

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 13279 Permit 8428 License _____

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 8428 was issued to Alameda County Water District on February 19, 1951 pursuant to Application 13279.
2. A petition for an 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.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit Condition 7 pertaining to the continuing authority of the State Water Resources Control Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 5 of the permit be amended to read:

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

December 31, 2002

(0000009)

2. Condition 7 of the permit be amended to read:

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 returnflow; (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.

(0000012)

Dated: **AUGUST 31 1994**



61 Edward C. Anton, Chief
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1140, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND ALLOWING CHANGE IN PURPOSE OF USE FOR
PERMIT 8428 AND REVOKING PERMIT 8429

Application 13279
Application 13565

Permit 8428
Permit 8429

WHEREAS:

1. A petition for extension of time within which to complete construction and apply water to beneficial use as authorized by Permit 8428 has been filed with the State Water Resources Control Board and said Board has determined that the permittee has diligently prosecuted the development of the project and that good cause has been shown for extension of time.

2. Permit 8428 covers as much water as permittee plans to use under both Permits 8428 and 8429.

3. Present use of water is for municipal purposes, as authorized by Permit 8429, and for irrigation and domestic purposes, as authorized by Permit 8428, and the Board has determined that the administration of water right matters pertaining to this project will be facilitated by including municipal purposes in said Permit 8428, and revoking Permit 8429, and that the change will not operate to the injury of any legal user of the water involved.

4. The State Water Resources Control Board has duly authorized the Chief, Division of Water Rights to sign this order.

ORDER

APPLICATION 13279

PERMIT 8428

LICENSE _____

ORDER ALLOWING CHANGE IN POINT OF DIVERSION

Permittee having established to the satisfaction of the State Water Rights Board that the Change in Point of Diversion under Application 13279, Permit 8428 for which petition was submitted on June 9, 1958 will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the point of diversion under said Application 13279, Permit 8428 to point of diversion described as follows, to wit:

VARIOUS POINTS OF DIVERSION ALONG ALAMEDA CREEK BETWEEN LIMITS AS FOLLOWS: (A) CALIFORNIA ZONE 3 COORDINATES NORTH 396,100, EAST 1,574,600, AT STATE HIGHWAY 9 WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF PROJECTED SECTION 21, T4S, R1W, MDB&M; (B) CALIFORNIA ZONE 3 COORDINATES NORTH 397,000, EAST 1,558,600 AT DECOTO ROAD WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SECTION 24, T4S, R2W, MDB&M.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 8th day of June, 1959

L. K. Hill
L. K. Hill
Executive Officer



Application 13279
Application 13565

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Permit 8428
Permit 8429

NOW THEREFORE IT IS ORDERED:

1. That a new development schedule for Permit 8428 be, and it is hereby, approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE
DECEMBER 1, 1978.

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE DECEMBER 1, 1980.

2. That permission be, and it is hereby, granted to change the purpose of use under said Permit 8428 as follows, to wit:

IRRIGATION, DOMESTIC AND MUNICIPAL USES

3. That Permit 8429 be, and it is hereby, revoked.

Dated: DEC 14 1971


K. L. Woodward, Chief
Division of Water Rights

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 13279

PERMIT 8428

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

THE STATE WATER RIGHTS BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 8428; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

NOW THEREFORE IT IS ORDERED THAT A NEW DEVELOPMENT SCHEDULE BE AND THE SAME IS HEREBY APPROVED AS FOLLOWS:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1967

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1967

WITNESS MY HAND AND THE SEAL OF THE STATE WATER RIGHTS BOARD

THIS 23 rd day of December, 1965

L. K. Hill
L. K. HILL
EXECUTIVE OFFICER



ORDER

APPLICATION 13279

PERMIT 8428

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN
WHICH TO COMPLETE CONSTRUCTION AND USE

The State Water Rights Board having determined that good cause has been shown for an extension of time within which to complete construction work and application of water to the proposed use under Permit 8428, said Board having approved such extension and having directed that this order be issued;

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1963, within which to complete construction work and application of water to the proposed use under said permit.

Witness my hand and the seal of the State Water Rights Board
this 8th day of May, 1961



L. K. Hill
L. K. Hill
Executive Officer

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

ORDER

APPLICATION 13279

PERMIT 8428

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, CHANGE IN POINT OF DIVERSION, AND PLACE OF USE 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 and a petition to change points of diversion on Alameda Creek and place of use; have 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 and for the said change.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 1, 1991

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 1, 1992

2. The points of diversion under this permit shall be as follows:

Various points of diversion along Alameda Creek between limits as follows:
(a) the upstream limit on Alameda Creek within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Fractional Section 21, T4S, R1W, MDB&M. California Coordinates, Zone 3, North 394,950, East 1,574,450; point (b) the downstream limit on Alameda Creek within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 14, T4S, R2W, MDB&M. California Coordinates, Zone 3, North 399,450, East 1,552,300

3. The place of use is amended as follows:

A total of 62,900 acres within the boundaries of Alameda County Water District as shown on map filed with the State Water Resources Control Board.

4. A new Paragraph 8 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privilege 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. 0000012✓

5. Paragraph 9 is added to this permit as follows:

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. 0000013✓

6. Paragraph 10 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. 0000029

Dated: MARCH 29 1983



Raymond Walsh, Chief
Division of Water Rights

ORDER

APPLICATION 13279

PERMIT 8428

LICENSE _____

ORDER GRANTING EXTENSION OF TIME WITHIN
WHICH TO COMPLETE CONSTRUCTION AND USE

Good cause having been shown therefor, it is ordered that an extension of time be and the same is hereby granted until December 1, 1960 within which to complete construction work and application of water to the proposed use under said permit.

WITNESS my hand and the seal of the State Water Rights Board this 3 rd day of October, 1958

L. K. Hill
L. K. Hill
Executive Officer



APPLICATION 13279

PERMIT 8428

LICENSE _____

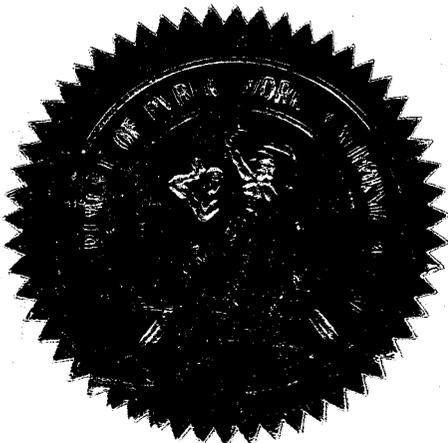
ORDER GRANTING EXTENSION OF TIME TO
COMPLETE USE OF WATER

WHEREAS good cause has been shown wherefore an extension of time should be allowed for the application of the water to complete beneficial use under the above numbered application and permit,

NOW THEREFORE IT IS ORDERED that an extension of time be and the same is hereby granted until December 1, 1957, within which to apply the water to complete beneficial use under said application and permit.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 14 day of February 1955

A. D. EDMONSTON, STATE ENGINEER



By Harvey O. Banks
Harvey O. Banks
Assistant State Engineer

1949 AUG 5 PM 3:11

For full information concerning the filing of this application, see
[Article 4 of Rules and Regulations Concerning Water Rights]

STATE OF CALIFORNIA DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

Application No. 13279 Filed August 5, 1949 at 3:11 P. M.

11/9/50 (Applicant must not fill in the above blanks)
AMENDED APPLICATION RECEIVED

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

* ALAMEDA COUNTY WATER DISTRICT

Name of applicant

of Centerville

County of Alameda

Post office

State of California, does

hereby make application for a permit to appropriate the

following described unappropriated waters of the State of California, SUBJECT TO EXISTING RIGHTS:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Alameda Creek

Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

located in Alameda County, tributary to San Francisco Bay

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use without storage _____ cubic feet per

1 cubic foot per second equals 40
statute miner's inches or 646,317
gallons per day

second, to be diverted from _____ to _____ of each season.

Beginning date each season

Closing date each season

(b) For diversion to be stored temporarily and later applied to beneficial use 40,000 acre-feet

1 acre-foot equals 325,851 gallons

per annum, to be collected between October 1st and June 1st of each season.

Beginning date each season

Closing date each season

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. The amounts stated must be in definite terms of some established unit of measurement. Neither these amounts nor the season may be increased after application is filed.

3. The use to which the water is to be applied is irrigation and domestic

Domestic, irrigation, power, municipal, mining, industrial, recreational

purposes.

4. The point of diversion is to be located N 63° 19' 14" E, 2292.76 ft. from center of

State bearing and distance or coordinate distances to section or quarter section corner

Intersection of I Street and Third Street of the Town of Niles, Calif.

being within the SW 1/4 of NW 1/4

State 40-acre subdivision of U. S. Government survey or projection thereof

of Section 21, Tp. 4S, R. 1W, MDB& M., in the County of Alameda

5. The main conduit terminates in SW 1/4 of NW 1/4, of Sec. 21, Tp. 4S, R. 1W, M.D.B& M.

State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application can not be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping: Capacity of plant _____ gallons per minute.

~~See Supplement~~

(b) Diversion will be by gravity, the diverting dam being 15 feet in height (stream bed to

level of overflow); 200 feet long on top; and constructed of pile and timber

Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet

long on top; have a freeboard of _____ feet, and be constructed of _____

Concrete, earth, etc.

7. Storage Reservoir the underlying gravels known as Niles Cond

Name

The storage reservoir will _____ be the ground water basin beneath the land of

ALAMEDA COUNTY WATER DISTRICT

Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of 50,000 acres, and a capacity of 40,000 acre-feet.

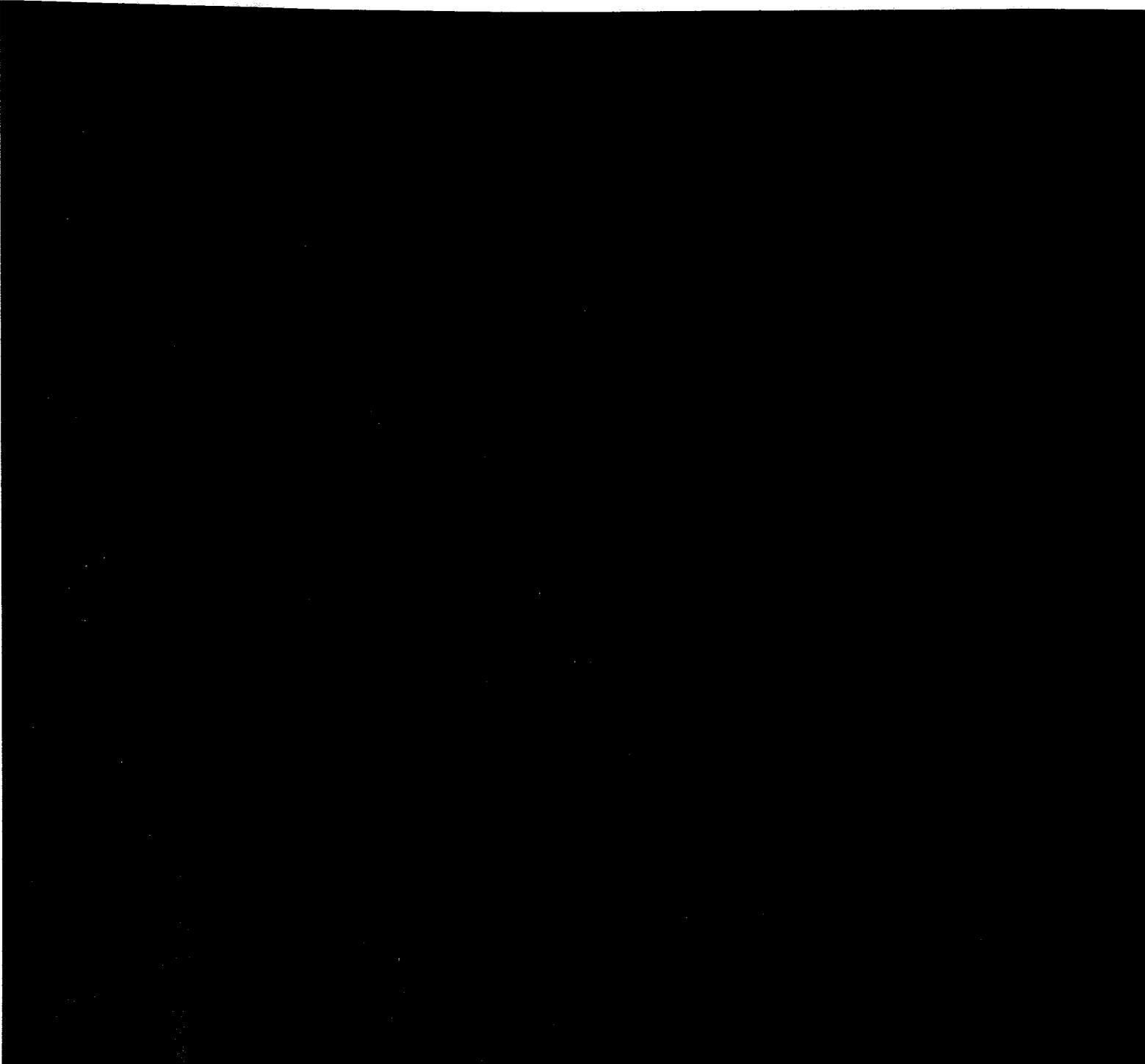
In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

5
SUPPLEMENT: Application 13279

Par. 8(b)

The four diversion pipes, having a diameter of 5 feet, are set in the northerly side of the creek, about opposite School Street of the Town of Niles. The pipes will divert the water of the creek into deep pits which are below the level of the creek channel and which extend beneath all of the land within the district.

All these works are within the district.



ATTACH EXTRA SHEETS HERE

15. **Municipal Use.** This application is made for the purpose of serving _____
Name city or cities, town or towns. Urban areas only
_____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. **Mining Use.** The name of the mining property to be served is _____
Name of claim
_____ and the nature of the mines is _____
Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____
Cubic feet per second, gallons per minute. State basis of estimate

The water ^{will} be polluted by chemicals or otherwise _____
~~will not~~ Explain nature of pollution, if any

and it ^{will} be returned to _____ in _____ of
~~will not~~ Name stream State 40-acre subdivision

Sec. _____, Tp. _____, R. _____, _____ M.

17. **Industrial Use.** The nature of the use proposed is _____
Describe nature and method of use

The amount for which application is made was determined by _____
Describe basis of estimate of quantity needed

18. **Recreational Use.** Water will be used for _____
Describe nature and method of use

The amount for which application is made was determined by _____
Describe basis of estimate of quantity needed

General

19. Are the maps as required by the Rules and Regulations filed with Application? ^{YES} ~~no~~ **30 days**. If not, state specifically the time required for filing same. _____
Yes or No

20. Does the applicant own the land at the proposed point of diversion? ~~yes~~ **NO**. If not, state what steps have been taken to secure right of access thereto. **the pit area is under 10-year lease by the district.**
Yes or No
Owner is Florence May Shiman, Niles, Calif.

21. What is the name of the post office most used by those living near the proposed point of diversion?
Niles, California

22. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? _____

ALAMEDA COUNTY WATER DISTRICT

[SIGNATURE OF APPLICANT] W. D. Patterson
President

and by W. J. Harrold
Secretary

memorandum
Oct. 3, 1950
APC

APPLICANT MUST NOT FILL IN BLANKS BELOW

PERMIT No. 8428

This is to certify that the application of which the foregoing is a true and correct copy has been considered and is hereby approved SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used, and shall not exceed forty thousand (40,000) acre-feet per annum to be collected from about October 1 of each year to about June 1 of the succeeding year. 000005

2. The maximum amount herein stated may be reduced in the license if investigation so warrants. 000006

3. Actual construction work shall begin on or before July 1, 1951 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. 000007

4. Said construction work shall be completed on or before December 1, 1953 000008

5. Complete application of the water to the proposed use shall be made on or before December 1, 1954 000009

6. Progress reports shall be filed promptly by permittee on forms appropriate to the purpose which will be provided annually by the State Engineer until license is issued. 000010

7. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer 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. 000012

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 or the price of the services 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, 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).

Witness my hand and the seal of the Department of Public Works of the State of California this 19th day of February 1951

A. D. EDMONSTON
State Engineer

