

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 16038)
(Application 22678))

CARROL H. & AMY B. CLOUD;)
RAYMOND J. & ROSANNETTA CLOUD)
Permittees)

ORDER: WR 79-10

Sources: Unnamed Stream and
Willow Creek

County: Modoc

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

BY THE BOARD:

1. On June 3, 1970, the Board issued Permit 16038 on Application 22678 to Delbert E. Cloud, Carrol H. Cloud and Amy B. Cloud. The interest of Delbert E. Cloud was assigned to Raymond J. and Rosannetta Cloud.

2. On January 13, 1975 permittees filed a petition for extension of time within which to develop the project and apply the water to the proposed use.

3. The permit allows the construction of a reservoir of 556 acre-foot capacity for the following beneficial uses: stockwatering, recreation and irrigation of 178 acres.

4. Permittees have constructed a reservoir of 40 acre-foot capacity and they have irrigated 79 acres under Permit 16038.

5. The reservoir allowed by Permit 16038 would flood lands of an adjacent landowner. Permittees have been unsuccessful in reaching an agreement with the adjacent landowner which would allow the enlargement of the present reservoir.

6. It appears that the permittees have proceeded with due diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

| | |
|---|------------------|
| Construction Work Shall be Commenced on or Before | December 1, 1980 |
| Construction Work Shall be Completed on or Before | December 1, 1981 |
| Application of the Water to the Proposed Use Shall Be Completed on or Before | December 1, 1982 |

2. Paragraph 11 of the permit be amended to read as follows:

Pursuant to California Water Code Sections 100 and 275, 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.

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 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) 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) to 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.

3. If the enlargement of the reservoir is not commenced prior to December 1, 1980 this project will be licensed for a 40 acre-foot capacity reservoir, the maximum amount diverted to storage indicated in the October 17, 1977 inspection report; and authorization for additional storage will be terminated on December 1, 1980.

Dated: May 17, 1979

/s/ W. DON MAUGHAN
W. Don Maughan, Chairman

/s/ WILLIAM J. MILLER
William J. Miller, Member

/s/ L. L. MITCHELL
L. L. Mitchell, Member

/s/ CARLA M. BARD
Carla M. Bard, Member

