

3. Purpose of use	4. Place of use	Section	Township	Range	Base and Meridian	Acres
Recreation at reservoir	SE ¼ of NW ¼	32	6 S	21 E	MD	
Recreation at reservoir	NE ¼ of SW ¼	32	6 S	21 E	MD	
Recreation at reservoir	SE ¼ of NE ¼	32	6 S	21 E	MD	
Recreation at reservoir	SE ¼ of SE ¼	32	6 S	21 E	MD	
Recreation at reservoir	SW ¼ of SW¼	33	6 S	21 E	MD	
Irrigation	SE ¼ of NE ¼	31	6 S	21 E	MD	40.0
Irrigation	NE ¼ of SE ¼	31	6 S	21 E	MD	40.0
Irrigation	SE ¼ of NW ¼	32	6 S	21 E	MD	40.0
Irrigation	SW ¼ of NW ¼	32	6 S	21 E	MD	40.0
Irrigation	NE ¼ of NW ¼	32	6 S	21 E	MD	40.0
Irrigation	SE ¼ of SW ¼	32	6 S	21 E	MD	35.6
Irrigation	SW ¼ of SW ¼	32	6 S	21 E	MD	35.6
Irrigation	NE ¼ of SW ¼	32	6 S	21 E	MD	35.6
Irrigation	NW ¼ of SW ¼	32	6 S	21 E	MD	35.6
Total						342.4

The place of use for irrigation is a net of 220 acres within the above described gross 342.4 acres.

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 61.8 acre-feet per annum to be collected from December 1 of each year to April 1 of the succeeding year as follows: 12 acre-feet per annum in Reservoir 1, 15.4 acre-feet per annum in Reservoir 2, 11.0 acre-feet per annum in Reservoir 3, 13.1 acre-feet per annum in Reservoir 4, and 10.3 acre-feet per annum in Reservoir 5.

(000005D)

6. The maximum rate of diversion to offstream storage shall not exceed 1.33 cubic feet per second.

(0000005)

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

(0000009)

8. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use, respectively, specified in this permit. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this permit shall be the net of the face value of the permit less the amounts of water available under the existing right.

Permittee shall forfeit all rights under this permit if permittee transfers all or any part of the claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the SWRCB.

Permittee shall take and use water under the existing right claimed by permittee only in accordance with law.

(0000021)

9. Permittee shall install and maintain devices satisfactory to the SWRCB to measure the rate and quantity of water diverted into the reservoir from Miami Creek, and water released from or flowing out of the reservoir.

(0000046)

10. 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 San Joaquin River Basin are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of the SWRCB made after notice to interested parties and opportunity for hearing.

(0000090)

11. No diversion is authorized by this permit under the following conditions: (1) when the Bureau of Reclamation is releasing stored water from New Melones Reservoir or is curtailing the collection of water to storage in order to maintain salinity standards in the San Joaquin River at Vernalis set forth in the water right permits of USBR, or (2) during any time of low flows when salinity at Vernalis exceeds the standards contained in the USBR water right permits. These restrictions shall not apply when, in the judgment of the SWRCB, curtailment of diversion under this permit will not be effective in lowering the salinity at Vernalis, or when in the absence of permittee's diversion, hydraulic continuity would not exist between permittee's point of diversion and Vernalis. The SWRCB shall notify permittee at any time curtailment of diversion is required under this term.

(0000093)

12. This permit does not authorize any diversion of water from the unnamed streams on which the five storage reservoirs have been constructed. Permittee shall submit a proposal which explains how water from the unnamed streams on which the five reservoirs are located will not be diverted to storage. This proposal shall describe all monitoring equipment and procedures to be utilized. Written approval from the Chief of the Division of Water Rights shall be obtained prior to the diversion of any water under this permit.

(0050046)

13. In accordance with section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

**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 SWRCB 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 SWRCB until a license is issued.
- (D) Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB 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 SWRCB 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 authorization for an incidental take 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:

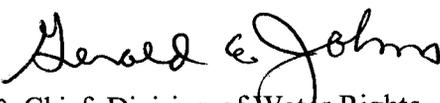
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

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: MAR 29 2000

STATE WATER RESOURCES CONTROL BOARD


For Chief, Division of Water Rights