APPLICATION 19304, PERMIT 16600

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 19304 Permit 16600 License _____

ORDER AMENDING PERMIT TO CONFORM WITH DECISION NO. 1629

WHEREAS:

1. The permittee is the U.S. Bureau of Reclamation.

2. The permit should be amended to conform with State Water Resources Control Board (SWRCB) Decision No. 1629 related to the Los Vaqueros Project in Contra Costa County.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of the permit related to the points of diversion shall be amended to include the following:

   A point of rediversion on Old River tributary to San Joaquin Delta Channels, within the NW¼ of SE¼ of projected Section 31, T1N, R4E, MDB&M, also described as California Coordinates, Zone 3, N 507,050 and E 1,689,550. (0000002)

2. Condition is added to the permit as follows:

   The maximum rate of diversion and rediversion to offstream storage in Los Vaqueros Reservoir shall not exceed 200 cubic feet per second. (000005J)

3. The condition of the permit related to the place of use is amended to include the following:

   The authorized place of use shall include the service area and sphere of influence of the Contra Costa Water District, the Cities of Pittsburg, Antioch, and Brentwood with their spheres of influence, the Oakley subarea, the Los Vaqueros recreation area, and the rural county subarea as of fall 1989, as shown on a map filed with the SWRCB. (0000004)

4. Conditions are added to this permit as follows:

   a. The permittee shall maintain a daily record of water diversion utilizing the Old River point of diversion and submit such record to the Division of Water Rights on an annual basis. (0090700)

b. No water shall be diverted from Old River under this permit until permittee has installed devices, satisfactory to the SWRCB, which are capable of measuring the flow: (1) diverted into Los Vaqueros Reservoir from Old River; and (2) released throught the outlet facilities of Los Vaqueros Reservoir. Said measuring devices shall be properly maintained. (0060062)

c. The total combined quantity of water diverted and/or rediverted under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 180,675 acre-feet per annum from Old River and also shall not exceed in any one-year period commencing on March 1, the sum of (i) 195,000 acre-feet and (ii) 4,000 acre-feet to replace evaporation losses and (iii) the difference between the quantity of water in storage in Los Vaqueros Reservoir at the end of the period and the quantity of water in storage at the end of the period and the quantity of water in storage at the beginning of the period, from Old River and Rock Slough, combined. If the storage at the end of the period is less than the storage at the beginning of the period, the change in storage shall be subtracted from the 195,000 acre-feet.

Until further order of the SWRCB, the combined maximum annual diversion shall not exceed 242,000 acre-feet per annum from Old River and Rock Slough. Further order of the SWRCB shall be preceded by notice to all interested parties, by opportunity for hearing, and a showing that water can be diverted in excess of 242,000 acre-feet per annum, taking into account the needs of public trust uses, senior water right holders, and other beneficial uses. The petition shall be accompanied by any environmental documentation required under California law. This requirement for further order of the SWRCB shall not preclude the permittee from filing appropriate petitions for temporary changes or applications for temporary permits under laws existing at the time of the petition or application.

Provided, however, that if during the twelve months after the date when water is first diverted to storage in Los Vaqueros Reservoir there is adequate water available under the water rights listed above, the combined maximum diversion during that initial twelve months shall be 252,000 acre-feet from Old River and Rock Slough.

The total quantity of water distributed under the permits on the above water rights within the authorized place of use served by Contra Costa Water District for use by the customers of the Contra Costa Water District, in any year commencing March 1 shall not exceed 195,000 acre-feet. (0000114)

d. The combined rates of diversion and/or rediversion from Old River under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 250 cubic feet per second. (0000114)

e. Permittee shall comply with all legally binding requirements of the California Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service imposed on the permittee under the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544) and the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098) with respect to the Los Vaqueros Project. (0400500) (0600999)

f. Permittee shall in cooperation with the Contra Costa Water District implement the mitigation monitoring and reporting measures for Bay-Delta fishery resources and Bay-Delta water quality which are set forth in the Environmental Commitments and Mitigation Monitoring and Reporting Plan for the Los Vaqueros Project Stage 2 Environmental Impact Report/Environmental Impact Statement, dated October 27, 1993. Permittee in cooperation with the Contra Costa Water District shall provide a report to the Chief, Division of Water Rights by April 1 of each year detailing the results of the previous year's monitoring, plans for the current year's monitoring, and the status of implementation of each mitigation measure required by this decision. (0400500)

5. Permittee shall minimize increased levels of suspended sediments discharged to Old River during construction, maintenance and repair of the Old River intake facility and minimize loss of fish and riparian wildlife at the Old River intake facility construction site by: (1) installing floating silt curtains, silt fences, stormwater detention facilities, and other appropriate sediment control facilities; (2) mapping existing riparian/aquatic fish habitat prior to construction and taking steps to avoid losses to existing habitat during facility construction as much as possible; and (3) reestablishing suitable new habitat on newly constructed or existing levees to compensate for unavoidable losses. Further, the permittee shall perform all construction, maintenance and repair operations on the Old River intake facility only during the period from September 1 through December 30 of each year, unless U.S. Fish and Wildlife Service and Department of Fish and Game authorized these activities during other periods. Best management practices shall be used to minimize direct and indirect impacts to fish and wildlife. (0400500)

6. a. During the period from March 15 through May 15 of each year, the permittee shall use the Old River point of diversion as much as possible in order to minimize diversions at the Rock Slough point of diversion under Permits 12725, 12726, and 15735 on Applications 9366, 9367, and 22316 of the U.S. Bureau of Reclamation.

b. During the period from March 15 through May 31 of each year, the permittee shall not divert water from the Old River point of diversion to offstream storage in Los Vaqueros Reservoir when the reservoir storage level is more than 70,000 acre-feet (af) in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year. Water year types will be as defined in the February edition of the California Department of Water Resources Bulletin 120 of the Four Basin Index set forth in the permits and licenses of the Bureau of Reclamation.

c. During the period from April 1 through April 30 of each year, permittee shall not divert water from the Delta for use by Contra Costa Water District at times when storage in the reservoir is more than 70,000 af in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year, unless more than 12,500 acre-feet is necessary to meet reasonable demands in the Contra Costa Water District service area during this period.

d. If in any year the Department of Fish and Game, U.S. Fish and Wildlife Service or National Marine Fisheries Service require modifications in the time periods specified in items (b) or (c) above to protect endangered or threatened species, permittee shall by February 15, or immediately if after February 15, notify the Chief, Division of Water Rights of the time period modifications for that year. Unless within 15 days the Chief, Division of Water Rights, objects to the proposed modifications or proposes an alternative, the permittee shall implement the modifications.

e. The requirements of this permit term shall become effective when Los Vaqueros Reservoir is initially filled to a level of 90,000 af. (0560900) (0360900) (0600500)

7. Permittee shall construct, operate and maintain a fish screen and fish screen cleaning system at the Old River intake facility, satisfactory to the Department of Fish and Game, United States Fish and Wildlife Service and National Marine Fisheries Service. The fish screen facility shall be constructed and made fully operational prior to operation of the Old River intake facility and by not later than January 1, 1997. In addition, the screen facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening, and be operated to effectively screen fish greater than 21 millimeters long. (0400500)

8. To avoid construction impacts to Swainson's hawks, surveys shall be conducted weekly beginning the first week of April through May 15 by a biologist acceptable to the Department of Fish and Game to determine if any nesting is occurring within ½ mile of the Old River diversion point, and to determine whether there is any suitable nesting habitat within ½ mile. If nesting is occurring within ½ mile, construction may not be initiated or continued until August 15 without additional consultation with the Department of Fish and Game. This term shall expire upon completion of construction. (0400500)

9. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fisha and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

Dated: JULY 18 1994

for Edward C. Anton, Chief
Division of Water Rights

P 16600

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional Temporary Urgency Change Order On Permits (Applications) 12727 (9368), 12860 (15764), 16597 (14858A) and 16600 (19304)	ORDER:	WR 88- 24
	SOURCE:	Old River Stanislaus River
	COUNTY:	Contra Costa Calaveras Tuolumne
The U.S. BUREAU OF RECLAMATION, Permittee		

ORDER AMENDING AND VALIDATING ISSUANCE OF CONDITIONAL TEMPORARY URGENCY CHANGE IN POINT OF DIVERSION, POINT OF REDIVERSION, PLACE OF USE AND PURPOSE OF USE

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a Temporary Urgency Change in point of diversion, point of rediversion, place of use and purpose of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the U. S. Fish and Wildlife Service, the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); Board Chairman W. Don Maughan having concluded from available information that the Bureau qualifies for a Temporary Urgency Change and having issued a Conditional Temporary Urgency Change Order on October 7, 1988, subject to review and validation by the Board as provided by Water Code Section 1435 (d); the Board finds as follows:

Substance of the Proposed Change

1. On September 30, 1988 the Bureau filed a petition with the Board. As amended on October 7, 1988 the petition requests the Board to make the

following temporary changes to Bureau Permits 12727, 12860, 16597 and 16600, for 180 days from the date of the order authorizing the change:

(A) Add the State Water Project (SWP) Harvey O. Banks Pumping Plant (SWP Banks) as a point of diversion under Central Valley Project (CVP) Delta Permits 12727 and 12860.

(B) Add fish and wildlife enhancement as a purpose of use to CVP Delta Permits 12727 and 12860.

(C) Add SWP Banks as a point of rediversion under New Melones Reservoir storage Permits 16597 and 16600.

(D) Add Grasslands Water District (Grasslands) and the San Luis Unit of the CVP to the place of use under New Melones Reservoir storage Permits 16597 and 16600.

The total quantity of water diverted or rediverted under this temporary urgency change shall not exceed 45,000 acre-feet (af) and shall be no greater than:

(A) 25,000 af for delivery to Grasslands for waterfowl habitat; plus

(B) 20,000 af of exchange water for salmon outmigration from the San Joaquin River.

Notice and Responses

2. On October 7, 1988 a Notice of the petition for Temporary Urgency Change was provided by publication and mail to interested parties. The period for submitting objections ended October 21, 1988.

3. Two letters of support and one objecting to granting of the Bureau Temporary Urgency Change petition were received. The Environmental Defense Fund (EDF) and California Waterfowl Assocation (CWA) supported the temporary urgency changes. Stockton East Water District (SEWD) objected.

4. Board staff met with EDF, SEWD, DWR, DFG and the Bureau on October 26, 1988 to discuss the objector's concerns and the proponents' responses. SEWD's representative explained at the October 26, 1988 meeting that the concern is that a water supply be maintained in New Melones Reservoir for future years and that no more water should be used for fish than is necessary.

5. The EDF supports the New Melones/Grasslands/San Joaquin River proposal as an "innovative approach to increasing water availability for fish and wildlife purposes ... [which] could serve as a beginning for a much larger effort to protect and restore the State's aquatic environments." However, during the meeting on October 26, 1988 EDF expressed concern about additional pumping in April. The Bureau representative stated they would not need to redivert New Melones Reservoir releases at the Delta after March 31, 1989 and would have no objection to Condition 5 of the October 7, 1988 order being so amended. To further eliminate concern about the timing

of diversions under this order, Condition 5 of the October 7, 1988 order will be amended to strike the reference to the possibility of modification allowing diversion past March 31, 1989.

6. The CWA letter states that CWA strongly supports this request and hopes the Board will act favorably on it in the near future.

7. The SEWD objection asks that any permit (change order) granted for temporary use of 45,000 af of New Melones Reservoir releases for fish and wildlife in the Grasslands and the San Joaquin River be conditioned to require the 45,000 af be counted as part of the 98,000 af annual fish flow of Board Decision 1422.

8. With respect to the SEWD objection the Board finds:

   (A) DFG has contracted with the Bureau to release up to 45,000 af of additional water from New Melones Resevoir in October, November and December to increase flows in the Stanislaus River below Goodwin Dam by 400 cfs (over currently required minimum fish flow requirements) to improve salmon spawning conditions this fall. The contract with DFG for use of water in the Stanislaus River requires no water right changes and does not require Board approval. Additionally, because of an unusually large salmon run expected this fall, the additional flow is needed to provide adequate spawning habitat for the salmon returning to the Stanislaus River. The Bureau has adequate water in storage in New Melones Reservoir to sell water to DFG this fall without impacting next year's service to SEWD.

(B) The Bureau petition requested Board authorization to redivert the New Melones Reservoir releases as follows:

(1) 25,000 af for use in Grasslands for waterfowl habitat use this fall, and

(2) 20,000 af to storage in San Luis Reservoir to offset releases through the Volta Wasteway to the San Joaquin River in April 1989.

The Bureau petition also states that the Bureau is willing to release the additional New Melones Reservoir water only if the Board authorizes use of SWP Banks to pump 45,000 af of water to San Luis Reservoir. The October 7, 1988 conditional Order authorizes SWP Banks pumping of the additional 45,000 af.

(C) The 45,000 af of water contracted for by DFG this fall is clearly in addition to the 98,000 af per annum required by Condition 2 of Board Decision 1422. Therefore the 45,000 af cannot be counted as a part of the 98,000 af required for preservation and enhancement of fish and wildlife under Decision 1422.

(D) We appreciate SEWD's concern that water not be used wastefully or unreasonably, and that the carry-over supply should be maintained. However, it appears that there will be no adverse effect on SEWD's future water supply as a result of approval of this petition.

Further, the petitioned rediversion of 45,000 af of water from New Melones Reservoir will allow important reasonable and beneficial use of water. Thus, under the petition, water from New Melones Reservoir will be used and reused beneficially.

Action by Board Chairman Maughan

7. In accordance with the delegation of authority in Water Code Section 1435 (d), and the Board's adoption of Resolution 84-2, Board Chairman Maughan made findings and issued a Conditional Temporary Urgency Change Order on October 7, 1988 allowing a temporary change in point of diversion, point of rediversion, place of use and purpose of use for up to 45,000 af of water under Permits 12727, 12860, 16597 and 16600 subject to several specified conditions. We concur in and incorporate herein by reference the findings set forth in the Order issued on October 7, 1988.

ORDER

IT IS HEREBY ORDERED THAT:

1. Issuance of the October 7, 1988 order by Board Chairman Maughan allowing a Conditional Temporary Urgency Change in the point of diversion, point of rediversion, place of use and purpose of use under Permits 12727, 12860, 16597 and 16600 is validated subject to the terms and conditions specified in the Order except as amended below.

2. Condition 5 of the October 7, 1988 order is amended to read:

5. Diversion or rediversion of water at SWP Banks under this order is authorized beginning October 7, 1988 and may continue through March 31, 1989. This authorization shall be of no further force or effect on April 1, 1989.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of the order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 2, 1988.

AYE: W. Don Maughan
Darlene E. Ruiz
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: Edwin H. Finster

ABSTAIN: None

Maureen Marche'
Administrative Assistant to the Board

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19304 PERMIT 16600 LICENSE

ORDER CORRECTING THE STATUS OF THE OPERATION AGREEMENT FOR NEW MELONES AND TULLOCH DAMS AND RESERVOIRS

WHEREAS:

1. Permit 16600 was issued to the U. S. Bureau of Reclamation on July 19, 1973 pursuant to Application 19304.

2. An "Agreement and Stipulation" dated August 30, 1988 was executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District. Therefore a correction to Condition 24 of the permit is required.

3. The State Water Resources Control Board has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

4. Permit Condition 10 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 24 of this permit shall be amended to read as follows:

   24. This permit shall be subject to the following agreements between the Permittee and other parties:

   (A) The "Agreement and Stipulation" dated August 30, 1988 and executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District.

   (B) The agreement between the Permittee and Tuolumne County Water District No. 2 dated November 29, 1972.

   (C) The agreement dated July 31, 1972 between Permittee and Calaveras County Water District.

   Reference to the above three agreements shall not be construed as a finding by the State Water Resources Control Board with respect to the rights of any of the parties involved.

(000 0300)

2. Condition 10 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 02 1988

Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 19304 PERMIT 16600 LICENSE

ORDER APPROVING THE ADDITION OF
POINTS OF REDIVERSION AND AMENDING THE PERMIT

WHEREAS:

1. A petition to add points of rediversion on the Stanislaus River has been filed with the State Water Resources Control Board.

2. The 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.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 2 of this amended permit regarding points of diversion is amended to read as follows:

   Point of Diversion:

   New Melones Dam: North 29° 34' East, 1,075 feet from SW corner of Section 11, T1N, R13E, MDB&M, being within SW¼ of SW¼ of said Section 11.

   Points of Rediversion:

   1) Goodwin Dam: North 10° West, 2,825 feet from SE corner of Section 10, T1S, R12E, MDB&M, being within SE¼ of NE¼ of said Section 10.
   2) Knights Ferry Diversion Dam: North 24° 20' West, 3,000 feet from SE corner of Section 21, T1S, R12E, MDB&M, being within SW¼ of NE¼ of said Section 21.
   3) Tracy Pumping Plant: North 481,100 and East 1,694,500, California Coordinate System, Zone 3, being within E½ of projected Section 29, T1S, R4E, MDB&M.
   4) Points of rediversion on the Stanislaus River between:
      (a) New Melones Dam: North 29° 34' East, 1,075 feet from SW corner of Section 11, T1N, R13E, MDB&M, and
      (b) San Joaquin River: within the NE¼ of Section 19, T3S, R7E, MDB&M.

   No rediversion of stored water from this reach of the Stanislaus River for beneficial use under this permit shall be made until a description of the location of each point of rediversion and statement of the quantity of water to be rediverted is filed with the State Water Resources Control Board.

2. Paragraph 10 of this amended permit is deleted. A new Paragraph 10 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.

3. Paragraph 27 is added to this amended permit as follows:

   This order shall not be construed as conferring upon the permittee the right of access to the points of rediversion. (0000022)

4. Paragraph 28 is added to the amended permit as follows:

   Until further order of the Board, use of water under this amended permit is authorized only in the counties of Stanislaus, Calaveras, Tuolumne and San Joaquin. (0000300)

Dated: AUGUST 9 1985

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA

[redacted]

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED **PERMIT** 16600

Application 19304 of U. S. Department of the Interior, Bureau of Reclamation, Region 2

2800 Cottage Way, Sacramento, CA 95825

filed on March 11, 1960, 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: Stanislaus River

Tributary to: San Joaquin River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
New Melones Dam - North 29°34' East, 1,075 feet from SW corner of Section 11	SW¼ of SW¼	11	1N	13E	MD

Counties of Calaveras and Tuolumne

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Irrigation	within the counties of					
Domestic	Stanislaus, Calaveras,					
Municipal	Tuolumne and San Joaquin					
Industrial						
Recreational	New Melones Reservoir		3N	14E	MD	
Water Quality and	and downstream reaches of		2N	13E	MD	
Preservation and Enhance-	the Stanislaus and San		2N	14E	MD	
ment of Fish and Wildlife	Joaquin Rivers		1N	13E	MD	
			1N	14E	MD	

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 1,420,000 acre-feet per annum by storage to be collected from November 1 of each year to June 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. (000 0005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000 0006)

7. Complete application of the water to the proposed use shall be made on or before December 1, 1990. (000 0009)

8. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board reasonable access to project works to determine compliance with the terms of this permit. (000 0011)

9. Progress reports shall be submitted promptly by Permittee when requested by the State Water Resources Control Board until license is issued. (000 0010)

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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (000 0012) amended 11-2-88

11. In compliance with Fish and Game Code Section 5943, Permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by the dam under this permit during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission. (003 0064)

12. 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 which is not authorized for appropriation under this permit may be released. (005 0043)

13. In accordance with the requirements of Water Code Section 1393, Permittee shall clear the site of the reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. This provision, however, shall not preclude the Permittee from retaining vegetation cover in selected areas as required for the protection of wildlife. Clearing operations shall be coordinated with authorized increases in storage levels. (012 0050)

14. Rights under this permit are, and shall be, subject to existing rights determined by the Stanislaus River Adjudication, Superior Court, San Joaquin County dated November 14, 1929, Action No. 16873 with supplemental decrees dated February 24, 1930; March 8, 1934; May 8, 1935 and November 29, 1960, insofar as said adjudicated rights are maintained, and such other rights as may presently exist. (000 0023)

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

16. In order to prevent degradation of the quality of water during and after construction of the project, 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 (Region), or by the State Water Resources Control Board. (000 0100)

17. Permittee shall impound in new Melones Reservoir such water as is necessary to provide (a) not in excess of 98,000 acre-feet per annum for the preservation and enhancement of fish and wildlife to be released at a rate specified by the California Department of Fish and Game, plus (b) such additional water as is necessary to maintain the water quality conditions set forth in Paragraph 19. The above amounts are in addition to water stored for satisfaction of prior rights at existing Melones Reservoir and for flood control. The Board reserves jurisdiction for the purpose of establishing dry year criteria. (0400900)

18. Permittee shall file with the Board a reservoir operation study showing the water level elevations required to provide the yield specified in Paragraph 17. A reservoir operation schedule shall be submitted by the Permittee which shall be subject to approval of the Board. The study shall be updated at least once every five years until further order of the Board. (0490300)

19. Releases of conserved water from New Melones Reservoir for water quality control purposes shall be scheduled so as to maintain a mean monthly total dissolved solids concentration in the San Joaquin River at Vernalis of 500 parts per million or less and a dissolved oxygen concentration in the Stanislaus River as specified in Water Quality Control Plan (interim), San Joaquin River Basin 5c, State Water Resources Control Board, June 1971.

In the event that the water quality control plan (interim) is amended or superseded, the foregoing water quality objectives shall be modified to conform to then current criteria. (0400500)

20. The State Water Resources Control Board reserves jurisdiction over this permit for the purpose of revising water release requirements for water quality objectives and fish releases and for establishing dry year criteria pursuant to studies to be conducted by the Permittee and other parties in an effort to better define water needs. (0000 600)

21. Permittee shall file with the Board at least biennially a report of water diversions and use along the Stanislaus River and San Joaquin River between New Melones Dam and the Vernalis Gage which will show any increased diversions subsequent to the beginning of releases of water under this permit, which diversions may be encroaching on the water supply provided for preservation and enhancement of fish and wildlife and for water quality control, and will show what steps, if any, Permittee is taking to prevent any such encroachment. (000 0300)

22. Permittee shall file with the Board an annual report showing (a) daily storage level in New Melones Reservoir, (b) daily record of total dissolved solids at Vernalis, and (c) daily record of minimum dissolved oxygen level for the day at Ripon or at an alternate location approved by the Board. (0100300) (0110300)

23. This permit shall be subject to appropriation by storage upstream from New Melones Reservoir for stockwatering and recreational purposes, provided the individual capacities of reservoirs for such purposes do not exceed 10 acre-feet and the reservoirs are kept free of phreatophytes. (0000800)

24. This permit shall be subject to the following agreements between the Permittee and other parties:

(A) The "Agreement and Stipulation" dated October 24, 1972 and executed by the Permittee, Oakdale Irrigation District and South San Joaquin Irrigation District.

(B) The agreement between the Permittee and Tuolumne County Water District No. 2 dated November 29, 1972.

(C) The agreement dated July 31, 1972 between Permittee and Calaveras County Water District.

Reference to the above three agreements shall not be construed as a finding by the State Water Resources Control Board with respect to the rights of any of the parties involved. (0000300) amended 11-2-88

25. This permit does not authorize the use of any water outside the counties of origin which is necessary for the development of the counties. (0000800)

26. Permittee shall consult with the Division of Water Rights and the Department of Water Resources, and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval by March 8, 1984. A progress report on the development of a water conservation plan may be required by the Board within this period. (0000298)

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: JULY 25 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond W. Walsh

Chief, Division of Water Rights

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