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

# DIVISION OF WATER RIGHTS

# PERMIT FOR DIVERSION AND USE OF WATER

## PERMIT 20798

Application 30359 of Sugar Bowl Corporation

Post Office Box 5, Norden, CA 95724

filed on April 21, 1994, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

1. Source: Lake Mary

Tributary to: Unnamed Stream thence South Yuba River thence Yuba River

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|---|---|---|---|---|---|
| RESERVOIR<br>South 1,310 feet and West 960 feet from the NE corner of Section 20 | NE¼ of NE¼ | 20 | 17N | 15E | MD |
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County of Placer

SWRCB 14 (6-94)

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| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|---|---|---|---|---|---|---|
| Irrigation | | | | | | |
| Snowmaking | SE¼ of SE¼ | 20 | 17N | 15E | MD | 8.4 |
| | SW¼ of SE¼ | 20 | 17N | 15E | MD | 7.9 |
| | NE¼ of SE¼ | 20 | 17N | 15E | MD | 14.3 |
| | SE¼ of SW¼ | 20 | 17N | 15E | MD | 0.5 |
| | SW¼ of SW¼ | 21 | 17N | 15E | MD | 7.1 |
| | NW¼ of SW¼ | 21 | 17N | 15E | MD | 12.7 |
| | SE¼ of SW¼ | 21 | 17N | 15E | MD | 4.1 |
| | NE¼ of SW¼ | 21 | 17N | 15E | MD | 13.4 |
| | NW¼ of SE¼ | 21 | 17N | 15E | MD | 1.8 |
| | NW¼ of NW¼ | 28 | 17N | 15E | MD | 6.8 |
| | NE¼ of NE¼ | 29 | 17N | 15E | MD | 24.3 |
| | NW¼ of NE¼ | 29 | 17N | 15E | MD | 11.4 |
| | SW¼ of NE¼ | 29 | 17N | 15E | MD | 1.7 |
| | SE¼ of NE¼ | 29 | 17N | 15E | MD | 5.6 |
| | | | | | TOTAL | 120 |

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 136 acre-feet per annum to be collected from May 1 to June 14 of each 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

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, 1998. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1999. (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 comply with the following provisions which are derived from the agreement between permittee and Pacific Gas and Electric Company and Nevada Irrigation District executed on November 22, 1994 and filed with the State Water Resources Control Board:

(1) Permittee shall install and maintain measuring and recording devices to accurately determine the amount of water used for snowmaking and irrigation purposes, including a subaccounting of the amount of water used in wetland areas. Permittee shall maintain a record of measurements, which shall be submitted to Pacific Gas and Electric Company, or its designated representative, as mutually agreed. A summary of such records shall be submitted to the State Water Resources Control Board with the annual "Progress Report by Permittee".

(2) Permittee shall compensate Pacific Gas and Electric Company for any water diverted under this permit that is adverse to any legally held rights of Pacific Gas and Electric Company as determined by the occurrence of spills at Lake Spaulding.

(3) Permittee shall allow designated representatives of Pacific Gas and Electric Company and Nevada Irrigation District reasonable ingress and egress to Lake Mary and associated project facilities to determine compliance with the agreement. Such access shall be over a route or routes designated by permittee from time to time.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

15. Use of water under this permit shall not be commenced until the Department of Water Resources has approved the plans and specifications for the installation of a full capacity blow-off valve to be located at the junction between the existing outlet pipe and the proposed transportation pipeline. (0050044)

16. Permittee shall install and properly maintain in the reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir. The staff gage shall be referenced to the spillway crest.

Permittee shall record the staff gage readings on or about the first day of each month and on June 14 of each year. A record of such readings shall be maintained by permittee and shall be supplied to the State Water Resources Control Board with the annual "Progress Report by Permittee". (0100047)
(0070047)

17. 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)

18. 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 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)

19. 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 requiredby the State Water Resources Control 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 that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify 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 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)

20. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 30074, shall not exceed 136 acre-feet per annum. (0000114)

21. Permittee shall not divert any water under this permit until fish screens are fitted at the intake tower in Lake Mary with a mesh of 5/32 inch or less, and are designed with an approach velocity not to exceed 0.5 foot per second. The screens shall be cleaned as frequently as necessary to prevent impedance of flows and violation of the approach velocity criteria. (0360500) (0400500)

22. Prior to construction activities, permittee shall have a qualified archeologist conduct an intensive cultural resource survey of the final pipeline alignment between Lake Mary and the pumphouse. If the final alignment is determined to pose significant impacts to the historic ditch/buried pipeline alignment (Site SB ADD VI-2f as described by Lindstrom, 1993), measures recommended by the archeologist to mitigate impacts to cultural resources pursuant to CEQA Appendix K shall be implemented. Any mitigation measures deemed necessary must be approved by the Chief of the Division of Water Rights and be implemented by a qualified archeologist representing the permittee prior to construction activities in the pipeline alignment area. Any costs for cultural resource mitigation activities shall be borne by the permittee.

Any bottom areas of Lake Mary which are exposed during the withdrawal of water, which have not been previously surveyed for cultural resources, shall be inspected by a qualified archeologist. Any previously unknown cultural resources must be protected until the resource(s) have been documented and their potential significance can be evaluated, and appropriate mitigation measures can be implemented. Any mitigation measures deemed necessary must be approved by the Chief of the Division of Water Rights. Any costs for this mitigation shall be borne by the permittee.

If any cultural resources are discovered during any phase of project activities subsequent to the issuance of this permit, all work in the immediate vicinity of the find shall halt until a qualified archeologist has contacted a State Water Resources Control Board archeologist and the significance of the resource has been evaluated. Any mitigation measures deemed necessary must have the approval of the Chief of the Division of Water Rights and shall be implemented by a qualified archeologist representing the permittee prior to the resumption of construction activities in the vicinity of the find. (0380500)

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23. To provide warning of ice hazards, permittee shall a) post danger signs around the perimeter of the reservoir within 50 feet of the high water elevation, not to exceed 100 feet apart, and near established pathways between the reservoir and nearby residences; b) distribute fliers describing the potential danger of thin ice and fluctuating reservoir levels; and c) monitor the ice condition during major snow making operations in order to identify the hazard area of the surface of the reservoir. (0000999)

**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:* JUNE 15 1995

**STATE WATER RESOURCES CONTROL BOARD**

David R. Bunger

for Chief, Division of Water Rights

WR 14-2 (6-94)