

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

ORDER

APPLICATION 13156

PERMIT 10478

LICENSE _____

ORDER APPROVING CHANGE IN PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change the place of use; has been filed with the State Water Resources Control Board.
2. 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. The place of use is amended as follows:

Within East Bay Municipal Utility District's service area covering 360 square miles and comprising the cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, Richmond, San Leandro, San Pablo, and the City of Brentwood and unincorporated areas in Alameda and Contra Costa Counties, and generally located within Township 1, 2, 3, 4, South and 1 and 2 North Ranges 1, 2, 3, 4, and 5 West and 2 East, MDB&M, as shown on maps on file at the office of the State Water Resources Control Board.

2. Paragraph 13 is added to this permit as follows:

Water shall be served to the place of use added by this order (City of Brentwood) only after development and continued implementation of a water conservation program or actions for said added place of use. Permittee shall require as a condition of any agreement with a water purveyor for distribution of water to such added place of use that the water purveyor develop and implement a water conservation program or action. A progress report on development of the program shall be submitted to the Board within six months. The program or proposed action 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: JANUARY 26 1983



Raymond Walsh, Chief
Division of Water Rights

ORDER

APPLICATION 13156PERMIT 10478

LICENSE _____

ORDER GRANTING PERMISSION TO CHANGE POINTS OF DIVERSION
(PLAN OF DEVELOPMENT) PROPOSED IN APPROVED APPLICATION
NUMBER 13156

WHEREAS, the Division of Water Resources did on July 3, 1956, issue Permit Number 10478 in approval of Application Number 13156, and

WHEREAS, the East Bay Municipal Utility District of Oakland, California, which is the record owner of the rights of appropriation initiated by said application, did on July 13, 1960, petition The State Water Rights Board, successor to the Division of Water Resources, for permission to make certain changes in the points of diversion (plan of development) described in said approved application on which Permit Number 10478 had theretofore been issued, which said proposed changed points of diversion (plan of development) are described in a petition and appendix thereto in the form of an amended application, received July 13, 1960, and

WHEREAS, the State Water Rights Board has examined said proposed changed points of diversion (plan of development) and finds that said changes will not operate to the injury of any other appropriator or legal user of water,

NOW THEREFORE, IT IS HEREBY ORDERED that the said petition for permission to change points of diversion (plan of development) be, and the same is hereby allowed, and

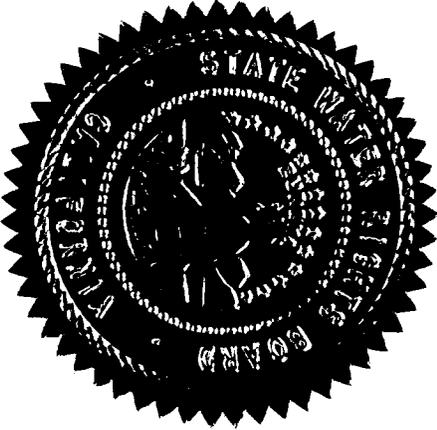
ORDER

APPLICATION 13156PERMIT 10478

LICENSE _____

IT IS HEREBY FURTHER ORDERED that a copy of the appendix to the petition (amended application) be attached to the original application which it is intended to supersede, together with a copy of this order, in order more clearly to define the present purposes and intent of applicant and permittee and to indicate the approval by The State Water Rights Board of said changed points of diversion (plan of development).

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 29th day of July, 1960



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

IMPORTANT
[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Engineer thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Engineer.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Engineer.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Engineer, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 13156 Filed June 16, 1949 at 8:12 A. M. (Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

APPENDIX TO PETITION FOR CHANGE IN POINT OF DIVERSION (PLAN OF DEVELOPMENT)

Name of applicant or applicants

Address

City or town

County

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is (A) (B) Mokelumne River (A) San Joaquin located in (B) Amador and Calaveras County, tributary to (A) (B) San Joaquin River

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 194 cubic feet per second from Mokelumne River at point (A) or point (B), or both, to be diverted from about Dec. 1 of each year to about July 1 of the succeeding year.

(b) For diversion to be stored and later applied to beneficial use (A) (B) 353,000 acre-feet per annum, to be collected between about Dec. 1 of each year & about July 1 of the succeeding year.

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is Municipal (see supplement) purposes.

4. The point of diversion is to be located (see supplement)

being within the State 40-acre subdivision of public land survey or projection thereof

of Section , T. , R. B. & M., in the County of

5. The main conduit terminates in SE 1/4 of SW 1/4 of Sec. 15, T. 1N, R. 2W, M.D. B. & M.

(projected) at Walnut Creek pumping plant, where water will be distributed to the various parts of Description of Diversion Works the District as required.

NOTE.—An application cannot 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) (see supplement)

(a) Diversion will be made by pumping from Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being feet in height (stream bed to level of overflow); feet long on top; and constructed of 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 (A) Camanche (B) Pardee* Name

The storage reservoir will flood lands in (see supplement) Indicate section or sections, also 40-acre subdivisions unless shown upon map

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

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

8. Conduit System (describe main conduits only)

(see supplement and general project map)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____

Cross out two not used

feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials

of construction _____

Earth, rock, timber, etc.

(b) Pipe line: Diameter _____ inches; length _____ feet; grade _____ feet per

1,000 feet; total fall from intake to outlet _____ feet; kind _____

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is _____ (see supplement)

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is \$83,589,000

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before _____ (see supplement)

Construction work will be completed on or before _____

The water will be completely applied to the proposed use on or before _____

Description of Proposed Use

11. Place of Use. East Bay Municipal Utility District (see Par. 15 and general project

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

map)

survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all

40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant own the land whereon use of water will be made? No Jointly? _____

Yes or No

Yes or No

The District was created by vote of the people on May 23, 1923, under the authority of the Municipal Utility District Act of May 23, 1921.

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right <small>(riparian, appropriative, purchased water, etc.)</small>	Year of First Use	Use made in recent years <small>including amount if known</small>	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres.

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres;

orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____

Beginning date

Closing date

14. Power Use. The total fall to be utilized is _____ feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.

Second feet × fall ÷ 8.8

The use to which the power is to be applied is _____

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will be returned to _____ in _____ of

will not

Name stream

State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M.

PERMIT No. 10478

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 one hundred ninety-four (194) cubic feet per second by direct diversion and three hundred fifty-three thousand (353,000) acre-feet per annum by storage from about December 1 of each year to about July 1 of the succeeding year; all as more explicitly set forth in paragraph 2 of this approved application. (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 December 1, 1957 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, 1980 (000008)

5. Complete application of the water to the proposed use shall be made on or before December 1, 2000. (000009)

6. Progress reports shall be filed promptly by permittee on forms 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)

8. Construction of Camanche Dam and Reservoir under this permit shall not commence until the local interests have had an opportunity to financially participate in the construction of said dam and reservoir for flood control purposes or to secure Federal participation therein; provided that such participation for flood control purposes shall be determined on or before December 1, 1960. (0000700)

9. No diversion shall be made under this permit at the Camanche or Pardee Dam sites until an agreement has been reached between the permittee and the State Department of Fish and Game with respect to flows to be by-passed for fish life; or failing to reach such agreement, until a further order is entered by the Division or its successor with respect to said flows. (0360300)

10. During the months March through October, inclusive, whenever the mean monthly flows released downstream from enlarged Pardee Reservoir or Camanche Reservoir are less than 400 cubic feet per second, mean daily flows shall not be less than 75% of the average monthly rate of flow released past the lower of said dams, except in event of emergency. (0000400)

11. Permittee shall at all times by-pass a minimum of 5.0 cubic feet per second or the natural flow of the stream whenever it is less than 5.0 cubic feet per second, at Railroad Flat Dam, to maintain fish life. (0140060)

12. Insofar as this application relates to the diversion or storage of water from July 1 to December 1 of each year the same is denied. (0000999)

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, 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 3rd day of July 19 56

HARVEY O. BANKS State Engineer

[Handwritten Signature]

