

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

**ORDER**

18511

APPLICATION 26486

PERMIT 18511

LICENSE \_\_\_\_\_

ORDER TO CHANGE THE DESCRIPTION OF THE POINTS OF  
DIVERSION, THE PLACE OF USE AND APPROVING A NEW  
DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 18511 was issued to Kyburz Water Co., Inc. on May 18, 1982 pursuant to Application 26486.
2. Permit 18511 was subsequently assigned to Kyburz Mutual Water Company.
3. A petition to change the place of use and a petition for an extension of time within which to develop the project and apply the water to proposed use have been filed with the State Water Resources Control Board (Board).
4. During a June 25, 1987 inspection an Engineer on the Board's staff assessed that the existing points of diversion needed updating. Points 1 and 3 were incorrectly located, Point 2 is no longer used and Point 4 has not been installed. Permit Condition 2 should be amended to reflect these facts.
5. 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.
6. The permittee has proceeded with diligence and good cause has been shown for said changes and for the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

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

Location of Point of Diversion:

- (1) North 500 feet and East 750 feet from the SW corner of Section 22, T11N, R15E, MDB&M; being within the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of said Section. Also described as California Coordinate System, Zone 2, North 409,100 and East 2,486,750.

Location of Point of Diversion:

- (3) North 750 feet and West 500 feet from the SE corner of Section 21, T11N, R15E, MDB&M; being within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section. Also described as California Coordinate System, Zone 2, North 409,350 and East 2,485,500.

(000002)

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

Place of Use:

NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 27, T11N, R15E, MDB&M  
NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 28, T11N, R15E, MDB&M  
NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 28, T11N, R15E, MDB&M

(0000004)

3. Condition ~~4~~<sup>7</sup> of the permit be amended to read:

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

December 31, 1996

(0000009)

Dated: NOVEMBER 23 1988

*for*   
Walter G. Pettit, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 26486

PERMIT 18511

LICENSE \_\_\_\_\_

ORDER AMENDING PERMIT

WHEREAS:

1. Permit 18511 was issued to Kyburz Water Co., Inc. on May 22, 1982 pursuant to Application 26486 and was subsequently assigned to Kyburz Mutual Water Company.
2. Permit paragraph 10 pertaining to the continuing authority of the Board needs to be updated to conform to standard permit term 12 as contained in Title 23 California Administrative Code Section 780(a).
3. Depending on the amount of water permitted and the type of use, standard permit term 29 imposing water conservation is required.
4. The purposes of use and quantity of water specified in Permit 18511 does not meet current Board criteria for inclusion of standard permit term 29.
5. Permit paragraph 15 (standard permit term 29) should be deleted.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 10 of this permit is hereby 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.

2. Paragraph 15 of this permit is hereby deleted.

Dated: JUNE 01 1987



Raymond Walsh, Chief  
Division of Water Rights

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

**ORDER**

APPLICATION 26486

PERMIT 18511

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."

JULY 31 1984

Dated:

*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 18511

Application 26486 of Kyburz Water Co., Inc. *(over)*  
2866 Grandview, Placerville, California 95667

filed on August 7, 1980, 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:

Unnamed Streams (3)	South Fork American River thence
	American River thence
	Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) North 57° East, 900 feet from SW corner of Section 22	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	22	11N	15E	MD
(2) North 80° East, 480 feet from SW corner of Section 22	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	22	11N	15E	MD
(3) North 36° West, 840 feet from SE corner of Section 21	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	21	11N	15E	MD
(4) North 47° West, 1,620 feet from SE corner of Section 21	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	21	11N	15E	MD

County of El Dorado

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Municipal	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	27	11N	15E	MD	
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	28	11N	15E	MD	

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

P18511.

7-13-83 as per to Kyburg Mutual Water Company

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.2 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 146 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 authorized use shall be made by December 1, 1986. (0000009) amended 11-23-88

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) amended 6-1-87

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. During the season specified in this permit the total quantity and rate of water diverted and used under this permit and permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in the permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of this claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the Board.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law. (0000021)



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. No water shall be appropriated until the permittee has established a permanent organization which will, to the Board's satisfaction, properly operate and maintain the permittee's water supply system. (0000028)

15. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. (0000029) *deleted 6-1-87*

16. 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 Sacramento River Basin. Action to change the season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)

17. 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 Sacramento 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. (0000090) *deleted 7-31-84*

18. 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 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 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. (0000091)

*deleted 7-31-84*

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. No water shall be appropriated until the permittee has established a permanent organization which will, to the Board's satisfaction, properly operate and maintain the permittee's water supply system.

15. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program of actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board.

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

17. This permit is subject to prior rights. Permittee is put on notice that during any years water will not be available for diversion during portions of All of the season authorized herein. The annual variations in demands and hydrologic conditions in the Sacramento 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.

18. No diversion is authorized by this permit when satisfaction of instream requirements requires release of supplemental project water by the Central Valley Project or the State Water Project.

A. Instream requirements 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 Delta 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 instream requirements.

B. Supplemental Project water is defined as water imported to the basin by the project, and water released from Project storage, which is in process of export diversion, Project carriage water, and Project instream deliveries.

The Board shall notify the permittee of curtailment of diversion under this permit 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.

19. 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 ground water without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

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

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

20. 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 South Fork American River, permittee shall not divert water but shall open his diversion works and allow the water to flow undiminished downstream. (0000110)

**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: MAY 18 1982

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*  
Chief, Division of Water Rights