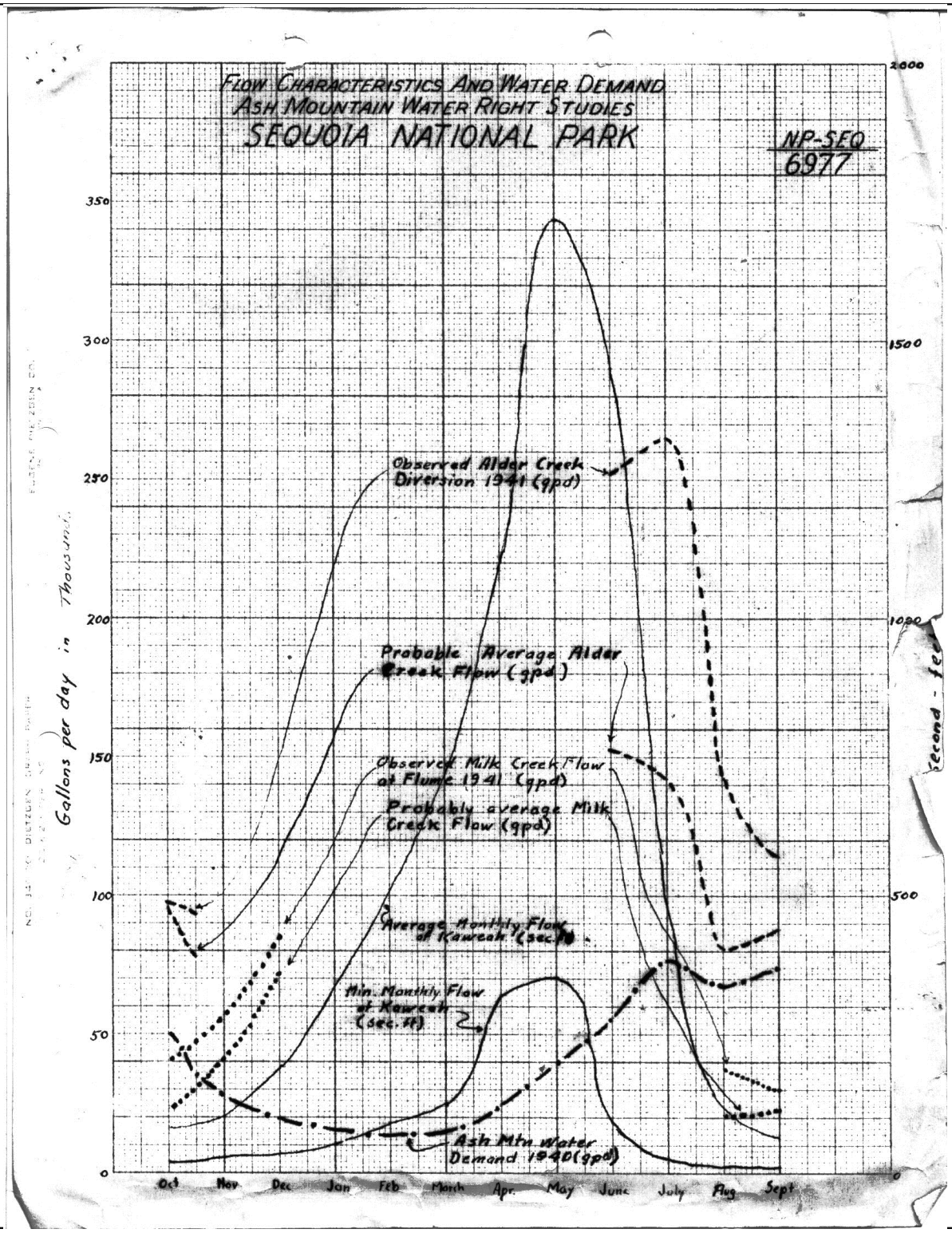
Changed location 2 miles downstream Feb. 1, 1936.
Original drainage 514 square miles.
Average flow 1903-1934 (31 years) 528 sec. ft.
Both gauging stations are below the Southern California Edison Company power plant and the junction of North, Middle and East Forks of the Kaweah at Three Rivers.

10-07-1943: notes on the ash mountain water supply problem, page 12cont

10-06-1943: map of the ash mountain water right study



00-00-0000: flow characteristics and water demand - ash mountain water right studies



Appendix A

9–220c

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES BRANCH

Sheet 1 of 2 Sheets

Monthly and annual discharge, in sec ft, of Kawcah River at near Three Rivers
[Drainage area, 520 square miles] (after Feb 1, 1936)

YEAR	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	ANNUAL
											below SCE Co PP + Jct	3 Rivers.	
1902-03								2130	1790	456	57.4	44.3	
03-04	44.3	68.6	55.0	59.3	230	760	1050	2300	1180	230	110	120	518
04-05	545	109	89.5	112	252	560	799	1440	1390	299	73.5	43.9	477
05-06	42.1	85.6	82.0	795	416	2480	1850	3260	4840	3510	693	206	1530
06-07	104	102	229	417	602	1040	1980	1980	2080	1050	262	94.1	827
07-08	115	107	200	208	327	604	806	903	608	186	88.4	84.2	353
08-09	102	75.4	89.2	1570	1390	868	1510	2640	3650	1150	260	111	1110
09-10	922	218	758	823	466	792	321	1410	587	195	59.9	48.4	481
10-11	72.1	71.2	107	869	645	1140	1270	1730	2050	842	186	78.7	755
11-12	78.0	83.3	90.6	102	105	198	378	1100	1030	173	54.6	37.1	285
12-13	38.1	51.0	47.1	81.6	137	251	636	1110	725	254	174	151	305
13-14	499	110	120	1170	607	837	1130	1760	1450	629	122	71.2	672
14-15	69.9	58.2	80.5	135	345	439	888	1690	1770	500	104	57.2	511
15-16	42.9	56.7	124	1530	1070	1760	2130	2360	2200	959	271	103	1050
16-17	319	145	283	279	690	560	1190	1660	2010	497	128	56.6	651
17-18	49.4	55.4	54.8	56.3	142	545	789	1060	777	158	52.1	65.9	317
18-19	161.	143	143	108	340	428	1110	1610	494	116	39.2	39.4	394
19-20	63.1	60.9	474	117	167	978	1170	1760	1630	370	94.8	61.5	580
20-21	127.0	147	156	269	427	890	829	1450	1430	326	66.0	43.8	573
21-22	40.9	41.5	213	282	479	502	848	2520	1990	506	147	77.3	638
22-23	66.5	136.0	330	248	270	361	1130	1800	1050	446	87.9	90.1	501
23-24	86.6	66.0	63.2	70.4	93.7	121	445	589	91.5	26.0	14.0	12.6	140
24-25	43.6	184.0	168.	179	378	447	924	1510	1080	339.0	96.7	54.6	450

U. S. GOVERNMENT PRINTING OFFICE: 1931 9—8186

00-00-0000: monthly annual discharge of the kawea river (table)

9–220c

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY
WATER RESOURCES BRANCH

Sheet _____ of _____ Sheets

Monthly and annual discharge, in _____, of _____ River at/near _____
[Drainage area, _____ square miles]

YEAR	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	ANNUAL
1925-26	84.8	81.9	103	77.5	222	312	1070	1160	385	77.8	33.5	22.3	302
26-27	257.3	396	210	202	1050	816	1330	1970	1480	444.	96.2	53.7	668
27-28	53.9	326	144	142	190	536	657	854	538	68.5	32.5	14.6	280
28-29	20.9	81.7	118	116	147	316	516	1290	827	176.	46.9	30.4	308
29-30	25.3	26.7	35.7	87.5	232	378	756	1040	849	126.	34.9	21.8	300
30-31	23.6	61.9	57.1	94.1	132	183	397	660	211	38.9	21.3	18.1	158
31-32	15.9	29.3	368	248	930	718	1250	2110	2110	669	118	46.8	715
32-33	41.8	36.4	53.5	134	182	366	730	994	1740	344	60.2	34.1	391
33-34	33.5	43.8	187	207	183	335	530	354	207	52.1	23.8	14.0	181
34-35	20.6	86.5	132	151	262	380	1415	1698	1421	264	68.7	39.9	494
35-36	49.2	58.3	72.5	137	1137	779	1754	2225	1309	420	104.	49.6	671
36-37	55.2	64.6	215	186	1959	1143	1689	3121	2035	654	137.	68.2	935
37-38	64.9	73.5	1077.	345	1026	2138	2069	3233	2946	1062	285.	111.	1203
38-39	170.0	160	136.	157	249	502	1116	974	426	116	50.8	43.8	341
39-40	104.0	49.6	54.6	667	1079	1101	1555	2292	1250	241	64.6	44.1	706
40-41	× 80.6	× 101	456	462	1003	906	1217	2818	× 2414	× 908	× 211.0	× 81.1	886
41-42	× 85.0	× 122	269	447	411	627	1240	1958	2195	601	122.	61.6	678
Total	3307.2	3933.0	~~7384.6~~ 7393	13,280.7	19962.7	28,117.0	42,474.0	68,523.0	58,045.5	19478.3	4751.9	2507.0	21,276.0
Average	84.8	100.7	~~189.4~~ 195.9	340.5	512.5	721.0	1089.0	1715.0	1450.0	487.0	118.8	62.7	546
1940-41													

Changed Loc 2 miles down stream Feb 1, 1936
Drainage 574 sq miles

av flow 1903-1934 (31 yrs) 528 sft.

U. S. GOVERNMENT PRINTING OFFICE: 1931

6—8186

00-00-0000: monthly annual discharge of the kawea river (table), page 2cont

09-23-1943: memorandum to regional director from regarding proposed plan for obtaining a supplemental water supply

Water Rights Copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

September 23, 1943.

MEMORANDUM for the Regional Director, Region Four.

The receipt is acknowledged of Mr. Maier's memorandum of August 23 concerning the proposed plan for obtaining a supplemental water supply for the Ash Mountain Area, Sequoia National Park, from the flume owned by the Southern California Edison Company, and copies of comments by Attorney Johnson and Hydraulic Engineer Dunn on our memorandum of August 18.

It is noted that in general the members of the Water Rights Section are in agreement with the contents of our memorandum. Mr. Johnson makes reference to the antepenultimate paragraph which concerns the amendment to the judgment suggested by Superintendent White in his memorandum of September 16, 1941. We are still uninformed regarding this phase of the Superintendent's recommendation and would appreciate receiving a copy of his September 16 memorandum for consideration.

The following replies are made to the several questions raised by Mr. Dunn, in the order in which he presents them:

Page 1 - last paragraph: The term "diversion at flume intake" refers to the water which is allowed to spill over the spillway at the intake dam and continue on down the river. In other words, it is the water which the Southern California Edison Company would be required to release at their intake for the use of the Park, should it be decided to pump water from the river at a point opposite Ash Mountain Headquarters.

The plans of this Service have never contemplated the insertion of a pipe in the Company's dam to obtain water from their intake reservoir. Neither is it contemplated to take water from the stream just below the Company's dam and convey it to Ash Mountain Headquarters by gravity through a pipe line.

In the event it is decided to take water directly from the stream and convey it to the Ash Mountain area through a pipe line, the Service's point of diversion must necessarily be located some distance up stream from the Company's intake dam. In this case, the Service would rely upon its riparian rights for authority to divert the quantity of water required for beneficial use.

Page 2 - first paragraph: The only reference in our files to Mr. Hommon's condemnation of the river water is Superintendent Scoyen's memorandum of March 29, 1940, in which he states, "I then informed them that Mr. Hommon had flatly condemned the river as a source of supply." By letter of November 10, 1941, Chief of Engineering Taylor requested Mr. Hommon to clarify his statement relative to the potability of the river water but our files contain no direct reply



to the request. It is our assumption that Mr. Hommon did not object to the river water if it were taken at a point above the Company's intake dam or from the flume opposite Ash Mountain Headquarters. It is believed that his condemnation only applied to water which flowed in the open stream between the Company's intake dam and Ash Mountain, since this portion of the river parallels the highway and is exposed to contamination in that distance. It is suggested that this phase of the water supply be discussed further with the local Public Health Service officials, and the potability of the water definitely determined before any negotiations are carried on with the Company.

Page 3 - first paragraph: Any sum which may be decided upon as payment to the Company would be compensation for the use of their flume to carry our water from their intake to the point where the Service proposes to take it out opposite Ash Mountain Headquarters. The method outlined in our memorandum for compensating the Company for loss of power which will result from the Service taking water from the flume, is only one possible method of determining the proper rate which the Company should be paid for the use of their flume. There is no thought of paying the Company anything except for the use of their flume, nor for damages, since we, of course, contend that they are not injured. A more simple method of determining the proper charge would perhaps be to compute a reasonable rental rate for the use of their flume or, as you suggest, "define the payment as partial cost of maintenance."

There is another phase of the Ash Mountain Headquarters water supply problem which should be given further study before proceeding too far with the plan for obtaining water from the Kaweah River; that is, the proposal made by Mr. Hommon, in his memorandum to the Superintendent of December 10, 1941, definitely recommending that an additional water supply for Ash Mountain Headquarters be obtained from the flow from Milk Ranch Peak. In this connection, there is also in our files a copy of General Foreman Parkes' memorandum to the Superintendent of November 29, 1941, which gives the results of his investigation of this possible source of supply, and the measurements which he made of the flow of the stream on various dates. Except for these two memoranda, we cannot find in our files any other references to this possible source of supply, so this Office has no information regarding any further studies or consideration that might have been given to this possibility. It is suggested that you provide this Office with any information which you may have on the subject in addition to the two memoranda mentioned above. It would appear that if this source of water supply can take care of the Ash Mountain Headquarters' additional requirements, and there are no complications, it should be carefully investigated before we resume negotiations with the Southern California Edison Company.

No further action will be taken in this matter by this Office pending your investigation of the potability of the river water and the Milk Ranch Peak supply, and the receipt of your reply.

(SGD) Hillory A. Tolson

Assistant Director.

In duplicate.

601 Sheldon Building

August 21, 1943.

Comments on Mr. Tolson's memorandum of August 12, 1943.

Re: Ash Mountain Water Supply, Sequoia National Park.

The most important point to be remembered is the Acting Director's agreement with our stand, that emphasized by Regional Attorney Taylor and myself for several years as to riparian rights in the Kaweah River. Mr. Tolson states: "There is no question in our minds regarding the right of this Service to divert the necessary water, and if the right were challenged, the burden would be on any contestant to initiate the contest."

The methods of diversion have been discussed by Mr. Dunn in his memorandum. However, I might concur in his statement that the condemnation of the water of the river as unsanitary at the flume intake would condemn it at other points as well.

I agree with the statement of the case by Mr. Tolson in the long third paragraph of page 2 where he cites our victory in the Nevares case. Also the next paragraph as to the Railroad Commission jurisdiction is correct.

As to the second paragraph of page 3, I agree that a clear statement of the Park Service position might bring about a satisfactory arrangement with the Power Company. But I believe such a statement would have to be made to the executive officers of the Company as represented by their Chief Counsel at Los Angeles. I know it is the position of the Company that no other department than their legal department shall pass upon a question of water rights.

The antepenultimate paragraph of Mr. Tolson's memorandum is a reiteration of the previous stand of the Water Rights Section.

Albert L. Johnson,
Attorney.

ALJ:SH

FILE COPY

601 Sheldon Building

August 20, 1943.

Comments on Mr. Tolson's memorandum of August 12, 1943.

Re: Ash Mountain Water Supply, Sequoia National Park.

Page 1 - last paragraph: The definition of "diversion at flume intake" has never been clear to me. My literal interpretation is an NPS pipe intake inserted in the same dam which constitutes part of the intake structure of the flume.

1. The Edison Company would probably object to the insertion of a pipe in their dam on the same grounds it applies to tapping the flume, with equal justification.

2. If the pipe enters the stream fifty feet above the dam, the damage, due to loss of water, is the same to the company as that from water diverted from the flume -- provided the flume is diverting the full flow of the stream.

3. If the pipe enters the stream below the dam intake there is no more assurance of flow for its supply than from a well at Ash Mountain except to the extent of evaporation between the two points. I understand that at times the only water released at the intake is what passes through two 4" pipes to satisfy some other rights.

4. The company would probably protest any of these diversions, but would actually lose the least flow by allowing the pipe to be inserted in their dam or other collecting basin.

Page 2 - first paragraph: If Mr. Hommon has condemned the river water diverted at the flume intake, so far as it might be used for domestic purposes, he would have to condemn any surface water diverted further downstream or any water taken from the flume.

Page 3 - first paragraph: If we agree that the Park has the riparian right to divert water above the flume intake and so reduce the available power flow I do not see why we should pay the company for reducing the power flow by taking the water from the flume. This presupposes that all flow at the intake enters the flume. Also, except when the river flow is equal to, or in excess of, the flume capacity, there will be vacant capacity in the flume such that its use by the Park Service would not damage the company. Therefore, I do not favor any offer to pay damages until we know more about the availability of capacity in the flume.

FILE COPY

However, as I remember the flume in 1929, it was an old one with much water lost by leakage through cracks. I also feel that there should be some recompense for service if the park were to use the flume. Particularly if the full flume capacity is ever diverted at the intake, I should define the payment as partial cost of maintenance to permit the company to recover leakage equal to the water taken out by the Park Service. We should know more about the possibilities of recovering 30,000 gpd of present leakage, and the cost, before we offer any terms. I believe Mr. Madden may have some ideas on this matter.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

08-12-1943: memorandum to regional director from regarding the right to divert water

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
CHICAGO, ILLINOIS

ADDRESS ONLY
THE DIRECTOR, NATIONAL PARK SERVICE

August 12, 1943.

MEMORANDUM for the Regional Director, Region Four.

Reference is made to your memorandum of June 14 and other correspondence, including a copy of a letter of October 15, 1941 to you from Mr. J. F. Davenport, Assistant Manager of Operation, Southern California Edison Company, Ltd., concerning the proposed plan for obtaining a supplementary water supply for the Ash Mountain area, Sequoia National Park, from the flume owned by that company. Mr. Davenport, in his letter, set forth certain conditions to be met by this Department before his company will agree to this procedure.

To bring the record up to date, it seems advisable to enumerate the four possible methods of obtaining an additional water supply for the Ash Mountain area:

The first possible method is by means of a pipe line approximately 3.5 miles in length to a point on the middle fork of the Kaweah River above the intake of the flume maintained by the Southern California Edison Company. There was in our files for a while an alternative project proposal (Project U-22) showing an estimated cost of $45,950 for a pipe line six and eight inches in diameter to that point. This project was cancelled on November 28, 1941, when it was thought that a water supply could be obtained from the flume. This method has certain advantages, among which are gravity flow and the elimination of any serious water right controversy. There is no question in our minds regarding the right of this Service to divert the necessary water, and if the right were challenged, the burden would be on any contestant to initiate the contest. The chief disadvantage of this method is the high cost, largely owing to the nature of the terrain.

The second possible method involves excavating a well in or near the river bed adjacent to the Ash Mountain area to collect the seepage or underground flow of the river. There was in our files for a while a project proposal (Project U-21) for the extension of a six-inch supply line to the well and installing a 25 horsepower motor and pump. According to our information, a test well has been sunk and it was found that no water can be produced by this method, at least in the dry season. Consequently, this project was also cancelled on November 28, 1941.

The third possible method would involve diverting a portion of the surface flow of the river at the flume intake to a point adjacent to the Ash Mountain area. The advantage of this method would be low cost, which is the principal advantage under the second possible method. The disadvantages would consist in the necessity for pumping, the probable necessity for some sort of compulsion to secure the release of sufficient water to maintain the stream flow, and the poor quality of the water. It may be doubted whether the Southern California Edison Company would be willing, without litigation, to let enough water pass its flume diversions to maintain the flow at Ash Mountain. We have no record of an estimate of the seepage loss between the flume diversions and Ash Mountain, but it may be assumed that a considerable volume of water would be required to by-pass the flume diversions to produce a reliable flow sufficient to enable us to



pump even as much as 50,000 gallons per day. Our files show that Sanitary Engineer Hommon has condemned the river water for domestic use, so that even if the water were allowed to pass the intake, it would be available for irrigation and similar uses only.

The fourth possible method involves the tapping of the flume at the point nearest the Ash Mountain area. As has been pointed out by all who have considered it, this method has all the advantages except the necessity of securing the consent of the Southern California Edison Company to the use of its flume as a conduit. Unless the right is condemned and paid for, the company's voluntary consent is essential.

The conditions stated by Mr. Davenport in his letter of October 15, 1941, are clearly unacceptable, particularly conditions 1 and 2. In the first place, the judgment rendered by the Superior Court of the County of Tulare on January 26, 1909 was a water rights judgment, and on its face purported to recognize the rights of riparian owners. Further, since the judgment did not bind any other parties than those involved in the action, it could have no effect on the riparian rights of the United States. That such rights exist with respect to park lands was held by the District Court for the Southern District of California in the case of United States v. Adolph Nevares, No. 1092Y (judgment rendered April 9, 1941). In the second place, a modification of the judgment of January 26, 1909 would require in effect a new action. In the original action there were 56 parties plaintiff. If a new or supplemental action were to be conclusive as against them, it would be necessary to serve process on all of them and on all of their successors in interest. It would take a great deal of time and effort merely to determine who those successors in interest are. And once the matter were reopened, any person or corporation claiming an interest in the subject matter would be entitled to come in and be made a partyon one side of the case or the other. Insofar as such extensive proceedings would result in acknowledgment of the right of the Government to divert water, they would not only be unnecessary but undesirable. Insofar as they would result in acknowledgment of the right of the company to carry the water in its flume, they would not be worth while.

The requirement that consent of the Railroad Commission of California be obtained is probably a proper one. Under the provisions of Act 6386, sec. 51(a), General Laws of California, 1937, the taking of water from the flume with the consent of the company would be the exercise of a permit or franchise which would require authorization from the Railroad Commission. We would be willing to comply with that condition.

If the Company is willing to waive conditions 1 and 2 as set forth in Mr. Davenport's letter of October 15, 1941, we would be willing to make a counter proposal based upon conditions 3 and 4. We do not think that it is necessary to amend the permit issued by this Department for the occupation of land in the park for the operation of Kaweah plant No. 3. That permit is concerned wholly with the occupation of land, and has no relation to water rights. On the basis of use of space in the flume for carrying water, we should be willing to make a utility contract with the company whereby this Service would measure the water taken from

the flume and make payments in amounts which would reimburse the company for the loss in power output caused by reduction of the volume of water carried in the flume. In this way, the company would be guaranteed against loss. Such an arrangement would be justifiable from the standpoint of this Service, since it would avoid the heavy capital outlay involved in a pipe line 3-1/2 miles in length.

It has been suggested that a threat to require the company to by-pass enough water to maintain the stream flow might influence it to consent more readily to the tapping of the flume. We think that if the position of this Service were clearly explained to the company, the possibility of such a requirement would clearly appear. It would not be in the nature of a threat, but a statement of an alternative which this Service might be required to adopt. Of course, if the water were not usable for reasons of sanitation, then there would seem to be no purpose in taking that position.

If an arrangement for tapping the flume cannot be worked out with the company, then it appears that the best remaining method is that involving a pipe line so as to divert water above the flume intake.

Mr. Johnson, in his memorandum of July 28 to the Chief Counsel, states that "Superintendent White, in his memorandum of September 16, 1941, suggested an amendment to the judgment by crossing out several words on page 6 as follows: 'or for domestic and other purposes for the National Park Service within the Sequoia National Park;'" Since we do not have a copy of the September 16 memorandum, just what advantage would accrue to the Service by the elimination is not clear to us.

Please furnish your comments on this entire matter. It is suggested that no one write to or discuss it further with the Southern California Edison Company until there is substantial agreement on all questions regarding the position of this Service, and a plan of action decided upon.

Extra copies of this memorandum are attached as you may desire to send them to the Superintendent of Sequoia National Park and the Water Rights Section.

(SGD) Hillory A. Tolson

Acting Director.

In triplicate.

Original sent only by Barton mail Nov 24, 1943 Dunn

C
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U. S. PUBLIC HEALTH SERVICE
San Francisco, Calif.

Nov. 13, 1941.

AIR MAIL

O. G. Taylor, Chief of Engineering,
National Park Service
Washington, D. C.

Dear Mr. Taylor:

Receipt is acknowledged of your air mail letter of November 10, 1941 stating that efforts are being made to obtain an additional source of water to augment the supply at Ash Mountain, Sequoia National Park, and asking that I refer to Supt. Scoyen's memorandum of March 29, 1940 in which a statement is made that: "I then informed them that Mr. Hommon had flatly condemned the river as a source of supply---". The first paragraph of this memorandum indicates my view with regard to obtaining additional water at Ash Mountain from the Southern California Edison Company flume. As a matter of fact I have been recommending for several years that water be obtained from the flume, mainly for the reason that the supply is probably of the best quality that can be obtained, the cost of developing it very low, and the water can be supplied by gravity.

Of the two other sources proposed, one a long line up to the point where the Southern California Edison Company flume takes off from the river, and water from the river opposite headquarters, the normal flow of the summer season being augmented by a release from the flume, I believe that the intake in the flume opposite the headquarters is far preferable for the reasons already given. I objected to taking water from the river for the reason that only a small flow would be allowed to run down the stream bed and this would invite fishermen and extensive swimming. Mr. Scoyen realized this point of view and the importance of it, and therefore made the statement in the memorandum which is quoted above.

I recommend that the pipe line to the flume be laid to an intake at the lower end so that a chlorinator could be placed on the line and be accessible by truck. It is my recollection that Mr. Scoyen recommended a 2-inch line and I believe this is adequate under the high head with a continuous flow when required. A hypochlorinator costing probably $500 or $600 and a house for it will be required. I therefore again recommend that an additional water supply for the Ash Mountain headquarters be obtained from the Southern California Edison Company flume.

Very truly yours,

(signed) H. B. Hommon
H. B. Hommon
Senior Sanitary Engineer
In Temporary Charge Dist. 5

WR

C O P Y

SOUTHERN CALIFORNIA EDISON COMPANY, LTD.

VISALIA, CALIFORNIA.

JULY 18, 1941.

Mr. E. T. Scoyen, Superintendent,
Sequoia National Park,
Sequoia National Park, California.

Dear Mr. Scoyen:

This will refer to your letter of March 15, 1941, asking review of the proposal presented in your letter of March 25, 1940, seeking permission to tap our flume for Kaweah #3 Power Plant with a pipe line to supply your Ash Mountain Headquarters with water.

This request presents to us several problems and, in seeking their solution, we find ourselves confronted with what appears to be an insurmountable barrier effected by the judgment rendered on July 26, 1909, in the Superior Court of Tulare County in the case of Lakeside Ditch Company, et al., plaintiffs, vs. Mt. Whitney Power Company, defendant. This judgment rigidly limits our use of water and the manner of its disposal both before and after our use of it. We are further forever and specifically enjoined from violating any of the provisions of this judgment.

It is the opinion of our Legal Department that we could not grant the request without violating the terms of the judgment. Accordingly, we regret that it is necessary to decline your request made on behalf of the National Park Service.

(Sgd) M. W. Phillips

Division Manager

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07-18-1941: letter from the southern california edison company to the nps regarding the diversion of water from the flume

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SEQUOIA NATIONAL PARK
SEQUOIA NATIONAL PARK, CALIF.

March 15, 1941

Southern California Edison Co.,
Visalia, California.

Gentlemen:

Please refer to a previous letter which I wrote you under date of March 25, 1940, relative to the possibility of the Government securing additional domestic water for our Ash Mt. Headquarters by tapping your flume within the boundaries of Sequoia National Park.

This letter was followed by several discussions with officers of your Company, and upon their recommendation we put down a test well in the river bed a short distance above Ash Mt. during the past fall. We drove this to a point below the bottom of the normal stream channel, and at no time did we secure any evidence of water. It is felt, therefore, there is no way by which we can secure an additional supply of water for Ash Mt. by the use of wells. The only alternatives are to build a very expensive pipe line up the river; or try pumping directly out of the river during the time of low ater; or secure a connection with your flume in the vicinity of your forebay. I believe the latter method will be the best solution not only for the National Park Service but for your Company, as it will cause the loss of considerably less water to you than any other method which may be selected.

I believe our previous estimates as to the amount of this water have been rather high, and we have made a restudy of this situation. Perhaps at no time during the next ten years would the amount of water demanded exceed 30,000 gallons per day. It is more probable it will run around 15,000 or 20,000 gallons. This will be required only during the months of July, August and September. Very dry years, it may taper into June and October, reaching a peak in September just before the first rain. I think we can also make arrangements to take this water from your supply only during the day time hours when there will be less necessity for power production.

We feel that if we can make a connection with a 2" pipe this will be satisfactory for our needs for many years to come. It is requested,

therefore, that you review the matter as presented in our letter of March 25, 1940, and see if it will not be possible to grant permission to make the necessary connection with your flume.

Sincerely yours,

E. T. Scoyen
Superintendent

CC: Director
Region IV
H. B. Hommon
Attwell

REC'D APR 1 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA NATIONAL PARK
SEQUOIA NATIONAL PARK, CALIF.

March 29, 1940

MEMORANDUM FOR THE REGIONAL DIRECTOR, REGION IV:

When Mr. Hommon and Mr. Hohl were in the office a few weeks ago in connection with our water problem at Ash Mt. Headquarters, it was finally decided that we should do nothing regarding development of additional water supplies until the Southern California Edison Company had been further interviewed to see if we could not secure water by tapping their flume within Sequoia National Park.

On the afternoon of March 25, Mr. Tobin and I had some preliminary discussion with Mr. Phillips, local Manager in Visalia, and he referred us to Mr. Davenport in Los Angeles, Supervisor of Power Generation for the Company. On the morning of March 27, I interviewed Mr. Davenport and the following are the results of the conference:

1. The Southern California Edison Company is very reluctant to give us permission to tap their flume for water supply purposes. For a number of years the company has been under considerable pressure to allow the tapping of their flumes in different parts of California under circumstances somewhat similar to ours, although not involving a governmental agency. Mr. Davenport feels that before permission can be given it will be necessary for them to get permission from the California Railroad Commission to make the diversion, and he then fears they will probably be faced with a number of similar requests as soon as the opening in their policy has been made. Therefore, they do not care to allow us this privilege until we have exhausted every possible resource to secure water by other means.

2. A discussion of other sources of supply brought out the fact that they were anxious to have us pump from the river bed below Ash Mt., because this would make no material difference in the amount of water available for generation in their plants and they felt it would be the cheapest solution for us. I then informed them that Mr. Hommon had flatly condemned the river as a source of supply, and also explained the doubts of our engineers that there is any considerable amount of water available in the gravel beds in the river. Mr. Davenport felt this was not the correct situation, and he therefore offered to send up one of his experts to look the situation over at a later date. He also offered to install a deep well pump and make some tests as to the flowage in the river bed during the summer. I told him we would cooperate in this, because I have felt for some time that pumping would be the most satisfactory solution if we could get an adequate and satisfactory supply near the river.

It should also be kept in mind that even if we are allowed to tap the flume, we would have to make some provision for a standby pumping plant because at times the company's flume is shut off completely for as long a period as a month or six weeks.

3. Mr. Davenport seemed to feel it would be much better for the company to release additional water at their headgates and give us a larger flow in the river rather than to allow us to tap the flume, although he did not state finally that he would deny our application if tests indicated pumping was not feasible. As a matter of fact, I gathered that if this method did not work out, they would be inclined to give us permission to pipe from the flume. In any event, I am quite certain we will not have to go to the expense of building an independent pipe line to divert water from the Middle Fork, which project would cost us about $60,000.

This is the situation as it stands at present, and it now appears we will have to try to get through the coming summer with our present supply with the assistance we will secure from our enlarged storage capacity.

E. T. Scoyen
Superintendent

CC: Director
H. B. Hommon
Attorney Taylor

COPY

copy for Mr Taylor

REC'D MAR 30 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Sequoia National Park
Sequoia National Park, Calif.

March 25, 1940

Southern California Edison Co.,
Visalia, Calif.

Gentlemen:

The works of your Company within the Sequoia National Park, installed and operated under long-term lease from the Secretary of the Interior, divert water from the Marble Fork and Middle Fork of the Kaweah River. This water is carried by flume to a point above Ash Mountain Headquarters, where it enters a penstock for operation of Kaweah No. 3 Powerhouse.

The present domestic water supply for Park Headquarters is secured from springs at Alder Creek, and with the continued growth of headquarters has proved inadequate for current demands. It becomes necessary to supplement the Alder Creek supply by making use of the park's riparian rights existing as of the date of establishment of the park in 1890 to secure water from the flow of the Kaweah River.

Engineering studies have been made of several alternatives and a desirable course at this time appears to be to tap the flume of your Company at a point convenient to park headquarters with a 3" pipe. It is contemplated, of course, that only the actual needs of headquarters will be obtained from this source regardless of the size of the pipe installed. At present these are estimated at about 70,000 gallons per day. Permission, therefore, is requested to tap the flume of your Company as indicated above, all expenses involved to be borne by the Government.

It is recognized that there are many legal and engineering problems connected with this project which will require careful consideration by your Company. Park officers will be available at any time to take part in detailed discussions.

The situation is urgent, and as funds may soon be available for necessary construction work, prompt approval of this application is requested. We must secure more water in the near future, and we are submitting this request because it offers the cheapest and most feasible project.

Sincerely yours,

E. T. Scoyen
Superintendent

CC: Region IV
Mr. Hommon

REC'D MAR 5 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SEQUOIA NATIONAL PARK
SEQUOIA NATIONAL PARK, CALIF.

February 29, 1940

MEMORANDUM FOR THE SUPERINTENDENT:

The information in the files on the subjectof diverting water for Ash Mountain use from the Edison Company's No. 3 flume is very limited. It consists of:

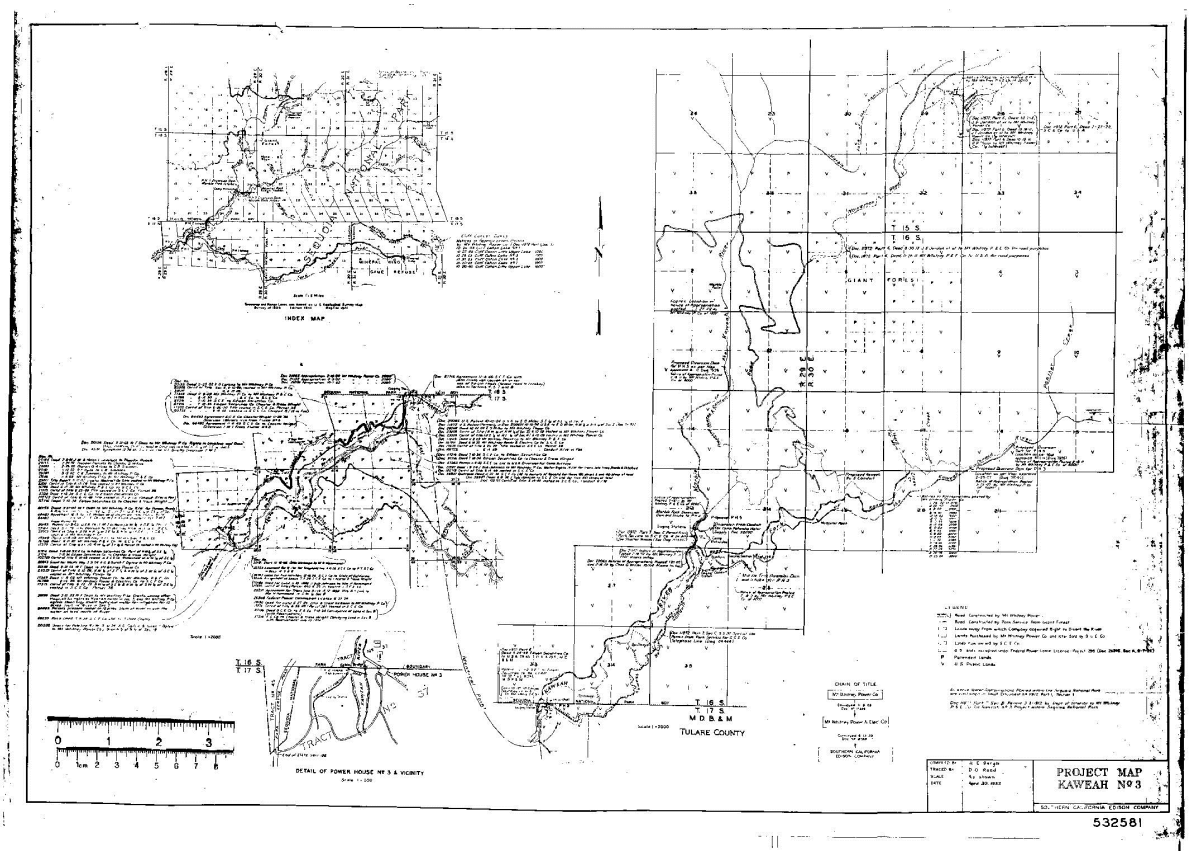
a) Letter dated January 19, 1923, from Superintendent White to the Company (Visalia Office) asking for the privilege of tapping the flume with a 3 inch pipe which would be reduced to 2 inch pipe at Ash Mountain. He points out that the Company's diversion of water at the flume intake reduces the river flow at Ash Mountain to a point where it is impracticable to pump from the river. He states: "In order to insure an adequate supply of water it would, therefore, either be necessary to see that your Company returned a sufficient quantity to the Middle Fork of the Kaweah River to supply our pumping needs, or that we should be permitted to take it from your flume above Power House No. 3".

b) A letter from the Company, under date of March 6, 1923, asking Superintendent White to call at the Visalia Office to discuss the matter.

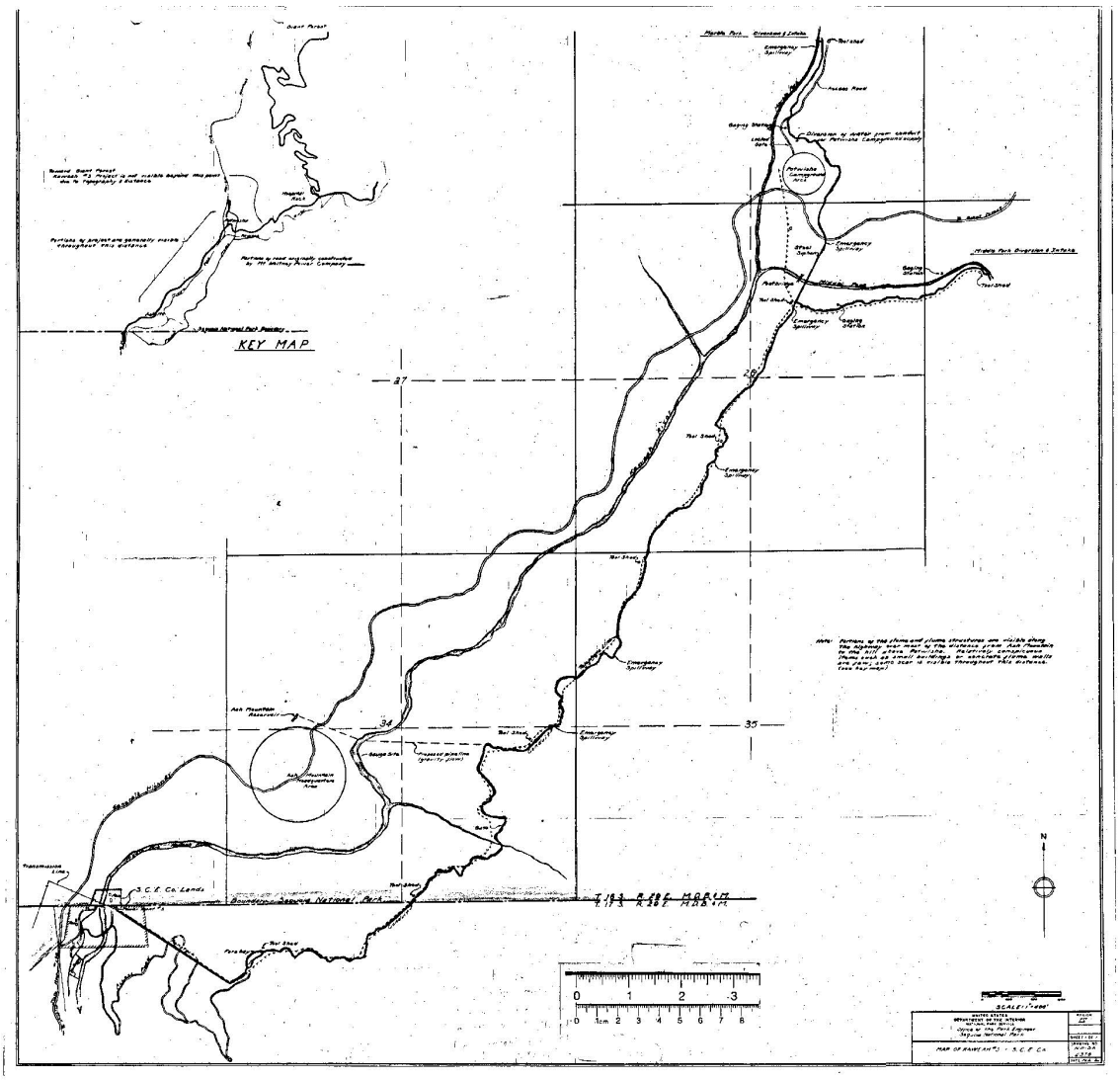
c) A memorandum of Superintendent White, dated March 13, 1923, (apparently following this conference) stating that the..."Company is quite willing to let us take water from the flume, but is afraid that the irrigation companies of the Valley may object. In 1909, the irrigationists secured an injunction against the company prohibiting it from diverting water except for certain purposes in connection with power uses and for gardens, etc., near power plants..... In order to make the records clear, it will probably be necessary to have the order of the court amended so as to include permission to the Southern California Edison Company to furnish water from its flume to the Government Headquarters...."

d) A copy of the injunction referred to above, dated January 26, 1909, and signed by W. B. Wallace, Judge of the Supreme Court. This injunction permits the diversion of water from the company's flume "for domestic and live stock and garden purposes" for the company's use at its plant. The decision covers 7 pages. The petitioning irrigationists are listed by name and number 55 companies or individuals.

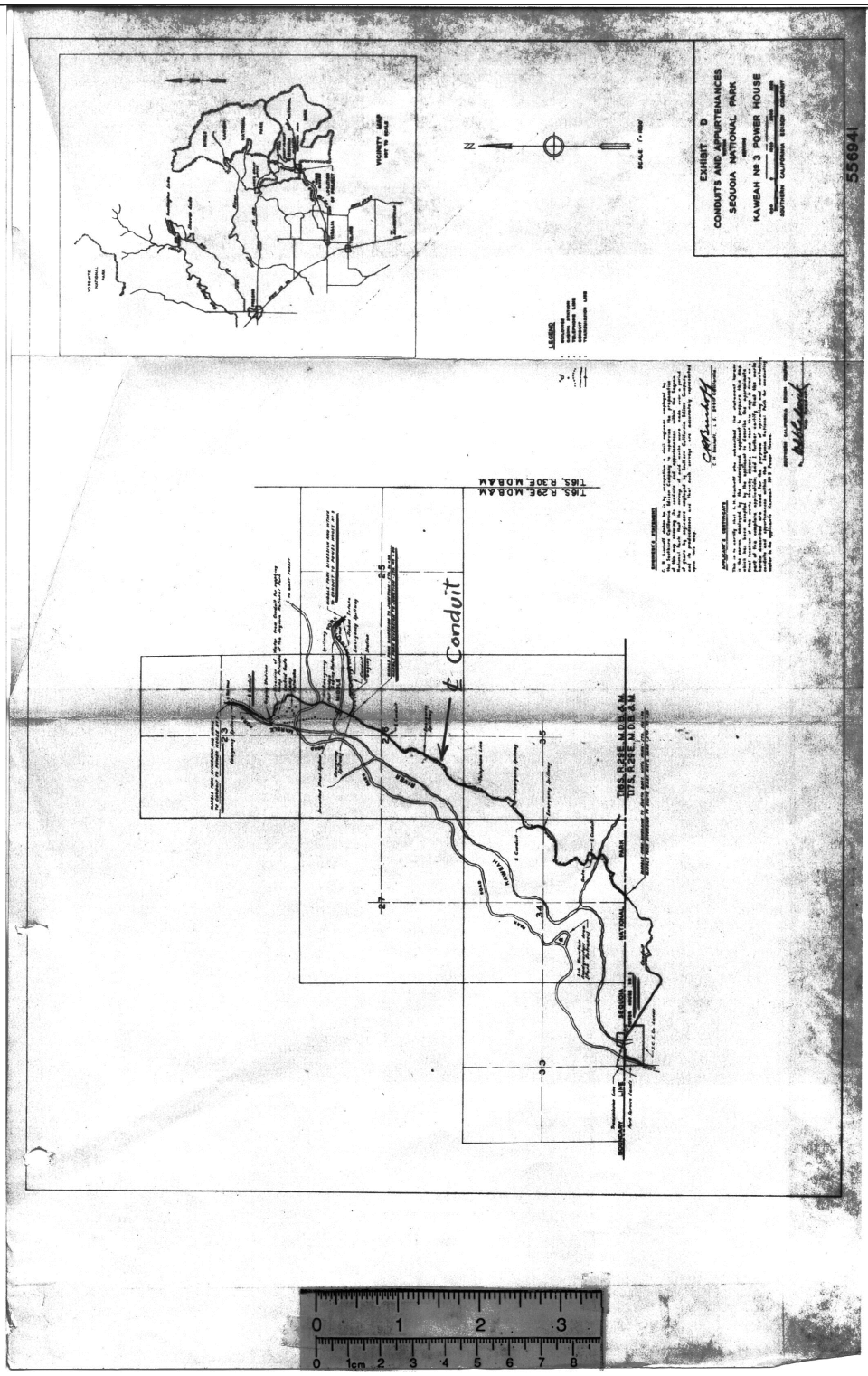
Daniel J. Tobin
Assistant Superintendent

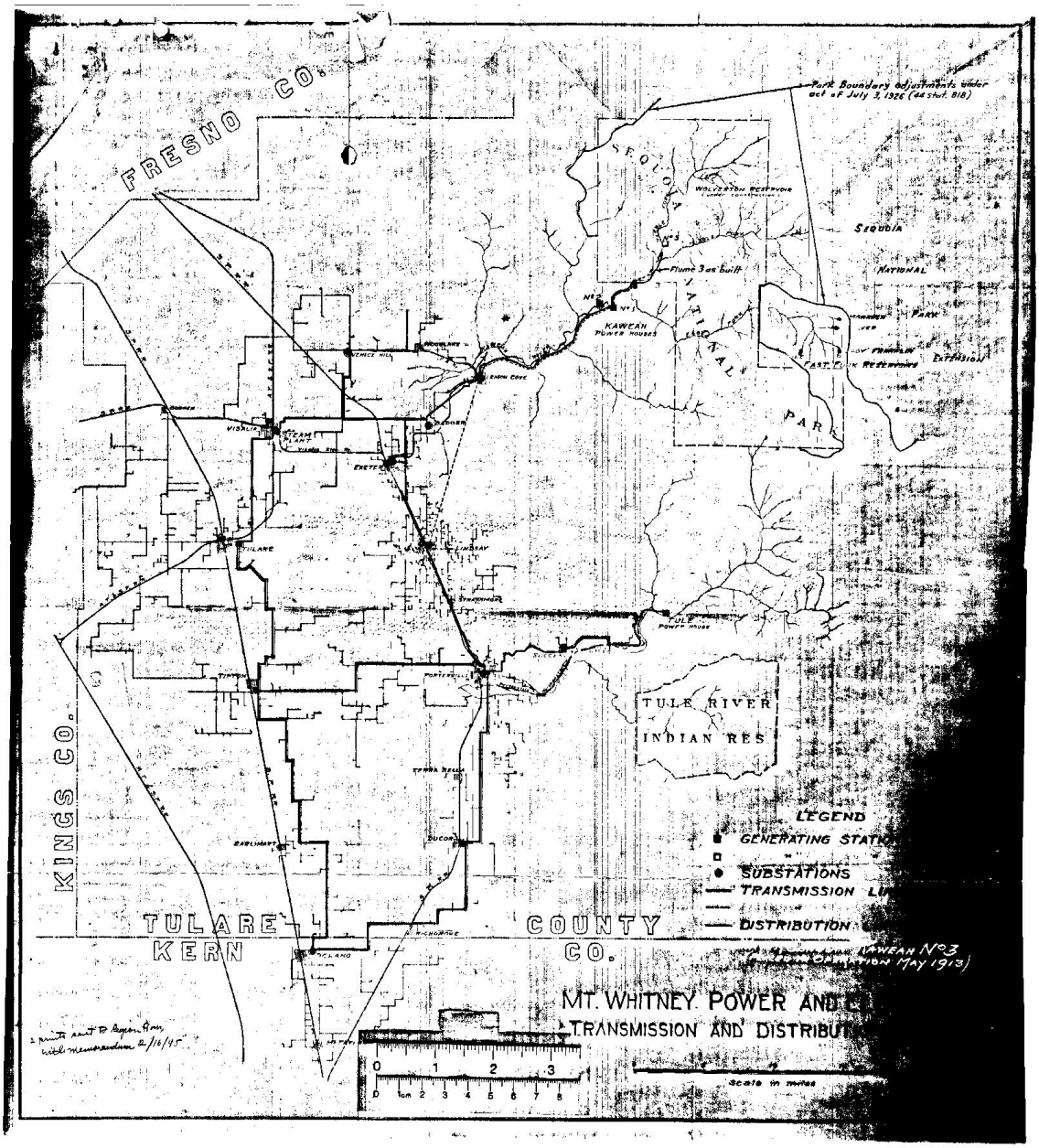

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TULARE COUNTY
DETAIL OF POWER HOUSE Nº 3 & VICINITY
CHAIN OF TITLE
PROJECT MAP
KAWEAH Nº3
SOUTHERN CALIFORNIA EDISON COMPANY
532581

00-00-0000: map of kaweah no. 3



00-00-0000: map of conduits and appurtenances within sequoia national park





Docket Information

Number of Documents in Docket 270

Documents Dated from 10/7/1902 to 7/21/2017

Docket Compiled: 7/25/2017