

P 16040

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

DIVISION OF WATER RIGHTS

**ORDER**

**In the Matter of Water Right Permits of the  
PARADISE IRRIGATION DISTRICT**

**ORDER APPROVING OF TEMPORARY URGENCY CHANGE IN PLACE OF USE  
PERMITS 271 AND 16040 (APPLICATIONS 476, AND 22061)**

**1.0 INTRODUCTION**

On June 9, 2000, the Paradise Irrigation District (PID) filed a petition requesting renewal of the Temporary Urgency Change Order approved October 18, 1999, by the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435 et seq. The extension would allow PID to maintain the expanded place of use for an additional 180 days to allow continued service to a portion of the Del Oro Water Company service area under PID Permits 476 and 22061.

I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 99-31, section 3.2.22.

**2.0 SUBSTANCE OF THE PETITION**

PID is requesting that the SWRCB, under Water Code section 1435 et seq., approve a renewal of the October 18, 1999, SWRCB Order that temporarily expanded PID's place of use under Permits 271 and 16040. The expansion will allow PID to continue to provide domestic water service to portions of Del Oro Water Company's (Company) Paradise Pines service area and Lime Saddle service area.

**BACKGROUND**

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040 that provides municipal, domestic and irrigation water to the PID service area. In addition, PID has a standby well centrally located within the district. Last fall, the Company approached PID with a request to purchase 125 acre-feet of water to offset the anticipated domestic water supply shortfall. The Order approving the PID expansion of place of use was approved on October 18, 1999. At this time, the Company still finds that there will be a shortfall this summer and fall season and has asked PID if they could receive an additional 120 acre-feet of water to serve the lower portion of the Paradise Pines and upper portion of the Lime Saddle service areas.

The water will be provided through the existing intertie connections that allow transfer of water between the districts in the event of emergencies. No physical changes will be made to any facilities or sites and the existing reservoir levels will be maintained. Due to the configuration of PID's distribution system, well water cannot be served directly to the Company. Therefore, PID will provide the 120 acre-feet of treated surface water through the intertie to the Company, while at the same time pumping 120 acre-feet from groundwater from PID's existing standby well to PID customers in the vicinity of the well.

PID has requested that the State Water Resources Control Board renew the temporary expansion of the place of use under Permits 476 and 22061. The expanded place of use includes the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.

### **3.0 OBJECTIONS TO THE PETITION**

A public notice of the proposed temporary urgency change was mailed to interested parties on June 27, 2000, and published in the Paradise Post. The SWRCB has received no objections to the request to the temporary urgency change, as proposed.

### **4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE**

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at 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 change order. Additionally in accordance with section 1441, the SWRCB may renew a temporary change order.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary 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.
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 Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary 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. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The Company has determined that they have a real potential to run short of available domestic water supplies. PID has an available supply of domestic water that can be readily supplied to the Company to alleviate the shortfall. Therefore, the permittee has an urgent need for the proposed temporary change to allow them to supply water to the water-short Company.

## **5.2 No injury to Any Other Lawful User of Water**

No water right holder has objected to the proposed temporary change. Additionally, to insure that no unreasonable impacts will affect local groundwater pumpers, PID will be asked to monitor the well levels and stop pumping or compensate reasonable claims if impacts are found to occur. Therefore, based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

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

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040. The water is collected and stored in Paradise and Magalia Reservoirs. However, the transfer will have no effect of the operation of the reservoirs, the amount of water taken from these reservoirs, or the fish and wildlife habitat of the reservoirs during the transfer. The additional 120 acre-feet of water to be transferred to the Company, will be offset within PID's service area by pumping an existing groundwater well. Thus, the surface water levels in the reservoirs will remain at levels that would have existed had the transfer not occurred. Additionally, a 0.5 cubic foot per second continuous downstream release, required to be made from Magalia Reservoir under Permit 16040, will continue to be released to maintain the downstream fishery in Little Butte Creek.

Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

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

The service area of the Company is anticipated to have limited domestic water supplies available. PID has sufficient water and resources available to assist the Company during this period of shortage. Since the water to be provided will ultimately come from a well, no injury to legal users of water or fish and wildlife habitat appears evident. Additionally, the users within the Company's service area will not see the potential impacts from a water shortage situation. This would appear to be the most reasonable use of the water supply. Therefore, I find that the change is in the public interest.

## **6.0 ENVIRONMENTAL COMPLIANCE**

PID is the lead agency under the California Environmental Quality Act (CEQA). PID held a public hearing on September 15, 1999, and thereafter certified the Negative Declaration as complying with the requirements of CEQA on September 17, 1999. SWRCB staff have reviewed the Negative Declaration and issued a Notice of Determination as a responsible agency under CEQA. .

## **7.0 CONCLUSIONS**

1. In the fall of 1999, the Company had an urgent need to insure adequate domestic water supplies to its service area. An Order approving the temporary change in PID's place of use was approved. The Company still finds itself in urgent need of adequate domestic supplies. PID has sufficient supplies available to provide the needed water.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

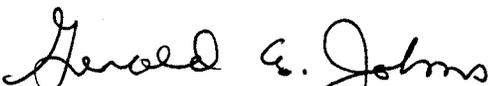
# **ORDER**

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

As allowed by Water Code Section 1441, PID's petition for renewal of the October 18, 1999 temporary urgency change Order is approved, subject to the following terms and conditions.

1. The place of use under Permits 271 and 16040 shall be temporarily modified and expanded to include the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.
2. All current terms and conditions of Permits 271 and 16040 (Applications 476 and 22061) shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.
3. The temporary change in the place of use will be effective for a period of 180 days commencing on the date of this order and may be renewed for additional periods of time, not to exceed 180 day from the date of renewal.

4. PID shall monitor the groundwater levels in the water supply well activated to accommodate this transfer. In addition, PID shall monitor the groundwater of adjacent wells. If the Groundwater levels in the adjacent wells fall to levels below normal operating levels for normal years, PID shall either cease pumping or compensate affected owners for the additional pumping costs due to the lower groundwater levels.
5. Not later than February 1, 2001, PID shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually served to the Company during the period of the temporary change.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, 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.
7. 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.
8. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

  
For Harry M. Schueller, Chief  
Division of Water Rights

Dated: 6/30/2000

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

DIVISION OF WATER RIGHTS

In the Matter of Water Right Permits of the  
PARADISE IRRIGATION DISTRICT  
Petitioners

ORDER APPROVING

TEMPORARY URGENCY CHANGE IN PLACE OF USE

PERMITS 271 AND 16040 (APPLICATIONS 476, AND 22061)

1.0 INTRODUCTION

On September 20, 1999, the Paradise Irrigation District (PID) filed a petition requesting approval of a Temporary Urgency Change with the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435 et seq. The petition requests a temporary expansion of PID's place of use to allow PID to provide domestic water to portions of the adjacent water district.

I am delegated authority to approve this temporary urgency change, pursuant to Water Code section 1435(d) and SWRCB Resolution No. 99-31, section 3.2.22.

2.0 SUBSTANCE OF THE PETITION

PID is requesting that the SWRCB, under Water Code section 1435 et seq., temporarily approve an expansion of PID's place of use under Permits 271 and 16040. The expansion will allow PID to provide domestic water service to portions of Del Oro Water Company's (Company) Paradise Pines service area and Lime Saddle service area.

BACKGROUND

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040 that provides municipal, domestic and irrigation water to the PID service area. In addition, PID has a standby well centrally located within the district.

The Company has approached PID with a request to purchase and transfer 125 acre-feet of water to cover an anticipated end of the year shortfall in their available domestic water supplies. This

water is required to provide domestic water supply to customers within the lower portion of the Paradise Pines and upper portion of the Lime Saddle service areas.

PID is agreeable to a one-time transfer of 125 acre-feet of treated water to the Company. PID considered providing the Company with well water, but due to the configuration of PID's distribution system, well water cannot be served directly to the Company. Therefore, PID will provide 125 acre-feet of treated surface water from Paradise and Magalia Reservoirs, through two existing interties to the Company's identified service areas while at the same time pumping 125 acre-feet of groundwater from PID's existing standby well to PID customers in the vicinity of the well. By making use of existing groundwater and surface water supplies, no physical changes will be required to be made to any facilities and the existing water level in Paradise and Magalia Reservoirs will not be impacted by the transfer.

### **3.0 OBJECTIONS TO THE PETITION**

A public notice of the proposed temporary urgency change was mailed to interested parties on September 30, 1999, and published in the Paradise Post. The SWRCB has received no objections to the request for the temporary urgency change, as proposed.

### **4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE**

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at 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 change order. The SWRCB's regulation, at California Code of Regulations, Title 23, section 791(e), provides that the SWRCB 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 section 1435 are applicable to changes to water right permits and licenses that the SWRCB approves pursuant to its duty of continuing supervision over the diversion and use of water.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary 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.
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 Chapter 6.6, an urgent need to make a proposed change exists when the SWRCB concludes that the proposed temporary 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. An urgent need does not exist, however, if the petitioner has failed to exercise due diligence either in petitioning for a change pursuant to other provisions of Division 2 of the Water Code or in pursuing the petition for change.

The Company has determined that they have a real potential to run short of available domestic water supplies this fall. PID has an available supply of domestic water that can be readily supplied to the Company to alleviate the shortfall. Therefore, the permittee has an urgent need for the proposed temporary change

## **5.2 No injury to Any Other Lawful User of Water**

No surface water right holder has objected to the proposed temporary change. Additionally, to insure that no unreasonable impacts will affect local groundwater pumpers, PID will be asked to monitor the well levels and stop pumping or compensate reasonable claims if impacts are found to occur. Therefore, based upon the information before me, I find that the proposed change will not cause injury to any lawful user of water. Impacts on instream beneficial uses, which may also be considered legal users of water to the extent that those uses are protected by the public trust or other legal doctrines, are discussed in section 5.3.

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

PID holds storage water rights to approximately 18,300 acre-feet of water under Permits 271 and 16040. The water is collected and stored in Paradise and Magalia Reservoirs. However, the transfer will have no effect of the operation of the reservoirs, the amount of water taken from these reservoirs, or the fish and wildlife habitat of the reservoirs during the transfer. The additional 125 acre-feet of water to be transferred to the Company, although coming from the reservoirs will be offset within the PID service area by pumping an existing groundwater well. Thus, the surface water levels in the reservoirs will remain at levels that would have existed had the transfer not occurred. Additionally, a 0.5 cubic foot per second continuous downstream release, required to be made from Magalia Reservoir under Permit 16040, will continue to maintain the downstream fishery in Little Butte Creek.

Therefore, with respect to potential impacts on instream beneficial uses other than fish, I find that the change will not have an unreasonable effect on aquatic vegetation or wildlife dependent on that vegetation.

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

The service area of the Company is anticipated to have limited domestic water supplies available. PID has sufficient water and resources available to assist the Company during this period of shortage. Since the water to be provide will ultimately come from a well, no injury to legal users of water or fish and wildlife habitat appears evident. Additionally, the users within the Company's service are will not see the potential impacts from a water shortage situation.

This would appear to be the most reasonable use of the water supply. Therefore I find that the change is in the public interest.

## **6.0 ENVIRONMENTAL COMPLIANCE**

PID is the lead agency under the California Environmental Quality Act (CEQA). PID held a public hearing on September 15, 1999 and thereafter certified the Negative Declaration as complying with the requirements of CEQA on September 17, 1999. SWRCB staff have reviewed the Negative Declaration and are prepared to issue a Notice of Determination as a responsible agency under CEQA. .

## **7.0 CONCLUSIONS**

1. Del Oro Water Company has an urgent need to insure adequate domestic water supplies to its service area. PID has sufficient supplies available to provide the needed water and has requested a proposed temporary change.
2. The proposed temporary change may be made without injury to any other lawful user of water.
3. The proposed temporary change may be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses of water.
4. The proposed temporary change is in the public interest.

# **ORDER**

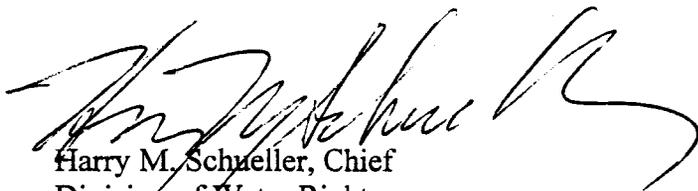
## **NOW, THEREFORE, IT IS ORDERED THAT:**

PID's petition for temporary urgency change to expand the place of use under permits 271 and 16040 under Water Code section 1435 is approved, subject to the following terms and conditions.

1. The place of use under Permits 271 and 16040 shall be temporarily modified and expanded to include the Company's Paradise Pines service area south of Elmira Circle and the Company's Lime Saddle service area north of Lago Vista Way, as shown on the map dated September 20, 1999, on file with the SWRCB.
2. All current terms and conditions of Permits 271 and 16040 (Applications 476 and 22061) shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related Order that may be issued during the effective period of the temporary changes.

3. The temporary change in the place of use will be effective for a period of 180 days commencing on the date of this order and may be renewed for additional periods of time, not to exceed 180 day from the date of renewal.
4. PID shall monitor the Groundwater levels in the water supply well activated to accommodate this transfer. In addition, PID shall monitor the groundwater of adjacent wells. If the Groundwater levels in the adjacent wells fall to levels below normal operating levels for normal years, PID shall either cease pumping or compensate affected owners for the additional pumping costs due to the lower groundwater levels.
5. Not later than May 1, 2000, PID shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually served to the Company during the temporary change and information on the groundwater levels during the transfer.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, 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.
7. 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 an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
8. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated: **OCT 18 1999**

  
Harry M. Schueller, Chief  
Division of Water Rights  
State Water Resources Control Board

**DIVISION OF WATER RIGHTS**

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**ORDER**

Application 22061 Permit 16040 License \_\_\_\_\_

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 16040 was issued to Paradise Irrigation District on June 17, 1970 pursuant to Application 22061.
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.
2. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

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

Condition 9 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 2007

(0000008)

Dated: MARCH 14 1997

*Roger Johnson*  
Edward C. Anton, Chief  
Division of Water Rights

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

Application 22061 Permit 16040 License \_\_\_\_\_

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 16040 was issued to Paradise Irrigation District on June 17, 1970 pursuant to Application 22061.
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.
2. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

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

Condition 9 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 31, 2007

(000008)

Dated: MARCH 14 1997

*Roger Anton*  
76 Edward C. Anton, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 22061

PERMIT 16040

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 9 of the permit is amended to read as follows:

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

December 1, 1995

2. Paragraph 11 of this amended permit is deleted. A new Paragraph 11 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) 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)

26 JAL

3. Paragraph ~~16~~ is added to this amended permit as follows:

Permittee shall consult with the Division of Water Rights and, within one year from the date of this order shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by an additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and as supplemented, shall be implemented in accordance with the schedule for implementation found therein. (000029A)

Dated: OCTOBER 3 1986

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

*Should be 21?*

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

**ORDER**

APPLICATION 22061

PERMIT 16040

LICENSE \_\_\_\_\_

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. Standard Water Right Permit Term 91 is added to the permit as follows:

"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin of the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

Dated: JUNE 26 1984

*Raymond Walsh*  
Raymond Walsh, Chief  
Division of Water Rights

(0000091)  
Term 25

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS2125 19TH STREET  
SACRAMENTO, CALIFORNIA 95818ORDER ALLOWING CHANGE IN DISTRIBUTION OF STORAGE,  
POINT OF DIVERSION AND PLACE OF USEApplication 476  
Application 22061Permit 271  
Permit 16040

## WHEREAS:

1. Petitions for change in distribution of storage under Permit 271; and change in point of diversion, and recreational place of use under Permit 16040, have been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. The Board has determined that these changes in distribution of storage and change in point of diversion will not operate to the injury of any other user of water involved.
3. Order WR 75-14 limits the appropriation to be made under these permits in the event of a change in point of diversion to the capacities of Magalia and Paradise Reservoirs unless permittee demonstrates the need for such additional storage.

## NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted under Permit 271 to change the distribution of storage as follows:  
2,800 ACRE-FEET TO BE STORED AT MAGALIA DAM RESERVOIR  
6,700 ACRE-FEET TO BE STORED AT PARADISE DAM RESERVOIR
2. The water appropriated under Permit 16040 together with that appropriated under Permit 271 and any license issued pursuant thereto shall not exceed the combined gross capacities of Magalia and Paradise Reservoirs.
3. Permission is hereby granted under Permit 16040 to change the point of diversion as follows:  
PARADISE DAM (MOSQUITO JUNCTION DAM) S14°36'06" E, 1,939.87 FEET FROM NW CORNER OF SECTION 18, T23N, R4E, MDB&M, BEING WITHIN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SAID SECTION 18.
4. That the place of use under Permit 16040 be changed to a place of use described as follows:  
MUNICIPAL AND DOMESTIC USES WITHIN PARADISE IRRIGATION DISTRICT INCLUDING ALL OR PORTIONS OF SECTIONS 6, 7, 18, 19 AND 30,

T22N, R4E, MDB&M, AND SECTIONS 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27 AND 28, T22N, R3E, MDB&M; AND INCIDENTAL RECREATIONAL USE WITHIN SECTIONS 7 AND 18, T23N, R4E, MDB&M, AND SECTIONS 12 AND 13, T23N, R3E, MDB&M.

5. That Permit 271 and Condition 11 of Permit 16040, as amended by State Water Resources Control Board Order WR 73-42, be amended to read as follows:

PURSUANT TO CALIFORNIA WATER CODE SECTION 100, 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 TAIL-WATER 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.

6. That the following condition be added to the Permit:

"PERMITTEE SHALL INCLUDE IN THE ANNUAL PROGRESS REPORT, REQUIRED IN PERMIT 271 BY PARAGRAPH 5 OF BOARD ORDER WR 73-42, AND IN PERMIT 16040 BY PERMIT TERM 10, INFORMATION FOR THE REPORTING PERIOD CONCERNING WATER CONSERVATION MEASURES UNDERTAKEN BY THE DISTRICT. THE INFORMATION SUBMITTED SHALL INCLUDE THE NUMBER OF CONNECTIONS SERVED, THE AMOUNT OF WATER SOLD, THE AMOUNT SERVED PER CONNECTION AND THE SCHEDULE OF WATER RATES IN FORCE FOR WATER DELIVERIES IN A MANNER SIMILAR TO THE REPORT MADE TO THE BOARD BY THE DISTRICT ON FEBRUARY 26, 1975. THIS REQUIREMENT SHALL REMAIN IN FORCE UNTIL FURTHER ORDER OF THE DIVISION OF WATER RIGHTS."

Dated: MAR 25 1976

*R. L. Rosenberger*  
R. L. Rosenberger, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 16040  
Issued on Application 22061,  
PARADISE IRRIGATION DISTRICT,  
Permittee.

Order: WR 75-14  
Source: Little Butte Creek  
County: Butte

ORDER GRANTING EXTENSION OF TIME TO SUBMIT  
PROOF OF FINANCIAL ABILITY TO PROCEED WITH  
CONSTRUCTION OF PROJECT

BY BOARD MEMBER DODSON:

Time to commence construction work under Permit 16040 expired June 1, 1971. On April 24, 1972, the Paradise Irrigation District filed a petition requesting an extension of time to commence construction work under Permit 16040. A hearing on the petition, along with other petitions by the permittee was held before the State Water Resources Control Board (Board) on September 25, 1972 and on July 23, 1973. On September 6, 1973, the Board adopted its order WR 73-42 which required the permittee to submit proof of financial ability to proceed with construction of its project on or before July 1, 1974. On November 18, 1974, the permittee filed a petition for an extension of time until June 1, 1978 to submit proof of financial ability to proceed with construction under Permit 16040.

A hearing having been held before the State Water Resources Control Board on June 3, 1975 in the Resources Building, 1416 Ninth Street, Sacramento, California, for the purpose of

determining whether further extension of time should be granted, or whether Permit 16040 should be revoked in accordance with Section 790, Title 23 of the California Administrative Code, which provides that the Board shall revoke a permit after hearing if the permittee has failed to observe any of the terms and conditions of the permit; due notice of the time, place, and nature of said hearing having been given by certified mail to said permittee; said permittee having appeared at said hearing; evidence having been presented and received at said hearing and having been duly considered, the Board finds as follows:

1. The permittee filed a request for preliminary determination of eligibility for financial assistance under the Davis-Grunsky Act. On November 14, 1973, the permittee was declared eligible for a loan (RT 6).

2. Shortly after issuance of Board Order WR 73-42 referred to above, the Division of Safety of Dams, Department of Water Resources concluded that permittee's existing Magalia Dam required a complete engineering study and permittee immediately undertook such study (RT 7). The permittee has spent over \$125,000 on engineering studies and a grouting program for the Magalia Dam (RT 8). Permittee has entered into a joint venture with Butte County for a roadway embankment which will make the Magalia Dam more stable and satisfy the Division of Dam Safety. On June 14, 1975, the Division of Dam Safety approved Magalia Dam with a roadway embankment (RT 23). The permittee could not proceed with its project until the stability of the Magalia Dam was determined as its available funds would have to be directed to replacing or substantially modifying the dam if it was declared unsafe.

3. The district has restudied its project and has decided to raise its existing Paradise Dam rather than construct a new dam downstream from Magalia Dam. The project's cost will fall within the \$4 million limit of a loan under the Davis-Grunsky Act (RT 9). The permittee has filed petitions to change distribution of storage under Permit 271 (Application 476) and to change the point of diversion under Permit 16040 since it now intends to enlarge Paradise reservoir rather than to construct "New Magalia" reservoir as covered by the permit. The Division of Water Rights is issuing notice of the requested change. Since the project proposed will have less storage than now covered by the permit, any order changing the point of diversion should reduce the amount of storage to that equal, together with Permit 271, to the total gross capacity of the two reservoirs, unless the permittee can show the Board through an operation study that the additional storage is necessary.

4. The permittee has completed a preliminary feasibility report and a draft of an Environmental Impact Report (RT 26). The draft Environmental Impact Report has been filed with the State Clearinghouse.

5. The California Water Commission is expected to make a decision on the permittee's application for a Davis-Grunsky loan sometime in August or September of this year. If its decision is favorable, a contract will be negotiated with the Department of Water Resources sometime before October of this year. Voter approval of the loan and project will be on the ballot in November of this year (RT 26). The permittee expects to call for bids for construction of the project by the end of March, 1976, and commence construction the following May (RT 27).

It is concluded from the foregoing findings that an extension of time to June 30, 1976 for the permittee to submit proof of financial ability to proceed with the construction of its project is justified. If such proof is not submitted within that time Permit 16040 should be revoked without further proceedings.

NOW, THEREFORE IT IS ORDERED that the permittee's time for submitting proof of financial ability to proceed with the construction of its project is extended to June 30, 1976 and that such proof will include approval of project financing by the permittee's electorate.

IT IS FURTHER ORDERED that if satisfactory evidence of the permittee's ability to finance its project is not received by June 30, 1976, Permit 16040 will be revoked without further hearing and the permittee in accepting this extension agrees to this condition.

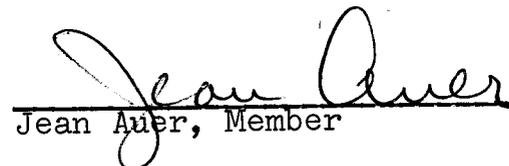
Dated: **AUG 21 1975**

We Concur:

  
Roy E. Dodson, Member

  
W. W. Adams, Chairman

  
W. Don Maughan, Vice Chairman

  
Jean Auer, Member

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS2125 19TH STREET  
SACRAMENTO, CALIFORNIA 95818ORDER ALLOWING CHANGE IN DISTRIBUTION OF STORAGE,  
POINT OF DIVERSION AND PLACE OF USEApplication 476  
Application 22061Permit 271  
Permit 16040

## WHEREAS:

1. Petitions for change in distribution of storage under Permit 271; and change in point of diversion, and recreational place of use under Permit 16040, have been filed with the State Water Resources Control Board and said Board has determined that good cause for such changes has been shown.
2. The Board has determined that these changes in distribution of storage and change in point of diversion will not operate to the injury of any other user of water involved.
3. Order WR 75-14 limits the appropriation to be made under these permits in the event of a change in point of diversion to the capacities of Magalia and Paradise Reservoirs unless permittee demonstrates the need for such additional storage.

## NOW, THEREFORE, IT IS ORDERED THAT:

1. Permission is hereby granted under Permit 271 to change the distribution of storage as follows:

2,800 ACRE-FEET TO BE STORED AT MAGALIA DAM RESERVOIR  
6,700 ACRE-FEET TO BE STORED AT PARADISE DAM RESERVOIR

2. The water appropriated under Permit 16040 together with that appropriated under Permit 271 and any license issued pursuant thereto shall not exceed the combined gross capacities of Magalia and Paradise Reservoirs.

(0000114) Term 24

3. Permission is hereby granted under Permit 16040 to change the point of diversion as follows:

PARADISE DAM (MOSQUITO JUNCTION DAM) S14°36'06" E, 1,939.87  
FEET FROM NW CORNER OF SECTION 18, T23N, R4E, MDB&M, BEING  
WITHIN SW $\frac{1}{4}$  OF NW $\frac{1}{4}$  OF SAID SECTION 18.

4. That the place of use under Permit 16040 be changed to a place of use described as follows:

MUNICIPAL AND DOMESTIC USES WITHIN PARADISE IRRIGATION DISTRICT  
INCLUDING ALL OR PORTIONS OF SECTIONS 6, 7, 18, 19 AND 30,

T22N, R4E, MDB&M, AND SECTIONS 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27 AND 28, T22N, R3E, MDB&M; AND INCIDENTAL RECREATIONAL USE WITHIN SECTIONS 7 AND 18, T23N, R4E, MDB&M, AND SECTIONS 12 AND 13, T23N, R3E, MDB&M.

5. That Permit 271 and Condition 11 of Permit 16040, as amended by State Water Resources Control Board Order WR 73-42, be amended to read as follows:

PURSUANT TO CALIFORNIA WATER CODE SECTION 100, 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 TAIL-WATER 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.

(over)

6. That the following condition be added to the Permit:

"PERMITTEE SHALL INCLUDE IN THE ANNUAL PROGRESS REPORT, REQUIRED IN PERMIT 271 BY PARAGRAPH 5 OF BOARD ORDER WR 73-42, AND IN PERMIT 16040 BY PERMIT TERM 10, INFORMATION FOR THE REPORTING PERIOD CONCERNING WATER CONSERVATION MEASURES UNDERTAKEN BY THE DISTRICT. THE INFORMATION SUBMITTED SHALL INCLUDE THE NUMBER OF CONNECTIONS SERVED, THE AMOUNT OF WATER SOLD, THE AMOUNT SERVED PER CONNECTION AND THE SCHEDULE OF WATER RATES IN FORCE FOR WATER DELIVERIES IN A MANNER SIMILAR TO THE REPORT MADE TO THE BOARD BY THE DISTRICT ON FEBRUARY 26, 1975. THIS REQUIREMENT SHALL REMAIN IN FORCE UNTIL FURTHER ORDER OF THE DIVISION OF WATER RIGHTS."

(0580300)

Terms 23

Dated: MAR 25 1976

*R. L. Rosenberger*  
R. L. Rosenberger, Chief  
Division of Water Rights



might occur as a result of increased water supply to the District. Following that hearing questions were raised as to the effects of water rate changes by the District and the District's intent to proceed with the project previously indicated. Therefore, a continuation of the hearing to complete the record was held on July 23, 1973. Permittee and others interested having appeared at said hearing, evidence having been presented at said hearing and having been duly considered, the Board finds as follows:

1. Time to complete construction work and use of water under Permits 271, 3678 and 9079 expired December 1, 1970, and time to commence construction work under Permit 16040 expired June 1, 1971. Time to complete use of water under Permit 16040 will expire December 1, 1985. Construction work under Permit 271 is complete and use of water has been increasing. Construction work has not commenced under Permit 3678 issued April 9, 1931, under Permit 9079 issued August 11, 1952, or under Permit 16040 issued June 17, 1970.

2. The District has failed to commence and complete construction work and beneficial use of water pursuant to Permits 3678 and 9079 with due diligence. The District has no present definite plans to proceed with construction of the diversion facilities needed to appropriate water under these permits. However, the District has petitioned the Board to declare all the works described in its permits a single enterprise and unit so that it can rely on diligence under its Permits 271 and 16040 until such time as it is ready to proceed under Permits 3678 and 9079.

The District now plans to construct a new dam (Permit 16040) on Little Butte Creek approximately one-quarter mile below Magalia Dam which will be inundated. The combined storage capacity of the new reservoir and the District's existing Paradise Reservoir (Permit 271) will be 20,800 acre-feet



and together they will have a maximum annual yield of 10,000 acre-feet. This will take care of the District's project needs until about the year 1990 (District's Exh. 9, Plate 9). By 1976 it is estimated that the cost of the proposed dam will be more than 12 million dollars. The ability of the District to finance a project of this magnitude is marginal and may depend upon availability of state or federal financial assistance. The District has no specific plan to store water from Long Ravine under Permit 3678 or water from West Branch North Fork Feather River under Permit 9079 at its proposed new reservoir. There is no schedule for construction work under these permits and they are being held as a possible alternative to other projects. Under such circumstances it is not in the public interest that these permits be freed from the requirement of diligence indefinitely by declaring that they, together with Permits 271 and 16040, constitute a single enterprise and unit.

3. In May 1973 the District lowered its water rates substantially, particularly for users of large quantities of water. The Board is unable to determine whether the rate change may result in a wasteful or unreasonable use of water. However, the District plans to analyze its records of water deliveries in the next year to determine the effects of the rate changes on water deliveries and jurisdiction will be reserved to allow the Board to review the matter when the information is available.

4. The District has shown good cause for an extension of time to complete use of water under Permit 271 and to commence construction work and complete construction work and complete use of water under Permit 16040, provided said permits are amended in accordance with the order following.

5. The use now allowed under Permit 271 is agricultural. Permit 16040 allows use of water for municipal, domestic, and incidental recreational purposes. Irrigation once was the principal use of water in the District's service area. That use has been declining steadily until it now represents

only a small proportion of the total water deliveries. In Decision 1344 the Board deleted irrigation as one of the uses to be allowed in Permit 16040 issued pursuant to Application 22061, based on a finding that the District's other water rights were sufficient to supply its irrigation needs. The requested change in character of use will not result in injury to other users of water and should be allowed except for irrigation use under Permit 16040.

6. Some waste water disposal problems have occurred as a result of water supply furnished by the District, as water use has shifted from irrigation to residential and commercial services. With the continued conversion of land from irrigation to municipal uses and with the increased water supply proposed under Permit 16040, hazards to public health and deterioration of ground and surface water quality are likely to occur unless a community wastewater disposal system becomes operative. Therefore, Permits 271 and 16040 should be conditioned to control extension of water service to new connections in order to protect water quality and public health.

It is concluded from the foregoing findings that the petitions for extension of time under Permits 3678 and 9079 should be denied, that the petition for single enterprise and unit should be denied, that Permits 3678 and 9079 should be revoked, that the petitions for change in character of use under Permits 271 and 16040 should be approved in part, that an extension of time should be granted to complete use of water under Permit 271, and that extension of time to submit proof of financial feasibility, commence construction, and to complete construction under Permit 16040 should be allowed. From the evidence (District's Exh. 10) it appears diversion from West Branch Feather River may be feasible and required at some date in the future and revocation of Permit 9079 will not preclude the District from filing a new application to appropriate from that source at such time the District is in a position to proceed with the project. In addition to being conditioned to protect water quality and



and public health, the permits on which extensions are granted should be further revised to include standard terms not required at the time the permits were issued, but which are now required by Board regulations.

NOW, THEREFORE, IT IS ORDERED:

1. Application of water to beneficial use pursuant to Permit 271 shall be completed on or before December 1, 1977.

2. The development schedule pursuant to Permit 16040 shall be as follows:

Proof of financial ability to proceed with construction of the project shall be submitted on or before July 1, 1974.

Construction work shall commence on or before June 1, 1979.

Construction work shall be completed on or before December 1, 1981.

Application of water to beneficial use shall be completed on or before December 1, 1985.

3. Permit 271 is amended to include the following condition and Condition 11 of Permit 16040 is 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 tail-water 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. (0000012)

4. Permits 271 and 16040 are amended to include the following conditions:

Until such time as a community wastewater disposal project is in operation, service shall not be extended to new connections for delivery of water under this permit to commercial, industrial, or mobile home park developments, or to residential services involving more than three living units on a single lot unless the disposal of wastewater conforms to policy guidelines of the Central Valley Regional Water Quality Control Board. Adequacy of said facilities shall be certified to the State Water Resources Control Board by the Executive Officer of the Central Valley Regional Water Quality Control Board or his designated representative. Continued service of water to such connections shall be contingent upon continued compliance with said policy guidelines and with any waste discharge requirements of the Central Valley Regional Water Quality Control Board.

Permittee shall submit to the State Water Resources Control Board, not later than July 1, 1974, a study of the effects of water rate changes made in May 1973 on water deliveries within the District and the Board reserves the jurisdiction to make such additional order as may be appropriate as a result of the study in order to prevent unreasonable or wasteful use of water.

(0300300)  
Jun 22

5. Permit 271 is amended to include the following conditions:

The amount authorized for appropriation may be reduced in the license if investigation warrants.

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

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.

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.

6. Permit 16040 is amended to include the following condition:

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.

(0000100)

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7. Permit 271 is amended to change the character of use to municipal, irrigation, industrial and recreational purposes.

8. Permit 16040 is amended to change the character of use to municipal, industrial and recreational purposes.

9. The petition for single enterprise and unit is denied.

10. Permits 3678 and 9079 are revoked.

Dated: September 6, 1973

We Concur:

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

W. W. ADAMS

W. W. Adams, Chairman

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. AUER

Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN

W. Don Maughan, Member

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

# PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16040

Application 22061 of Paradise Irrigation District  
Paradise, California 95969

filed on February 25, 1965, 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:

Little Butte Creek

Tributary to:

Butte Creek thence

Butte Slough thence

Sacramento River

2. Location of point of diversion:

South 700' east 1,020' from N<sup>1</sup>/<sub>4</sub> corner of Section 36, T23N, R3E

40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
NW 1/4 of NE 1/4	36	23N	3E	MD
1/4 of 1/4				
1/4 of 1/4				
1/4 of 1/4				
1/4 of 1/4				
1/4 of 1/4				

County of Butte

3. Purpose of use:

Municipal, Domestic

4. Place of use:

within Paradise Irrigation District

including all or portions of Sections 6, 7, 18, 19, and 30

and Sections 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, and 28

Incidental

Recreational

within Sections 24, 25, and 36

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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 8,800 acre-feet per annum by storage to be collected from about October 1 of each year to about May 31 of the succeeding year for municipal, domestic, and incidental recreational uses. (000005)

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage losses or for any other purpose. (000005)

6. The maximum quantity herein stated may be reduced in the license if investigation warrants. (000006)

7. Actual construction work shall begin on or before June 1, 1971, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked. (000007)

8. Said construction work shall be completed on or before December 1, 1973. (000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1985. (000009)

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued. (000010)

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 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. (000012) amended 10/3/86

12. 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. (000011)

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 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. (000013)

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 Resources Control Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights. (005043)

15. Permittee shall install and maintain measuring devices satisfactory to the Board in order that accurate measurement can be made of the quantity of water flowing into and out of said reservoir. (006046)

~~5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed~~

16. While diverting water to storage as authorized in this permit, permittee shall bypass a minimum of 0.5 cubic foot per second to maintain fishlife. (014 0060)

17. 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. (012 0050)

18. Construction of the dam shall not be commenced until the Department of Water Resources has approved plans and specifications. (013 0049)

19. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000080)

20. Rights under this permit are, and shall be, subject to existing rights defined by the Butte Creek Adjudication, Superior Court, Butte County, No. 18917, and such other rights as may presently exist on the stream, insofar as said existing and adjudicated rights are maintained. (0000023)

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: JUN 17 1970

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*  
Chief, Division of Water Rights

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