

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

ORDER

APPLICATION 25727 PERMIT 19400 LICENSE _____

ORDER TO CHANGE THE PURPOSE OF USE,
AND APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 19400 was issued to Natomas Central Mutual Water Company on February 7, 1985 pursuant to Application 25727.
2. A petition to change the purpose of use, and a petition for an extension of 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.
3. Two conditions are being added to this permit limiting the amount and place of use for municipal, industrial and domestic uses to the Sacramento Metropolitan Airport Area as a result of mitigation of a protest.
4. The permittee has proceeded with diligence and good cause has been shown for the said change and for the extension of time.
5. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. 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, 1999 (000009)
2. The purposes of use under this permit shall be as follows:

Irrigation, Municipal, Industrial and Domestic
3. Condition 21 is added to this permit as follows:

Domestic, municipal and industrial uses under Licenses 1050, 2814, 3109, 3110, and 9794 (Applications 534, 1056, 1203, 1413, and 15572) and Permit 19400 (Application 25727) are approved provided that water is diverted only at Diversion Point 3 located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 23, T10N, R3E, and that water for domestic, municipal and industrial uses is served only to those lands zoned for such use described as follows:

Lands located within the Sacramento Metropolitan Airport and the Sacramento Airport Special Planning Area located within Sections 24, 25 and 36, T10N, R3E, and Sections 19, 20, 29, 30, 31 and 32, T10N, R4E, shown on a Map revised March 9, 1990 and filed herewith. (0360300)
4. Condition 22 is added to this permit as follows:

The total amount of water diverted under Licenses 1050, 2814, 3109, 3110, 9794, and Permit 19400 shall not exceed 10,000 acre-feet during the period October 1 to April 1. (0000114)

Dated: **JULY 12 1990**


Walter G. Pettit, 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 19400

Application 25727 of Natomas Central Mutual Water Company
2601 Elkhorn Boulevard, Rio Linda, California 95673

filed on May 1, 1978, 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:

Sacramento River	Suisun Bay
Natomas Cross Canal	Sacramento River
Reclamation District 1000 East Drain	Reclamation District 1000 Main Drain
Reclamation District 1000 West Drain	Reclamation District 1000 Main Drain
Reclamation District 1000 Main Drain	Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
See Addendum 1					

County of Sutter and Sacramento

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
See Addendum 2						

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 168 cubic feet per second to be diverted from October 1 to of each year to April 1 of the succeeding year. The maximum amount diverted under this permit shall not exceed 10,000 acre-feet per water year of October 1 to September 30. (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, 1988. (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, 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) 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 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)

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. 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)

13. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning availability of water and the protection of beneficial uses of water in the Sacramento-San Joaquin Delta and San Francisco Bay. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0000080)

14. 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)

15. 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)

16. 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)

17. The right to divert and use water under this permit is specifically subject to the prior rights of East Yolo Community Services District to appropriate water from the Sacramento River under Application 25616. (000T001)

18. Permittee shall consult with the Division of Water Rights and prepare an Agricultural Water Conservation Plan, in accordance with Board guidelines, for the irrigation use of water on the place of use included under this permit. The proposed plan shall be prepared by professionals trained in irrigation practices, system design, and water management. The plan shall be presented to the Board for approval within one year from the date of this permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of the plan may be required by the Board.

The Board may require that all cost effective recommendations identified in the Water Conservation Plan be implemented prior to issuance of a water right license. (0000029)

19. Permittee shall comply with the following provisions which are derived from the agreement between permittee and the California Department of Fish and Game executed on August 20, 1979 and filed with the State Water Resources Control Board:

- (a) In order to offset the loss of salmon and steelhead between the period of October 1 of each year to April 1 of the succeeding year, permittee shall reimburse the California Department of Fish and Game each year for the cost of rearing and planting 34,000 yearling-sized salmon and

steelhead in the Sacramento River. The annual reimbursement shall be calculated at a rate per pound of fish equal to the prevailing cost of production and distribution at the Department's hatcheries as computed for the fiscal year prior to the year of planting and as reported in the Department's Fish Production and Cost Report, a copy of which will be furnished to the permittee by the Department.

- (b) The number of yearling-sized salmon and steelhead for which permittee is obligated to reimburse the California Department of Fish and Game is based on the 10,000 acre-feet per water year maximum quantity of diversion authorized by this permit. Should this quantity be reduced upon petition to the State Water Resources Control Board or upon issuance of a license, the number of yearling-sized salmon and steelhead for which permittee is required to reimburse the Department shall be reduced proportionately for the next succeeding and following years, providing permittee furnishes the Department a copy of the State Board order or license by September 1 of any given year.
- (c) Rather than reimburse the California Department of Fish and Game for yearling-sized salmon and steelhead as provided above, permittee may, at its option, elect on or before September 1 of any given year, by written notice to the Department, to install fish screens in accordance with plans submitted to and approved by the Department at the points of diversion authorized under this permit. The screens at each point of diversion shall be adequate for the rate of diversion authorized by this permit, and must be in place whenever diversions are being made under this permit. This term is not intended to require that the screens be adequate for diversion under other water rights in addition to this permit or used at a time when this permit does not authorize diversion.

(000024)

20. The State Water Resources Control Board reserves jurisdiction to conform this permit to any final court decision after appellate review resulting from the Delta Water Cases litigation in Judicial Council Coordination Proceeding No. 548. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

(000060)

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: FEBRUARY 7 1985

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights