

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

ORDER

APPLICATION 5648D PERMIT 15452 LICENSE _____

ORDER TO CHANGE THE PLACE OF USE[✓]
AND CORRECT A POINT OF REDIVERSION

WHEREAS:

1. Permit 15452 was issued to Calaveras County Water District on September 7, 1967 pursuant to Application 5648D.
2. A petition for change in place of use has been filed with the State Water Resources Control Board (State Water Board).
3. The State Water Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. A Condition is added to this permit requiring the permittee to develop and implement a water conservation plan or actions.
5. A condition is added to the permit allowing the State Water Board to modify the terms and conditions of the permit in the event there is unforeseen adverse impact to fish or wildlife.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of this permit regarding the place of use is amended as follows:

Within Sections 1, 2, 3, 4, 10, 11, 12, 13, 14, and 15, T6N, R13E, MDB&M, and Sections 33, 34, 35, and 36, T7N, R13E, MDB&M, as shown on revised map received May 13, 1992, and is on file with the State Water Resources Control Board.

2. Paragraph 2 of the permit regarding points of diversion and rediversion is amended to read as follows:

Point of Diversion: North 40°24'30" West, 2,088 feet from the SE corner of Section 36, T7N, R13E, MDB&M, being within the N½ of SE¼ of said Section 36.

Point of Rediversion: North 160 feet and West 870 feet from the SE corner of Section 35, T7N, R13E, MDB&M, being within SE¼ of SE¼ of said Section 35.

3. Condition 19 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

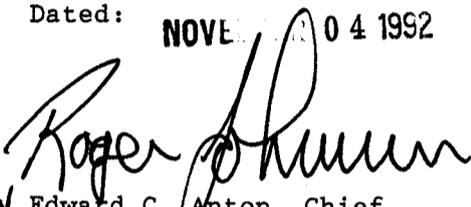
(0000029)

4. Condition 20 is added to this permit as follows:

The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impact to fish and wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(0400500)

Dated: NOV 04 1992

for 
Edward C. Anton, Chief
Division of Water Rights

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

ORDER

APPLICATION 5648D

PERMIT 15452

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 15452 was issued to Calaveras County Water District on September 7, 1967 pursuant to Application 5648D.
2. A petition for an 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.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.
4. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1998 (0000008)

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

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2009 (0000009)

3. Condition 11 of the permit 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.

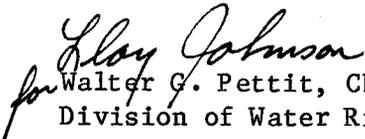
The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required 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: NOVEMBER 30 1988


for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15452

Application 5648D of Calaveras County Water District
Box 846, San Andreas, California

filed on July 30, 1927, 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) <u>Bear Creek</u> | (a) <u>Middle Fork Mokelumne River thence</u> |
| (b) _____ | (b) <u>Mokelumne River thence</u> |
| (c) _____ | (c) <u>Sacramento River</u> |
| (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 POINT					
N <u>N40°24'30"W 2,088.16'</u> from SE cor of Sec. 36	N <u>N</u> ¹ / ₂ of SE 1/4	36	7N	13E	MD
REDIVERSION POINT					
N <u>N20' & W610'</u> from SE cor. of Section 35	SE 1/4 of SE 1/4	35	7N	13E	MD
(c) _____	1/4 of 1/4				
(d) _____	1/4 of 1/4				
(e) _____	1/4 of 1/4				

County of Calaveras

3. Place of use: West Point Regulating Reservoir in SE 1/4 of SE 1/4 of Section 35, and irrigation of 1,640 acres in S 1/2 of S 1/2 of Section 33 and SW 1/4 of SW 1/4 of Section 34 in T7N, R13E; and N 1/2 of N 1/2 of Section 4 and all of Sections 2 and 3, T6N, R13E, MDB&M, as shown on map filed with the State Water Rights Board. Municipal use in town of West Point.

4. Purpose(s) of use: Municipal, irrigation and stockwatering

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 4 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and 150 acre-feet per annum by storage to be collected from about December 1 of each year to about May 30 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.

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.

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

8. Said construction work shall be completed on or before December 1, 1970.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1971.

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.

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.

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.

13. Permittee shall, during the period from April 15 to October 15 of each year, bypass a minimum of 0.5 cubic foot per second (20 miner's inches measured under a 6-inch head) or the natural flow of the stream, whichever is less, at permittee's point of diversion on Bear Creek, to satisfy the prior rights of protestants, Earl and Nonnie Walsh, as said rights were adjudged in case No. 5430 in the Superior Court of the State of California, in and for the County of Calaveras. *0160023*

14. Water reaching the diversion structure on Bear Creek during and after the current storage season shall be released into the downstream channel to the extent of water is not authorized under this permit. *0160400*

15. Permittee shall install and maintain an outlet pipe of adequate capacity in his diversion structure 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. *005003*

16. 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. Department of Water Resources as to safety, construction shall not be commenced until the Department has approved plans and specifications. *0360048*

17. If the regulating dam will be of such size as to be within jurisdiction of the Department of Water Resources as to safety, construction shall not be commenced until the Department has approved plans and specifications. *0360048*

18. Before making any changes in the project determined by the State Water Rights Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).

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 regulation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: SEP 7 1967

STATE WATER RIGHTS BOARD

Executive Officer

L. K. HILL

X. D. Hill

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0020050

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ROOM 1015, RESOURCES BUILDING

1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND
AMENDING PERMIT

PERMIT 15452

APPLICATION 5648D

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. IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME.
3. THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS TO SIGN THIS ORDER.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A NEW DEVELOPMENT SCHEDULE BE, AND IS HEREBY, APPROVED AS FOLLOWS:
CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1980
APPLICATION OF THE WATER TO THE PROPOSED USE SHALL
BE COMPLETED ON OR BEFORE DECEMBER 1, 1981
2. THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 15452 BE LIMITED TO 1,830 ACRE-FEET.
3. PARAGRAPH 11 OF THE PERMIT BE AMENDED TO READ AS FOLLOWS: 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.

THIS 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) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO

REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) 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.

4. 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) ADE- QUATE 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.

DATED:

MAY 9 1974

R. L. Rosenberger

R. L. ROSENBERGER, ACTING CHIEF
DIVISION OF WATER RIGHTS