STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23946 **Permit 18966** **License _____**

ORDER APPROVING NEW DEVELOPMENT AND CHANGES IN POINT OF DIVERSION AND PLACE OF USE AND AMENDING PERMIT

WHEREAS:

1. Permit 18966 was issued on June 27, 1984 pursuant to Application 23946.

2. The State Water Resources Control Board (SWRCB) received a request for extension of time dated February 9, 1990, and a petition requesting change in the points of diversion and place of use on May 11, 1995.

3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

4. The SWRCB has determined that the changes to the points of diversion and place of use are appropriate and do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. The permit condition pertaining to continuing authority of the SWRCB should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The Points of Diversion under this Permit shall be as follows:

   a. By California Coordinate System, Zone 2, North 518,300 feet and East 1,995,750 feet being within the NE¼ of SW¼ of Section 6, T14N, R1W, MDB&M;

   b. By California Coordinate System, Zone 2, North 518,300 feet and East 1,995,850 feet being within the NW¼ of SE¼ of Section 6, T14N, R1W, MDB&M;

c. By California Coordinate System, Zone 2, North 517,500 feet and East 1,995,850 feet being within the SE¼ of SW¼ of Section 6, T14N, R1W, MDB&M.

2. The Place of Use under this Permit shall be as follows:

550 acres within Section 4, T14N, R1W, MDB&M;
586 acres within Section 5, T14N, R1W, MDB&M;
430 acres within Section 6, T14N, R1W, MDB&M;
136 acres within Section 7, T14N, R1W, MDB&M;
160 acres within Section 8, T14N, R1W, MDB&M;
360 acres within Section 9, T14N, R1W, MDB&M;
224 acres within Section 32, T15N, R1W, MDB&M;
492 acres within Section 33, T15N, R1W, MDB&M;
328 acres within Section 34, T15N, R1W, MDB&M;
3,266 acres Total as shown on map dated March 11, 1997 on file with the SWRCB.

3. Term 7 shall be amended to read:
Complete application of the water to the proposed use shall be made by December 31, 2007.

4. The total quantity of water diverted under this Permit, together with that diverted under License 4334 and the Permits issued pursuant to Applications 23945, 25792 and 25793, shall not exceed 16,419 acre-feet per year.

5. The existing continuing authority condition under Permit 18966 shall be amended 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: JANUARY 27 1998

Roger Johnson

for Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23946 PERMIT 18966 LICENSE

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.

2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.

3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

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

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

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

b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

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

(000091)

Dated: JUNE 27 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 18966

Application 23946 of Wallace Brothers
P. O. Box 284, Arbuckle, California 95912

filed on December 9, 1971, 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: Reclamation District No. 2047 Main Drain Canal — Tributary to: Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
(1) North 80° 02' West 7,922 feet from SE corner of Section 5	NW¼ of SE¼	6	14N	1W	MD

County of Colusa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Irrigation		32	15N	1W	MD	
		33	15N	1W	MD	
		4	14N	1W	MD	
		5	14N	1W	MD	
		9	14N	1W	MD	
		10	14N	1W	MD	
						1,883

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 17 cubic feet per second to be diverted from April 1 to June 30 and September 1 to September 30 of each year. The maximum amount diverted under this permit shall not exceed 6,600 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, 1987. (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 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. 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. This permit is subject to permittee obtaining an alternate water supply through a purchase contract or use of groundwater for July and August of each year for the place of use specified in this permit. Until a permanent contract for an alternate water supply is signed, permittee shall, prior to March 1 of each year, inform the Board of the source of alternate supply for the following July and August. No water may be diverted under this permit each year until the Board is so notified. If the alternate supply is to be provided by a water purchase exchange contract, the permittee shall, by March 1 of each year, provide the Board a copy of an executed contract covering all diversions from the Canal which are not covered by water right permits or licenses. (0260999)

15. Permittee shall comply with the following provision which is included in the agreement between permittee, Reclamation District 108, Knights Landing Ridge Cut Water Users and Drainage Association, and H. H. Balsdon as an individual, executed on October 18, 1977:

> "Permittee shall cease to divert water under this permit whenever any protestant, who is party to the above agreement, notifies permittee that insufficient water is available to satisfy prior rights. Permittee shall not recommence diverting until notified by the protestant that water is available for appropriation." (0000300)

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)

18. 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 six 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)

***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: SEPTEMBER 1 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights