

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 27281 Permit 19210

**ORDER CORRECTING SOURCE DESCRIPTION, DIRECTING ISSUANCE OF
SEPARATE PERMITS, ADDING NEW PERMIT CONDITIONS,
AND REVOKING ORIGINAL PERMIT**

WHEREAS:

1. Permit 19210 was issued to Roger Dickson on April 25, 1984 pursuant to Application 27281
2. Permit 19210 was subsequently assigned to Peggy Dickson on March 28, 1995.
3. The Permittee is signatory to the March 10, 1995 Condition 12 Settlement Agreement (Agreement) between U.S. Bureau of Reclamation, Solano County Water Agency, and nearly all post-1945 appropriate water right holders in the Putah Creek watershed above Monticello Dam.
4. Order WR 96-002, amending permits in accordance with the Condition 12 Settlement Agreement was adopted by the State Water Resources Control Board (SWRCB) on February 27, 1996 subjecting the permittee to additional conditions.
5. SWRCB inspected the permittee's project on July 25, 1996 and recommendations were made to correct the description of the source and point of diversion, and divide the existing permit.
6. A petition requesting the issuance of separate permits has been filed with the State Water Resources Control Board (SWRCB) on May 13, 1997.
7. The SWRCB has determined that the issuance of separate permits does not constitute the initiation of a new right nor operate to the injury of any lawful user of water.
8. Fish, wildlife, and plants have been or may be listed to the Federal Endangered Species Act and/or California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The description of the source is corrected to read as follows:
 - (1) & (2) Unnamed Streams tributary to Pope Creek thence Putah Creek (above Lake Berryessa) thence Yolo Bypass.
 - (3) Pope Creek tributary to Putah Creek (above Lake Berryessa) thence Yolo Bypass.
2. Permit 19210 be replaced with Permits 19210A and 19210B, both issued to Peggy Dickson.
3. Permit 19210 is hereby revoked, effective upon the issuance of Permits 19210A and 19210B.

4. Separate permits be issued as follows:

A(1). Permit 19210A

Owner: Peggy Dickson
3000 James Creek Road
Pope Valley, CA 94567

Source: Unnamed Stream tributary to Pope Creek thence Putah Creek
(above Lake Berryessa) thence Yolo Bypass in Napa County

Purpose: Irrigation, Stockwatering, Recreational and Fire Protection

Amount: 14 acre-feet per annum. Maximum withdrawal in any one year shall not
exceed 14 acre-feet per annum

Season: November 1 to April 15

Point of
Diversion: Reservoir No. 2 - North 50 feet and East 2,200 feet from SW corner of
Section 25, T10N, R6W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said
Section 25, also described as California Coordinates, Zone 2, North
368,450 feet and East 1,864,100 feet.

Place of Use: Stockwatering, recreational and fire protection at reservoir within SE $\frac{1}{4}$ of
SW $\frac{1}{4}$ of Section 25, T10N, R6W, MDB&M, and irrigation of 3.33 acres
within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36, T10N, R6W, MDB&M.

A(2). Permit 19210A shall contain all other terms and conditions presently in Permit 19210.

A(3). License will be issued in accordance with the terms of the "Request for Division of Permit
with Issuance of License and Continuation Permit" and shall contain conditions pertinent to
the Condition 12 Settlement Agreement.

A(4) Addition of the endangered species term to Permit 19210, to read as follow:

This permit does not authorize any act which results in the taking of a threatened or
endangered species or any act which is now prohibited, or becomes prohibited in the
future, under either the California Endangered Species Act (Fish and Game Code
sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections
1531 to 1544). If a "take" will result from any act authorized under this water right,
the permittee shall obtain an incidental take permit prior to construction or operation.
Permittee shall be responsible for meeting all requirements of the applicable
Endangered Species Act for the project authorized under this permit.

(0000014)

B(1). Permit 19210B

Owner: Peggy Dickson
3000 James Creek Road
Pope Valley, CA 94567

Source: (1) & (2) Unnamed Streams Streams tributary to Pope Creek thence
Putah Creek (above Lake Berryessa) thence Yolo Bypass in Napa County
(3) Pope Creek tributary to Putah Creek (above Lake Berryessa) thence
Yolo Bypass in Napa County

Purpose: Irrigation, Stockwatering, Recreational, and Fire Protection

Amount: 84 acre-feet per annum as follows:
(1) 49 acre-feet in Reservoir No. 1 and
(2) 35 acre-feet in Reservoir No. 2

The total quantity of water collected to storage in Reservoir No.2 under
this permit and license issued pursuant to Application 27281A shall not
exceed 49 acre-feet per annum

Maximum Rate to
Offstream
storage: 3 cubic feet per second

Season: November 1 to April 15

Points of Diversion and

Rediversion: (1) Reservoir No. 1 – North 1,050 feet and West 3,800 feet from
SE corner of Section 25, T10N, R6W, MDB&M, being within SE $\frac{1}{4}$ of
SW $\frac{1}{4}$ of said Section 25, also described as California Coordinates,
Zone 2, North 369,500 feet and East 1,863,550 feet.
(2) Reservoir No. 2 – North 50 feet and East 2,200 feet from SW corner
of Section 25, T10N R6W, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said
Section 25, also described as California Coordinates, Zone 2,
North 368,450 feet and East 1,864,100 feet.

Point of Diversion
to Offstream

Storage: (3) - South 2,650 feet and West 3,300 feet from NE corner of
Section 36, T10N, R6W, MDB&M being with SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
Section 36, also described as California Coordinates, Zone 2,
North 366,700 feet and East 1,863,950 feet.

Place of Storage: Reservoir No.'s 1 & 2 within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25, T10N, R6W,
MDB&M

Place of Use: Stockwatering, recreational, and fire protection at Reservoir No.'s 1 & 2 within S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 25, T10N, R6W, MDB&M, and irrigation of 165 acres as follows:

53 acres within SW $\frac{1}{4}$ of Section 25, T10N, R6W, MDB&M

44 acres within E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 36, T10N, R6W, MDB&M

58 acres within W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 36, T10N, R6W, MDB&M

10 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, T10N, R6W, MDB&M

B(2). Terms and conditions as indicated in SWRCB Order 96-002 and the March 10, 1995 Condition 12 Settlement Agreement shall be added to Permit 19210A and shall read as follows:

Permittee shall comply with the following provisions which are derived from the Condition 12 Settlement Agreement dated March 10, 1995 (Agreement) pursuant to the Sacramento County Superior Court, Judicial Council coordination Proceeding No. 2565.

(1) Permittee is hereby put on notice that the Sacramento County Superior Court, Judicial Council Coordination Proceeding No. 2565, has retained jurisdiction over the parties and, upon application by the watermaster, has the right to temporarily enjoin water diversions pursuant to this permit for noncompliance with the terms of the Agreement.

(2) Diversion of water under this permit shall be subject to the watermaster appointed by the court to enforce the terms of the Agreement. The permittee shall be responsible for partial payment of the watermaster cost in accordance with the terms of the Agreement.

(3a) Within one year of the construction of State Reservoir covered by this permit, permittee shall have the capacity of the reservoir surveyed by a registered civil engineer or licensed surveyor. A copy of such survey and area-capacity curve shall be provided to the watermaster and the State Water Resources Control Board.

(3b) Permittee shall install and maintain a device satisfactory to the State Water Resources Control Board capable of measuring water diverted into the reservoirs under this permit. Satisfactory devices shall include: For Pumping Stations (1) In-line flow meter having instantaneous and total flow reading capability, or (2) Proof of a pump test performed within the last 5 years together with official monthly power consumption records for the electric meter serving the pump. For Gravity Diversions: A weir, flume, or other flow measuring device that is properly installed, or a flow rating curve established by volumetric measurements.

(4a) Permittee shall install and properly maintain in the reservoirs staff gages, satisfactory to the watermaster and the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs. Permittee shall record the staff gage readings on October 1 of each year and April 30 of the succeeding year, or such other period as may be specified with written notice to the permittee by the watermaster.

(4b) Permittee shall record monthly diversion to offstream storage amounts from October 1 of each year to April 30 of the succeeding year, or such other period as may be specified with written notice by the watermaster.

(5) Permittee shall report to the watermaster annually, all diversions under this permit by September 1 of each year on forms approved by the watermaster.

(6) Permittee shall allow the watermaster reasonable access to the project covered by this permit to inspect measuring equipment and to observe compliance with these permit terms and conditions, upon 48-hour prior notice and upon such reasonable conditions as permittee may prescribe.

(7) Permittee is hereby put on notice that there may be years when diversion of water under this permit will not be within the reservation of water established for the Putah Creek watershed upstream of Monticello Dam, as set forth in the Putah Creek watershed upstream of Monticello Dam, as set forth in the Agreement and that in those years no water may be available under their permit, and releases of stored water may be required.

(8) Permittee is hereby put on notice that the waiver of priority granted by Reclamation and Solano County Water Agency provides that in the event Allowable Depletion is exceeded in any year, water diverted to storage that year shall be released and/or direct diversions shall be curtailed during the ensuing season(s), when applicable, to the extent necessary to bring the Allowable Depletion into compliance, in the following order:

a. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights in excess of 120 percent of that water right holder's previous five-year average, in reverse order of water right priority;

b. All amounts directly diverted and/or diverted to storage by holders of Post-Reservation Water Rights above the previous five-year average diversion, in reverse order of priority;

c. All remaining water directly diverted and/or diverted to storage that year by holders of Post-Reservation Water Rights in reverse order of priority.

(9) In any year in which the Annual Depletion exceeds the Allowable Depletion, if Lake Berryessa: (1) does not drop below 640,000 acre-feet in storage as of May 1, permittee shall have three years, starting in the next Accumulation Season, to make up or repay permittee's excess diversion and (2) does not reach 640,000 acre-feet of storage as of May 1 permittee shall have one year, starting in the next Accumulation Season, to make up or repay permittee's excess diversions. If Lake Berryessa spills at any time prior to full payback of excess depletion, permittee shall be excused from any further obligation for repayment of the overage.

(10) Permittee shall provide watermaster prior notice of any repayment. Repayment may be made either by releases from storage, curtailment of direct diversion or by the provision of water from other sources.

(11) Permittee shall notify the watermaster of any change in ownership of land, changes in the water right, or changes in address related to the permit.

(12) Permittee is hereby put on notice of permittee's right, upon reasonable prior notice, to inspect and to copy, at permittee's own expense, all records and reports of the watermaster.

(13) Solely for purposes of administering Post-Reservation Depletion, the average annual depletion assigned to this project is 84 acre-feet per annum as calculated by the Watermaster-using information described in Exhibit C of the Condition 12 Settlement Agreement. Permittee shall notify the watermaster of any change in crop type, acreage irrigated, and irrigation method. Any change in water usage which results in an increase in average annual depletion of more than 10 percent for non-weather related reasons, as determined by the watermaster, will require filing a new water right application. (Agreement pp. 13-15, Exhibit E)

Inclusion in the permit of certain provisions of this Agreement shall not be construed as disapproval of other provisions of the Agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

The State Water Resources control Board (SWRCB) shall have continuing authority under Article X, Section 2 of the California Constitution, Water Code Sections 100 and 275, and the common law public trust doctrine over this license to delete, revise, amend, or adopt new terms or conditions to: 1) implement the March 10, 1995, Condition 12 Settlement Agreement and any amendments to the agreement and (2) make the terms or conditions consistent with any order of the superior court. No action shall be taken pursuant to this paragraph unless the SWRCB provides notice to affected parties and provides an opportunity for a hearing.

No water shall be diverted under this permit unless the permittee has installed a device, as may be specified by the Agreement, that is capable of measuring the diversions under this permit such that the watermaster can calculate the Annual Depletion for this project. Said measuring device shall be properly maintained.

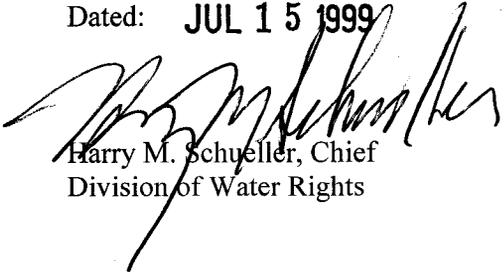
B(4). Addition of an endangered species term to Permits 19210A and 19210B shall read as follow:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

B(3). Permit 19210B shall contain all other terms and conditions presently in Permit 19210.

Dated: JUL 15 1999


Harry M. Schueller, Chief
Division of Water Rights

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

ORDER

APPLICATION 27281 PERMIT 19210 LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 19210 was issued to Roger Dickson on April 25, 1984 pursuant to Application 27281.
2. A petition for an 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 (Board).
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
4. Permit Condition 12 regarding the Board's continuing authority should be updated to conform to Section 780(a), of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 1995 (0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1997 (0000009)

3. Condition 12 of the permit be amended to read:

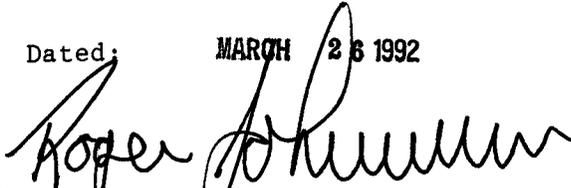
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority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

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and

operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: MARCH 26 1992


for Edward C. Anton, 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 19210

Application 27281 of Roger Dickson
3000 James Creek Road, Pope Valley, California 94567

filed on April 6, 1982, 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:
<u>(1, 2) Two Unnamed Streams</u>	<u>James Creek</u>
<u>(3) James Creek</u>	<u>Pope Creek thence</u>
	<u>Putah Creek thence</u>
	<u>Yolo Bypass</u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>Storage</u> <u>(1) North 1,050 feet and West 3,800</u> <u>from SE corner of Section 25</u>	<u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>25</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>
<u>Storage</u> <u>(2) North 500 feet and West 2,900 feet</u> <u>from SE corner of Section 25</u>	<u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>25</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>
<u>Diversion to offstream Storage</u> <u>(3) South 1,650 feet and West 3,300</u> <u>feet from NE corner of Section 36</u>	<u>SE$\frac{1}{4}$ of NW$\frac{1}{4}$</u>	<u>36</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>

County of Napa

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>Fire Protection</u>						
<u>Recreational</u>						
<u>Stockwatering</u>	<u>Reservoirs Nos. 1 & 2 In</u> <u>SE$\frac{1}{4}$ of SW$\frac{1}{4}$</u>	<u>25</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>	
<u>Irrigation</u>	<u>SW$\frac{1}{4}$</u>	<u>25</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>	<u>53</u>
	<u>E$\frac{1}{2}$ of NW$\frac{1}{4}$</u>	<u>36</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>	<u>44</u>
	<u>W$\frac{1}{2}$ of NE$\frac{1}{4}$</u>	<u>36</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>	<u>58</u>
	<u>NW$\frac{1}{4}$ of SE$\frac{1}{4}$</u>	<u>36</u>	<u>10N</u>	<u>6W</u>	<u>MD</u>	<u>10</u>
					<u>Total</u>	<u>165</u>

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 a total of 98 acre-feet per annum to be collected from November 1 of each year to April 15 of the succeeding year as follows: 49 acre-feet per annum in Reservoir No. 1 reservoir, 49 acre-feet per annum in Reservoir No. 2 reservoir.

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.

The maximum rate of diversion to offstream storage shall not exceed 3 cubic feet per second. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (000007)

8. Construction work shall be completed by December 1, 1987. (000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1988. (000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

11. 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. (000011)

12. Pursuant to California Water Code Sections 100 and 275, and the 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, 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) to 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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (000012)

13. 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)

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 in order that water entering the reservoirs which is not authorized for appropriation under this permit may be released. Before construction permittee shall submit plans and specifications of the outlet pipes or alternatives to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs permittee shall furnish evidence which substantiates that outlets have been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. For the protection of fish and wildlife in James Creek, permittee shall during the period from November 1 through April 15 bypass a minimum of 10 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount. (0140060)

16. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

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

18. Permittee is hereby put on notice that there may be years when water collected to storage under this permit will not be within the reservation of water established for the watershed upstream from Lake Berryessa in Decision 869. During such years, unless replacement water is provided on an exchange basis, permittee shall release water collected to storage under this permit during the preceding collection season at the maximum practical rate to flow into Lake Berryessa. (0220087)

19. 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.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing. (0000100)

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: APRIL 25 1984

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash

Chief, Division of Water Rights 87909-983 2-79 4M 0 CSP