

AO

PROGRESS REPORT #14**Charlotte Temple Water Rights Project
Water Right Licenses 5985 and 7180, Permits 18405 and 20598****October 11, 2006****INTRODUCTION**

This progress report has been prepared in accordance with the Memorandum of Understanding entered into for the subject project by Analytical Environmental Services (AES), the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), and Charlotte Temple (Petitioner) on May 6, 2004.

Task 1 – Project Initiation and Scoping

AES has been advised that the preparation of a Water Availability Analysis is generally not required for petitions, based on a new directive from Division management. As discussed at the project initiation meeting, if the California Department of Fish and Game (DFG) does not need a site visit for the project, the Division will waive the site visit and AES will proceed with the preparation of the CEQA document. AES will coordinate with the scheduling of a site visit, if needed.

Task 2 – Collect and Compile Existing Data

Complete

Task 3 – Describe Proposed Project

Complete

Task 4 – Initial Study

Work on the Administrative Draft Initial Study has begun.

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

ORDER

Application 25496 Permit 18403 License _____

**ORDER TO CHANGE THE POINT OF DIVERSION,
ADD A POINT OF DIVERSION, INCREASE THE PLACE OF USE,
AND APPROVE A NEW DEVELOPMENT SCHEDULE**

WHEREAS:

1. Permit 18403 was issued to Asiera, Inc. on December 11, 1981 pursuant to Application 25496.
2. Permit 18403 was subsequently assigned to Cypress Abbey Company.
3. Petitions to change the point of diversion, add a point of diversion on Deer Creek, increase the place of use, and extend the time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board (SWRCB).
4. The SWRCB 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.
5. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
6. As a result of the Negative Declaration for this petition, specific mitigation measures are being included as special terms to this permit and pertain to the protection of the Swainson's Hawk and the Valley Elderberry Longhorn Beetle during the construction of the project.

NOW, THEREFORE, IT IS ORDERED THAT:

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

1. North 950 feet and West 1,900 feet from the SE corner of projected Section 17, T6N, R6E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 17 (California Coordinate System, Zone 2, N 256,100 and E 2,189,300); and
2. South 250 feet and East 2,650 feet from the NW corner of projected Section 20, T6N, R6E, MDB&M, being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 20 (California Coordinate System, Zone 2, N 254,750 and E 2,188,500).

(0000002)

2. Condition 4 of the permit be amended to read:

200 acres within a gross area of 473 acres described as follows:

- 4.0 acres within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 7, T6N, R6E, MDB&M;
- 8.0 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 8, T6N, R6E, MDB&M;
- 1.0 acre within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 16, T6N, R6E, MDB&M;
- 31.5 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 16, T6N, R6E, MDB&M;
- 3.5 acres within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 16, T6N, R6E, MDB&M;
- 34.0 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 16.0 acres within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 3.0 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 28.0 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 39.0 acres within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 20.0 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 18.0 acres within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 40.0 acres within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 40.0 acres within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 12.0 acres within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 10.0 acres within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 40.0 acres within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 19.5 acres within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 40.0 acres within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 17, T6N, R6E, MDB&M;
- 1.0 acre within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 18, T6N, R6E, MDB&M;
- 6.5 acres within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 20, T6N, R6E, MDB&M;
- 33.5 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 20, T6N, R6E, MDB&M;
- 18.5 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 20, T6N, R6E, MDB&M;
- 0.5 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 20, T6N, R6E, MDB&M;
- 5.5 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 21, T6N, R6E, MDB&M.

(0000004)

3. Condition 7 of the permit be amended to read:

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

December 31, 1999

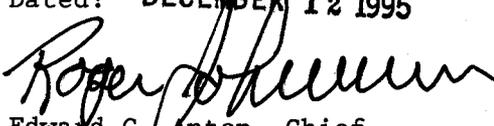
(0000009)

4. Condition 18 is added to this permit as follows:

- a. In accord with Section 2091 of the California Endangered Species Act, the Department of Fish and Game has devised the following conditions to avoid jeopardy to the threatened Swainson's hawk (*Buteo swainsoni*) during construction of the diversion works:
- a. Surveys to determine the proximity of nesting Swainson's hawks to proposed construction shall occur during March and April. Activity that may cause adults to leave the nest and abandon the young would constitute a take; and
 - b. Construction shall occur outside the breeding season of March 1 through August 15 to avoid disturbance of nesting Swainson's hawks. One-quarter mile is required as a no activity zone around a nest site. That distance may be modified under certain conditions (e.g., screening of trees from the worksite) with the approval of the Department of Fish and Game.
- b. In accord with the recommendations in the "Assessment of Impacts to Special-Status Species" prepared for the Company in order to avoid possible adverse effects on the federally-listed Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*) during construction of the diversion works, the Company shall:
- a. Identify each elderberry shrub in the affected areas and fence off the shrub at least twenty feet from the dripline; and
 - b. Inform work crews about the status of the Valley elderberry longhorn beetle and the need to protect its elderberry host plant.

- c. In accordance with Section 1601 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 bed alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fish and wildlife resources 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.

Dated: DECEMBER 12 1995



for Edward C. Anton, Chief
Division of Water Rights

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

ORDER

APPLICATION 25496

PERMIT 18403

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:

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

December 1, 1990

2. Paragraph 10 of this 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. (0000012)

Dated: FEBRUARY 10 1987

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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

ORDER

APPLICATION 25496

PERMIT 18403

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 80 is deleted from the permit.

Standard Water Right Permit Term 80 is worded as one of the following:

"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."

or

"The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the [name of river basin or watershed]. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing."

2. Standard Water Right Permit Term 91 is deleted from the permit.

Standard Water Right Permit Term 91 reads 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 or 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: AUGUST 6 1984

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

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

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18403

Application 25496 of Asiera, Inc. *(over)*
c/o Carlos Bea, 611 Front Street, San Francisco, California 94111

filed on September 2, 1977, 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:

Deer Creek

Cosumnes River thence

Mokelumne River thence

San Joaquin River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
South 800 feet and West 2,500 feet from NE corner of Projected Section 20	NW1/4 of NE1/4	20	6N	6E	MD

County of Sacramento

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Irrigation	SW1/4	16	6N	6E	MD	40
	SE1/4	17	6N	6E	MD	80
	NE1/4	20	6N	6E	MD	66
	N1/2 of NW1/4	21	6N	6E	MD	14
					Total	200

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 2.5 cubic feet per second to be diverted from April 1 to October 1 of each year. The maximum amount diverted under this permit shall not exceed 744 acre-feet per year. (0000005)

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

7. Complete application of the water to the proposed use shall be made on or before December 1, 1985. (0000009)

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

9. 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. (0000011)

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. (0000012)

11. 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)

12. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)

13. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

14. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the Cosumnes River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000090)
deleted

2. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 2.5 cubic feet per second to be diverted from April 1 to October 1 of each year. The maximum amount diverted under this permit shall not exceed 744 acre-feet per year.

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

7. Complete application of the water to the proposed use shall be made on or before December 1, 1925.

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

9. 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.

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) rearing 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.

11. 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.

12. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

13. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

14. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to the results of a comprehensive analysis of the availability of unappropriated water in the Coquemas River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing.

15. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Cosumnes River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (000090)

16. No diversion is authorized by this permit when satisfactory of inbasin entitlements requires release of supplemental project water. The Board shall advise permittee of the probability of imminent curtailment of diversions as far in advance as practicable based on anticipated requirements for supplemental project water provided by the Central Valley Project or the State Water Project operators. The Board shall notify the permittee of curtailment of diversions when it finds that no water is available for diversion under this permit.

For the purpose of initially determining supplemental project water required for inbasin entitlements, the following definitions shall apply:

- A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or 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 water required for project export and project inbasin deliveries.

Notice of curtailment of diversion under this term shall not be issued by the Board until:

1. Project operators jointly develop and demonstrate to the Board a reasonably accurate method of calculating supplemental project water.
2. The Board has approved the method of calculating supplemental project water and has confirmed the definitions of inbasin entitlements and supplemental project water after public hearing.
3. The project operators have notified the Board that the release of supplemental project water is imminent or has occurred. Such notice should include the times and amounts of releases or potential releases.
4. The Board finds that supplemental project water has been released or will be released. (000091)
deleted

15. This permit is subject to prior rights. Permittee is put on notice that during some years water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Cosumnes River Basin are such that in any year of water scarcity the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing.

16. No diversion is authorized by this permit when satisfactory of inbasin entitlements requires release of supplemental project water. The Board shall advise permittee of the probability of imminent curtailment of diversions as far in advance as practicable based on anticipated requirements for supplemental project water provided by the Central Valley Project or the State Water Project operators. The Board shall notify the permittee of curtailment of diversions when it finds that no water is available for diversion under this permit.

For the purpose of initially determining supplemental project water required for inbasin entitlements, the following definitions shall apply:

A. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or 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 water required for project export and project inbasin deliveries.

Notice of curtailment of diversion under this term shall not be issued by the Board until:

1. Project operators jointly develop and demonstrate to the Board a reasonably accurate method of calculating supplemental project water.
2. The Board has approved the method of calculating supplemental project water and has confirmed the definitions of inbasin entitlements and supplemental project water after public hearing.
3. The project operators have notified the Board that the release of supplemental project water is imminent or has occurred. Such notice should include the times and amounts of releases or potential releases.
4. The Board finds that supplemental project water has been released or will be released.

17. During the period between July 1 and October 31 if, in the absence of permittee's diversion, hydraulic continuity would exist between permittee's diversion point and Cosumnes River, permittee shall not divert water but shall open his diversion works and allow the water to flow undiminished downstream.
(0000110)

P18403

12-3-82 asgd to Uteasa, Inc.
2-14-86 asgd to Scott Bates
10-28-92 asgd to Cypress atkey Company

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: DECEMBER 11 1981

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash

Chief, Division of Water Rights