

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20961

Application 29355 of Donald R. Eutenier

P.O. Box 58, Kelseyville, CA 95451

filed on October 17, 1988, 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:

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| 1. Source:

<u>(1) & (3) Adobe Creek</u>

<u>(2) Adobe Creek (Adobe Creek Reservoir)</u>

<u>(4) Unnamed Stream (Eutenier Reservoir)</u> | Tributary to:

<u>(1) & (3) Clear Lake thence Cache Creek</u>

<u>(2) Clear Lake thence Cache Creek</u>

<u>(4) Adobe Creek thence Clear Lake</u>

<u>thence Cache Creek</u> |
|--|--|

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) Point of Diversion & Diversion to Offstream Storage (Eutenier Reservoir): N 760 ft and E 2,000 ft from SW corner of Section 29	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	29	13N	9W	MDB&M
(2) Point of Storage, Adobe Creek Reservoir: N 47° E, 1,750 ft from SW corner of Section 29	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	13N	9W	MDB&M
(3) Point of Diversion & Point of Diversion to Offstream Storage (Eutenier Reservoir): S 800 ft and W 1,900 ft from NE corner of Sec. 32	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	32	13N	9W	MDB&M
(4) Point of Storage (Eutenier Reservoir) and Point of Rediversion: S550 ft and W680 ft from NE corner of Sec. 32	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	32	13N	9W	MDB&M

County of Lake

SWRCB 14 (6-94)

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Irrigation & Frost Protection	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	32	13N	9W	M	15
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	32	13N	9W	M	46
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	32	13N	9W	M	14

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) by direct diversion: 1.0 cubic foot per second from April 1 to April 14 and November 1 to November 30 of each year for irrigation, and 73 acre-feet per annum by storage to be collected from November 1 of each year through April 14 of the succeeding year for Irrigation & Frost Protection as follows:

40 acre-feet in Adobe Creek Reservoir and 33 acre-feet in Eutenier Reservoir.

The maximum withdrawal from the storage pool of Adobe Creek Reservoir in any one year shall not exceed 22.4 af.

The total amount of water to be directly diverted shall not exceed 73 acre-feet per annum and the total amount collected to storage shall not exceed 73 acre-feet per annum. (0000005)

6. 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)

7. The maximum rate of diversion to offstream storage shall not exceed 5.77 cubic feet per second. (000005J)

8. The amount authorized for appropriation may be reduced in the license if investigation warrants.

9. Complete application of the water to the authorized use shall be made by December 31, 2007. (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. 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)

12. 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)

13. The State Water Resources Control Board reserves jurisdiction over this permit to impose conditions to conform this permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

14. This permit shall not be construed as conferring upon permittee right of access to the point of diversion on Adobe Creek Reservoir. (0000022)
15. Permittee shall, within 90 days from the date of this permit, or such time as approved by the Chief of the Division of Water Rights upon receipt of a petition for extension of the time showing due diligence in attempting to comply with the 90 day limit, screen all pump intakes with 5/32-inch mesh. In lieu of screening, perforated pipe or plate, with holes 5/32-inch or less in diameter may be used. Screens and/or perforations shall be regularly cleaned by permittee or otherwise designed so that approach velocities at the intake do not exceed 0.33 feet per second. (0400700)
16. Diversion of water under this permit from Adobe Creek Reservoir is only authorized when the level of Adobe Creek Reservoir is above elevation 1434.0 feet. (0360900)
17. Permittee, in cooperation with Charles Kluge and successors in interest, shall install and maintain in Adobe Creek Reservoir a staff gage satisfactory to the Chief, Division of Water Rights, for the purpose of determining water levels in the reservoir.
- The staff gage shall be installed within 90 days from the date of this permit at a location and in a manner acceptable to the Chief, Division of Water Rights, and Lake County Flood Control and Water Conservation District.
- The staff gage shall be referenced to mean sea level and shall be clearly marked at an elevation 1434.0 feet above mean sea level. (0070047)
(0070700)
18. This permit is subject to the prior rights of Yolo County Flood Control and Water Conservation District to store water in Clear Lake as set forth in the Gopcevic Decree. During years in which the elevation of Clear Lake does not reach 7.56 feet 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 has entered into a contract with the Yolo County Flood Control and Water Conservation District for the purchase of water directly diverted for irrigation, collected to storage in Eutenier Reservoir, and pumped from Adobe Creek Reservoir. Permittee shall comply with the provisions of the contract insofar as the provisions are not inconsistent with the terms of this permit. (022D002)
19. Permittee shall install and maintain in Eutenier Reservoir an accurate direct reading staff gage, calibrated to storage in acre-feet, which is referenced to a permanent bench mark. The staff gage shall be installed within 90 days from the date of this permit. (0060700)
20. Permittee shall install and maintain a totalizing flow meter(s) on the discharge line of the diversion facilities on Adobe Creek Reservoir satisfactory to the Chief, Division of Water Rights, to measure the cumulative quantity of water directly diverted from the inflow to the reservoir and the quantity of water diverted from storage. The flow meter (s) shall be installed within 90 days from the date of this permit. (0060700)

21. Permittee shall record and supply the staff gage and meter readings to the Yolo County Flood Control and Water Conservation District at the times specified in the contract with the District, to the Department of Fish and Game, and to the State Water Resources Control Board with permittee's report of annual water use. (0110900)

22. Permittee shall allow a designated representative of the Yolo County Flood Control and Water Conservation District reasonable access to Eutenier Reservoir and to the flow meter for the purpose of determining water levels and meter readings. (0480999)

23. The rights acquired under this permit shall be of equal priority with the rights acquired under the permits issued pursuant to Applications 29323, 29324, and 29356. (0000113)

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

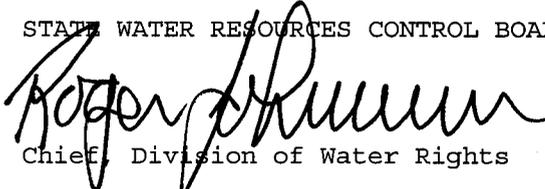
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

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: **MARCH 30 1998**

STATE WATER RESOURCES CONTROL BOARD

for 
Chief, Division of Water Rights