

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2012-0034-EXEC

In the Matter of Permits 19655, 19656, 19657 and 19658
(Applications 27220, 27239, 28123 and 28124)
June Lake Public Utility District

**ORDER APPROVING PETITIONS FOR EXTENSION OF TIME
AND PETITIONS FOR CHANGE AND ISSUING AMENDED PERMITS**

SOURCES: (1) Twin Springs Creek, (2) June Lake

COUNTY: Mono

BY THE BOARD:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permits 19655, 19656, 19657 and 19658 to June Lake Public Utilities District (now known as June Lake Public Utility District) (Permittee) on October 8, 1985, pursuant to Applications 27220, 27239, 28123 and 28124.
2. The permits require that the water be applied to municipal use by December 1, 1995. There have been no time extensions for these water rights. Permits 19655 and 19657 authorize diversion of 0.4 cubic foot per second (cfs) and 0.293 cfs, respectively, from Twin Springs Creek tributary to Reversed Creek. Twin Springs Creek is now known as Snow Creek. Permits 19656 and 19658 authorize diversion from June Lake tributary to Reversed Creek thence Rush Creek thence Mono Lake. Combined diversions under the four permits and License 6020 (Application 16687) are limited to a diversion rate of 0.74 cfs, not to exceed 536 acre feet annually (afa).
3. On December 28, 2005, Permittee filed petitions for extension of time for the four rights, seeking extensions to the year 2030. The required filing fees were submitted.
4. On May 17, 2007, the time extension petitions were noticed. The only acceptable protest was filed by June Lake Advocates. The protest raised the issue that any time extension should be contingent on limiting combined diversions to the quantity Mono County has identified as needed to serve growth. In the November 7, 2008 protest dismissal letter, the Division stated that it would limit the combined right diversion to 394 afa based on the Mono County estimate of build-out water demand and dismissed the protest issue.
5. On November 18, 2010, Permittee documented that June Lake's adopted 2004 Master Water Plan estimated future water demands to be 545 afa. The 394 af amount was from a June 2006 Water Resource Assessment prepared by Eco:Logic Engineering for Mono County Community Development Department. The Eco:Logic document was a planning level document for Mono County and was never approved by June Lake's Board of Directors. Therefore, Permittee asserts that it would not be proper to limit the combined diversion to the amount stated in the 2006 document. The maximum combined diversion limit will remain 536 afa.

6. During the process of preparing the Initial Study/Mitigated Negative Declaration (IS/MND) for the time extension petitions, Permittee discovered that the existing place of use on all four water rights excluded an area of existing and planned development within the Village System. This area includes the northern portion of the June Lake Highlands project in the West Village Area. Development of this area had already been approved by the County of Mono and six homes had been constructed.
7. On May 27, 2011, Permittee filed petitions for change for the four water rights to amend the place of use to include this area. The required filing fees were submitted. The IS/MND was revised prior to circulation to include the change petitions.
8. On June 2, 2011, Permittee documented that adding 40 acres to the existing place of use does not have the potential to impair the water supply of other legal users of water or instream beneficial uses. Permittee also documented that all facilities needed to serve municipal water for existing and future users within the proposed place of use have already been constructed. The change petitions were not noticed. (CCR § 795.)
9. In an October 28, 2010 letter, Division staff noted that diversions did not appear to have increased during the period 1996 to 2008 and asked Permittee to address this concern.
10. In a November 18, 2010 letter, Permittee documented that prior to December 31, 1995 Permittee constructed the Snow Creek Water Treatment Plant and installed over 3,258 feet of ductile iron conveyance pipeline to serve its developing service area. Permittee invested over \$877,000 in its water system infrastructure between 1989 and 1995. After 1995, Permittee expended over \$2.275 million to upgrade its June Lake Water Treatment Plant facility, construct an additional water storage tank, install 169 water meters, and install standby generators and digital flow meters at both treatment plants. This infrastructure was necessary to meet existing and projected future demands within the place of use.
11. Approximately 16 parcels were developed between December 28, 2005 and March 2011. (IS/MND, p. 12.)
12. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) Permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.
13. Permittee has shown that due diligence has been exercised. As noted above, Permittee expended over \$877,000 in its water system infrastructure between 1989 and 1995.
14. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. Permittee had to upgrade the water mains, storage tank and water treatment plant in order to make further beneficial use of water. Permittee accomplished these tasks from 2002 through 2004. (IS/MND, pp. 12, 14.)

15. Permittee has shown that satisfactory progress will be made if a time extension is granted. This is the first time extension for the water rights. During the initial portion of the extension (1995 through the present), Permittee expended \$2.275 million to complete improvements to the water supply facilities needed to utilize additional water under the permits.
16. Permittee has shown good cause for the time extensions.
17. Permittee has also shown that the change in the consolidated place of use: (a) will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; and (c) the change petitions do not constitute the initiation of new rights.
18. On August 10, 2011, Permittee adopted an MND (SCH No. 2011062029) for the time extension and change petitions in order to comply with the California Environmental Quality Act. The State Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The State Water Board will file a Notice of Determination within five days from the issuance of this order. The MND did not identify any mitigation measures for inclusion in the permits.
19. The permit conditions relating to the continuing authority and water quality objectives of the State Water Board should be added or updated to conform to California Code of Regulations, title 23, section 780, subdivisions (a) & (b).
20. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the Permittee aware of obligations resulting from these acts.
21. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.
22. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) There is no evidence that the changes and time extensions will have any adverse impacts on public trust resources.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITIONS FOR EXTENSION OF TIME AND CHANGE. THE ATTACHED AMENDED PERMITS, WHICH INCORPORATE THE PETITIONED MODIFICATIONS AND TIME EXTENSIONS, ARE ISSUED.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Thomas M. Howard
Executive Director

Dated: NOV 16 2012

Attachments

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

AMENDED PERMIT FOR DIVERSION AND USE OF WATER

APPLICATION 28124

PERMIT 19658

Permittee: June Lake Public Utility District
PO Box 99
June Lake, CA 93529-0099

An amended permit on **Application 28124** filed on **April 26, 1984** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

June Lake

Tributary to:

Reversed Creek thence

Rush Creek thence

Mono Lake

within the County of Mono

2. Location of point of diversion

| By California Coordinate System of 1983 in Zone 3 | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|---|---|---------|----------|-------|-------------------|
| North 2,110,788 feet and East 6,973,342 feet | SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 11 | 2S | 26E | MD |

| 3. Purpose of use | 4. Place of use | Section | Township | Range | Base and Meridian | Acres |
|-------------------|---|---------|----------|-------|-------------------|-------|
| Municipal | June Lake Public Utility District Boundaries | | | | | |
| | NE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 36 | 1S | 26E | MD | |
| | SW $\frac{1}{4}$ | 1 | 2S | 26E | MD | |
| | S $\frac{1}{2}$ | 2 | 2S | 26E | MD | |
| | S $\frac{1}{2}$ | 11 | 2S | 26E | MD | |
| | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 12 | 2S | 26E | MD | |

| | | | | | | |
|--|--------------|----|----|-----|----|--|
| | | 14 | 2S | 26E | MD | |
| | E ½ | 15 | 2S | 26E | MD | |
| | N ½ of NE ¼ | 22 | 2S | 26E | MD | |
| | SE ¼ of SE ¼ | 10 | 2S | 26E | MD | |

The place of use is shown on map on file with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **0.293 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 **212** acre-feet per year. (000005A)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2030. (0000009)
7. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)
8. The equivalent of the authorized continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)
9. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (0000029B)
10. In accordance with the requirements of Fish and Game Code Section 5946, this permit is conditioned upon full compliance with Section 5937 of the Fish and Game Code. (0140066)
11. No water shall be used under this permit until permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Lahontan Region, pursuant to Water Code section 13260, and the Regional Board or State Water 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 Water Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Water 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 issues 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 ground water of water resulting from the irrigation of crops. (0290101)
12. The State Water Board reserves jurisdiction over this permit to revoke or modify it, including the possibility of a physical solution, to conform to the determination of any final judgment or decree in *National Audubon Society, et al. v. Department of Water and Power of the City of Los Angeles, et al.* (0350600)
13. The maximum simultaneous rate of diversion and total quantity of water diverted under this permit, together with that diverted under the licensed Application 16687 and permitted Applications 27220, 27239 and 28123, shall not exceed 0.74 cubic foot per second and 536 acre-feet per annum, respectively. (0000114)
14. Permittee shall install and maintain devices satisfactory to the State Water Board to measure the rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the permittee. A copy of the records shall be submitted to the State Water Board with the annual "Progress Report by Permittee". (00608000) (0090800)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. 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 State Water 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 State Water 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 State Water 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 State Water 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 State Water 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water 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 State Water 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)

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

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

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

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).

STATE WATER RESOURCES CONTROL BOARD



Barbara Evoy
Deputy Director for Water Rights

Dated:

NOV 07 2012

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19658

Application 28124 of June Lake Public Utilities District
P. O. Box 99, Boulder Drive, June Lake, California 93529

filed on April 26, 1984, 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>June Lake</u> | <u>Reversed Creek thence</u> |
| _____ | <u>Rush Creek thence</u> |
| _____ | <u>Mono Lake</u> |
| _____ | _____ |
| _____ | _____ |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridan |
|--|---|---------|----------|-------|------------------|
| North 8° 38' 38" East, 1,843.70 feet from S $\frac{1}{4}$ corner of Section 11 | NW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 11 | 2S | 26E | MD |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

County of Mono

| 3. Purpose of use: | 4. Place of use: Within | Section | Township | Range | Base and Meridan | Acres |
|--------------------|---|---------|----------|-------|------------------|-------|
| Municipal | June Lake Public Utilities District Boundaries in | | | | | |
| | NE $\frac{1}{4}$ of SE $\frac{1}{4}$ | 36 | 1S | 26E | MD | |
| | SW $\frac{1}{4}$ | 1 | 2S | 26E | MD | |
| | S $\frac{1}{2}$ | 2 | 2S | 26E | MD | |
| | S $\frac{1}{2}$ | 11 | 2S | 26E | MD | |
| | NW $\frac{1}{4}$ of NW $\frac{1}{4}$ | 12 | 2S | 26E | MD | |
| | | 14 | 2S | 26E | MD | |
| | E $\frac{1}{2}$ | 15 | 2S | 26E | MD | |
| | N $\frac{1}{2}$ of NE $\frac{1}{4}$ | 22 | 2S | 26E | MD | |

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 0.293 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 212 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, 1995. (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) 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. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)
13. The equivalent of the continuous flow allowance for any 7-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

14. Permittee shall consult with the Division of Water Rights and the California Department of Water Resources and develop and implement a water conservation plan or actions. The proposed plan or actions 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 a water conservation plan may be required by the Board within this period.

(0000029)

15. In accordance with the requirements of Fish and Game Code Section 5946, this permit is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

(0140066)

16. 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, Lahontan 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)

17. The State Water Resources Control Board reserves jurisdiction over this permit to revoke or modify it, including the possibility of a physical solution, to conform to the determination of any final judgment or decree in National Audubon Society, et al. v. Department of Water and Power of the City of Los Angeles, et al.

(0350600)

18. The maximum simultaneous rate of diversion and the total quantity of water diverted for domestic and municipal use under this permit, together with that diverted under licensed Application 16687 and permitted Applications 27220, 27239, and 28123, shall not exceed 0.74 cubic foot per second and 536 acre-feet per annum, respectively.

(0000114)

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: OCTOBER 8 1985

STATE WATER RESOURCES CONTROL BOARD

Gloy Johnson
Chief, Division of Water Rights