P15018

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 11792B,12910 13091, 19149 PERMIT 15013, 15015 15018, 15024 LICENSE _____

ORDER CORRECTING POINTS OF DIVERSION AND REDIVERSION

WHEREAS:

1. The permittee is the Calaveras County Water District (CCWD).

2. On September 18, 1997, the State Water Resources Control Board (SWRCB) issued Order No. 97-05 approving Change Petitions and Petitions for Extension of Time for water right Permits 15013, 15015, 15017, 15018 and 15024 (Applications 11792B, 12910, 12912, 13091 and 19149) of CCWD.

3. On April 2, 1998, amended Permits 15013, 15015, 15018 and 15024 were issued to implement the provisions of Order No. 97-05.

4. The SWRCB has determined that CCWD did not provide accurate information on the ties for its Lake Tulloch point of rediversion. There is no change in the location of the point of rediversion as depicted on the maps submitted by CCWD and this correction is for purposes of technical accuracy only.

5. Amended Permit 15024 does not accurately list the location of the New Spicer Meadow Reservoir point of storage and rediversion. There is no change in the location of this facility as depicted on the maps submitted by CCWD and this correction is for purposes of technical accuracy only.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The location of the Lake Tulloch point of diversion and/or rediversion shall be corrected in amended Permits 15013, 15015, 15018 and 15024 as follows:

   North 49° East, 800 feet from SW corner of Section 30, SW ¼ of SW ¼, Section 30, Township 1 North, Range 13 East, MDB&M.

(0000002)

2. The location of the New Spicer Meadow Reservoir place of storage and rediversion shall be corrected in Amended Permit 15024 as follows:

South 1,225 feet and West 1,700 feet from NE corner of Section 9, NW ¼ of NE ¼, Section 9, Township 6 North, Range 18 East, MDB&M.
(0000002)

Dated: JUNE 01 1998

Roger Johnson

for Edward C. Anton, Chief
Division of Water Rights

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 15018

Application 13091 of Calaveras County Water District, P.O. Box 846, San Andreas, CA 95249

filed on May 13, 1949, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

1. Source: Highland Creek

Tributary to: North Fork Stanislaus River thence Stanislaus River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
New Spicer Meadow Reservoir Storage	NW¼ of NE¼	9	6N	18E	MD
South 1,225 feet and West 1,700 feet from NE corner of Section 9					
McKay's Point Diversion Dam Rediversion	NE¼ of NW¼	2	4N	15E	MD
South 63° East, 2,000 feet from NW corner of Section 2					
Lake Tulloch Rediversion	SW¼ of SW¼	30	1N	13E	MD
North 49° West, 800 feet from SW corner of Section 30					

Counties of Tuolumne and Calaveras

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Municipal Industrial Domestic Irrigation Stockwater Recreation	Within the Calaveras County Water District only within the places of use identified on map dated February 2, 1996, titled "Calaveras County Water District Petition for Change, Addition of Points of Diversion and Rediversion" & labelled CCWD Exhibit 32		1S, 1-6N	11-16E	MD	

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 63,000 acre-feet per annum by storage to be collected from about November 1 of each year to about July 1 of the succeeding year in New Spicer Meadow Reservoir.

   This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin by December 1, 1982 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1998. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 2015. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

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

    The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of

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

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

(0000012)

13. 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)

14. Permittee shall install and maintain outlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. (0050043)

15. Permittee shall install and maintain devices satisfactory to the Board to measure water released from or flowing out of the New Spicer Meadow Reservoir. (0060062)

16. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications. (0360048)

17. In accordance with the requirements of Water Code section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes. (0120050)

18. This permit is subject to the terms of the agreement dated March 16, 1979 between the Department of Fish and Game and the permittee. (0430300)

19. In compliance with Fish and Game Code section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by New Spicer Meadow Reservoir during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission and for domestic water supply reservoirs, subject to Public Health Requirements of sections 7623 to 7630, Title 17, California Administrative Code. (0030064)

20. Water entering the reservoirs or collected in the reservoirs during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under this permit. (0200400)

21. In order to prevent the degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board. (0000100)

22. This permit and all rights acquired or to be acquired thereunder shall be subject to future depletion of streamflow from South Fork and Middle Fork Stanislaus River and their tributaries not to exceed 90,000 acre-feet of water in any three-year period by lawful appropriations of water for reasonable beneficial use by any diverter within the service area of Tuolumne County Water District No. 2, without regard to the time such appropriations are initiated. (0000800)

23. No water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements. (000J001)

24. Except for dry years, as defined in Paragraph 10 of the agreement dated March 16, 1979, between the Department of Fish and Game and the permittee, the permittee at intervals not to exceed five years, will provide flushing flows averaging 200 percent of the average annual flow or averaging 1,000 cfs whichever is greater for 30 consecutive days during the period from March 1 to May 31 in the North Fork Stanislaus River at the Avery Gage, unless such flows occur naturally. Releases from storage will be made for this purpose to the extent that it does not interfere with the maintenance of water surface elevations in New Spicer Meadow Reservoir as provided for in Paragraph 9 of the agreement. (0000300)

25. A multiport outlet shall be constructed and operated on New Spicer Meadow Reservoir under specifications approved by the Department of Fish and Game to control the temperature of water released from the reservoir to optimize conditions for trout production in the North Fork, unless proven unnecessary (to the satisfaction of the Department) by the temperature analysis study of the North Fork Stanislaus River to be conducted by the permittee. (0060062)

26. The maximum amount of water to be diverted for storage in New Spicer Meadow Reservoir under this permit, together with that diverted under permitted Applications 11792B, 12911, 13092, 13093, 18728, 19148 and 19149 shall not exceed 189,000 acre-feet per annum. (0000114)

27. Until further order of the State Water Resources Control Board, permittee may deliver no more than a total of 1,000 acre-feet per annum (afa) of water under Permits 15013, 15015, 15018, and 15024 for use within the area serviceable from the slurry pipeline. Permittee may use all or part of such water in the authorized place of use within the Calaveras River watershed. Permittee shall install and maintain a shut-off valve at the beginning of the pipeline. Permittee shall continuously operate the valve to ensure that no more water is diverted into the pipeline than can be placed to beneficial use. (0350900)

28. Until further order of the State Water Resources Control Board, permittee may deliver no more than a total of 8,000 afa of water under Permits 15013, 15015, 15017, 15018, 15024, and 14769 for use within the Ebbetts Pass service area. (0350900)

29. Until further order of the State Water Resources Control Board, permittee may deliver no more than a total of 6,000 afa of water under Permits 15013, 15015, 15018, and 15024 for use within the Copper Cove service area. Permittee shall deliver treated waste water in lieu of water diverted from the Stanislaus River for irrigation use on the Saddle Creek Golf Course in the Copper Cove service area whenever such delivery will comply with the requirements of Order No. 96-052 (and any subsequent order) issued by the Regional Water Quality Control Board for the Central Valley Region. (0350900) (0290900)

30. Permittee shall bypass uncontrolled flow at its diversion points at times during its season of diversion when (1) uncontrolled flow is being bypassed at New Melones Reservoir and (2) there is inadequate inflow to New Melones Reservoir to satisfy the water rights of riparian and appropriative water right holders with rights senior to the water rights of Permittee. (0160400) (0170400)

31. To protect surface water quality during construction or replacement of any water delivery pipeline facilities associated with implementation of the water supply master plan for Ebbetts Pass Improvement District No. 5 (Ebbetts Pass Water Supply Project), Permittee shall require all pipeline construction contractors to prepare written site dewatering plans covering any site dewatering activities associated with planned pipeline construction or replacement activities. The site dewatering plans shall describe on-site management procedures that Permittee will implement to prevent discharge of sediments or other pollutants into nearby surface streamcourses. The site dewatering plans shall receive written approval from the California Regional Water Quality Control Board, Central Valley Region (RWQCB), prior to their implementation. The Permittee shall submit a copy of each site dewatering plan approved by the RWQCB to the Chief, Division of Water Rights, within 30 days after the RWQCB approves it. Permittee shall not engage in pipeline construction or replacement activities involving site dewatering without implementing appropriate site dewatering plans approved by the RWQCB. (0290999) (0490700)

32. For the protection of resident trout habitat in the reach of North Fork Stanislaus River between McKay's Point Diversion Dam and Collierville Powerhouse, Permittee at all times shall maintain the minimum flow requirements established by the Federal Energy Regulatory Commission (FERC) for the reach. Permittee shall report any changes in the minimum flow requirements established by the FERC for this reach to the Chief, Division of Water Rights. (0400500)

33. For the protection of resident trout in Utica Ditch, prior to commencement of diversion from Utica Ditch for delivery to the Limestone Slurry Pipeline Project service area, Permittee shall request that the Department of Fish and Game (DFG) inspect the site for the proposed diversion intake facility and make a written determination as to whether or not the diversion intake facility should be equipped with a fish screen. If DFG makes a written determination within 180 days after Permittee requests the inspection, Permittee shall furnish the Chief, Division of Water Rights, a copy of the DFG's written determination. If the DFG's written determination finds that no fish screen facility is needed, no further action by Permittee shall be required. If, however, the DFG's written determination finds that a fish screen facility is needed, Permittee shall not operate the diversion intake facility unless it is equipped with a fish screen facility that is designed, constructed, operated, and maintained in strict accordance with applicable DFG fish screen criteria. If a fish screen facility is required, then prior to commencement of operation of the intake facility, Permittee shall submit to the Chief, Division of Water Rights, final written plans for design, construction, operation, and maintenance of the fish screen facility, along with a written statement signed by the DFG that such plans meet applicable DFG fish screen criteria. If DFG does not provide a written determination within the above 180-day period, the SWRCB will not require any further action by Permittee. (0400500)

34. To protect fish and other aquatic life in Tulloch Lake, Permittee shall not divert water from the lake at the diversion intake facility to serve the Copper Cove area unless the intake facility is equipped with a fish screen facility that is designed, constructed, operated, and maintained in strict accordance with applicable fish screen criteria established by the California Department of Fish and Game (DFG). Prior to commencement of operation of the intake facility, Permittee shall submit to the Chief, Division of Water Rights, final written plans for design, construction, operation, and maintenance of the fish screen facility, along with a written statement signed by the DFG that such plans meet applicable DFG fish screen criteria. (0400500) (0490500)

35. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Water Code section 10610, et seq., supplemented by any additional information that may be required by the Board. All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein. (0490700)

36. Permittee shall install and maintain devices, satisfactory to the State Water Resources Control Board, capable of measuring water diverted to: (1) Copper Cove service area, (2) Limestone Slurry Pipeline service area, and (3) Ebbetts Pass service area. Satisfactory devices shall include:

A. For Pumping Stations: (1) in-line flow meter having the capability to measure both instantaneous and total flow, or (2) proof of a pump test performed within the last five years, together with official monthly power consumption records for the electric meter serving the pump.

B. For Gravity Diversions: (1) a weir, flume, or other flow measuring device that is properly installed and certified by a registered engineer, or (2) a flow-rating curve established by volumetric measurements and certified by a registered engineer. On the annual progress report, Permittee shall separately submit the daily and annual records of water use for each service area.

(0060900)
(0090900)

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

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

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

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

Dated: APRIL 2 1998

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights

WR 14-2 (6-94)