P15375

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

In the Matter of Permit 15375 (Application 21945)

United States Bureau of Reclamation

ORDER APPROVING EXTENSION OF TIME AND AMENDING THE PERMIT

SOURCE: North Shirttail Canyon Creek

COUNTY: Placer

WHEREAS:

1. Permit 15375 was issued to the United States Bureau of Reclamation on April 25, 1967, pursuant to Application 21945.

2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on February 13, 2001.

3. The permittee has proceeded with diligence and good cause has been shown for an extension of time. Public notice of the request for an extension of time was issued on April 20, 2001 and no protests were received.

4. The SWRCB has determined that the petition for an extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. The permit terms relating to the continuing authority and water quality objectives of the SWRCB should be updated to conform to Section 780 (a) & (b), Title 23 of the California Code of Regulations.

6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. Appropriate standard permit terms, advising the permittee of possible related obligations or requirements, will be added to Permit 15375.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 15375 IS AMENDED TO READ AS FOLLOWS:

1. Condition 9 of the permit be amended to read:

   Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2011.

   (0000009)

2. Condition 11 of the permit shall 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 SWRCB 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 SWRCB 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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)

3. A water quality objectives condition, shall be added to read as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB 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 SWRCB 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)

4. The following condition regarding Endangered Species is added to Permit 15375.

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

4. All other terms and conditions of Permit 15375 are still applicable.

Dated: DEC 1 8 2001

STATE WATER RESOURCES CONTROL BOARD

David R. Beringer

for Chief, Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 21945 PERMIT 15375 LICENSE

ORDER APPROVING A NEW PLACE OF USE
AND AMENDING THE PERMIT

WHEREAS:

1. A petition to change the place of use has been filed with the State Water Resources Control Board.

2. The permittee has proceeded with diligence and good cause has been shown for the said change.

3. The Board has determined that the petitioned change does 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. Paragraph 3 of this permit regarding the place of use is amended as follows:

   Irrigation of 3,144 acres within a gross of 36,152 acres all within T12N, R8E; T12N, R9E; T13N, R8E; T13N, R9E; T13N, R10E; T14N, R9E; T14N, R10E and T14N, R11E, MDB&M as shown on a map filed with the State Water Resources Control Board. Fishery maintenance and enhancement within the Sugar Pine Reservoir and along Shirttail Canyon Creeks between Sugar Pine Dam and the North Fork of the American River.

2. Paragraph 5 of the permit is amended to include the following:

   The total annual diversion and use allowed under this permit shall not exceed 24,076 acre-feet per annum.

3. Paragraph 18 is added to this permit as follows:

   The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements for this term may be satisfied by permittee's compliance with any comprehensive water conservation program, approved by the State Water Resources Control Board, which may be imposed by a public agency. (0000298)

Dated: FEBRUARY 22 1983

L. O. Johnson
for Raymond Walsh, Chief
Division of Water Rights

WRCB
133 (12-67)

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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 21945 PERMIT 15375 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has 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. Paragraph 8 of the permit is amended to read as follows:

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 1, 1984

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

   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 method of use, or unreasonable method of diversion of said water.

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

opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

3. A new Paragraph 17 is added to this permit as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board, if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in Water Quality Control plans which have been or hereafter may be established or modified pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste dischargers 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)

Dated: APRIL 29 1980

Walter G. Pettit

Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA—THE RESOURCES AGENCY

RONALD REAGAN, Governor

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

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

PERMIT 15375 APPLICATION 21945

THE STATE WATER RESOURCES CONTROL BOARD HAVING DETERMINED THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT PROPOSED UNDER PERMIT 15375; AND HAVING DIRECTED THAT THIS ORDER BE ISSUED;

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

CONSTRUCTION WORK SHALL COMMENCE ON OR BEFORE	JUNE 1, 1973
CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE	DECEMBER 1, 1976
APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE COMPLETED ON OR BEFORE	DECEMBER 1, 2000

DATED: MAY 26 1971

K. L. Woodward
K. L. WOODWARD, CHIEF
DIVISION OF WATER RIGHTS

STATE OF CALIFORNIA

THE RESOURCES AGENCY

STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15375

Application 21945 of The United States of America, Bureau of Reclamation Owner

R. J. Pafford, Jr., Regional Director, P. O. Box 15011, Sacramento, California

filed on October 22, 1964, has been approved by the State Water Rights 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. Name of source(s):	Tributary to:
(a) North Shirttail Canyon Creek	(a) Shirttail Canyon
(b)	(b) North Fork American River
(c)	(c)
(d)	(d)
(e)	(e)

2. Location of point(s) of diversion:

	Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
	Diversion (a) Sugar Pine Dam, N 44°30' E 2900' from SW corner of Section 24	NE ¼ of SW ¼	24	15N	10E	MD
	(b)	¼ of ¼				
Rediversion	(b) (X) Regulating Reservoir, S 61° W 3650' from NE corner of Section 24	SE ¼ of NW ¼	24	14N	10E	MD
	(d)	¼ of ¼				
	(e)	¼ of ¼				

County of Placer

3. Place of use: In Sections 3, 4, 5, and 6 of T14N, R10E; Sections 13, 24, 25, 26, 27, 33, 34, 35, and 36 of T15N, R10E; Sections 17, 18, 19, and 20 of T15N, R11E, MDB&M, as shown on map filed with State Water Rights Board. Fishery maintenance and enhancement within the Sugar Pine Reservoir and along North Shirttail Canyon and Shirttail Canyon Creeks between Sugar Pine Dam and the North Fork of the American River.

4. Purpose(s) of use: Irrigation, municipal, industrial, domestic, recreational, and fishery maintenance and enhancement

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 18 cubic feet per second by direct diversion to be diverted from about November 1 of each year to about July 1 of the succeeding year and 15,400 acre-feet per annum by storage to be collected from about November 1 of each year to about July 1 of the succeeding year.

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 maximum quantity herein stated may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before December 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before December 1, 1971. (0000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 2000. (0000009)

10. 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. (0000010)

11. 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. (0000012) amended 4-29-80

12. 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 project works to determine compliance with the terms of this permit. (0000011)

13. 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 prior rights and/or to the extent that appropriation of water is not authorized under this permit. (0000800)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel or provide other means satisfactory to the State Water Rights Board to comply with the preceding paragraph. (0050043)

15. In accordance with the requirements of Water Code Section 1393, 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. (0120050)

16. This permit shall be subject to "Memorandum of Agreement for the Protection and Preservation of Fish and Wildlife and Recreational Resources of North Shirttail Canyon Creek, Placer County, As Affected by the Proposed Construction and Operation of a Dam, and the Creation of a Reservoir Known as Sugar Pine Reservoir Under Water Application 21945", dated January 25, 1967, on file with the State Water Rights Board, as to matters which are within jurisdiction of the Board. (0000024)

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: APR 25 1967

STATE WATER RIGHTS BOARD

L. K. Hill

L. K. Hill
Executive Officer

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2-1-80 Name chgd to U.S. Water & Power Resources Service

5-18-81 Name chgd to U.S. Bureau of Reclamation