

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21004

Application 30445 of Maxwell Irrigation District
P.O. Box 217, Maxwell, CA 95955

filed on May 30, 1995, 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 of water

Source	Tributary to
(A) Sacramento River	Suisun Bay
(1) Colusa Basin Drain	Sacramento River
(2) Stone Corral Creek	Colusa Trough thence Sacramento River
(3) Lurline Creek	Colusa Trough thence Sacramento River

2. Location of point of diversion

By California Coordinate System in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Point of Diversion (A) North 611,050 feet and East 1,991,500 feet	NW¼ of NE¼	12	17N	2W	MD
Point of Diversion and Rediversion (1) North 610,000 feet and East 1,976,600 feet	SW¼ of NE¼	9	17N	2W	MD
Point of Diversion and Rediversion (2) North 585,600 feet and East 1,970,700 feet	NW¼ of NE¼	5	16N	2W	MD
Point of Diversion (3) North 567,800 feet and East 1,963,500 feet	SE¼ of NW¼	19	16N	2W	MD

County of Colusa

Purpose of use	4. Place of use	Section	Township	Range	Base and Meridian	Acres	
Recreational, Irrigation, Rice Straw Decomposition, and Fish and Wildlife Protection and/or Enhancement		1, 12, 13	16N	3W	MD		
		5, 6, 7, 8, 17, & 18	16N	2W	MD		
		NW¼	4	16N	2W	MD	
		NW¼, NE¼ SE¼, and E½ of SW¼	19	16N	2W	MD	
		E½ of SE¼ SE¼ of NE¼	10	17N	2W	MD	
		SW¼, W½ of SE¼, S½ of NW¼, and SW¼ of NE¼	10	17N	2W	MD	
		N½ of NW¼ and NW¼ of NE¼	15	17N	2W	MD	
		NE¼ of NE¼	16	17N	2W	MD	
						Total	6,813

The place of use is shown on map on file with the State Water Resources Control Board.

This permit is subject to the following terms and conditions:

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 186 cubic feet per second (cfs) by direct diversion from all points of diversion from October 1 to March 31 of each year for recreational, irrigation, rice straw decomposition and fish and wildlife protection and/or enhancement purposes. The maximum rate of direct diversion shall not exceed (1) 80 cfs at Point of Diversion (POD) A, (2) 75 cfs at POD #1, (3) 75 cfs at POD #2, and (4) 31 cfs at POD #3. The maximum amount diverted under this permit for all uses shall not exceed 13,630 acre-feet per year.

(0000005)

6. Complete application of the water to the authorized use shall be made by December 31, 2009.

(0000009)

7. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

8. 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)

9. 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 River 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)

10. 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 required by 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)

11. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit at point of diversion A on the Sacramento River. A record of such measurements shall be maintained by the permittee, and made available to interested parties upon reasonable request. A copy of the records shall be submitted to the State Water Resources Control Board with the annual "Progress Report by Permittee". Permittee shall allow United States Bureau of Reclamation, or a designated representative, reasonable access to measuring devices for the purpose of verifying measurement readings.

(000R001)

12. This Permit shall be subject to the prior vested water rights of Glenn-Colusa Irrigation District during the period of March 1 through November 1 of each year. (000T001)

13. All permits issued by the State Water Resources Control Board are subject to the following terms and conditions:

- (A) Permittee shall maintain records of the amount of water diverted and used to enable the State Water Resources Control Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.
- (B) The amount authorized for appropriation may be reduced in the license if investigation warrants.
- (C) Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued.
- (D) 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.
- (E) 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.

(F) 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.

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

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.

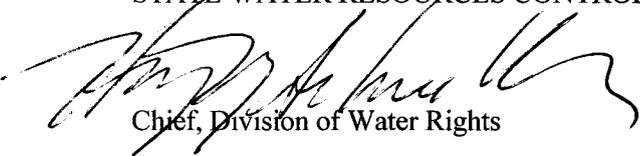
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

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:

OCT - 4 1999

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights