

P271

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

DIVISION OF WATER RIGHTS

ORDER

**In the Matter of Water Right Permits of the
PARADISE IRRIGATION DISTRICT**

ORDER APPROVING OF TEMPORARY URGENCY CHANGE IN PLACE OF USE

PERMITS 271 AND 16040 (APPLICATIONS 476, AND 22061)

1.0 INTRODUCTION

On June 9, 2000, the Paradise Irrigation District (PID) filed a petition requesting renewal of the Temporary Urgency Change Order approved October 18, 1999, by the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435 et seq. The extension would allow PID to maintain the expanded place of use for an additional 180 days to allow continued service to a portion of the Del Oro Water Company service area under PID Permits 476 and 22061.

I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 99-31, section 3.2.22.

2.0 SUBSTANCE OF THE PETITION

PID is requesting that the SWRCB, under Water Code section 1435 et seq., approve a renewal of the October 18, 1999, SWRCB Order that temporarily expanded PID's place of use under Permits 271 and 16040. The expansion will allow PID to continue to provide domestic water service to portions of Del Oro Water Company's (Company) Paradise Pines service area and Lime Saddle service area.

BACKGROUND

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040 that provides municipal, domestic and irrigation water to the PID service area. In addition, PID has a standby well centrally located within the district. Last fall, the Company approached PID with a request to purchase 125 acre-feet of water to offset the anticipated domestic water supply shortfall. The Order approving the PID expansion of place of use was approved on October 18, 1999. At this time, the Company still finds that there will be a shortfall this summer and fall season and has asked PID if they could receive an additional 120 acre-feet of water to serve the lower portion of the Paradise Pines and upper portion of the Lime Saddle service areas.

The water will be provided through the existing intertie connections that allow transfer of water between the districts in the event of emergencies. No physical changes will be made to any facilities or sites and the existing reservoir levels will be maintained. Due to the configuration of PID's distribution system, well water cannot be served directly to the Company. Therefore, PID will provide the 120 acre-feet of treated surface water through the intertie to the Company, while at the same time pumping 120 acre-feet from groundwater from PID's existing standby well to PID customers in the vicinity of the well.

PID has requested that the State Water Resources Control Board renew the temporary expansion of the place of use under Permits 476 and 22061. The expanded place of use includes the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.

3.0 OBJECTIONS TO THE PETITION

A public notice of the proposed temporary urgency change was mailed to interested parties on June 27, 2000, and published in the Paradise Post. The SWRCB has received no objections to the request to the temporary urgency change, as proposed.

4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE •

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Additionally in accordance with section 1441, the SWRCB may renew a temporary change order.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

5.1 Urgency of the Proposed Change

Under Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy

that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The Company has determined that they have a real potential to run short of available domestic water supplies. PID has an available supply of domestic water that can be readily supplied to the Company to alleviate the shortfall. Therefore, the permittee has an urgent need for the proposed temporary change to allow them to supply water to the water-short Company.

5.2 No injury to Any Other Lawful User of Water

No water right holder has objected to the proposed temporary change. Additionally, to insure that no unreasonable impacts will affect local groundwater pumpers, PID will be asked to monitor the well levels and stop pumping or compensate reasonable claims if impacts are found to occur. Therefore, based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

5.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040. The water is collected and stored in Paradise and Magalia Reservoirs. However, the transfer will have no effect of the operation of the reservoirs, the amount of water taken from these reservoirs, or the fish and wildlife habitat of the reservoirs during the transfer. The additional 120 acre-feet of water to be transferred to the Company, will be offset within PID's service area by pumping an existing groundwater well. Thus, the surface water levels in the reservoirs will remain at levels that would have existed had the transfer not occurred. Additionally, a 0.5 cubic foot per second continuous downstream release, required to be made from Magalia Reservoir under Permit 16040, will continue to be released to maintain the downstream fishery in Little Butte Creek.

Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

5.4 The Proposed Change is in the Public Interest

The service area of the Company is anticipated to have limited domestic water supplies available. PID has sufficient water and resources available to assist the Company during this period of shortage. Since the water to be provided will ultimately come from a well, no injury to legal users of water or fish and wildlife habitat appears evident. Additionally, the users within the Company's service area will not see the potential impacts from a water shortage situation. This would appear to be the most reasonable use of the water supply. Therefore, I find that the change is in the public interest.

6.0 ENVIRONMENTAL COMPLIANCE

PID is the lead agency under the California Environmental Quality Act (CEQA). PID held a public hearing on September 15, 1999, and thereafter certified the Negative Declaration as complying with the requirements of CEQA on September 17, 1999. SWRCB staff have reviewed the Negative Declaration and issued a Notice of Determination as a responsible agency under CEQA. .

7.0 CONCLUSIONS

1. In the fall of 1999, the Company had an urgent need to insure adequate domestic water supplies to its service area. An Order approving the temporary change in PID's place of use was approved. The Company still finds itself in urgent need of adequate domestic supplies. PID has sufficient supplies available to provide the needed water.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

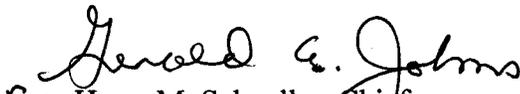
ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

As allowed by Water Code Section 1441, PID's petition for renewal of the October 18, 1999 temporary urgency change Order is approved, subject to the following terms and conditions.

1. The place of use under Permits 271 and 16040 shall be temporarily modified and expanded to include the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.
2. All current terms and conditions of Permits 271 and 16040 (Applications 476 and 22061) shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.
3. The temporary change in the place of use will be effective for a period of 180 days commencing on the date of this order and may be renewed for additional periods of time, not to exceed 180 day from the date of renewal.

4. PID shall monitor the groundwater levels in the water supply well activated to accommodate this transfer. In addition, PID shall monitor the groundwater of adjacent wells. If the Groundwater levels in the adjacent wells fall to levels below normal operating levels for normal years, PID shall either cease pumping or compensate affected owners for the additional pumping costs due to the lower groundwater levels.
5. Not later than February 1, 2001, PID shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually served to the Company during the period of the temporary change.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
7. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
8. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.


For Harry M. Schueller, Chief
Division of Water Rights

Dated: 6/30/2000

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

DIVISION OF WATER RIGHTS

**In the Matter of Water Right Permits of the
PARADISE IRRIGATION DISTRICT
Petitioners**

ORDER APPROVING

**TEMPORARY URGENCY CHANGE IN PLACE OF USE
PERMITS 271 AND 16040 (APPLICATIONS 476, AND 22061)**

1.0 INTRODUCTION

On September 20, 1999, the Paradise Irrigation District (PID) filed a petition requesting approval of a Temporary Urgency Change with the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435 et seq. The petition requests a temporary expansion of PID's place of use to allow PID to provide domestic water to portions of the adjacent water district.

I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 99-31, section 3.2.22.

2.0 SUBSTANCE OF THE PETITION

PID is requesting that the SWRCB, under Water Code section 1435 et seq., temporarily approve an expansion of PID's place of use under Permits 271 and 16040. The expansion will allow PID to provide domestic water service to portions of Del Oro Water Company's (Company) Paradise Pines service area and Lime Saddle service area.

BACKGROUND

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040 that provides municipal, domestic and irrigation water to the PID service area. In addition, PID has a standby well centrally located within the district.

The Company has approached PID with a request to purchase and transfer 125 acre-feet of water to cover an anticipated end of the year shortfall in their available domestic water supplies. This

water is required to provide domestic water supply to customers within the lower portion of the Paradise Pines and upper portion of the Lime Saddle service areas.

PID is agreeable to a one-time transfer of 125 acre-feet of treated water to the Company. PID considered providing the Company with well water, but due to the configuration of PID's distribution system, well water cannot be served directly to the Company. Therefore, PID will provide 125 acre-feet of treated surface water from Paradise and Magalia Reservoirs, through two existing interties to the Company's identified service areas while at the same time pumping 125 acre-feet of groundwater from PID's existing standby well to PID customers in the vicinity of the well. By making use of existing groundwater and surface water supplies, no physical changes will be required to be made to any facilities and the existing water level in Paradise and Magalia Reservoirs will not be impacted by the transfer.

3.0 OBJECTIONS TO THE PETITION

A public notice of the proposed temporary urgency change was mailed to interested parties on September 30, 1999, and published in the Paradise Post. The SWRCB has received no objections to the request for the temporary urgency change, as proposed.

4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. The SWRCB's regulation, at California Code of Regulations, Title 23, section 791(e), provides that the SWRCB shall follow as nearly as possible the procedures for changes in point of diversion, place of use, or purpose of use when processing petitions for other types of changes in water right permits and licenses. Accordingly, the procedures under section 1435 are applicable to changes to water right permits and licenses that the SWRCB approves pursuant to its duty of continuing supervision over the diversion and use of water.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

5.1 Urgency of the Proposed Change

Under Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The Company has determined that they have a real potential to run short of available domestic water supplies this fall. PID has an available supply of domestic water that can be readily supplied to the Company to alleviate the shortfall. Therefore, the permittee has an urgent need for the proposed temporary change

5.2 No injury to Any Other Lawful User of Water

No surface water right holder has objected to the proposed temporary change. Additionally, to insure that no unreasonable impacts will affect local groundwater pumpers, PID will be asked to monitor the well levels and stop pumping or compensate reasonable claims if impacts are found to occur. Therefore, based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

5.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040. The water is collected and stored in Paradise and Magalia Reservoirs. However, the transfer will have no effect of the operation of the reservoirs, the amount of water taken from these reservoirs, or the fish and wildlife habitat of the reservoirs during the transfer. The additional 125 acre-feet of water to be transferred to the Company, although coming from the reservoirs will be offset within the PID service area by pumping an existing groundwater well. Thus, the surface water levels in the reservoirs will remain at levels that would have existed had the transfer not occurred. Additionally, a 0.5 cubic foot per second continuous downstream release, required to be made from Magalia Reservoir under Permit 16040, will continue to maintain the downstream fishery in Little Butte Creek.

Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

5.4 The Proposed Change is in the Public Interest

The service area of the Company is anticipated to have limited domestic water supplies available. PID has sufficient water and resources available to assist the Company during this period of shortage. Since the water to be provide will ultimately come from a well, no injury to legal users of water or fish and wildlife habitat appears evident. Additionally, the users within the Company's service area will not see the potential impacts from a water shortage situation.

This would appear to be the most reasonable use of the water supply. Therefore I find that the change is in the public interest.

6.0 ENVIRONMENTAL COMPLIANCE

PID is the lead agency under the California Environmental Quality Act (CEQA). PID held a public hearing on September 15, 1999 and thereafter certified the Negative Declaration as complying with the requirements of CEQA on September 17, 1999. SWRCB staff have reviewed the Negative Declaration and are prepared to issue a Notice of Determination as a responsible agency under CEQA. .

7.0 CONCLUSIONS

1. Del Oro Water Company has an urgent need to insure adequate domestic water supplies to its service area. PID has sufficient supplies available to provide the needed water and has requested a proposed temporary change.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

ORDER

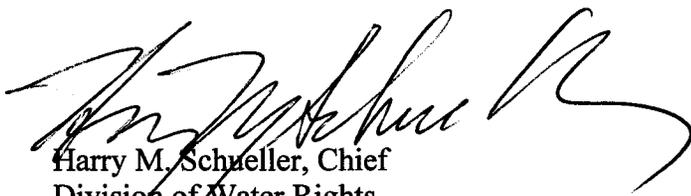
NOW, THEREFORE, IT IS ORDERED THAT:

PID's petition for temporary urgency change to expand the place of use under permits 271 and 16040 under Water Code section 1435 is approved, subject to the following terms and conditions.

1. The place of use under Permits 271 and 16040 shall be temporarily modified and expanded to include the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.
2. All current terms and conditions of Permits 271 and 16040 (Applications 476 and 22061) shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.

3. The temporary change in the place of use will be effective for a period of 180 days commencing on the date of this order and may be renewed for additional periods of time, not to exceed 180 day from the date of renewal.
4. PID shall monitor the Groundwater levels in the water supply well activated to accommodate this transfer. In addition, PID shall monitor the groundwater of adjacent wells. If the Groundwater levels in the adjacent wells fall to levels below normal operating levels for normal years, PID shall either cease pumping or compensate affected owners for the additional pumping costs due to the lower groundwater levels.
5. Not later than May 1, 2000, PID shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually served to the Company during the temporary change and information on the groundwater levels during the transfer.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
7. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
8. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated: **OCT 18 1999**


Harry M. Schueller, Chief
Division of Water Rights
State Water Resources Control Board

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 476

PERMIT 271

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the amended permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1996

2. Paragraph 10 of this amended permit is deleted. A new paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

3. Paragraph 16 is added to this amended permit as follows:

Permittee shall consult with the Division of Water Rights and, within one year from the date of this order shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by an additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and as supplemented, shall be implemented in accordance with the schedule for implementation found therein.

0000029

Dated: OCTOBER 3 1986

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 476

PERMIT 271

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
REVISING PERMIT TERMS AND DIRECTING ISSUANCE OF
AN AMENDED PERMIT CONTAINING APPLICABLE TERMS AND
CONDITIONS OF ORIGINAL PERMIT AND SUBSEQUENT
ORDERS, IN THE CURRENTLY APPROVED FORM

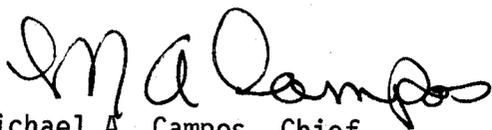
WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for an extension of time.
3. The original permit was approved on May 3, 1917 and presently includes numerous terms and conditions decreed in subsequent Board orders.

NOW, THEREFORE, IT IS ORDERED THAT:

An amended permit (attached) containing all applicable terms and conditions in the form currently used is approved.

Dated: JANUARY 18 1980



Michael A. Campos, Chief
Division of Water Rights

Attachment

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS2125 19TH STREET
SACRAMENTO, CALIFORNIA 95818ORDER ALLOWING CHANGE IN DISTRIBUTION OF STORAGE,
POINT OF DIVERSION AND PLACE OF USEApplication 476
Application 22061Permit 271
Permit 16040

WHEREAS:

1. Petitions for change in distribution of storage under Permit 271; and change in point of diversion, and recreational place of use under Permit 16040, have been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. The Board has determined that these changes in distribution of storage and change in point of diversion will not operate to the injury of any other user of water involved.
3. Order WR 75-14 limits the appropriation to be made under these permits in the event of a change in point of diversion to the capacities of Magalia and Paradise Reservoirs unless permittee demonstrates the need for such additional storage.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted under Permit 271 to change the distribution of storage as follows:

2,800 ACRE-FEET TO BE STORED AT MAGALIA DAM RESERVOIR
6,700 ACRE-FEET TO BE STORED AT PARADISE DAM RESERVOIR
2. The water appropriated under Permit 16040 together with that appropriated under Permit 271 and any license issued pursuant thereto shall not exceed the combined gross capacities of Magalia and Paradise Reservoirs.
3. Permission is hereby granted under Permit 16040 to change the point of diversion as follows:

PARADISE DAM (MOSQUITO JUNCTION DAM) S14°36'06" E, 1,939.87 FEET FROM NW CORNER OF SECTION 18, T23N, R4E, MDB&M, BEING WITHIN SW $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 18.
4. That the place of use under Permit 16040 be changed to a place of use described as follows:

MUNICIPAL AND DOMESTIC USES WITHIN PARADISE IRRIGATION DISTRICT INCLUDING ALL OR PORTIONS OF SECTIONS 6, 7, 18, 19 AND 30,

T22N, R4E, MDB&M, AND SECTIONS 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27 AND 28, T22N, R3E, MDB&M; AND INCIDENTAL RECREATIONAL USE WITHIN SECTIONS 7 AND 18, T23N, R4E, MDB&M, AND SECTIONS 12 AND 13, T23N, R3E, MDB&M.

5. That Permit 271 and Condition 11 of Permit 16040, as amended by State Water Resources Control Board Order WR 73-42, be amended to read as follows:

PURSUANT TO CALIFORNIA WATER CODE SECTION 100, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAIL-WATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

6. That the following condition be added to the Permit;

"PERMITTEE SHALL INCLUDE IN THE ANNUAL PROGRESS REPORT, REQUIRED IN PERMIT 271 BY PARAGRAPH 5 OF BOARD ORDER WR 73-42, AND IN PERMIT 16040 BY PERMIT TERM 10, INFORMATION FOR THE REPORTING PERIOD CONCERNING WATER CONSERVATION MEASURES UNDERTAKEN BY THE DISTRICT. THE INFORMATION SUBMITTED SHALL INCLUDE THE NUMBER OF CONNECTIONS SERVED, THE AMOUNT OF WATER SOLD, THE AMOUNT SERVED PER CONNECTION AND THE SCHEDULE OF WATER RATES IN FORCE FOR WATER DELIVERIES IN A MANNER SIMILAR TO THE REPORT MADE TO THE BOARD BY THE DISTRICT ON FEBRUARY 26, 1975. THIS REQUIREMENT SHALL REMAIN IN FORCE UNTIL FURTHER ORDER OF THE DIVISION OF WATER RIGHTS."

Dated: MAR 25 1976

R. L. Rosenberger
R. L. Rosenberger, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

(AS AMENDED BY ORDER DATED: _____)
PERMIT 271

Application 476 of PARADISE IRRIGATION DISTRICT

P. O. BOX 128, PARADISE, CALIFORNIA 95969

filed on SEPTEMBER 21, 1916, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

LITTLE BUTTE CREEK

BUTTE CREEK THENCE

SACRAMENTO RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) N 65°35' W, 1,377 FEET FROM SE CORNER OF SECTION 25	SE1/4 OF SE1/4	25	23N	3E	MD
(2) S 14°36'06" E, 1939.87 FEET FROM NW CORNER OF SECTION 18	SW1/4 OF NW1/4	18	23N	4E	MD

County of BUTTE

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
RECREATIONAL	MAGALIA RESERVOIR	25	23N	3E	MD	
	PARADISE RESERVOIR (MOSQUITO JUNCTION RESERVOIR)	11, 12, 13	23N	3E	MD	
		7, 8	23N	4E	MD	
MUNICIPAL						
INDUSTRIAL	WITHIN PARADISE IRRIGATION DISTRICT BOUNDARIES INCLUDING					
IRRIGATION	ALL OR PORTIONS OF SECTIONS 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27 AND 28		22N	3E	MD	
	SECTIONS 6, 7, 18, 19 AND 30		22N	4E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

TOTAL 11,100

STATE OF TEXAS
COUNTY OF [illegible]

[illegible text]

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed A TOTAL OF 9,500 ACRE-FEET PER ANNUM TO BE COLLECTED FROM JANUARY 1 TO DECEMBER 31 AS FOLLOWS: (1) 2,800 ACRE-FEET PER ANNUM IN MAGALIA RESERVOIR, (2) 6,700 ACRE-FEET PER ANNUM IN PARADISE RESERVOIR (MOSQUITO JUNCTION RESERVOIR).

(000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

~~Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence and if not so commenced and prosecuted this permit may be revoked.~~

~~Said construction work shall be completed on or before~~

7. ~~Complete~~ Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985. (000009)

8. ~~Progress~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

9. ~~Permittee~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (000011)

10. ~~Pursuant~~ Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000012)

11. ~~The~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000013)

12. RIGHTS UNDER THIS PERMIT ARE, AND SHALL BE, SUBJECT TO EXISTING RIGHTS DETERMINED BY THE BUTTE CREEK ADJUDICATION, SUPERIOR COURT, BUTTE COUNTY, NO. 18917 INSOFAR AS SAID ADJUDICATED RIGHTS ARE MAINTAINED AND SUCH OTHER RIGHTS AS MAY PRESENTLY EXIST. 000023

13. THE WATER APPROPRIATED UNDER PERMIT 16040 TOGETHER WITH THAT APPROPRIATED UNDER PERMIT 271 AND ANY LICENSE ISSUED PURSUANT THERETO SHALL NOT EXCEED THE COMBINED GROSS CAPACITIES OF MAGALIA AND PARADISE RESERVOIRS. 0000114

14. PERMITTEE SHALL INCLUDE IN THE ANNUAL PROGRESS REPORT, INFORMATION FOR THE REPORTING PERIOD CONCERNING WATER CONSERVATION MEASURES UNDERTAKEN BY THE DISTRICT. THE INFORMATION SUBMITTED SHALL INCLUDE THE NUMBER OF CONNECTIONS SERVED, THE AMOUNT OF WATER SOLD, THE AMOUNT SERVED PER CONNECTION AND THE SCHEDULE OF WATER RATES IN FORCE FOR WATER DELIVERIES IN A MANNER SIMILAR TO THE REPORT MADE TO THE BOARD BY THE DISTRICT ON FEBRUARY 26, 1975. THIS REQUIREMENT SHALL REMAIN IN FORCE UNTIL FURTHER ORDER OF THE DIVISION OF WATER RIGHTS. 0580300

THE BOARD OF WATER CONTROL AND IRRIGATION DISTRICT NO. 10
DO HEREBY ORDER THAT THE PERMIT TO CONSTRUCT AND OPERATE
THE PROJECT DESCRIBED IN THE ATTACHED PERMIT APPLICATION
BE GRANTED TO THE APPLICANT UNDER THE FOLLOWING CONDITIONS:

1. The applicant shall file a copy of this permit with the
State Engineer's Office, Sacramento, California.
2. The applicant shall file a copy of this permit with the
County Engineer's Office, Yuba County, California.
3. The applicant shall file a copy of this permit with the
City Engineer's Office, Marysville, California.
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15. UNTIL SUCH TIME AS A COMMUNITY WASTEWATER DISPOSAL PROJECT IS IN OPERATION, SERVICE SHALL NOT BE EXTENDED TO NEW CONNECTIONS FOR DELIVERY OF WATER UNDER THIS PERMIT TO COMMERCIAL, INDUSTRIAL, OR MOBILE HOME PARK DEVELOPMENTS, OR TO RESIDENTIAL SERVICES INVOLVING MORE THAN THREE LIVING UNITS ON A SINGLE LOT UNLESS THE DISPOSAL OF WASTEWATER CONFORMS TO POLICY GUIDELINES OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD. ADEQUACY OF SAID FACILITIES SHALL BE CERTIFIED TO THE STATE WATER RESOURCES CONTROL BOARD BY THE EXECUTIVE OFFICER OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD OR HIS DESIGNATED REPRESENTATIVE. CONTINUED SERVICE OF WATER TO SUCH CONNECTIONS SHALL BE CONTINGENT UPON CONTINUED COMPLIANCE WITH SAID POLICY GUIDELINES AND WITH ANY WASTE DISCHARGE REQUIREMENTS OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD.

0290101

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

JANUARY 18 1980

STATE WATER RESOURCES CONTROL BOARD


CHIEF, DIVISION OF WATER RIGHTS

