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

---

In the Matter of Permit 20705 Application 29895

**Marcel F. Pichon and Amy J. Pichon**

ORDER APPROVING EXTENSION OF TIME AND AMENDING THE PERMIT

---

SOURCE: Unnamed Stream tributary to Little Wolf Creek

COUNTY: Nevada

---

**WHEREAS**:

1. Permit 20705was issued to Felix Vincilione on February 17, 1994 pursuant to Application 29895.

   Permit 20705 was subsequently assigned to Marcel F. Pichon and Amy J. Pichon on June 4, 1997.

2. A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on December 15, 1999.

3. The permittee has proceeded with diligence and good cause has been shown for extension of time. Public notice of the request for extension of time was issued on February 16, 2001 and no protests were received.

4. The SWRCB has determined that the petition for extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. 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 term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

**NOW, THEREFORE, IT IS ORDERED THAT PERMIT 20705 IS AMENDED TO READ AS FOLLOWS:**

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

   Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2011.

   (0000009)

2. Permit 20705 is amended to include the following Endangered Species condition:

   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 authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

   (0000014)

**Dated:** MAY 1 0 2001

STATE WATER RESOURCES CONTROL BOARD

Chief, Division of Water Rights

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

# PERMIT FOR DIVERSION AND USE OF WATER

**PERMIT** 20705 (OVER)

Application 29895 of Felix Vincilione

8192 North Lake Circle, Loomis, CA 95650

filed on January 25, 1991, 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: |
|---|---|
| Unnamed Stream | Little Wolf Creek thence |
| | Bear River thence |
| | Feather River |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|---|---|---|---|---|---|
| SOUTH 870 FEET AND WEST 1,340 FEET FROM NE CORNER OF SECTION 15 | NW¼ OF NE¼ | 15 | 14N | 7E | MD |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

County of Nevada

| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acre |
|---|---|---|---|---|---|---|
| RECREATION | | | | | | |
| STOCKWATERING | UNNAMED RESERVOIR WITHIN N½ OF NE¼ | 15 | 14N | 7E | MD | |
| IRRIGATION | SW¼ OF SE¼ | 10 | 14N | 7E | MD | 18.6 |
| | SE¼ OF SE¼ | 10 | 14N | 7E | MD | 3.2 |
| | NW¼ OF NE¼ | 15 | 14N | 7E | MD | 14.7 |
| | NE¼ OF NE¼ | 15 | 14N | 7E | MD | 13.5 |
| | | | | | TOTAL | 50 |

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 27 acre-feet per annum to be collected from December 1 of each year to March 31 of the succeeding year. (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. 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, 1996. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1997. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a 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 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 State Water Resources Control Board, in order that water entering the reservoir 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 or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. Permittee shall install and properly maintain in each reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow a designated representative of the South Sutter Water District and the Nevada Irrigation District, reasonable access to the reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoir. (0070047)
(0100047)

16. Whenever the prior storage rights of South Sutter Water District (under Licenses 11118 and 11120 issued pursuant to Applications 14804 and 10221, Permit 18360 issued pursuant to Application 26162 and any permits which may be issued pursuant to Applications 26989, 26990, 28396 and 28397) are not satisfied by April 1 or July 1 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir below the previous October 1 staff gage reading unless permittee has withdrawn water from the reservoir for consumptive purposes since October 1. (0000051)

17. The total quantity of water diverted under this permit, together with that diverted under the license issued pursuant to Application 27958, shall not exceed 27 acre-feet per annum. (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:* FEBRUARY 17 1994

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights