

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

**DIVISION OF WATER RIGHTS**

**AMENDED PERMIT FOR DIVERSION AND USE OF WATER**

APPLICATION 22551

PERMIT 15379

Permittee: City of Yreka  
701 Fourth Street  
Yreka, CA 96097

Therefore, an amended permit on **Application 22551** filed on **August 12, 1966** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit.

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

1. Source of water

Source:

**(1) Unnamed Stream**

**(2) Fall Creek**

Tributary to:

**Fall Creek thence Klamath River**

**Klamath River**

within the County of **Siskiyou**.

2. Location of points of diversion

By California Coordinate System of 1983 in Zone 1	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>(1) North 2,606,815 feet and East 6,463,303 feet</b>	<b>SW ¼ of NW ¼</b>	<b>30</b>	<b>48N</b>	<b>4W</b>	<b>MD</b>
<b>(2) North 2,606,933 feet and East 6,462,972 feet</b>	<b>SE ¼ of NE ¼</b>	<b>25</b>	<b>48N</b>	<b>5W</b>	<b>MD</b>

Location of point of rediversion

By California Coordinate System of 1983 in Zone 1	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<b>(1) North 2,606,815 feet and East 6,463,303 feet</b>	<b>SW ¼ of NW ¼</b>	<b>30</b>	<b>48N</b>	<b>4W</b>	<b>MD</b>

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Municipal, Domestic and Industrial</b>	<b>Within the City of Yreka service area boundary which is a gross 5,490 acres within Sections 7, 18 and 19, T45N, R6W, MDB&amp;M; Sections 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, and 35, T45N, R7W, MDB&amp;M; and Sections 3 and 4, T44N, R7W, MDB&amp;M; as shown on map dated March 2012.</b>					

The place of use is shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **15 cubic feet per second** to be diverted from **January 1 to December 31** of each year. The maximum amount diverted under this permit shall not exceed **6,300 acre-feet per year**. (000005A)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by **December 31, 2022**. (0000009)
7. This permit shall not be construed as conferring upon the Permittee right of access to the points of diversion. (0000022)
8. Permittee shall comply with the following provisions which are derived from the agreement between permittee and the Department of Fish and Game executed on January 9, 1967 and filed with the State Water Board:
  1. Permittee shall, during the diversion period, bypass a minimum flow of 15.0 cubic feet per second or the natural flow of the stream whenever it is less than 15.0 cubic feet per second to maintain fish life. Such a flow shall be measured by a gage presently maintained by the Pacific Power and Light Company which is located downstream from the proposed point of diversion.
  2. For the protection, propagation and preservation of fish life, permittee shall not divert water in any manner that will interfere with or diminish the flow release schedule to be made below Iron Gate Dam on the Klamath River, as provided for in License 9457 (Application 17527).
  3. A velocity barrier to prevent upstream migration by fish will be constructed in conjunction with the diversion dam proposed by the permittee immediately below the Fall Creek powerhouse in conformance with functional plans to be provided by the Department of Fish and Game. For the preservation of wildlife, particularly black-tailed deer, the permittee shall construct facilities, approved by the Department of Fish and Game, at the diversion intake to prevent wildlife loss.

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)
9. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(000029A)

10. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)
11. No water shall be diverted under this permit unless the flow in Fall Creek is at or above 15.0 cubic feet per second, as measured at the Gauging Station on Fall Creek.

(0140060)
12. Permittee shall install a device, satisfactory to the State Water Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062B)
13. No water shall be diverted under this permit unless, within six months of the date of this permit, Permittee is monitoring the bypass flow required by this permit in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Permittee shall submit a report on bypass flow compliance activities in accordance with the schedule contained in the compliance plan.

(0000070)
14. No water shall be directly diverted under this permit unless Permittee is monitoring and reporting said diversion of water. This monitoring shall be conducted using devices and methods satisfactory to the Deputy Director for Water Rights. The devices shall be capable of monitoring of the rate and quantity of water diverted and shall be properly maintained.

Right holder shall provide the Division of Water Rights with evidence that the devices have been installed with the first annual report submitted after device installation. Right holder shall provide the Division of Water Rights with evidence that substantiates that the devices are functioning properly every five years after device installation as an enclosure to the current annual report or whenever requested by the Division of Water Rights.

Right holder shall maintain a record of all diversions under this right that includes the date, time, rate of diversion, and the amount of water diverted. The records shall be submitted with the annual report or whenever requested by the Division of Water Rights.

(000000R)

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**THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. 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 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 State Water 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 State Water 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 State Water 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 State Water 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water 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 State Water 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)

- F. 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)
- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605. (0000015)
- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game. (0000063)

***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).*

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Barbara Evoy, Deputy Director  
Division of Water Rights*

**Dated:** SEPT 12 2012

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

**DIVISION OF WATER RIGHTS**

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In the Matter of License 6037, License 9850 and Permit 15379  
(Applications 16392, 18186 and 22551)

**CITY OF YREKA**

**ORDER CORRECTING WATER RIGHTS**

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**SOURCE:** Greenhorn Creek tributary to Yreka Creek thence the Shasta River  
Yreka Creek tributary to the Shasta River  
Fall Creek tributary to the Klamath River

**COUNTY:** Siskiyou

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**WHEREAS:**

1. On September 10, 2012 and September 12, 2012, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued amended water rights for License 6037 (Application 16392), License 9850 (Application 18186) and Permit 15379 (Application 22551) of the City of Yreka (right holder).
2. On November 9, 2012, the Division received a request from the right holder to correct errors in the place of use description for License 6037, License 9850 and Permit 15379.
3. The State Water Board may amend or modify a decision or order to correct any obvious typographical or clerical error or oversight without the necessity of notice and a hearing thereon. (Wat. Code, § 1124.)
4. Pursuant to Resolution 2012-0029, the State Water Board has delegated the authority to administer the State Water Board's water rights program. By memorandum dated July 6, 2012, the Deputy Director for Water Rights has redelegated this authority.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The authorized place of use for License 6037, License 9850 and Permit 15379 is corrected to read as follows:

Within the City of Yreka service area boundary which is a gross 5,490 acres within Sections 7, 18 and 19, T45N, R6W, MDB&M; Sections 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34 and 35, T45N, R7W, MDB&M; and Sections 3 and 4, T44N, R7W, MDB&M; as shown on map dated March 2012 filed with the State Water Board.

STATE WATER RESOURCES CONTROL BOARD  
ORIGINAL SIGNED BY:  
AMANDA MONTGOMERY (FOR)

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: JAN 19 2016

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

**ORDER WR 2012-0013-EXEC**

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In the Matter of Permit 15379 (Application 22551)  
**City of Yreka**

**ORDER APPROVING PETITION FOR EXTENSION OF TIME  
AND CORRECTING THE PERMIT**

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SOURCE: Fall Creek, Unnamed Stream tributary to Fall Creek

COUNTY: Siskiyou

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**BY THE BOARD:**

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 15379 to the City of Yreka (Permittee) on May 17, 1967, pursuant to Application 22551.
2. The permit required that construction work be completed by December 1, 1970, and that the water be applied to the authorized use by December 1, 1971.
3. Permittee requested, and on June 14, 1974 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 1, 1984.
4. Permittee requested, and on June 4, 1985 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 1, 1994.
5. Permittee requested, and on October 31, 1996 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 31, 2005.
6. On January 5, 2006, Permittee filed a petition for an extension of time within which to commence or complete construction work or apply water to beneficial use. The Permittee has paid all required petition fees since the petition was filed.
7. Public notice of the request for an extension of time was issued on December 7, 2007 and no protests were received.
8. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) Permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.

9. Permittee has shown that due diligence has been exercised. By letter dated December 29, 2005, Permittee's Agent offers a detailed explanation as to how the City has diligently developed its diversion works and infrastructure to meet the steadily growing population of the City since Permit 15379 was first issued.
10. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. By letter dated December 29, 2005, Permittee's Agent explains that the Permittee's "population has grown slowly since the 1990s due to a decline in the timber industry and the lack of any replacement industry to date." This lack of a robust population growth is primarily caused by economic factors outside the control of the Permittee. Nevertheless, the population has grown from 7,181 in 1990 to 7,765 in 2010, which is an 8% increase in population, and growth is projected to increase more rapidly over the next ten years.
11. Permittee has shown that satisfactory progress will be made if a time extension is granted. The current version of the Permittee's General Plan is valid through 2022. By letter dated December 29, 2005, Permittee's Agent states that, by 2022, the City's population is projected to grow to between 8,400 and 10,500. This represents an increase of between 8 and 35% over the 2010 Census population figure of 7,765.
12. Permittee has shown good cause for the time extension.
13. On August 5, 2010, the Division issued an order approving a petition for change in place of use and amending Permit 15379 (Application 22551). The Division has determined that the amended permit did not cover all the changes in District facilities. A correction to the point of diversion and a new place of use map was necessary. The corrections are incorporated in the attached amended permit.
14. On May 3, 2012, the City of Yreka adopted a Negative Declaration (SCH No. 2012032053) for the project in order to comply with CEQA. The State Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The State Water Board will file a Notice of Determination within five days from the issuance of this order.
15. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.

**NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITION FOR EXTENSION OF TIME. THE ATTACHED AMENDED PERMIT, WHICH INCORPORATES THE TIME EXTENSION, IS ISSUED.**

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Thomas M. Howard*  
*Executive Director*

Dated: SEPT 06 2012

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 15379 (Application 22551)

**Town of Yreka City**

**ORDER APPROVING CHANGE IN PLACE OF USE  
AND ISSUING AMENDED PERMIT**

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SOURCE: Fall Creek

COUNTY: Siskiyou

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**WHEREAS:**

1. Permit 15379 was issued to Town of Yreka City (Permittee) on May 17, 1967, pursuant to Application 22551.
2. A petition to change the place of use was filed with the State Water Resources Control Board (State Water Board) on December 29, 2005 and amended on December 13, 2007.
3. Public notice of the change was issued on December 7, 2007. No protests were received. The December 13, 2007 amendment was accompanied by an engineered map which clarified the place of use. The amendment did not result in the need for additional notice. .
4. The State Water Board has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. The State Water Board has also determined that good cause for such change has been shown.
5. Environmental review began on December 29, 2005. On November 3, 2006, Permittee filed a Notice of Exemption (NOE) with the Siskiyou County Clerk. The NOE states that the petition for change seeks to update the place of use described in the existing water right permit to reflect existing uses. Additional connections may be made on an emergency basis to residences outside of the City, but only to existing structures pursuant to the terms of section 12.04.242 of the Yreka Municipal Code. Such emergency connections would themselves be categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines sections 15303 and 15311. The NOE also states that this is an administrative change to an existing permit; therefore, the petition will not have any physical impact on the environment. The petition will not facilitate any future growth within the City that has not already been fully analyzed in the City's Final Environmental Impact Report for the Comprehensive General Plan Update, Zoning Ordinance Update and Sign Ordinance Update (SCH # 2002032122) (December 2003). Therefore, the petition has no growth-inducing impacts. The NOE states that the project is categorically exempt based on an Existing Facilities Exemption, pursuant to Title 14, Public Resources Code, section 15301, Class 1; section 15303 – New Construction or Conversion of Small Structures (Class 3), and section 15311 - Accessory Structures (Class 11). The NOE also states that the project is

statutorily exempt pursuant to section 15261 – Ongoing project exemption. In addition, the project is exempt under section 15061(b)(3).

The State Water Board will issue an NOE based on section 15301.

- a. The project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
- b. There will be negligible or no expansion of uses beyond those existing prior to the start of the Lead Agency's environmental review and the project does not involve an expansion in use beyond that which existed at the time the Lead Agency began its environmental review.

In addition to any obligation the State Water Board may have under CEQA, the Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) There is no evidence that approval of the change petition to continue service to existing residences or provide service on an emergency basis to residences outside of the City, but only to existing structures, will have any adverse impacts on public trust resources.

6. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.
7. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.4) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
8. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director to administer the duties required under the California Environmental Quality Act (CEQA). (Resolution No. 2007-0057, section 4.10.) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.

**NOW, THEREFORE, IT IS ORDERED THAT THE CHANGE PETITION IS APPROVED AND PERMIT 15379 IS AMENDED TO READ AS FOLLOWS:**

1. The place of use is amended as follows:

Within the City of Yreka (Town of Yreka City) service area boundary within Sections 7 and 19, T45N, R6W, MDB&M; Sections 12, 13, 14, 15, 21, 22, 23, 24, 26, 27, 28, 33, 34, and 35, T45N, R7W, MDB&M and within Sections 3 and 4, T44N, R7W, MDB&M as shown on map dated October 30, 2007 filed with the State Water Board.

2. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

3. All other conditions of Permit 15379 are still applicable.

STATE WATER RESOURCES CONTROL BOARD

*ORIGINAL SIGNED BY*

*Victoria A. Whitney*  
*Deputy Director for Water Rights*

Dated: **August 5, 2010**



7. This permit is subject to the protest dismissal terms as set forth in the Department of Fish and Game's protest dated December 2, 1966, and as agreed to by Resolution No. 880, adopted January 5, 1967, by the Council of the Town of Yreka City and placed on file with the State Water Board.

(0140400)

**ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. 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 State Water 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 State Water 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 State Water 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 State Water 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 State Water 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water 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 State Water 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)

F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 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)

G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605. (0000015)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

***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).

**STATE WATER RESOURCES CONTROL BOARD**

*ORIGINAL SIGNED BY*

*Victoria A. Whitney*  
*Deputy Director for Water Rights*

**Dated: August 5, 2010**

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

Application 22551 Permit 15379 License \_\_\_\_\_

**ORDER APPROVING CHANGES TO PLACE OF USE, ADDING AN ENDANGERED SPECIES TERM, AND AMENDING THE PERMIT**

**WHEREAS:**

1. Permit 15379 was issued to the City of Yreka (Town of Yreka City) on April 17, 1967 pursuant to Application 22551.
2. A petition to change Place of Use has been filed with the State Water Resources Control Board (SWRCB) on May 12, 1997 and the SWRCB has determined that good cause for such change has been shown.
3. The SWRCB has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Permit condition pertaining to continuing authority of the State Water Resources Control Board should be updated to conform to Section 780 (a), Title 23 of the California Code of Regulations.
5. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. A description of the land or place where water is put to beneficial use is as follows:

The City of Yreka (Town of Yreka City) service area boundary which is a gross 5,490 acres. The place of use is within Sections 7 and 18, T45N, R6W, MDB&M; Sections 12, 13, 14, 15, 21, 22, 23, 26, 27, 28, 33, 34, 35, T45N, R7W, MDB&M and within Sections 3 and 4, T44N, R7W, MDB&M and shown a map filed with the State Water Resources Control Board on March 4, 1998.

2. A continuing authority condition shall be updated and read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust, all rights and privileges under this 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. Permit 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.

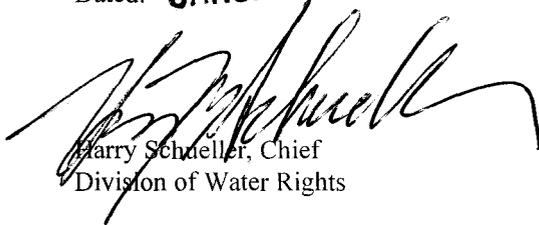
(0000012)

3. The addition of an endangered species condition to read as follows:

This permit does not authorize any act which results in the taking of a threaten 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 "taking" 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 license.

(0000014)

Dated: **JANUARY 8 1999**



Harry Schueller, Chief  
Division of Water Rights

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

**ORDER**

Application 22551 Permit 15379 License \_\_\_\_\_

**ORDER APPROVING A  
NEW DEVELOPMENT SCHEDULE**

**WHEREAS:**

1. Permit 15379 was issued to the town of Yreka City on May 17, 1967 pursuant to Application 22551.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

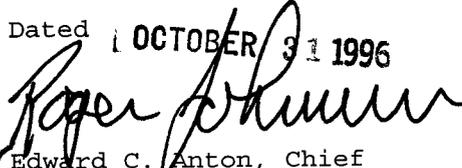
1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2005

(000009)

Dated **OCTOBER 31 1996**

*for*   
Edward C. Anton, Chief  
Division of Water Rights

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

**ORDER**

15379

APPLICATION

22551

PERMIT

LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 9 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1994

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

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.

3. Paragraph 14 is added to this permit as follows:

Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period.

Dated: JUNE 4 1985

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
ROOM 1015, RESOURCES BUILDING  
1416 NINTH STREET • SACRAMENTO 95814



ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND  
AMENDING PERMIT

PERMIT 15379

APPLICATION 22551

## WHEREAS:

1. A PETITION FOR EXTENSION OF TIME WITHIN WHICH TO DEVELOP THE PROJECT AND APPLY THE WATER TO THE PROPOSED USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
2. IT APPEARS THAT THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND THAT GOOD CAUSE HAS BEEN SHOWN FOR EXTENSION OF TIME.
3. THE STATE WATER RESOURCES CONTROL BOARD HAS DULY AUTHORIZED THE CHIEF, DIVISION OF WATER RIGHTS TO SIGN THIS ORDER.

## NOW, THEREFORE, IT IS ORDERED THAT:

1. A NEW DEVELOPMENT SCHEDULE BE, AND IS HEREBY, APPROVED AS FOLLOWS:

APPLICATION OF THE WATER TO THE PROPOSED USE SHALL  
BE COMPLETED ON OR BEFORE

DECEMBER 1, 1984

2. THE TOTAL ANNUAL DIVERSION AND USE ALLOWED UNDER SAID PERMIT 15379 BE LIMITED TO 6,300 ACRE-FEET.
3. PARAGRAPH 11 OF THE PERMIT BE AMENDED TO READ AS FOLLOWS: 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 PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO

REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) 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.

4. 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) ADE- QUATE 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.

DATED: JUN 14 1974

  
R. L. ROSENBERGER, ACTING CHIEF  
DIVISION OF WATER RIGHTS

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15379

Application 22551 of Town of Yreka City  
120 North Main Street, Yreka, California 96097

filed on August 12, 1966, has been approved by the State Water Rights 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. Name of source(s):

Tributary to:

- |                       |                          |
|-----------------------|--------------------------|
| (a) <u>Fall Creek</u> | (a) <u>Klamath River</u> |
| (b) _____             | (b) _____                |
| (c) _____             | (c) _____                |
| (d) _____             | (d) _____                |
| (e) _____             | (e) _____                |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(a) <u>S 5°26' E 2,525' from NW corner Sec. 30</u>	<u>SW 1/4 of NW 1/4</u>	<u>30</u>	<u>48N</u>	<u>4W</u>	<u>MD</u>
(b) _____	<u>1/4 of 1/4</u>				
(c) _____	<u>1/4 of 1/4</u>				
(d) _____	<u>1/4 of 1/4</u>				
(e) _____	<u>1/4 of 1/4</u>				

County of Siskiyou

3. Place of use: Sections 14, 15, 21, 22, 23, 26, 27, 28, 33, and 34; T45N, R7W, MDB&M,  
as shown on map filed with the State Water Rights Board.

4. Purpose(s) of use: Municipal, domestic, and industrial

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 15 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year.

6. The maximum quantity herein stated may be reduced in the license if investigation warrants.

7. Actual construction work shall begin on or before June 1, 1968, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

8. Said construction work shall be completed on or before December 1, 1970.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1971.

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

12. Permittee shall allow representatives of the State Water Rights 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.

13. This permit is subject to the protest dismissal terms as set forth in the Department of Fish and Game's protest dated December 2, 1966, and as agreed to by Resolution No. 880, adopted January 5, 1967, by the Council of the Town of Yreka City and placed on file with the State Water Rights Board.

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: MAY 17 1967

STATE WATER RIGHTS BOARD

*L. K. Hill*  
L. K. Hill  
Executive Officer