

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 76-6

AMENDMENT OF STANDARD PERMIT CLAUSE lh

WHEREAS:

1. Standard permit clause lh now limits a water right permittee's instantaneous diversion rate to the capacity of the diversion works as stated in the application.
2. This clause prevents a permittee or licensee from operating a pump of a higher capacity at a greater rate than specified, even though the higher rate may result in more efficient use of water, and even though the average rate of diversion in a 30-day period remains the same.
3. An increase in the instantaneous rate under the present term can be authorized only in response to a change petition.
4. An alternative rotation clause should be available for inclusion in permits to allow diversion of the continuous flow allowance for any 30-day period in a shorter time where it can be seen with certainty that there will be no interference with vested rights or instream beneficial uses.

THEREFORE BE IT RESOLVED, that the State Water Resources Control Board amends standard permit clause lh to read as follows:

lh - Title: Quantity - Rotation

When Used: In combination with clauses la, lc, ld, le, or lf for permits when irrigation, municipal, mining, domestic, or power is the primary use and when the capacity of diversion works is greater than the rate at which the water is to be appropriated.

Term 2 will be used as an alternative to Term 1 where it can be seen with certainty that there will be no interference with other beneficial uses. Term 2 shall in no event be used in permits which include frost protection or heat control as permitted uses.

Term: 1. So long as there is no interference with other rights, junior, as well as senior, permittee may increase his rate of diversion to a maximum of _____ (capacity of diversion works);

provided that the total quantity diverted in any 30-day* period does not exceed _____ acre-feet.

2. The equivalent of the continuous flow allowance for any 30-day* period may be diverted in a shorter time, provided there be no interference with other vested rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed.

*Use "seven-day" for domestic use and "14-day" for power use.

CERTIFICATION

The undersigned, Executive Officer of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 22, 1976.

Bill B. Dendy

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Executive Officer