

STATE OF CALIFORNIA
 WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER
PERMIT 20690

Application 29211 of Gary B. Howard and Joan E. Howard,

10405 Debra Drive, Sebastopol, CA 95472

filed on March 18, 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:	Tributary to:
<u>(1) & (2) Two Unnamed Streams</u>	<u>Alley Creek thence</u>
_____	<u>Clover Creek thence</u>
_____	<u>Clear Lake</u>
_____	_____
_____	_____
_____	_____

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) POND NO. 1 SOUTH 3,150 FEET AND WEST 1,350 FEET FROM NE CORNER OF SECTION 4	NE $\frac{1}{4}$ OF NE $\frac{1}{4}$	4	15N	9W	MD
(2) POND NO. 2 NORTH 3,500 FEET AND WEST 2,750 FEET FROM SE CORNER OF SECTION 4	SE $\frac{1}{4}$ OF NW $\frac{1}{4}$	4	15N	9W	MD

County of Lake

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
FIRE PROTECTION, WILDLIFE ENHANCEMENT, AND RECREATIONAL	POND NO. 1 WITHIN NE $\frac{1}{4}$ OF NE $\frac{1}{4}$	4	15N	9W	MD	
FIRE PROTECTION, WILDLIFE ENHANCEMENT, AND RECREATIONAL	POND NO. 2 WITHIN SE $\frac{1}{4}$ OF NW $\frac{1}{4}$	4	15N	9W	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 a total of 4.25 acre-feet per annum to be collected from November 1 of each year to March 30 of the succeeding year as follows: 2.25 acre-feet per annum in Pond No. 1, and 2.0 acre-feet per annum in Pond No. 2. (0000005)

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. (000005I)

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 31, 1997. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a 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. After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season.

(0000040)

13. (1) This permit is subject to the prior rights of the Yolo County Flood Control and Water Conservation District to store water in Clear Lake as set forth in the Gopcevic Decree. During the years in which the elevation of Clear Lake does not reach 7.56 feet during the period from September 1 through April 30, as measured on the Rumsey Gage, and water has not been discharged from Clear Lake to hold the water level down in compliance with the Gopcevic Decree, diversion under this permit is not authorized unless permittee legally exchanges an equivalent amount of water from another source.

To ensure compliance with the condition described in the paragraph above, the permittee shall either (A) release water stored in the current storage season to flow downstream to satisfy such prior right, or (B) pay the District in accordance with the District's Rules and Regulations for the water stored in the current storage season. Nothing in this term shall require release of water legally collected to storage during previous diversion seasons.

If the permittee chooses to release stored water in accordance with item (A), the 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, or provide other means satisfactory to the Board, in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(2) Permittee shall install and maintain in the reservoirs an accurate direct reading staff gage, calibrated to storage in acre-feet, which is referenced to a permanent bench mark. Permittee shall supply the staff gage reading on or about October 1 of each year to the Yolo County Flood Control and Water Conservation District and to the State Water Resources Control Board with permittee's progress report of annual water use.

(3) Permittee shall allow a designated representative of the Yolo County Flood Control and Water Conservation District reasonable access to the reservoir(s) for the purpose of determining water levels.

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 20 1993

STATE WATER RESOURCES CONTROL BOARD


 Chief, Division of Water Rights