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6 **Motion for Dismissal of A06-02-026**
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10 **Attachment 15**
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12
13 **Referenced California Law and Regulations**
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15 <http://www.leginfo.ca.gov/calaw.html>
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17 <http://www.oal.ca.gov/ccr.htm>
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19 Pages = cover, 1 - 5
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Referenced California Codes and Regulations

Links to Water & PUC Codes and Regulation

[102](#) [1200](#) [1202](#) [1260](#) [1628](#) [1675](#) [74501](#) [74526](#) [74592](#) [PUC 851](#) [23CCRs715](#)

California Water Code Section 102

102. All water within the State is the property of the people of the State, but the right to the use of water may be acquired by appropriation in the manner provided by law.

California Water Code Section 1200

1200. Whenever the terms stream, lake or other body of water, or water occurs in relation to applications to appropriate water or permits or licenses issued pursuant to such applications, such term refers only to surface water, and to subterranean streams flowing through known and definite channels.

California Water Code Section 1202

1202. The following are hereby declared to constitute unappropriated water:

(a) All water which has never been appropriated.

(b) All water appropriated prior to December 19, 1914, which has not been in process, from the date of the initial act of appropriation, of being put, with due diligence in proportion to the magnitude of the work necessary properly to utilize it for the purpose of the appropriation, or which has not been put, or which has ceased to be put to some useful or beneficial purpose.

(c) All water appropriated pursuant to the Water Commission Act or this code which has ceased to be put to the useful or beneficial purpose for which it was appropriated, or which has been or may be or may have been appropriated and is not or has not been in the process of being put, from the date of the initial act of appropriation, to the useful or beneficial purpose for which it was appropriated, with due diligence in proportion to the magnitude of the work necessary properly to utilize it for the purpose of the appropriation.

(d) Water which having been appropriated or used flows back into a stream, lake or other body of water.

California Water Code Section 1260

1260. Every application for a permit to appropriate **water** shall set forth all of the following:

(a) The name and post office address of the applicant.

(b) The source of water supply.

- 1 (c) The nature and amount of the proposed use.
2 (d) The location and description of the proposed headworks, ditch
canal, and other works.
3 (e) The proposed place of diversion.
4 (f) The place where it is intended to use the water.
5 (g) The time within which it is proposed to begin construction.
6 (h) The time required for completion of the construction.
7 (i) The time for the complete application of the water to the
proposed use.
8 (j) All data and information reasonably available to applicant or
that can be obtained from the Department of Fish and Game concerning
the extent, if any, to which fish and wildlife would be affected by
the appropriation, and a statement of any measures proposed to be
taken for the protection of fish and wildlife in connection with the
appropriation.
9 (k) Sufficient information to demonstrate a reasonable likelihood
that unappropriated water is available for the proposed
10 appropriation.

11 **California Water Code Section 1628**

12 1628. Every license shall include the enumeration of conditions
13 therein which in substance shall include all of the provisions of
14 this article and the statement that any appropriator of water to whom
a license is issued takes the license subject to the conditions
therein expressed.

16 **California Water Code Section 1675**

17 1675. If at any time after a license is issued, the board finds
18 that the licensee has not put the water granted under the license to
a useful or beneficial purpose in conformity with this division or
19 that the licensee has ceased to put the water to such useful or
beneficial purpose, or that the licensee has failed to observe any of
20 the terms and conditions in the license, the board, after due notice
to the licensee and after a hearing, when a hearing is requested by
21 the licensee pursuant to Section 1675.1, may revoke the license and
declare the water to be subject to appropriation in accordance with
22 this part. As used in this section "licensee" includes the heirs,
successors, or assigns of the licensee.
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24 **California Water Code Section 74501**

25 74501. A district may make contracts and do all acts necessary for
the full exercise of its powers.
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27 **California Water Code Section 74526**

28 74526. A district may sell, deliver, distribute, or otherwise
29 dispose of any water that may be stored or appropriated, owned, or
controlled by the district.

California Water Code Section 74592

1 74592. A district may enter into contracts with municipalities,
2 water districts of any type or kind, counties, cities and counties,
3 the State of California, or the United States, under such terms as
4 may be mutually advantageous, for the acquisition or disposal of
5 water or water rights or water storage facilities and rights, or any
6 interest in such water, water rights, or water storage facilities and
7 rights for any useful purpose.


8 **California Public Utilities Code Section 851**

9 **851.** No public utility other than a common carrier by railroad
10 subject to Part I of the Interstate Commerce Act (49 U.S.C. Sec.
11 10101 et seq.) shall sell, lease, assign, mortgage, or otherwise
12 dispose of or encumber the whole or any part of its railroad, street
13 railroad, line, plant, system, or other property necessary or useful
14 in the performance of its duties to the public, or any franchise or
15 permit or any right thereunder, nor by any means whatsoever, directly
16 or indirectly, merge or consolidate its railroad, street railroad,
17 line, plant, system, or other property, or franchises or permits or
18 any part thereof, with any other public utility, without first having
19 either secured an order from the commission authorizing it to do so
20 for qualified transactions valued above five million dollars
21 (\$5,000,000), or for qualified transactions valued at five million
22 dollars (\$5,000,000) or less, filed an advice letter and obtained a
23 resolution from the commission authorizing it to do so. The
24 commission shall determine the types of transactions valued at five
25 million dollars (\$5,000,000) or less, that qualify for advice letter
26 handling. For a qualified transaction valued at five million dollars
27 (\$5,000,000) or less, the commission may designate a procedure
28 different than the advice letter procedure if it determines that the
29 transaction warrants a more comprehensive review. Absent protest or
incomplete documentation, the commission shall approve or deny the
advice letter within 120 days of its filing by the applicant public
utility. The commission shall reject any advice letter that seeks to
circumvent the five million dollars (\$5,000,000) threshold by
dividing what is a single asset with a value of more than five
million dollars (\$5,000,000), into component parts, each valued at
less than five million dollars (\$5,000,000). Every sale, lease,
assignment, mortgage, disposition, encumbrance, merger, or
consolidation made other than in accordance with the advice letter
and resolution from the commission authorizing it is void. The
permission and approval of the commission to the exercise of a
franchise or permit under Article 1 (commencing with Section 1001) of
Chapter 5 of this part, or the sale, lease, assignment, mortgage, or
other disposition or encumbrance of a franchise or permit under this
article shall not revive or validate any lapsed or invalid franchise
or permit, or enlarge or add to the powers or privileges contained
in the grant of any franchise or permit, or waive any forfeiture.

Nothing in this section shall prevent the sale, lease, encumbrance
or other disposition by any public utility of property that is not
necessary or useful in the performance of its duties to the public,
and any disposition of property by a public utility shall be
conclusively presumed to be of property that is not useful or
necessary in the performance of its duties to the public, as to any
purchaser, lessee or encumbrancer dealing with that property in good

1 faith for value, provided that nothing in this section shall apply to
2 the interchange of equipment in the regular course of transportation
3 between connecting common carriers.

4 **California Code of Regulations Title 23 CCRs 715**

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California Code of Regulations**

10 23 CA ADC § 715

11 23 CCR s 715

12 Cal. Admin. Code tit. 23, s 715

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14
15 **BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS**
16 **TITLE 23. WATERS**
17 **DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL**
18 **WATER QUALITY**
19 **CONTROL BOARDS**
20 **CHAPTER 2. APPROPRIATION OF WATER**
21 **ARTICLE 7. MAP REQUIREMENTS**

22 This database is current through 8/17/07, Register 2007, No. 33
23 s 715. General Requirements.

24 (a) A general project map and one copy of suitable scale on a sheet not larger than 28
25 inches by 40 inches or smaller than 8-1/2 inches by 11 inches shall be filed in connection
26 with each application. This map shall be neatly and accurately drawn and should show
the source from which water is to be taken, all dams, main conduits, reservoirs and other
facilities, the important streams and tributaries in the area, the place of use, and any other
features necessary for ready identification and understanding of the project.

27 (b) The map shall show the lines of the public land survey by 40 -acre subdivision,
28 section and township if the area is sectionalized. If the area is not sectionized the nearest
29 lines of the public land survey to or across the project area should be extended as if it
were surveyed. The lines of any other recorded survey may be used to describe the
project, provided, the relation to the lines of the nearest adjacent public land survey is
shown.

1 (c) Points of original diversion, and of rediversion from any natural stream, must be
2 shown either by (1) bearing and distance or co-ordinate distances from some corner of a
3 recorded survey if such a corner exists within a distance of two miles; (2) bearing and
4 distance or co-ordinate distances from some permanent monument or a natural object
5 which can be readily found and recognized, such as the confluence of two known
6 streams; or (3) co-ordinates and zone of the California Co-ordinate System.

7 (d) The place of use shall be identified by reference to 40-acre subdivision, section,
8 township, range and meridian of the public land survey or projection thereof, or by
9 reference to the smallest subdivision of some other recorded survey if more commonly
10 used within the project area except as otherwise provided in Section 719. If described by
11 reference to some other recorded survey, the lines of the public land survey, or projection
12 thereof, should be shown. The 40-acre subdivisions of the public land survey will be
13 assumed regular unless it be shown otherwise.

14 Note: Authority cited: Section 1058, Water Code. Reference: Sections 1252, 1260
15 and 1261, Water Code.

16 HISTORY

17 1. Renumbering and amendment of former Section 715, and renumbering and
18 amendment of Section 673 to Section 715 filed 1-16 -
19 87; effective thirtieth day
20 thereafter (Register 87, No. 10). For prior history, see Registers 73,
21 No. 19 and 60, No. 5.

22 2. Editorial correction amending subsection (c) (Register 2005, No. 17).

23 23 CCR s 715, 23 CA ADC s 715
24 1CAC

25 23 CA ADC s 715

26 END OF DOCUMENT

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