

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 13776 (Application 18115)

**U.S. Bureau of Reclamation**

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SOURCE: Stony Creek tributary to Sacramento River

COUNTIES: Butte, Glenn, and Tehama

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**ORDER APPROVING TEMPORARY URGENCY CHANGE**

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**1.0 SUBSTANCE OF PETITION**

On January 24, 2012, the U.S. Bureau of Reclamation (Reclamation) filed a temporary urgency change petition pursuant to Water Code section 1435 et seq., to extend the spring diversion season under Permit 13776 (Application 18115) from May 15, 2012 to June 15, 2012.

Under Permit 13776, as part of the Central Valley Project (CVP), Reclamation diverts Stony Creek water to storage in Black Butte Reservoir from November 1 of each year to April 30 of the succeeding year. Water is then released from storage and rediverted at the Stony Creek Siphon (Constant Head Orifice or CHO) into the Tehama-Colusa Canal (TC Canal), which serves the Tehama Colusa Canal Authority (TCCA), from April 1 to May 15 and from September 15 to October 29. With the temporary urgency change petition, Reclamation seeks to extend the season of diversion at the CHO.

**2.0 BACKGROUND**

**2.1 History of Permit 13776**

Permit 13776 was issued to Reclamation on November 19, 1962 pursuant to Application 18115, for diversion to storage of up to 160,000 acre-feet from Stony Creek in Black Butte Reservoir from November 1 of each year to April 30 of the succeeding year. Beneficial uses include domestic, irrigation, municipal, industrial and recreational uses within the place of use of the CVP. In an April 1, 1996 Order (1996 Order), the Division of Water Rights (Division) amended the permit, adding a point of diversion at the CHO to the TC Canal. The 1996 Order included the following condition:

Release of Central Valley Project water from Black Butte Reservoir for diversion at the Constant Head Orifice under this permit shall not exceed 38,293 acre-feet annually (afa). Rediversions at the Constant Head Orifice may occur for 45 days during each of the periods from April 1 through May 15 and from September 15 through October 29.

**2.2 Description of the Temporary Urgency Change**

TCCA diverts Reclamation's CVP water into the TC Canal: (a) from Stony Creek by diversion through the CHO under Permit 13776, or (b) from the Sacramento River by gravity flow at the Red Bluff Diversion Dam (RBDD) under other Reclamation CVP rights. TCCA diverts water from the Sacramento River into the TC Canal when the gates are down at the RBDD, since sufficient head for gravity diversions to the TC Canal is only available when the gates are down. Between May 15 and September 14, the RBDD has generally been operated with the gates down, allowing TCCA to divert up to 2,200 cubic feet per second (cfs) by gravity into the TC Canal. However,

as a result of the June 4, 2009 Biological Opinion issued by National Marine Fisheries Service (NMFS) for CVP operations, the RBDD gates cannot be lowered until June 15. The Biological Opinion also required fish passage improvements at the RBDD, and has resulted in the Fish Passage Improvement Project (FPIP). The FPIP proposes the installation of a new permanent diversion facility at RBDD, which will meet the most current protective design standards. In the interim, Reclamation installed a temporary pumping plant at RBDD to supply water to the TC Canal until the gates could be lowered and/or the new permanent diversion facility is installed.

It has since been determined that some of these temporary pump screens at the RBDD do not meet state and federal criteria designed to prevent fish entrainment. Consequently, various fishery agencies have urged Reclamation and TCCA to use the CHO, rather than the temporary pumping plant at RBDD, to divert water into the TC Canal from May 15 through June 15. Therefore, Reclamation filed the petition for temporary urgency change to extend the season of rediversion for the CHO under Permit 13776 from May 15, 2012 to June 15, 2012 in order to operate in the manner preferred by the fishery agencies.

The Technical Advisory Group (TAG) that is developing recommendations for implementation of the FPIP consists of representatives from NMFS, U.S. Fish and Wildlife Service, California Department of Fish and Game (DFG), California Department of Water Resources, Reclamation, and TCCA. The TAG representatives considered whether using the temporary pumping plant at RBDD or the CHO on Stony Creek would be most protective of fishery resources on an interim basis until the new permanent diversion facilities are built at RBDD. TAG members concluded that extending the season of rediversion at the CHO from May 15 through June 15 would be the preferred method of diverting water into the TC Canal based on the following:

1. Extensive sampling and monitoring over the years indicate that no listed anadromous fish should be present in Stony Creek and subject to entrainment into the canal at the CHO during the May 15 through June 15 extended period of rediversion.
2. High water temperatures at this time of the year, and implementation of flushing flow releases to Stony Creek above the CHO prior to its use for diversion starting in April, result in an unsuitable habitat for anadromous fish in Stony Creek during May 15 through June 15.
3. The Division's 1996 Order only allows rediversions into the CHO when 40 cfs is bypassed downstream in Stony Creek. This will result in a downstream bypass that is 10 cfs greater than the 30 cfs bypass required during this time period by a 2002 NMFS Biological Opinion on Lower Stony Creek operations, and will provide a potential benefit for fish that may be between the CHO and the confluence with the Sacramento River.

The quantity of water that will be made available to TCCA as a result of approval of this urgency change petition will not exceed the authorized seasonal limit of 38,293 afa by rediversion from Stony Creek. All other limitations relative to use of the CHO as a point of rediversion will remain in place, including the minimum bypass of 40 cfs in Stony Creek immediately downstream of the TC Canal.

### **3.0 COMMENTS REGARDING THE PETITION**

The State Water Board issued a public notice of the temporary urgency change petition on February 10, 2012. No comments were received during the notice period.

### **4.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the State Water Board is issuing a Notice of Exemption based on Class 7, Actions by Regulatory Agencies for Protection of Natural Resources, in accordance with Title 14, California Code of Regulations, section 15307. The project as proposed will not have a significant effect on the environment and should be exempt from further environmental review pursuant to CEQA as follows:

1. Class 7 exemptions from CEQA consist of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.
2. The TAG fishery agencies have determined that some of the screens on the temporary pumping plant at the RBDD are inadequate to protect fishery resources on the Sacramento River and indicated that rediversions at the CHO on Stony Creek are preferable as it is unlikely that fish will be present in Stony Creek near the CHO during the extended period of rediversion.
3. During the extended rediversion season of the CHO, downstream bypasses in Stony Creek will be 40 cfs, which is 10 cfs greater than normal bypasses during this time period.
4. Operation of the CHO from May 15 through June 15 is protective of fishery resources on both 1) the Sacramento River, due to prevention of fish entrainment at the temporary pumping plant at the RBDD; and 2) downstream in Stony Creek, given an increase in mandatory bypass flows.

## **5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE**

Chapter 6.6 of part 2, division 2, of the Water Code, commencing with 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 urgency change. The State Water Board's regulation, at California Code of Regulations, title 23, section 791, subdivision (e), provides that the State Water Board 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 Water Code section 1435 are applicable to temporary urgency changes to terms and conditions of water right permits and licenses.

The State Water Board must make the findings specified in section 1435, subdivision (b), when issuing a temporary urgency 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; and
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 Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the State Water Board concludes that the proposed temporary urgency 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. However, the State Water Board shall not find the need urgent if it concludes that the petitioner has failed to exercise due diligence in petitioning for a change pursuant to other appropriate provisions of the Water Code.

Operation of both the Stony Creek and Sacramento River diversions are constrained by Biological Opinions for protection of fishery resources. Reclamation has indicated that compliance with the Biological Opinions has resulted in an urgent need to re-operate facilities in order to negate harm to fisheries due to fish entrainment at the temporary fish pumping plant at the RBDD. Re-operation of the CHO will afford increased protection to Sacramento River fisheries at the RBDD.

## **5.2 No Injury to Other Legal Users of Water**

The water to be rediverted at the CHO from May 15 to June 15, 2012 will consist of water stored in Black Butte Reservoir prior to April 30, 2012. Water released from storage is not available for diversion by other water right holders. Therefore, there is no injury to other legal users of water.

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

The underlying need for the temporary urgency change is to protect fishery resources. Reclamation consulted with the TAG fishery agencies regarding the proposed temporary urgency change. The proposed change minimizes use of poorly performing temporary fish screens on the Sacramento River at the RBDD. The extension of the rediversion season at the CHO will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses because no listed anadromous fish should be present and subject to entrainment into the canal at the CHO location during the extended Stony Creek rediversion period of May 15 to June 15, 2012.

## **5.4 The Proposed Change is in the Public Interest**

The proposed change will provide water in the TC Canal for delivery to CVP contractors within the TCCA service area. Without the modification to the rediversion season, the water supply in the TC Canal may not be adequate to supply the TCCA service area from May 15 to June 15, 2012. Moreover, the proposed change minimizes use of poorly performing temporary fish screens on the Sacramento River.

## **6.0 STATE WATER BOARD DELEGATION OF AUTHORITY**

Resolution 2007-0057, section 4.4.1, delegates to the Deputy Director for Water Rights the authority to approve temporary urgency changes pursuant to Water Code Section 1435, provided the necessary findings can be made.

## **7.0 CONCLUSIONS**

The State Water Board has adequate information in its files to make the findings required by Water Code section 1435.

I conclude that, based on the available evidence:

1. Reclamation has an urgent need to make the proposed change;
2. The petitioned change does not operate to the injury of any other lawful user of water;
3. The petitioned change does not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The petitioned change is in the public interest.

**ORDER**

**NOW, THEREFORE, IT IS ORDERED THAT** the petition filed by Reclamation for temporary urgency change in Permit 13776 is approved.

All existing terms and conditions of the subject permit, and orders issued pursuant to the subject permit remain in effect, except as temporarily amended by the following provisions:

1. The rediversion season at the Constant Head Orifice is extended to include May 15, 2012 through June 15, 2012.
2. Release of Central Valley Project water from Black Butte Reservoir for rediversion at the Constant Head Orifice under Permit 13776 shall not exceed 38,293 acre-feet from April 1, 2012 through October 29, 2012.
3. By July 15, 2012, Reclamation shall report the total quantity of water rediverted at the Constant Head Orifice pursuant to this temporary urgency order and shall report the total quantity subsequently put to beneficial use. By December 31, 2012, Reclamation shall report its compliance with the 38,293 acre-feet diversion limit.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director  
Division of Water Rights*

**Dated: March 30, 2012**

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 13776 (Application 18115)

of United States Bureau of Reclamation

**AMENDED ORDER SUPERSEDING AND REPLACING JULY 18, 1994 ORDER  
AMENDING PERMIT 13776 TO CONFORM WITH DECISION 1629**

**AND INCORPORATING TERMS OF CONCURRENT ORDER ON  
AUGUST 9, 2007 AND JULY 16, 2009 PETITIONS TO CHANGE**

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SOURCE: Stony Creek

COUNTIES: Contra Costa, Tehama

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**WHEREAS:**

1. The Permittee is the U.S. Bureau of Reclamation (Reclamation).
2. On July 18, 1994, the State Water Resources Control Board (State Water Board) issued an Order Amending Permit 13776 to Conform with Decision 1629 (1994 Order) regarding the Los Vaqueros Reservoir Project. The order identified the conditions in Decision 1629 that were applicable to Permit 13776.
3. On August 9, 2007, Reclamation filed a petition to add a point of redirection on Victoria Canal.
4. On July 16, 2009, Reclamation filed a petition to add incidental hydroelectric power generation as a purpose of use in connection with Contra Costa Water District's Los Vaqueros Energy Recovery Project.
5. The Division of Water Rights evaluated the 2007 and 2009 petitions and determined the conditions for approval of the two pending petitions in an Order Approving Changes in Point of Diversion and Rediversion and Purpose of Use on 15 water right permits of Reclamation and Permits 20245 and 20249 of Contra Costa Water District (2010 Order on petitions) that will be issued concurrently with this Order. The 2010 Order on petitions modifies some of the terms in the 1994 Order.
6. This order lists the entire group of conditions that are applicable, based on the 1994 and 2010 Orders. This Order supersedes the July 18, 1994 Order.

**NOW, THEREFORE, IT IS ORDERED THAT:**

The July 18, 1994 Order on Permit 13776 is superseded by this Order.

The following list of acronyms is used within the text of the following Order:

- Department of Fish and Game - DFG
- National Marine Fisheries Service – NMFS

- Alternate Intake Project – AIP
- U.S. Fish and Wildlife Service – USFWS
- Department of Water Resources – DWR
- U.S. Bureau of Reclamation – Reclamation
- State Water Resources Control Board – State Water Board
- Division of Water Rights - Division
- Contra Costa Water District - CCWD

1. Condition (a) was added to the permit by Decision 1629. Condition (b) was added to the permit by the 2010 Order. The condition of the permit related to the points of diversion is amended to include the following:

- (a) A point of rediversion on Old River tributary to San Joaquin Delta Channels, within NW ¼ of SE ¼ of projected Section 31, T1N, R4E, MDB&M, also described as California Coordinates, NAD 83, Zone 3, North 2,147,455 feet and East 6,250,918 feet.

- (b) A point of rediversion on Victoria Canal tributary to Old River thence San Joaquin Delta Channels, within NE ¼ of NW ¼ of Section 9, T1S, R4E, MDB&M. also described as California Coordinates, NAD 83, Zone 3, North 2,139,610 feet and East 6,259,970 feet.

2. The condition of the permit related to the place of use was amended by Decision 1629 to include the following:

The authorized place of use shall include the service area and sphere of influence of the CCWD, the Cities of Pittsburg, Antioch, and Brentwood with their spheres of influence, the Oakley subarea, the Los Vaqueros recreation area, and the rural county subarea as of fall 1989, as shown on a map filed with the State Water Board.

(0000004)

3. The condition of the permit related to the purpose of use shall be amended based on the 2010 Order to include:

Incidental hydroelectric power generation at: California Coordinates, NAD 83, Zone 3, North 2,182,439 feet and East 2,201,417 feet, being within the NW ¼ of NW ¼ of Section 34, T2N, R2E, MDB&M.

(0000003)

(0000004)

The following conditions were added to the permit by Decision 1629, and are updated by the 2010 Order as shown:

4. The combined instantaneous maximum rate of diversion and rediversion to offstream storage in Los Vaqueros Reservoir from Old River and Victoria Canal shall not exceed 200 cubic feet per second.

(000005J)

5. Permittee shall maintain a daily record of water diversion utilizing both the Old River and Victoria Canal points of diversion and submit such record to the Division on an annual basis.

(0090700)

6. No water shall be diverted under this permit until Permittee has installed devices, satisfactory to the State Water Board, which are capable of measuring the flow: (1) directly diverted at Victoria Canal; (2) diverted into the Los Vaqueros Reservoir from Old River and Victoria Canal; and (3) releases through or flowing out of the outlet facilities of Los Vaqueros Reservoir. Said measuring devices shall

be properly maintained.

(0060062)

7. The total combined quantity of water diverted and/or rediverted from Old River and Victoria Canal under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735, issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304 and 22316 shall not exceed 180,675 acre-feet per annum, and also shall not exceed in any one-year period commencing on March 1, the sum of (i) 177,000 acre-feet and (ii) 4,000 acre-feet to replace evaporation losses and (iii) the difference between the quantity of water in storage in Los Vaqueros Reservoir at the end of the period and the quantity of water in storage in Los Vaqueros Reservoir at the beginning of the period from Old River and Victoria Canal combined. If the quantity of water in storage in Los Vaqueros Reservoir at the end of the period is less than the quantity of water in storage in Los Vaqueros Reservoir at the beginning of the period, the change in storage shall be subtracted from the 177,000 acre-feet.

Until further order of the State Water Board, the combined maximum annual diversion shall not exceed 222,000 acre-feet per annum from Old River, Rock Slough, and Victoria Canal. Any such further order of the State Water Board shall be preceded by notice to all interested parties, by opportunity for hearing, and a showing that water can be diverted in excess of 222,000 acre-feet per annum, taking into account the needs of public trust uses, senior water right holders, and other beneficial uses. Any petition seeking such a further order of the State Water Board shall be accompanied by any environmental documentation required under California law. This requirement for a further order of the State Water Board shall not preclude the Permittee from filing an appropriate petition or petitions for temporary changes or application(s) for temporary permits under laws existing at the time of the filing of the petition or application.

Provided, however, that if during the 12 months after the date when water is first diverted to storage in Los Vaqueros Reservoir there is adequate water available under the water rights listed above, the combined maximum diversion during that initial 12 months shall be 252,000 acre-feet from Old River and Rock Slough.

The total quantity of water under the permits on the above water rights distributed within the authorized place of use served by CCWD for use by the customers of CCWD, in any-year commencing March 1 shall not exceed 177,000 acre-feet.

(0000114)

8. The combined rates of diversion and/or rediversion from Old River under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 to Reclamation (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858A, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 250 cubic feet per second.

(0000114)

The following condition was added to the permit by Decision 1629 and is unchanged:

9. Permittee shall comply with all legally binding requirements of DFG, USFWS, and NMFS imposed on the Permittee under the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544) and the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098) with respect to the Los Vaqueros Project.

(0400500)

(0600999)

The following condition was added to the permit by Decision 1629, and is updated by the 2010 Order as shown:

10. Permittee shall in cooperation with CCWD implement the mitigation monitoring and reporting measures for Bay-Delta fishery resources, Bay-Delta water quality, vegetation resources, wildlife resources, cultural resources, and to comply with the Fish and Wildlife Coordination Act (16 U.S.C. Section 661 et seq.), which are set forth in the Environmental Commitments and Mitigation Monitoring the Reporting Plan for the Los Vaqueros Project Stage 2 Environmental Impact Report/Environmental Impact Statement, dated October 27, 1993. Permittee in cooperation with CCWD shall provide a report to the Deputy Director for Water Rights by April 1 of each year detailing the results of the previous year's monitoring, plans for the current year's monitoring, and the status of implementation of each mitigation measure required by this decision.

(0400500)

The following condition was added to the permit by Decision 1629 and is unchanged:

11. Permittee shall minimize increased levels of suspended sediments discharged to Old River during construction, maintenance and repair of the Old River intake facility and minimize loss of fish and riparian wildlife at the Old River intake facility construction site by: (1) installing floating silt curtains, silt fences, stormwater detention facilities, and other appropriate sediment control facilities; (2) mapping existing riparian/aquatic fish habitat prior to construction and taking steps to avoid losses to existing habitat during facility construction as much as possible; and (3) reestablishing suitable new habitat on newly constructed or existing levees to compensate for unavoidable losses. Further, the Permittee shall perform all construction, maintenance and repair operations on the Old River intake facility only during the period from September 1 through December 30 of each year, unless USFWS and DFG authorized these activities during other periods. Best management practices shall be used to minimize direct and indirect impacts to fish and wildlife.

(0400500)

The following condition was added to the permit by Decision 1629, and is updated by the 2010 Order as shown:

12. (a) Until the Rock Slough diversion is screened, water diversion from Rock Slough will be minimized under Permits 12725, 12726, and 15735 on Applications 9366, 9367, and 22316 of Reclamation from December 1 through June 30. Permittee shall maximize use of its screened intakes, unless monitoring at the intakes indicates, and DFG, USFWS and NMFS agree, that the incidental take of winter-run Chinook salmon, spring-run Chinook salmon, delta smelt and longfin smelt adults, juveniles, or larvae would be less at Rock Slough than another intake, or that these species are not present at Rock Slough. Permittee shall provide to the Division written concurrence, including the calendar dates when use is authorized, from DFG, USFWS and NMFS prior to use of any unscreened facilities.
- (b) During the period from March 15 through May 31 of each year, Permittee shall not divert water from the Old River or Victoria Canal points of diversion to offstream storage in Los Vaqueros Reservoir except when the reservoir storage level is less than 70,000 acre-feet in a below normal, above normal, or wet water-year, or less than 44,000 acre-feet in a dry or critical water-year ("emergency storage levels"). Water-year types will be as defined in the February edition of the DWR Bulletin 120 or the Four Basin Index set forth in the permits and licenses of Reclamation. If reservoir storage is below emergency storage levels, Permittee may fill the reservoir only if: 1) Permittee has provided DFG with notification that reservoir storage is expected to be below emergency storage level, and 2) DFG concurs with the proposed diversion and rate of diversion. Permittee shall provide the Deputy Director for Water Rights a minimum 15-day notification after obtaining DFG concurrence with the proposed dates and rate of diversion in advance of any diversion. Unless within 15 days the Deputy Director for Water Rights objects to the proposed modification or proposes an alternative, the Permittee may divert at the identified rate of diversion.
- (c) Beginning in the February following the first operation of the Victoria Canal diversion, Permittee shall not divert water from any of its diversions to storage in Los Vaqueros Reservoir for 15 days from February 14 through February 28, provided that reservoir storage is at or above

90,000 acre-feet on February 1. If reservoir storage is at or above 80,000 acre-feet on February 1 but below 90,000 acre-feet, Permittee shall not divert water to storage in Los Vaqueros Reservoir for 10 days from February 19 through February 28. If reservoir storage is at or above 70,000 acre-feet on February 1, but below 80,000 acre-feet, Permittee shall not divert water to storage in Los Vaqueros Reservoir for five days from February 24 through February 28.

- (d) During the period April 1 to April 30, Permittee shall not divert from the Delta for use by CCWD unless Los Vaqueros Reservoir is below emergency storage levels as defined above, and will instead release up to 12,500 acre-feet of water from storage in Los Vaqueros Reservoir to meet demand in the CCWD service area. In those instances where diversions are necessary due to the Reservoir being at or below emergency storage levels, Permittee may divert from the Delta only for direct use by CCWD within the CCWD service area, and no water may be diverted to storage in Los Vaqueros Reservoir.
- (e) The Permittee may submit to DFG, USFWS and NMFS by January 1 of each year, a proposal for modifying the dates of conditions (b), (c), and (d) to better protect threatened or endangered species. DFG may approve modification of the dates for the periods when the reservoir filling is to be avoided and the periods when no diversion shall occur if DFG determines the proposed modification of dates will be more effective in minimizing take of delta smelt and longfin smelt. If no response from DFG is received, Conditions (b), (c), and (d) shall apply. Condition (c) is a condition of DFG only. In addition, prior to modifying the dates of conditions (b) and (d), the concurrence of USFWS and NMFS is required. Permittee shall by February 15, or immediately if after February 15, notify the Deputy Director for Water Rights of the time period modifications for that year. Unless within 15 days the Deputy Director for Water Rights objects to the proposed modifications or proposes an alternative, the Permittee shall implement the modifications.

(0560900)  
(0360900)  
(0600500)

The following conditions from the 2010 Order shall be added to the permit:

13. The maximum instantaneous combined rate of diversion for all diversions from Mallard Slough, Rock Slough, Old River and Victoria Canal under CCWD's Permit 29749 and License 10514 (Application 5941), and Reclamation Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 16600, 15735 and 13776 shall not exceed: 540 cubic feet per second for the months of June, July, August, September and October; 410 cubic feet per second for the months of November, December, January, February and March; and 470 cubic feet per second for April and May; the maximum rate of diversion from Victoria Canal shall not exceed 250 cubic feet per second; and the maximum combined rate of diversion from Old River and Victoria Canal shall not exceed 320 cubic feet per second.
- (0000005J)
14. If DFG, USFWS, or NMFS notifies CCWD that a change in the periods described in conditions 12(b) or 13 is desirable, then Reclamation will cooperate with CCWD to, no later than January 15 of any year, provide the Division with a written request to modify one or more of those conditions. CCWD shall indicate to each agency and the Division whether the change is accepted.

The following conditions were added to the permit by Decision 1629 and are unchanged:

15. Permittee shall construct, operate and maintain a fish screen and fish screen cleaning system at the Old River intake facility, satisfactory to the DFG, USFWS, and NMFS. The fish screen facility shall be constructed and made fully operational prior to operation of the Old River intake facility and by not later than January 1, 1997. In addition, the screen facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted

screen opening, and be operated to effectively screen fish greater than 21 millimeters long.

(0400500)

16. To avoid construction impacts to Swainson's hawks, surveys shall be conducted weekly beginning the first week of April through May 15 by a biologist acceptable to DFG to determine if any nesting is occurring within ½ mile of the Old River diversion point, and to determine whether there is any suitable nesting habitat within ½ mile. If nesting is occurring within ½ mile, construction may not be initiated or continued until August 15 without additional consultation with DFG. This term shall expire upon completion of construction.

(0400500)

The following condition was added to the permit by Decision 1629 and is updated as shown:

17. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a Lake and Streambed Alteration Agreement between DFG and CCWD is filed with the Division. Compliance with the terms and conditions of the agreement is the responsibility of CCWD. If a Lake and Streambed Alteration Agreement is not necessary for this permitted project, the Permittee shall cooperate with CCWD to provide the Division a copy of a waiver signed by DFG.

(0000063)

The following conditions from the 2010 Order shall be added to the permit:

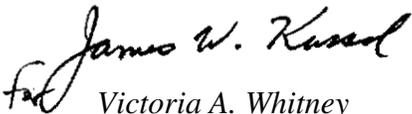
18. Permittee shall comply with the following:

- (a) Diversions at Victoria Canal Intake under Permit 20749 of CCWD and Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 11968, 11969, 11971, 11973, 12364, 13776, and 15735 of Reclamation can be made only when no adverse impact in water levels or water quality resulting from said diversions is detected at West Side Irrigation District (WSID) diversion points.
- (b) The State Water Board reserves jurisdiction over the permits providing for diversions from the new intake at Victoria Canal for such additional time as necessary to determine if use of said point of diversion adversely impacts the water supply or water quality available to WSID. The State Water Board shall, after giving due notice thereof, make any further orders that it finds to be necessary concerning proper use of the point of diversion, and impose conditions providing for additional measurements or studies as it may deem necessary.

19. Nothing shall alter the relative priority of diversions under Permit 20749 of CCWD and Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 16600, 15735 and 13776 of Reclamation from that contained in State Water Board Decision 1629.

All other permit terms and conditions not specifically modified or added by this Order shall remain in effect.

STATE WATER RESOURCES CONTROL BOARD



Victoria A. Whitney  
Deputy Director for Water Rights

Dated: **AUG 25 2010**

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

**ORDER**

Application 18115 Permit 13776 License \_\_\_\_\_

**ORDER APPROVING ADDITION OF POINT OF REDIVERSION AND PURPOSE OF USE,  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 13776 was issued to U.S. Bureau of Reclamation on November 19, 1962, pursuant to Application 18115.
2. A petition for change has been filed with the State Water Resources Control Board.
3. The State Water Resources Control Board has determined that the proposed project will not have a significant effect on the environment for the reasons specified in the Final Environmental Assessment (January 1995), and the Supplemental Environmental Assessment both prepared by the U.S. Bureau of Reclamation. The State Water Resources Control Board has prepared a Mitigated Negative Declaration for the proposed project. The mitigation measures contained therein shall be made a part of this order.
4. The petitioned change would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Permit Condition 10 regarding the State Water Resources Control Board's continuing authority should be updated to conform to Title 23, California Code of Regulations, Section 780(a).

**NOW, THEREFORE, IT IS ORDERED THAT Permit 13776 is amended to include the conditions specified below:**

1. The condition of the permit related to the point of diversion is amended to include:

Point of Rediversion, at the Stony Creek Siphon to the Tehama-Colusa Canal, within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 13, T22N, R3W, MDB&M. California Coordinate System, Zone 2, N 763500 and E 1956500.

(0000002)

2. The condition of the permit related to the purpose of use be amended to read:

Domestic, Irrigation, Municipal, Industrial, Recreational and Fish and Wildlife Protection and Enhancement. (0000003)

3. Release of Central Valley Project water from Black Butte Reservoir for rediversion at the Constant Head Orifice under this permit shall not exceed 38,293 acre-feet annually. Rediversions at the Constant Head Orifice may occur for 45 days during each of the periods from April 1 through May 15 and from September 15 through October 29.
4. Permittee shall maintain a continuous bypass flow of not less than 40 cubic feet per second in Stony Creek immediately downstream of the Tehama-Colusa Canal when rediverting into the Constant Head Orifice for the period April 1 through May 15 and from September 15 through October 29. Permittee shall install and maintain a continuous recording device on Stony Creek immediately downstream of the Tehama-Colusa Canal siphon crossing.
5. Permittee shall take steps to minimize entrainment of fish into the Tehama-Colusa Canal through physical and operational efforts, including minimizing flow fluctuations in Stony Creek, and minimizing flow fluctuations in the rates of rediversion into the Tehama-Colusa Canal. Permittee shall provide a mean daily fish redistribution flow of not less than 100 cubic feet per second for a period of 24 hours prior to beginning the rediversion of water into the Tehama-Colusa Canal.
6. Releases of water for rediversion at the Constant Head Orifice, measured at Black Butte Dam, shall be ramped downward at a rate no greater than 30 percent per hour or 50 cubic feet per second per hour, whichever is greater. Upward ramping flows are not required.
7. The rediversion of water at the Constant Head Orifice on the Tehama-Colusa Canal shall be subject to prior rights of the Glenn-Colusa Irrigation District on Stony Creek.

8. On or before December 15 of each year, Permittee shall provide the State Water Resources Control Board with reports of any fishery or wildlife studies conducted, or funded or received by Permittee in connection with Permittee's operations at the Red Bluff Diversion Dam, the Tehama-Colusa Canal, and the rediversion at the Constant Head Orifice on the Tehama-Colusa Canal under this permit. These reports will serve as a basis for future review in the event of future changes to water diversion or distribution facilities in Stony Creek or at the Red Bluff Diversion Dam.
9. Permittee shall account for water as follows:
  - A. the rate and total quantity of water diverted into the Tehama-Colusa Canal at the Red Bluff Diversion Dam;
  - B. water released from Black Butte Reservoir and rediverted through the Constant Head Orifice into the Tehama-Colusa Canal; and
  - C. the amount of the water bypassed downstream of the Constant Head Orifice during the period of April 1 through May 15 and September 15 through October 29.

In accordance with the above, Permittee shall provide to the Chief of the Division of Water Rights on or before December 15 of each year, a complete accounting of water diverted, released, bypassed and rediverted at the Constant Head Orifice on the Tehama-Colusa Canal.

10. To facilitate the long-term management of lower Stony Creek, including the restoration of fish and wildlife resources, Permittee shall continue to participate in the Stony Creek Task Force. Permittee shall submit to the Chief of the Division of Water Rights a long-term fish, wildlife, and water use management plan for the portion of Stony Creek from Black Butte Reservoir downstream to the confluence of Stony Creek with the Sacramento River, as prepared with the advice and assistance of the Stony Creek Task Force. Permittee shall also submit an annual report of the Stony Creek Task Force and Stony Creek Fish and Wildlife Technical Group activities to the Chief of the Division of Water Rights by December 15 of each year. The plan shall be submitted by December 15, 1998. Upon conclusion of its review of the plan, the State Water Resources Control Board will assess the continued need for the Stony Creek Task Force annually after December 1998.

11. By the year 2002 or in the event of any environmental, physical, facility, or operational changes occurring at the Red Bluff Diversion Dam, the Tehama-Colusa Canal crossing of Stony Creek, in Stony Creek, or the Glenn-Colusa Irrigation District crossing of Stony Creek or that would alter the conclusions stated in the National Environmental Policy Act/California Environmental Quality Act documents used to develop the terms and conditions of this permit, Permittee shall notify the State Water Resources Control Board, for the purposes of modifying as appropriate the terms and conditions governing the rediversion of water at the Tehama-Colusa Canal authorized in this permit.
12. A minimum fishery pool of 20,000 acre-feet shall be maintained in Black Butte Reservoir to the extent that there is not a conflict with prior water rights.
13. In alternate years, Black Butte Reservoir shall be stabilized for warmwater fishery protection, except as limited by the need to make water deliveries to satisfy prior water rights, through the following methods:
  - A. Measure and record surface water temperatures on the main body of water, on a daily basis from March 15 through at least May 31, on Black Butte Reservoir in years when it is stabilized for fisheries protection; and
  - B. When springtime water temperatures reach 60 degrees Fahrenheit in Black Butte Reservoir, changes in water elevation shall be limited to plus or minus two feet for four to five weeks, in accordance with the mitigation measures in the U.S. Bureau of Reclamation's Final Environmental Assessment, Rediversion of Water to the Tehama-Colusa Canal at the Stony Creek Siphon, dated January 1995.
  - C. In years when Black Butte Reservoir is being stabilized, and low in-basin storage conditions exist in combination with the occurrence of 60 degrees Fahrenheit water temperature before May 15 and natural inflow into Black Butte Reservoir is less than 150 cubic feet per second, Permittee shall limit releases for spring Constant Head Orifice rediversions to 17,000 acre-feet maximum when nesting bald eagles occur at Stony Gorge Reservoir. Low in-basin storage shall be considered to exist when storage in Black

Butte Reservoir is less than 60,000 acre-feet.  
In addition, Permittee shall:

- 1) Conduct two surveys annually to determine bald eagle presence, nest site location, nest activity, and nest success at Black Butte Reservoir. Surveys, one pre-Constant Head Orifice and one post-Constant Head Orifice rediversion, should be conducted during the breeding season (January 15-July 31).
  - 2) Survey information should be recorded according to established California Department of Fish and Game protocols and reported to the U.S. Fish and Wildlife Service and California Department of Fish and Game in the annual reports.
14. Permittee shall document Tehama-Colusa Canal/Constant Head Orifice project site impacts with aerial photographs. Aerial photos should be taken between May 1-15 in years when spring Constant Head Orifice rediversions occur.
  15. Permittee shall confine operation of heavy equipment used for impoundment and training dike construction to the streambed and existing access roads to avoid injury, disturbance and/or removal of native riparian vegetation, especially elderberry bushes. Permittee shall conduct a vegetation survey prior to impoundment/training dike construction to identify potential impacts to elderberry bushes. Elderberry bushes that could be disturbed or removed during construction activities shall be flagged and remain undisturbed.
  16. The State Water Resources Control Board reserves jurisdiction to supervise the diversion of water pursuant to this permit, and to coordinate or modify terms and conditions for the protection of vested water rights, fish, wildlife, instream beneficial uses, and the public interest, as future conditions may warrant.
  17. Condition 10 of the permit is 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 State Water Resources Control 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 State Water Resources Control 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 State Water Resources Control 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 State Water Resources Control 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: 4/1/46



Edward C. Anton, Chief  
Division of Water Right

11-5-62  
R 109

B

OCT 19 1962

Mr. H. P. Dugan, Director  
U. S. Bureau of Reclamation  
P. O. Box 2511  
Sacramento, California

Subject: Application 18115

Dear Mr. Dugan:

Endorsed on the reverse side of the above-numbered application you will find the permit which has been issued in approval thereof. As indicated in the findings of Decision 1100 relative to Watershed Protection, Application 18115, as advertised and on which hearings were held, includes no points of redirection at which stored water will be taken from the Sacramento River for distribution to other areas. On Drawing No. 214-208-3355, revised June 7, 1961, which was submitted after notice of the application was released, references to points of diversion or features not included in the application as advertised have been deleted. As prescribed by law the permit fixes a definite time schedule within which to begin construction, complete construction and make full beneficial use of the water. Unless development proceeds promptly and is prosecuted diligently to completion the permit may be revoked. Extensions of time can be allowed only upon a showing of good cause.

Annual reports of progress are required. Forms for the first report will be mailed to you on or about October 1, 1963. You should also keep a complete record of your use of water in your own files. At an appropriate time near the expiration date allowed by the permit for completion of use of water, an engineer of this office will inspect the project. If use of water is found to have been completed, this Board will subsequently issue a license confirming a right to the amount of water found at the time of inspection to have been beneficially used in accordance with the terms and conditions of the permit. After issuance of a license there can be no increase in use under this right.

Very truly yours,

ORIGINAL SIGNED BY  
L. K. HILL

L. K. Hill  
Executive Officer

✓ Enc.  
Cert.  
lc

9

## PERMIT TERMS

Application No. 18115 Filled out by OCT 2 '62 L. H. Date

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 quantity of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 160,000 acre-feet per annum by storage to be collected from about November 1 of each year to about April 30 of the following year.
2. The maximum amount herein stated may be reduced in the license if investigation warrants.
3. Construction work shall be completed on or before December 1, 1965.
4. Complete application of the water to the proposed uses shall be made on or before December 1, 1990.
5. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.
6. Upon the request of the Board, permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this permit, including the recognition of vested rights, and for the further purposes of determining the quantities of water placed to beneficial use under the permit.

7. In conformity with Water Code Section 10505, this permit shall be subject to any and all rights of any county in which the water sought to be appropriated originates to the extent any such water may be necessary for the development of the county.

8. In accordance with Water Code Section 1393, the permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreation purposes.

9. This permit is subject to compliance with Water Code Section 10504.5(a).

10. 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 State Water Rights 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.

11. Permittee shall allow representatives of the State Water Rights Board, and other parties as may be authorized from time to time by said Board, reasonable access to the project works to determine compliance with the terms of this permit.

12. This permit does not authorize collection of water to storage during the period from about May 1 to about October 31 of each season to offset evaporation and seepage losses or for any other purpose.

The equivalent of such continuous flow allowance for any thirty day period may be diverted in a shorter time if there be no interference with vested rights.

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

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

4. Said construction work shall be completed on or before \_\_\_\_\_

5. Complete application of the water to the proposed use shall be made on or before \_\_\_\_\_

6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

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 State Water Rights 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.

MINIMUM FEE \$5.00 FOR ALL PERMITS

IRRIGATION			POWER		
SCHEDULE	ACRES	CHARGE	SCHEDULE	THEO. HORSE POWER	CHARGE
0 to 50 COVERED BY MINIMUM FEE		\$5.00	0 to 50 COVERED BY MINIMUM FEE		\$5.00
Over 50 to 100 @ 10¢			Over 50 to 100 @ 10¢		
Over 100 to 1000 @ 5¢			Over 100 to 1000 @ 5¢		
Over 1000 @ 3¢			Over 1000 @ 1¢		
TOTALS					

Terms OK. 10-10-62 *LOJ*

Permit No. 13776

Date approved 11-19-62

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

Deliver ONLY to addressee

*Additional instructions*

Received the above for delivery

SIGNATURE OF NAME OF ADDRESSEE (MULTIPLE SIGNATURES)

**U. S. Bureau of Reclamation**

SIGNATURE OF ADDRESSEE'S AGENT

*Francis J. Davis*

DATE DELIVERED  
**NOV 20 1967**

ADDRESS WHEN DELIVERED (if requested, check 7-D)

POST OFFICE DEPARTMENT  
OFFICIAL BUSINESS

18115

PENALTY FOR PRIVATE USE TO AVOID  
PAYMENT OF POSTAGE, \$300.



INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Mount gummed ends and attach to back of article. Print on front of article. RETURN RECEIPT REGISTERED

RETURN TO

POD Form 3811 Jan. 1958

REGISTERED NO.

NAME OF SENDER

STATE WATER RIGHTS BOARD

CERTIFIED NO.

179848

STREET AND NO. OR P. O. BOX

P. O. BOX 1592

INSURED NO.

CITY, ZONE AND STATE

SACRAMENTO 7 CALIF.

G35-16-71548-4

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD  
SACRAMENTO

CHECK FOR PERMIT

Application No. 18115 Filled out by OCT 2 '61 L. H. Date \_\_\_\_\_

Applicant U.S. Bureau of Reclamation Date of Filing 4-30-58

Source Stony Creek Tributary to Sacramento River  
domestic, irrigation

County of Tehama Use Municipal, Industrial

Amount originally applied for 160 000 cfs Present amount 160,000 cfs

Capacity of conduit - 530 cfs

Acreage of horsepower not given Irrigation duty \_\_\_\_\_

Application in form 3-20-61 Notices sent 5-11-61

Proof of publication filed 7-10-61 Protest period up 7-10-61

Right of access yes

Right of way \_\_\_\_\_

Ownership of land no

Protestants Dept of Fish and Game  
Stony Creek Water Users Assn  
Sacto River and Delta Water Assn

Letters of importance \_\_\_\_\_

Reports \_\_\_\_\_

Status protests dismissed by D 1100

Hearing held \_\_\_\_\_

Cooperation of United States Government in not in National Forest

Federal forms sent \_\_\_\_\_ Answers \_\_\_\_\_

Adjudicated area no State applications affected cl 4 Area now under permit partly

Prior pending applications affected none Maps OK Advertising OK

Remarks Maps filed 6-21-61 were not first submitted to California Water Commission and approved by that agency. Any changes shown can not be considered by SWRB.

Forms to be sent: ~~7a~~;  10-10c;  61;  61a; ~~62~~

Clauses to be used \_\_\_\_\_

OK for permit 10-10-61 [signature] Permit No. 10770  
13770

APPROVAL FOR SIGNATURE  
WATER RIGHT PERMIT

Application 18115 Permit 13776

Applicant: U. S. Bureau of Reclamation

Source: Stony Creek in Tehama County

Date application filed: April 30, 1958

Amount: 160,000 acre-feet per annum

Season of diversion: November 1 to April 30

Purpose of use: Irrigation, domestic, municipal and industrial

Protested by: Glenn Colusa Irrigation District 7-12-61  
Department of Fish and Game 7-25-61  
Stony Creek Water Users Association 8-7-61  
Sacramento River and Delta Water Association 8-4-61

Disposition of protests: Dismissed by D-1100

Remarks: No prior pending protested applications affected.

Approved for signature:

Date: October 26, 1962

Lloyd D. Johnson  
Senior Hydraulic Engineer

[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. 18115 Filed April 30, 1958 at 11:10 A.M. (Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

AMENDED APPLICATION RECEIVED 3/14/61-

X The United States of America, assignee of the above-numbered application Name of applicant or applicants (SEE SUPPLEMENT) County of Address

State of hereby make application for a permit to appropriate the does following described unappropriated waters of the State of California, SUBJECT TO VESTED RIGHTS:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Stony Creek Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed located in Tehama County, tributary to Sacramento River

2. The amount of water which applicant desires to appropriate under this application is as follows: See Supplement (a) For diversion to be directly applied to beneficial use cubic feet per second, to be diverted from Beginning date to Closing date of each year.

(b) For diversion to be stored and later applied to beneficial use 160,000 acre-feet per annum, to be collected between Beginning date January 1 and Closing date December 31 of each season.

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 domestic, irrigation, municipal, industrial, for flood control and recreational (See Supplement) purposes.

4. The point of diversion is to be located at Black Butte Dam, N.66° 16'W., 2174 feet from SE Cor. Sec. 29, T. 23 N., R. 4 W., M.D.B.&M. (See Supplement)

being within the SW 1/4 of SW 1/4 of Section 29, T. 23 N., R. 4 W., M.D. B. & M., in the County of Tehama

5. The main conduit terminates in NE 1/4 of NW 1/4 of Sec. 14, T. 17 N., R. 4 W., M.D. B. & M.

Description of Diversion Works

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) (a) Diversion will be made by pumping from Sump, offset well, unobstructed channel, etc. (b) Diversion will be by gravity, the diverting dam being See supplement 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 140 feet in height (stream bed to overflow level); 2970 feet long on top; have a freeboard of 5.2 feet, and be constructed of earth Concrete, earth, etc.

7. Storage Reservoir Black Butte Name Sec. 25, 26, 33, 34, 35 & 36 in T. 23 N., R. 5 W.; Sec. 29, 30, The storage reservoir will flood lands in 31 & 32 in T. 23 N., R. 4 W.; Sec. 6, 7 & 18 in T. 22 N., R. 4 W.; Sec. 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 26, 27, 28 & 33 in T. 22 N., R. 5 W., M.D.B.&M. It will have a surface area of 4650 acres, and a capacity of 160,000 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)

(a) Canal, ditch, flume: Width on top (at water line) \_\_\_\_\_ feet; width at bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; length \_\_\_\_\_ feet; grade \_\_\_\_\_ feet per 1,000 feet; materials of construction \_\_\_\_\_  
Cross out two not used  
Earth, rock, timber, etc.

(b) Pipe line: Diameter \_\_\_\_\_ inches; length \_\_\_\_\_ feet; grade \_\_\_\_\_ feet per 1,000 feet; total <sup>fall</sup>/<sub>lift</sub> 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 13,000,000 (1960 prices) \_\_\_\_\_  
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~~ began on June 4, 1960

Construction work will be completed on or before September 1963

The water will be completely applied to the proposed use on or before 1971

### Description of Proposed Use

11. Place of Use. See Supplement \_\_\_\_\_  
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

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(s) own the land whereon use of water will be made? No \_\_\_\_\_ Jointly? \_\_\_\_\_  
Yes or No Yes or No

Contracts will be negotiated with representatives of owners \_\_\_\_\_  
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 (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	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 See supplement \_\_\_\_\_ 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 March 15 \_\_\_\_\_ and end about October 15 \_\_\_\_\_  
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 <sup>will</sup>/<sub>will not</sub> be returned to \_\_\_\_\_ in \_\_\_\_\_ of \_\_\_\_\_  
Name stream State 40-acre subdivision

Sec. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_, B. & M. \_\_\_\_\_

15. **Municipal Use.** This application is made for the purpose of serving See Supplement  
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. \_\_\_\_\_, T. \_\_\_\_\_, R. \_\_\_\_\_, B. & M. \_\_\_\_\_

17. **Other Uses.** The nature of the use proposed is Industrial, flood control, incidental domestic  
Industrial, recreational, domestic, stockwatering, fish culture, etc.  
and recreation

State basis of determination of amount needed. \_\_\_\_\_  
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

\_\_\_\_\_ industrial use, and unit requirements

**General**

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not,  
Yes or No  
state specifically the time required for filing same. \_\_\_\_\_

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and  
Yes or No  
address of owner and state what steps have been taken to secure right of access thereto. agreements are being  
entered into with owners

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

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion?  
Glenn-Colusa Irrigation District

[SIGNATURE OF APPLICANT] E. F. Sullivan  
E. F. Sullivan

SUPPLEMENT TO APPLICATION NO. 18115

PARAGRAPH 2: AMOUNT OF WATER

No direct diversion of water is applied for in this application. For diversion to be stored and later put to beneficial use, 160,000 acre-feet are applied for irrigation, municipal and industrial, incidental domestic, and recreational purposes.

This quantity of water is intended to be used in conjunction with the direct diversion quantity of 225 c.f.s. applied for in Application 19451.

The 160,000 acre-feet of storage specified in this application does not include water temporarily stored and later released to provide flood control space in the reservoir. Storage space may at some time in the future be used for temporary storage of imported waters.

PARAGRAPH 3: USE

This water is for the use of the United States of America through existing and future facilities. This water may also be used by State or Federal agencies, authorities, associations, public or private corporations, political subdivisions and other agencies as authorized either as a supplemental or primary supply. Return flows resulting from water diverted under this application and remaining within the place of use presently depicted, or as ultimately amended, are intended for reuse to serve the project requirements and are not intended for appropriation by others.

PARAGRAPH 4: POINT OF DIVERSION

The point of diversion for the quantity of storage applied for in this application is Black Butte Dam. The outlet works will serve the existing Orland South Main Canal of the Orland Project, and through it the proposed Stony Canal. Black Butte Dam will cover and replace the existing Orland Project Southside Diversion Dam. The existing Orland Project Northside Diversion Dam, located South 60° West, 450 feet from North Quarter Corner, Section 1, T. 22 N., R. 4 W., M.D.B.&M. will continue to serve as a point of diversion for the Orland Project.

It is the intent of this application to provide for additional points of rediversion when and where required as the water distribution and use pattern may dictate.

PARAGRAPH 6: INTAKE OR HEADWORKS

For the purpose of this application Black Butte Dam is the point of diversion and the headworks. Rediversion from South Main Canal to Stony Canal will be at a point approximately 8,800+ feet downstream of the existing dam. This point of rediversion is S. 80° 30' E., 2,500 feet from NW corner, Section 4, T. 22 N., being within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T. 22 N., R. 4 W., M.D.B.&M.

PARAGRAPH 8: CONDUIT SYSTEM

The existing South Canal of the Orland Project has an initial capacity of 530+ c.f.s. for the first 2,300 feet, or to the point where the new canal from the outlet works will join it. The 'Highline Canal' section of the existing South Canal (approximately 6,500 feet) will be enlarged to a capacity of 500 c.f.s., or to the point where Stony Canal will head. Stony Canal will have an initial capacity of 225 c.f.s. for the first 94,800 feet, 68 c.f.s. for the next 5,700 feet, and 50 c.f.s. for the last 13,300 feet. Water depths will vary from 4.25 feet to 1.73 feet; slope will be 0.4 feet per 1,000 feet the first 94,800 feet and 1.5 feet per 1,000 feet the remaining 19,000 feet.

The existing North Canal, which will be served by releases from the outlet works to the channel of Stony Creek and the Northside Diversion Dam, has an initial capacity of 140 c.f.s., a top width of 17 to 9 feet, a water depth of 2.8 to 1.8 feet, a length of 4.4 miles, and a slope of 0.6 to 2.5 feet per 1,000 feet. Construction is earth, with concrete lining.

Additional or alternate conduits will be added as required to convey water to portions of the service area not servable from the above-named facilities.

PARAGRAPH 9: ESTIMATED CAPACITY OF THE DIVERSION CONDUIT

Stony Canal (proposed)	225 c.f.s.
South Canal (existing)	530 c.f.s.
North Canal (existing)	140 c.f.s.

The capacity of the outlet works is 22,000 c.f.s.

PARAGRAPH 11: PLACE OF USE

The water will be used within the service areas of the districts, municipalities, water companies, corporations, and other legal entities

within the gross place of potential use delineated on Maps 214-208-3353, 214-208-3354, 214-208-3355, and 214-208-3356, provided that the delivery of water is conditioned upon execution of valid contracts for such deliveries. Water may also be used by the State of California under Contract 14-06-200-8209, a copy of which is filed with the State Water Rights Board concurrently with this application.

PARAGRAPH 13: IRRIGATION USE

The water applied for under this application is intended primarily for use either as a full or supplemental irrigation supply for the irrigable acreage within the gross place of use applied for.

Portions of this area, within the described potential place of use will be furnished either a full or supplemental water supply developed from Stony Creek in accord with rights acquired by the United States of America, and under contracts with the United States or other authorizations which may be made or given by authority of and pursuant to law. Other portions of the gross area are presently, or will in the future be served in part or in entirety with water developed under lawful rights acquired and used independently of those of the United States.

It is anticipated that some of the water may be used within the Orland Project as a supplemental supply or on an exchange basis or both.

PARAGRAPH 15: MUNICIPAL USE

A portion of the water applied for will be supplied, as required, to cities, towns, and other municipalities presently in existence or as may be developed within the place of use. Some are, or will be, served with water acquired under lawful rights independent of those of the United States. Others are or will be partially so served but do now, or will, require a supplemental supply which will be furnished through rights acquired by the United States.

SUPPLEMENT TO APPLICATION NO. 18115

The United States of America, assignee of the above-numbered application, pursuant to the provisions of the Act of June 17, 1902 (32 Stat. 388), and acts amendatory or supplementary thereto, known as the Federal Reclamation laws, and acting for this purpose by H. P. Dugan, Regional Director, Bureau of Reclamation, Region 2, P. O. Box 2511, Sacramento 11, County of Sacramento, State of California, by virtue of delegation of authority from the Secretary of the Interior through the Commissioner of the Bureau of Reclamation, pursuant to the Act of Congress of December 19, 1941, c. 595 (55 Stat. 842),