

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

ORDER

APPLICATION 18727 AMENDED PERMIT 15021 LICENSE _____

ORDER AMENDING THE PERMIT

WHEREAS:

1. Amended Permit 15021 was issued to Calaveras County Water District on August 11, 1982, pursuant to Application 18727.
2. A petition to change the project has been filed with the State Water Resources Control Board.
3. On March 6, 1987 the Collierville Afterbay was eliminated from the North Fork Stanislaus Hydroelectric Project by Federal Energy Regulatory Commission Order No. 2409-013. The afterbay was no longer needed due to the construction of New Melones Dam, which backs water up the canyon to approximately one-quarter mile below the proposed afterbay site. Without Collierville Afterbay, a swimming beach at that location is no longer feasible.
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.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 25 of the amended permit, related to the swimming beach, is hereby deleted.
2. Condition 26 of the amended permit, related to the operation of the Collierville Afterbay, is hereby deleted.

Dated: **SEPTEMBER 1 1993**


701 Edward C. Anton, Chief
Division of Water Rights

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

ORDER

APPLICATION	12911 ✓	PERMIT	15016	LICENSE	
	13092		15019		
	13093		15020		
	18727		15021 ✓		
	19148		15023		

ORDER RESCINDING THE APRIL 3, 1985 ORDER,
APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMITS

WHEREAS:

1. Petitions for extensions of time within which to develop the project and apply the water to the proposed use under said permits have been filed with State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
3. The order issued on April 3, 1985 incorrectly altered Conditions 14 of the permits instead of Conditions 13, when Conditions 13 and Conditions 14 should have remained intact.
4. The order issued on April 3, 1985 also numbered the signature page of the ORDER as "3", rather than "2".
5. The ORDER issued on April 3, 1985 should be rescinded due to the above errors.
6. When the April 3, 1985 order is rescinded, Permit Conditions 12 pertaining to the continuing authority of the Board will not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The order issued on April 3, 1985, regarding said permits is hereby rescinded.
2. A new development schedule is approved for said permits as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE	December 31, 1990	(0000008)
COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE	December 31, 1992	(0000009)

Permit 15016 (Application 12911)	
15019	13092
15020	13093
15021	18727
15023	19148

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3. Condition 12 of said permits be amended to read:

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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce 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)

Dated: JUNE 30 1988



for Walter G. Pettit, Chief
Division of Water Rights

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

ORDER

APPLICATION	12911	PERMIT	15016	LICENSE	
	13092		15019		
	13093		15020		
	18727		15021		
	19148		15023		

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND
AMENDING THE PERMITS

WHEREAS:

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

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE	December 1, 1990
COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE	December 1, 1992

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

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

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

3. Paragraph 14 of this permit is deleted. A new Paragraph 14 is added as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (000 0013)

Dated: APRIL 3 1985



Raymond Walsh, Chief
Division of Water Rights

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

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED **PERMIT** 15021

Application 18727 of Calaveras County Water District

P. O. Box 846, San Andreas, California 95249

filed on May 20, 1959, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

- | 1. Source: | Tributary to: |
|--|------------------------------------|
| (1) <u>North Fork Stanislaus River</u> | <u>Stanislaus River thence</u> |
| | <u>San Joaquin River</u> |
| (3) <u>Beaver Creek</u> | <u>North Fork Stanislaus River</u> |
| | |
| | |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) <u>McKay's Point Diversion Dam: Direct Diversion and Rediversion South 63° East 2,000 feet from NW corner of Section 2</u>	<u>NE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>2</u>	<u>4N</u>	<u>15E</u>	<u>MD</u>
(2) <u>Beaver Creek Diversion Dam: Storage and Direct Diversion South 20° East 1,000 feet from NW corner of Section 1</u>	<u>NW$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>1</u>	<u>4N</u>	<u>15E</u>	<u>MD</u>

Counties of Tuolumne and Calaveras

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>Power</u>	<u>Collierville Powerhouse within SW$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>6</u>	<u>3N</u>	<u>15E</u>	<u>MD</u>	

The place of use is shown on map filed 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 700 cubic feet per second by direct diversion from January 1 to December 31 of each year and 25 acre-feet per annum by storage to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

- (1) North Fork Stanislaus River: 640 cubic feet per second by direct diversion at McKay's Point Diversion Dam.
- (2) Beaver Creek:
 - (a) 60 cubic feet per second by direct diversion at Beaver Creek Diversion Dam.
 - (b) 25 acre-feet per annum by storage in Beaver Creek Diversion Dam 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.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000 0005)

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. (000 0006)

8. Construction work shall be completed by December 1, 1984. (000 0007)

9. Complete application of the water to the authorized use shall be made by December 1, 1985. (000 0008)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000 0009)

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. (000 0010)

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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000 0012) amended 6-30-88

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. (000 0013)

The water... shall be limited to the quantity which can be... not exceed 300 cubic feet per second... to December 31 of each year and 25 acre-feet per annum... to about November 1 of each year to about July 1 of the succeeding year as follows:

- (1) North Fork Stanislaus River, 640 cubic feet per second by direct diversion at McKay's Point Diversion Dam.
- (2) Beaver Creek:
 - (a) 60 cubic feet per second by direct diversion at Beaver Creek Diversion Dam.
 - (b) 25 acre-feet per annum in storage in Beaver Creek Diversion Dam Reservoir.

This permit does not authorize collection of water to be stored outside of the specified season to offset evaporation and seepage losses or for any other purpose. The amount authorized for appropriation may be reduced in the license if investigation warrants.

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

Construction work shall be completed by December 1, 1984.

Complete application of the water to the authorized use shall be made by December 1, 1982.

Progress reports shall be submitted promptly by permittees when requested by the State Water Resources Control Board until license is issued.

Permittees 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.

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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittees without unreasonable draft on the source. Permittees may be required to implement such programs as (1) retarding or retaining 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 and reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling pressure to draft; and (6) installing, maintaining, and coordinating 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 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 permittees and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans that 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.

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.
15. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.
16. 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.
17. This permit is subject to the terms of the agreement dated March 16, 1979, between the Department of Fish and Game and the permittee.
18. 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 Beaver Creek Diversion Dam 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.
19. 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.
20. In order to prevent 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.
21. Water diverted under this permit is for nonconsumptive uses and is to be released to the Stanislaus River within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T3N, R15E, MDB&M.
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.
23. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for (a) domestic and (b) stockwatering uses within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications.
24. 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.

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14. Permitted shall install and maintain outlet pipes of adequate capacity in all cases as herein provided 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 reservoir which is not authorized for appropriation under this permit may be released.

15. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.

16. In accordance with the requirements of Water Code Section 1333, 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 recreational purposes.

17. This permit is subject to the terms of the agreement dated March 16, 1975, between the Department of Fish and Game and the permittee.

18. In compliance with Fish and Game Code Section 5947, the 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 the 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 Department of Section 1323 to 1330, Title 17, California Administrative Code.

19. Water entering the reservoir or collected in the reservoir during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream public rights and to the extent that appropriation of water is not authorized under this permit.

20. In order to prevent 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 13250 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.

21. Water diverted under this permit is for nonconsumptive uses and is to be released to the Stanislaus River within 30 days of October 15, 1975.

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 20,000 acre-feet of water in any three-year period by lawful appropriations of water for reasonable beneficial use by any divertor within the service area of Tuolumne County Water District No. 2, without regard to the time such appropriations are utilized.

23. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued licenses are subject to depletion resulting from future upstream appropriation for (a) domestic and (b) stockwatering purposes within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering and to the extent that the Board determines pursuant to Water Code Sections 100 and 278, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard, provided, that a hearing, if requested, may be conducted with the hearing on such applications.

24. 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.

25. The permittee shall establish a swimming beach, access and parking at the Collierville Afterbay or some other suitable location on the river.

0030500

26. The Collierville Afterbay shall be located and operated in such a manner as to not interfere or degrade the current raft embarkment areas on the Stanislaus River located immediately below PG&E's Stanislaus Powerplant Afterbay.

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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: AUGUST 11 1982

STATE WATER RESOURCES CONTROL BOARD

Raymond J. Wash

Chief, Division of Water Rights