P 16762
9-12-86 Asgd to Rancho Murieta Properties, Inc.
1-14-88 Asgd to Rancho Murieta Community Services District

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed (a) 6 cubic feet per second by direct diversion from the Cosumnes River to be diverted from November 1 of each year to May 31 of the succeeding year, and (b) 4,050 acre-feet per annum by storage to be collected from November 1 of each year to May 31 of the succeeding year as follows:

A. 3,900 acre-feet per annum from the Cosumnes River to be stored as follows:

(1) 1,250 acre-feet per annum in Chesbro Reservoir,
(2) 2,610 acre-feet per annum in Calero Reservoir,
(3) 850 acre-feet per annum in Clementia Reservoir, and
(4) 40 acre-feet per annum in Fairway No. 10 Lower Lake.

The combined amount under (2), (3) and (4) shall not exceed a total of 2,650 acre-feet.

B. 50 acre-feet per annum from an unnamed stream to be stored in Chesbro Reservoir.

C. 100 acre-feet per annum from an unnamed stream to be stored in Calero Reservoir.

The maximum rate of diversion from the Cosumnes River to offstream storage shall not exceed 46 cubic feet per second. The equivalent of the continuous flow allowance by direct diversion for any 7-day period may be diverted in a shorter time if there is no interference with vested rights. The total amount of water to be taken from the source shall not exceed 6,368 acre-feet per water year of October 1 to September 30.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Said construction work shall be completed on or before December 1, 1980. (0000008)

8. Complete application of the water to the proposed use shall be made on or before December 1, 1990. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

11. Permittee shall allow representatives of the State Water Resources Control Board, employees of Omochumne-Hartnell Water District, and other parties as may be authorized from time to time by said board, reasonable access to project works to detrmine compliance with the terms of this permit. (0000011)

12. 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. (0000013)

13. No water shall be appropriated under this permit until a public district or some other organization capable, to the satisfaction of the Board, of supplying the place of use on a continuous permanent basis, has been established. (0000028)

14. Permittee shall install and maintain outlet pipes of adequate capacity in his dams as near as practicable to the bottom of the natural stream channels, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. (0050043)

15. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes. (0120050)

16. If the storage dams will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction shall not be commenced until the Department has approved plans and specifications. (0360048)

17. After the initial filling of Laguna Joaquin, Peralta, Bass, and Black Bass Reservoirs, permittee's right under this permit, as it pertains to these reservoirs, extends only to water necessary to keep these reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000041)

18. For the protection and preservation of fish life, diversions under this permit from the Cosumnes River shall be subject to the following terms and conditions:

A. No water shall be diverted when the flow is less than 70 cubic feet per second.
B. Only up to 6 cubic feet per second shall be diverted when the flow is between 70 and 175 cubic feet per second (but such diversion shall not reduce the flow below 70 cubic feet per second.
C. Only those flows in excess of 175 cubic feet per second shall be diverted at all other times, except in dry years, as follows:

(1) If on February 1, the total amount that could have been diverted under this permit under the foregoing schedule is less than 400 acre-feet, then permittee may, during February, divert the flows in excess of 70 cubic feet per second, up to a maximum of 46 cubic feet per second.
(2) If on March 1, the total amount that could have been diverted under the foregoing schedule is less than 2,000 acre-feet, then permittee may, during March, divert the flows in excess of 70 cubic feet per second up to a maximum of 46 cubic feet per second.

(0140060)

(3) If on April 1, the total amount that could have been diverted under the foregoing schedule is less than 4,400 acre-feet, then permittee may, during the remainder of the diversion season (April 1 to May 31), divert the flows in excess of 70 cubic feet per second up to a maximum of 46 cubic feet per second.

D. For the purpose of providing maximum continuous downstream fish migration flows as early as possible in the spring months during years when one of the schedules as set forth in paragraphs C(1), C(2), or C(3) above is commenced, the permittee shall continue such diversion schedule (set forth under C(1), C(2), or C(3) respectively) in order to complete the diversion to storage under the permit as soon as possible, and shall not revert to the diversion schedule under B and C above, except for direct diversion to supply its direct diversion requirements during the remainder of the diversion season not to exceed 6 cubic feet per second. The total seasonal diversion shall not exceed 6,368 acre-feet.

E. All measurements of flows shall be determined at the U.S. Geological survey gaging station "Cosumnes River at Michigan Bar." (0140060)

19. The Board retains jurisdiction over this permit for the purpose of modifying the minimum fisheries flow requirements to conform to future Board determinations and fisheries flow requirements of permits issued pursuant to Applications 5645B, 5646, 5647A, 19266, and 21835. (0000600)

20. Permittee shall, upon authorization by the U.S. Congress of the Nashville Unit of the Cosumnes River Division of the Federal Central Valley Project, report annually to the Board on the status of negotiations for a firm water supply for the place of use under this permit, to the extent such supply is not available under prior vested rights of permittee. (0270999)

21. Permittee shall divert no water during the period November 1 to June 1 of each season except during such time as there is a continuous visible surface flow in the bed of Cosumnes River from permittee's point of diversion to the gaging station at Highway 99 known as "Cosumnes River at McConnell." (0160999)

22. Permittee shall install and maintain measuring devices acceptable to the State Water Resources Control Board to measure accurately the quantity of water diverted from Cosumnes River. (0060062)

23. No water shall be used under this permit until the permittee has, through grant of easement or dedication or other means satisfactory to the County of Sacramento, provided for access by the general public to Cosumnes River through the proposed place of use. Such access shall be minimum of 50 feet wide on each bank of the River, or such width as may be in conformity with the parkway plan of the County of Sacramento; provided, however, that reasonable public access along the river is maintained. (0000999)

24. No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Central Valley Region, pursuant to Water Code Section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

(1) The Regional Board issues a waiver pursuant to Section 13269, or
(2) The Regional Board fails to act within 120 days of the filing of the report.

No report of waste discharge pursuant to Section 13260 of the Water Code shall be required for percolation to the groundwater of water resulting from the irrigation of crops. (0290101)

25. 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)

26. When the flow of treated wastewater reaches 424 acre-feet per annum, permittee shall implement the use of such wastewater for irrigation purposes in lieu of water from other sources as provided in Sections 15550 and 15551 of the Water Code. Such use shall be reported on the annual progress reports filed with the Board. (0000999)

27. This permit is subject to the agreement dated March 26, 1979 bewteen permittee and Omochumne-Hartnell Water District, to the extent such agreement covers matters within the Board's jurisdiction. (0000300)

28. Suitable metering and recording devices shall be installed, operated and maintained in good working order by Rancho Murieta at the following locations:

A. On the discharge line of each pumping station located within the forebay of the CIA diversion Canal headworks and which divert water to offstream storage pursuant to Permit 16762. A suitable recording device shall also be installed which will provide a continuous record on a strip or circular chart of rates and time of diversion for each pump.

B. At the headworks of the CIA canal a continuous stage recorder to record diversions into the canal. Direct measurements to be made at least bimonthly to provide an accurate stage-discharge relationship. The recorder may be removed during periods of high water.

C. On any other pumping facilities which divert water from the Cosumnes River including but not limited to those facilities commonly referred to as the:

(1) Bass Lake Pump
(2) Old Bridge Pump
(3) Rock Plant Pump

Totalizing meters will be deemed adequate for the foregoing and for (D) and (E).

D. A meter shall be installed in the Cosumnes Irrigation Association Canal downstream from the Laguna Joaquin Reservoir.

E. At all points where water is withdrawn from storage for beneficial use, except from Fairway No. 10 Upper Lake. Water withdrawn for transfer to another reservoir will also be measured except for transfers among Calero, Clementia and Chesbro or from those reservoirs to the Treatment Plant.

F. For purposes of the measurements described above, hour meters of KWH consumption shall not be considered adequate unless otherwise agreed to.

G. At Calero, Chesbro and Clementia Reservoirs changes in storage will be measured at least monthly, and this information, plus any additional measurements actually made regarding changes of storage, furnished to the Board upon request. (0060062)

29. Permittee shall devise a method or plan satisfactory to the State Water Resources Control Board to obtain current stream flow data at the U. S. Geological Survey gaging station at Michigan Bar. Such plan shall be submitted to the Chief of the Division of Water Rights within 60 days. (0000999)

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

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED **PERMIT** 16762

Application 23416 of Bank of America, N.T.&S.A. as Corporate Custodian of the Pension Trust Fund for Operating Engineers

c/o Daniel F. Gallery, Attorney, 926 J Building, Sacramento, California 95814

filed on December 19, 1969, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Source:	Tributary to:
(1) Cosumnes River	Mokelumne River
(2-8) Unnamed Streams	Cosumnes River
(9) Unnamed Stream	Crevis Creek thence
	Deer Creek thence
	Cosumnes River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town-ship	Range	Base and Meridan
See Supplement Page 2					

County of Sacramento

3. Purpose of use:	4. Place of use:	Section	Town-ship	Range	Base and Meridan	Acres
Municipal						
Recreational						
Industrial	3,600 acres in Sections 2, 3					
	and 4, T7N, R8E, MDB&M; and					
	Sections 26, 27, 28, 33, 34					
	and 35, T8N, R8E, MDB&M					
Irrigation	500 acres net within gross					
	area of the 3,600 acres					

The place of use is shown on map filed with the State Water Resources Control Board.

Application 23416 **Permit** 16762

30. Permittee shall make all reasonable effort to collect local runoff to storage to the extent local runoff is available in lieu of diverting water from the Cosumnes River. (0000999)

31. (0000029) added Water Cons.

This permit is issued and permittee takes it **subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 5 1980

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit

Chief, Division of Water Rights

P16762

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23416 PERMIT 16762 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 7 of the permit is amended to read as follows:

   CONSTRUCTION WORK SHALL BE
   COMPLETED ON OR BEFORE December 1, 1990

2. Paragraph 8 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, 2000

3. Paragraph 31 is added to this permit as follows:

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

Dated: SEPTEMBER 14 1982

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

WRCB
133 (12-67)

(SUPPLEMENT)

2. Location and point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town-ship	Range	Base and Meridian
(1) Cosumnes River - by California coordinates, zone 2, X= 2,267,670 and Y=303,970	SW¼ of SE¼	35	8N	8E	MD
Diversion and Rediversion:					
(2) Chesbro Reservoir - by California coordinates zone 2, X=2,265,570 and Y=308,460	NW¼ of NW¼	35	8N	8E	MD
(3) Guadalupe Reservoir - by California Cordinates, zone 2, X=2,260,920 and Y=307,300	SE¼ of NW¼	34	8N	8E	MD
Rediversion:					
(4) Laguna Joaquin Reservoir - by California Coordinates, zone 2, X=2,258,230 and Y=304,130	SE¼ of SE¼	33	8N	8E	MD
(5) Peralta Reservoir - by California coordinates, zone 2, X=2,258,400 and Y=307,200	SE¼ of NE¼	33	8N	8E	MD
(6) Clementia Reservoir - by California Coordinates, zone 2, X=2,267,230 and Y=305,440	NE¼ of SW¼	35	8N	8E	MD
(7) Bass Reservoir - North 1,750 feet and East 1,260 feet from SW corner of Section 35	NW¼ of SW¼	35	8N	8E	MD
(8) Black Bass Reserovir - North 3,900 feet and East 3,170 feet from SW corner of Section 35	SW¼ of NE¼	35	8N	8E	MD
(9) Calero Reservoir - South 1,200 feet and West 2,500 feet from NE corner of Section 27	NW¼ of NE¼	27	8N	8E	MD

(SUPPLEMENT)

2. Location and Point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town-ship	Range	Base and Meridian
(1) Cosumnes River - by California Coordinates, zone 2, X = 2,267,670 and Y=303,970	SW¼ of SE¼	35	8N	8E	MD
Diversion and Rediversion					
(2) Chesbro Reservoir - by California Coordinates zone 2, X=2,265,570 and Y=308,460	NW¼ of NW¼	35	8N	8E	MD
Rediversion:					
(3) Laguna Joaquin Reservoir - By California Co-ordinates, zone 2, X=2,258,230 and Y=304,130	SE¼ of SE¼	33	8N	8E	MD
(4) Peralta Reservoir - by California coordinates, zone 2, X=2,258,400 and Y=307,200	SE¼ of NE¼	33	8N	8E	MD
(5) Clementia Reservoir - by California Coordi-nates, Zone 2, X=2,267,230 and Y=305,440	NE¼ of SW¼	35	8N	8E	MD
(6) Bass Reservoir - North 1,750 feet and East 1,260 feet from SW corner of Section 35	NW¼ of SW¼	35	8N	8E	MD
(7) Black Bass Reservoir - North 3,900 feet and East 3,170 feet from SW corner of Section 35	SW¼ of NE¼	35	8N	8E	MD
(8) Calero Reservoir - South 1,200 feet and West 2,500 feet from NE Corner of Section 27	NW¼ of NE¼	27	8N	8E	MD