

PERMIT No. 41215

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water to be appropriated shall be limited to the amount that can be beneficially used.
2. The amount of water appropriated shall not exceed 8,000 cubic feet per second by direct diversion to be diverted between about November 1 of each year and about August 1 of the succeeding year and 1,000,000 acre-feet per annum by storage to be collected between about November 1 of each year and about July 1 of the succeeding year.
3. The maximum amounts herein stated may be reduced in license if investigation so warrants.
4. Construction work shall be completed on or before December 1, 1970.
5. Complete application of the water to the proposed use shall be made on or before December 1, 1990.
6. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board.
7. Permittee shall maintain a daily record of inflow into and outflow from Folsom Reservoir, volumes in storage and water surface elevations. Permittee shall maintain like records with respect to Nimbus Reservoir. Permittee shall provide and maintain such measuring facilities as may be necessary for the formulation of said records. Permittee shall make said records of inflow, outflow, volumes in storage and water surface elevations available to the State Water Rights Board and shall allow authorized representatives of said Board access to its project works and properties for the purpose of securing supplemental information.
8. The amounts which may be diverted under rights acquired or to be acquired under this permit are and shall remain subject to reduction by future appropriation of water for reasonable, beneficial use within the watershed tributary to Folsom Reservoir.
9. This permit shall be subject to an agreement to be entered into between the United States of America and the water users of the Sacramento River and the Sacramento-San Joaquin Delta with respect to releases from Folsom and Nimbus Reservoirs

in co-ordination with other units of the Central Valley Project for consumptive uses and salinity control in the Sacramento-San Joaquin Delta, provided such agreement is entered into within one year from date of issuance of a decision by the State Water Rights Board in connection with and after hearing on Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368 and 10588 of permittee, and is approved by the State Water Rights Board, or in the event of failure to reach an agreement by that date, this permit shall be subject to further order of the Board, which order shall be preceded by further hearings.

10. Permittee shall by-pass down the natural channel of American River below Folsom Dam and Nimbus Dam for the purpose of maintaining fish life such flows as are provided for in that certain document entitled "Memorandum of Operating Agreement for the Protection and Preservation of Fish Life in the American River as Affected by Folsom and Nimbus Dams and their Related Works and Diversion of Water Under Contracts with the United States" between the United States and the California Department of Fish and Game, dated October 15, 1957, filed of record as Fish and Game Exhibit 19 of the hearing of Applications 13370, 13371, 13372, and 14462.

11. Deliveries of water under this permit shall be limited to deliveries for beneficial use within Placer, Sacramento and San Joaquin Counties and shall not be made beyond the westerly or southerly boundaries thereof, except on a temporary basis, until the needs of those counties, present or prospective, are fully met provided, however, that agreements in accordance with Federal Reclamation laws between permittee and parties desiring such service within said counties are executed by July 1, 1968.

12. The right to divert and store water and apply said water to beneficial use as provided in this permit is granted to the United States as Trustee for the benefit of the public agencies of the State together with the landowners and water users within such public agencies as shall be supplied with the water appropriated hereunder.

13. Subject to compliance by the public agencies concerned with any and all present and future valid contractual obligations with the United States, such public agencies, on behalf of their landowners and water users, shall, consistent with other terms of this permit, have the permanent right to the use of all water appropriated and beneficially used hereunder, which right, except where water is distributed to the general public by a private agency in charge of a public use, shall be appurtenant to the land to which said water shall be applied, subject to continued beneficial use and the right to change the point of diversion, place of use, and purpose of use, as provided in Chapter 10 of Part 2 of Division 2 of the Water Code of the State of California, and further subject to the right to dispose of a temporary surplus.

14. Upon completion of the appropriation and beneficial use of water under this permit any license which may be issued pursuant to Chapter 9 of Part 2 of Division 2 of the California Water Code shall be issued to the public agencies of the State within which the water shall have been found by inspection by the Board to have been applied to beneficial use.

15. 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.

Those portions of Application 13370 seeking either direct diversion or diversion to storage other than the season of about November 1 of each year to about August 1 of the succeeding year are denied by Decision 893.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1396. 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 normal 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 or purchase, whether through condemnation proceedings or otherwise, by the State or any city, 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: APR 22 1958

STATE WATER RIGHTS BOARD

L. K. Hill
L. K. HILL
Executive Officer