

STATE OF CALIFORNIA
 WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20352

Application 29205 of City of Willits

111 East Commercial Street, Willits, CA 95490

filed on March 14, 1988, 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: Davis Creek Tributary to: Outlet Creek thence
Eel River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town-ship	Range	Base and Meridan
NORTH 61° 33' EAST 1,320 FEET FROM W $\frac{1}{2}$ CORNER OF SECTION 4	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	4	17N	13W	MD

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Town-Ship	Range	Base and Meridan	Acre
MUNICIPAL	WITHIN THE BOUNDARIES OF THE CITY OF WILLITS SERVICE AREA		17N	13W	MD	
			18N	13W	MD	
			18N	14W	MD	

The place of use is shown on map on file 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 767 acre-feet per annum to be collected from January 1 to December 31 of each year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
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. (0000007)
8. Construction work shall be completed by December 31, 1992. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
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. (0000011)
12. 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)

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 consult with the Division of Water Rights and, within one year from the date of this permit shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board. All cost-effective measures identified in the Urban Water Management Plan and as supplemented, shall be implemented in accordance with the schedule for implementation found therein.

(000029A)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that an outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043)

16. Construction of the storage dam shall not be commenced until the Department of Water Resources has approved the plans and specifications.

(0130049)

17. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

(0120050)

18. A. For the protection of fish and wildlife during a normal or above normal year, permittee shall bypass water from Morris Dam into Davis Creek as follows: (a) from November 1 through February 28/29 bypass a minimum of 5.0 cfs, (b) from March 1 through March 31, bypass a minimum of 1.5 cfs, (c) from April 1 through April 30 bypass a minimum of 0.5 cfs; (d) from May 1 through May 31, bypass a minimum of 0.75 cfs; (e) from June 1 through October 31, bypass a minimum of 1.0 cfs.

B. During a drought year permittee shall bypass water from Morris Dam into Davis Creek as follows: (a) from December 1 through February 28/29, bypass a minimum of 3.5 cfs; (b) from March 1 through March 31, bypass a minimum of 1.0 cfs; (c) from April 1 through April 30, bypass a minimum of 0.5 cfs; (d) from May 1 through October 31, bypass a minimum of 0.1 cfs; (e) November 1 through November 30, bypass a minimum of 1.5 cfs.

(0140060)

19. A. During a normal year, permittee shall bypass a minimum of 1.0 cfs of water from Centennial Dam into Davis Creek or natural streamflow whichever is less. Natural streamflow shall be measured just upstream of Centennial Reservoir. This requirement shall remain constant throughout the period May 1 through April 30. Increases and/or decreases in bypass flows shall be less than or equal to 30 cfs per 24-hour period to prevent stranding of fish and damage to aquatic invertebrates.

B. During a drought year, permittee shall bypass a minimum of 0.5 cfs of water from Centennial Dam into Davis Creek or natural stream flow, whichever is less. Natural stream flow shall be measured just upstream of Centennial Reservoir. This requirement shall remain constant throughout the period May 1 through April 30. Increase and/or decreases in bypass flows shall be less than or equal to 10 cfs per 24 hour period.

20. A. For the purposes of Permit terms 18 and 19 above, a normal year is defined as follows: (a) as measured at the Howard Forest Ranger Station from May 1 of each year through March 1 of the succeeding year, if the total precipitation is greater than or equal to 26.5 inches, then a normal year condition shall be in effect until May 1 of the succeeding year; (b) as measured at the Howard Forest Ranger Station from May 1 of each year through April 30 of the succeeding year, if total precipitation is greater than or equal to 32.4 inches, then a normal year condition shall be in effect from May 1 until February 28/29 of the succeeding year.

B. A drought year is defined as follows: (a) as measured at the Howard Forest Ranger Station from May 1 of each year through March 1 of the succeeding year, if total precipitation is less than or equal to 26.4 inches, a drought year condition shall be in effect until May 1 of the succeeding year, (b) as measured at the Howard Forest Ranger Station from May 1 of each year through April 30 of the succeeding year, if total precipitation is less than or equal to 32.3 inches, then a drought year condition shall be in effect from May 1 until February 28/29 of the succeeding year.

(0140060)

21. 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)

22. Permanent stream gaging devices capable of measuring the natural or required bypass flows shall be installed at the following locations: (a) at the present outlet of Morris Dam, (b) immediately below Centennial Dam, (c) at Davis Creek immediately upstream of the high water line of Centennial Reservoir.

(0060800)

23. In the event that the Howard Forest Ranger Station (CDF) discontinues monitoring precipitation, the City of Willits shall install and maintain devices at the existing site capable of accurately measuring precipitation on a daily basis. The City shall be responsible for recording such information, providing the information for public review, and submitting the records to all appropriate local, state and federal agencies.

(0110300)

24. Permittee shall complete all measures outlined in the Mitigated Negative Declaration adopted by the City within two years of the date the Centennial project begins operation.

(040300)

25. Permittee shall keep records of all flows released from Morris and Centennial Dams into Davis Creek, daily contents of storage in Morris and Centennial Dams, and diversions from the watershed to use within the City's service area. The information will be made available for public review upon request during the City's normal working hours.

(0090300)

26. In compliance with Fish and Game Code Section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by Centennial Reservoir during the open season for the taking of fish, subject to the regulations of the Fish and Game Commission and for domestic water supply reservoirs, subject to Public Health Requirements of Sections 7623 to 7630, Title 17, California Administrative Code.

(0030064)

27. 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 all waste discharge requirements imposed by the California Regional Water Quality Control Board, North Coast Region, or by the State Water Resources Control Board.

(0000100)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

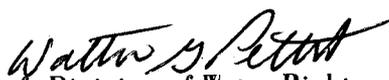
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

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: JULY 28 1989

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights