

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

DIVISION OF WATER RIGHTS

IN THE MATTER OF LICENSE 1986 AND PERMITS 11885, 11886, 12721, 11967, 11887, 12722,
12723, 12725, 12726, 12727, 11315, 11316,
11968, 11969, 11970, 12860, 11971, 11972, 11973 AND 12364
(APPLICATIONS 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9366, 9367, 9368, 13370, 13371,
15374, 15375, 15376, 15764, 16767, 16768, 17374, AND 17376)
OF U.S. BUREAU OF RECLAMATION

AND PERMIT 16479 (APPLICATION 14443) OF DEPARTMENT OF WATER RESOURCES

**PETITIONS FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF 196,000 ACRE-FEET OF WATER**

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 SUBSTANCE OF PETITIONS

1.1 Description of the Transfer. On May 1, 2013, the U.S. Bureau of Reclamation (Reclamation) and the Department of Water Resources (DWR) filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), Petitions for Temporary Change under Water Code Section 1725, et seq.

With the petitions, Reclamation requests a one-year modification of License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12725, 12726, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973 and 12364 and DWR requests a one-year modification of Permit 16479 to temporarily change the authorized place of use of (1) the Reclamation license and permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks); and (2) the DWR permit to include the Central Valley Project (CVP) authorized place of use downstream of Jones Pumping Plant (Jones). The maximum total transfer quantity will be 196,000 acre-feet (af). Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

2013 Water Supply Conditions

Water supply conditions are currently classified as "Dry" for the Sacramento River basin and "Critical" for the San Joaquin River basin. The dry conditions in 2013 to date have resulted in allocations of 35 percent of contract Table A amounts to the SWP contractors and only 20 percent of contract amounts to CVP agricultural contractors south of Jones.

In addition to annual hydrology conditions, the ability of DWR and Reclamation to deliver Project water south of the Sacramento-San Joaquin Delta (Delta) is affected by operational restrictions which limit diversions from the Delta. The operational restrictions include those contained in State Water Board Decision 1641 (D1641) as well as the current biological opinions issued for the protection of Delta smelt and anadromous fish and marine mammal species. Operational limitations severely restrict Project exports through June, impacting the ability of the Projects to capture excess spring flows and move water from upstream storage to contractors south of the Delta.

Changes Proposed Under the Transfer

The petitions will further the following list of projects:

- a. CVP-SWP Exchange under a Consolidated Place of Use Petition to Facilitate Conveyance of Water to Santa Clara Valley Water District

Santa Clara Valley Water District (SCVWD) contracts for a water supply from both the CVP (delivered from San Luis Reservoir through the San Felipe Division) and the SWP (delivered via the South Bay Aqueduct (SBA)). Based on projected operating conditions for 2013, total storage in San Luis Reservoir may drop to levels which can result in impaired water quality, potentially causing reductions in CVP supplies available through the San Felipe Division. Further, aging infrastructure in the San Felipe Division could result in both planned and unplanned facility shutdowns for maintenance and repair. In 2013, there are several operational and maintenance issues that may require delivery of the SCVWD's CVP or SWP supplies through an exchange. Up to 40,000 af of the SCVWD's CVP and/or SWP supplies may be subject to these alternative conveyance approaches.

When SCVWD's pumping capacity through the San Felipe Division is limited, meeting district water demands can be impacted, necessitating the request to transfer SCVWD's CVP water through an exchange with the SWP. The proposed transfer includes an exchange of CVP and SWP water to allow SCVWD's CVP water to be pumped at Jones and delivered to DWR at O'Neill Forebay for use within the SWP service area south of O'Neill, and in exchange, an equal amount of SWP water would be pumped at Banks and delivered to SCVWD through the SBA.

In addition, planned and unplanned shutdowns on the SBA as well as within SCVWD's service area may prevent deliveries of SWP water through the SBA. Reclamation and DWR propose an exchange of CVP and SWP water to allow the delivery of SCVWD's SWP through an exchange with CVP. SWP water will be pumped at Banks and delivered to the CVP at O'Neill Forebay for use within the CVP service area south of O'Neill. In exchange, an equal amount of CVP water will be pumped at Jones Pumping Plant and delivered to SCVWD through the San Felipe Division.

The proposed exchanges would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.

- b. Oak Flat Water District/Del Puerto Water District Exchange

Oak Flat Water District (Oak Flat), an SWP contractor, and Del Puerto Water District (Del Puerto), a CVP contractor, are adjacent districts located north of San Luis Reservoir in San Joaquin, Stanislaus and Merced Counties. The districts share common landowners with water supply allocations from both projects. These landowners have requested the ability to optimize the application of available supplies on their combined properties. The proposed exchange would allow 1) the delivery of 1,000 af of the landowners' allocated CVP supplies through SWP turnouts on the California Aqueduct to lands within Del Puerto; 2) delivery of a portion of their allocated CVP supply to lands within Oak Flat; and 3) delivery of a portion of their allocated SWP supplies through CVP turnouts on the Delta Mendota Canal to lands within Del Puerto.

In addition to the transfer described above, Oak Flat and Del Puerto propose an even exchange to affect the delivery of up to 2,000 af of Del Puerto's 2013 CVP allocation. A portion of the lands within Del Puerto adjacent to Oak Flat are more efficiently served from Oak Flat's turnouts on the California Aqueduct. Del Puerto proposes to deliver a portion of its 2013 CVP allocation to the lands adjacent to Oak Flat through an even exchange with the SWP. Up to 2,000 af of SWP water will be delivered through the Oak Flat turnouts on the California Aqueduct. An equal amount of CVP water will be delivered to the SWP at O'Neill Forebay. The proposed exchanges will not result in any increase in pumping from the Delta by either the SWP or CVP, and will result in no increase in total SWP or CVP allocations to either district.

c. Kern County Water Agency – Kern Tulare Water District Exchange

Kern County Water Agency (KCWA) is an SWP contractor with numerous member units within Kern County. Kern Tulare Water District (Kern Tulare) is a CVP contractor located in Kern County with a contract for water delivered through the Cross Valley Canal (CVC). Due to limited capacity at Jones, conveyance of CVP-CVC water through SWP facilities is often required to provide deliveries to the CVC contractors. As a result of projected hydrologic conditions and anticipated operational restrictions, it is possible there will be no capacity to move CVC water through Jones or Banks until fall 2013. In order to assist Kern Tulare in meeting peak irrigation demands this summer, KCWA will deliver up to 16,000 af of SWP water to Kern Tulare through the summer months. In exchange, Kern Tulare will deliver an equivalent amount of CVP-CVC water to KCWA in the fall.

d. Castaic Lake Water Agency – San Luis Water District

Castaic Lake Water Agency (CLWA), an SWP contractor, entered in to a long-term water banking and exchange program with Rosedale-Rio Bravo Water Storage District (RRBWSD) to store up to 100,000 af of its SWP contract supply in the RRBWSD Water Banking and Recovery Program. CLWA also entered into a long-term agreement with Buena Vista Water Storage District (BVWSD) for the purchase of up to 11,000 af per year of Kern River water appropriated under BVWSD's pre-1914 water rights to high flows on the Kern River. The high flow Kern River water is diverted and placed in groundwater storage for later extraction. The pre-1914 water purchased by CLWA is stored in its share of the RRBWSD banking and storage program. CLWA is proposing to transfer up to 11,000 af of its purchased pre-1914 water to San Luis Water District (SLWD). The transfer would be accomplished by exchange. CLWA will provide up to 11,000 af of its 2013 SWP supply to SLWD. CLWA will retain up to 11,000 af of pre-1914 water in its portion of the RRBWSD program.

e. Arvin-Edison Water Storage District/Metropolitan Water District Program

Groundwater Banking

Metropolitan Water District of Southern California (Metropolitan) stores a portion of its SWP supply in CVP contractor Arvin-Edison Water Storage District's (AEWSD) groundwater banking facilities depending on annual allocations. If requested, AEWSD is obligated to return previously banked SWP water to Metropolitan. In the absence of this proposed exchange, previously banked SWP water can only be recovered from the AEWSD banking facilities through groundwater extraction. The expansion of the CVP place of use will allow AEWSD the option and flexibility to return Metropolitan's banked water through an exchange of its available CVP Delta/San Luis Reservoir, or Friant surface supplies (CVP water). The exchange will allow AEWSD greater flexibility in the scheduling and use of its CVP supplies as well as a reduction in energy and costs associated with groundwater extraction. CVP water supplied to Metropolitan by AEWSD in lieu of extraction to recover previously stored SWP water will result in a balanced exchange or one-for-one reduction of Metropolitan's groundwater banking account with AEWSD. The exchange will occur only to the extent Metropolitan has a positive bank account. Upon return of water to Metropolitan, Metropolitan's previously banked SWP water would transfer to AEWSD.

Regulation Program

Additionally, the requested change in consolidated place of use would allow AEWSD to deliver CVP water supplies to Metropolitan first and receive back SWP water supplies in exchange at a later time. This program better facilitates the use of AEWSD CVP water supplies that have a limited opportunity for use under current CVP operations. The ability to regulate water in this manner reduces the need to directly recharge and subsequently extract supplemental water on a one-for-one basis.

Fall/Winter Supplies Exchange

In the event that hydrologic conditions become wetter than expected later in the year (2013 fall or 2013/2014 winter), and AEWS D believes that there may be limited ability to carry over 2013 CVP supplies in CVP reservoirs, AEWS D CVP water supplies would be delivered to Metropolitan to reduce risk of spill and subsequent potential loss of water supplies. The CVP water will be delivered to Metropolitan by exchange in San Luis Reservoir or directly into the California Aqueduct via the Friant Kern Canal and AEWS D facilities. Metropolitan would later return a lesser amount (return 2 af for every 3 af regulated) to AEWS D. The unbalanced nature of the exchange reflects the compensation to Metropolitan for its water management services, which would protect a portion of the water from spilling. In the absence of the exchange with Metropolitan, AEWS D would attempt to avoid spilling the water by delivering the available CVP contract supplies to groundwater banking programs within the AEWS D service area or other areas that are within the CVP place of use.

One of the benefits of the above exchanges is reduction of the impacts to AEWS D of the San Joaquin River Restoration Program (SJRRP). The exchanges increase AEWS D's ability to efficiently use water supplies and increase the opportunities to complete the return of SJRRP releases to AEWS D.

The proposed exchanges total up to 100,000 af of CVP water supplies for all three programs described above. CVP Delta supplies will be provided as stated above. Friant Division CVP water will be provided directly via delivery from the Friant-Kern Canal and AEWS D's distribution system, including its connections to the California Aqueduct at Milepost 227 (Reach 14C) or via its capacity in the Cross Valley Canal to the California Aqueduct at Tupman/Milepost 238 (Reach 12E).

f. Kern County Water Agency to Westlands

KCWA proposes to deliver up to 10,000 af of its 2013 SWP allocation to land within Westlands Water District (Westlands) to facilitate the delivery of previously stored CVP water in the Semitropic Water Storage District (Semitropic) groundwater banking program. Two landowners, Paramount Farming Company and Poso Creek Water Company, have agricultural operations in both KCWA and Westlands and have both a SWP and CVP contract supply. The landowners have banked CVP water in the Semitropic program. The landowners plan to recover up to 10,000 af of their previously stored CVP water. Delivery of the CVP water currently stored in Semitropic will be accomplished through exchange. KCWA will deliver up to 10,000 af of SWP water to Westlands turnouts on the joint use facilities. An equivalent amount of the landowners' water stored in Semitropic will be transferred to KCWA.

g. Kern County Water Agency to Westlands – Kern River Water

KCWA proposed to deliver up to 16,000 af of its 2013 SWP allocation to Westlands to facilitate the delivery of Kern River water rights water purchased by Westlands. Up to 7,600 af of Nickel Kern River water rights previously stored in Semitropic along with up to 8,400 af of 2013 Kern River water will be assigned to KCWA. The exchange will be a one for one exchange. The KCWA SWP Table A water will be delivered to Westlands turnouts in Reaches 4-7 of the joint-use San Luis Canal.

2.0 BACKGROUND

2.1 Existing Place of Use

The service areas of the SWP is shown on maps 1878-1, 1878-2, 1878-3, and 1878-4 (on file under Application 5629) and the service areas of the CVP is shown on map 214-208-12581 (on file under Application 5626).

2.2 Place of Use under the Proposed Transfer

The petitioners request the temporary addition of the CVP service area downstream of Jones to the place of use under DWR's Permit 16479. The petitioners also request the temporary addition of the SWP service area downstream of Banks to the place of use under Reclamation license and permits noted above. These temporary additions would be for the purpose of completing the transfers/exchanges described above and would be effective from the date the petitions are approved for a period of one year. The areas to be added to the SWP are shown on Map 214-202-83 and the areas added to CVP are shown on Map 214-202-84 on file with the State Water Board under Applications 14443 and 5626, respectively.

2.3 Governor's 2013 Executive Order to Streamline Approvals for Water Transfers

On May 20, 2013, Governor Edmund G. Brown Jr. issued Executive Order B-21-13 to streamline approvals for water transfers to address the dry conditions and water delivery limitations in 2013 to protect California's agriculture. The Governor's Order directs the State Water Board and DWR to expedite the review and processing of temporary transfers for 2013 (in accordance with the Water Code) and to assist water transfer proponents and suppliers, as necessary, provided that the transfers will not harm other legal users of water and will not unreasonably affect fish, wildlife, or other instream beneficial uses. The State Water Board and DWR were also directed to make all efforts to coordinate with relevant federal agencies, water districts, and water agencies to expedite the review and approval of water transfers in California.

3.0 LEGAL REQUIREMENTS FOR TEMPORARY TRANSFERS

Temporary change petitions receive approval where the water transfer: "would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of water, and would not unreasonably affect fish, wildlife or other instream beneficial uses." (Wat. Code, §§ 1725, 1727.) Contractors are "legal users of water" for purposes of the no injury rule for transfers. However, the extent to which they are protected from injury is only to the extent that their contractual rights are violated: a harm within the bounds permitted by their contract is not legally cognizable. (*State Water Resources Control Board Cases* (2006) 135 Cal.App.4th 674, 803-805).

4.0 PUBLIC NOTICE AND COMMENTS

On May 7, 2013, public notice of the petitions for temporary change was provided as follows: 1) via first class mail to interested parties; 2) by posting on the Division's website; 3) via the State Water Board's Lyris email notification program; and 4) by publication in the Sacramento Bee and the Stockton Record. California Water Impact Network (C-WIN), California Sportfishing Protection Alliance (CSPA), and AquAlliance submitted a joint comment letter to the State Water Board on June 3, 2013.

4.1 Joint Comments of C-WIN, CSPA, and AquAlliance

On June 3, 2013, the commenters indicated their concerns regarding the transfer proposal. The concerns extend beyond the scope of the current transfer, and encompass all pending 2013 water transfers being processed by the State Water Board. To expedite transfer processing, the concerns are not repeated herein; however, the State Water Board response letter dated June 27, 2013 is incorporated by reference. The response letter details the issues raised by the commenters. Reclamation also responded to the commenters' letter and a summary of their response is provided below as well.

Reclamation Response:

On June 14, 2013, Reclamation responded to the commenters letter and indicated that Reclamation

and DWR filed almost identical petitions to consolidate the CVP and SWP places of use on three previous occasions, and the State Water Board has made findings on each previous petition that the consolidation of the places of use, and the actions implemented by the consolidation, will not harm other legal users of water, fish, wildlife, or other instream beneficial uses. Reclamation believes it established a prima facie case regarding the petition pursuant to Water Code section 1727 (c) since the State Water Board has approved three similar petitions in the past.

Water Code section 1727 (c) requires that the commenters bear the burden of proof that the proposed consolidated place of use is injurious to other legal users of water or fish, wildlife, or other instream beneficial uses if the State Water Board has determined the petitioners have established a prima facie case. Reclamation claims the commenters have not provided any specific evidence that meets their burden of proving that the proposed temporary change would not comply with paragraphs (1) and (2) of Water Code section 1727 (b).

State Water Board Response:

The State Water Board response letter identifies a need to evaluate the following issues in the present order: (a) whether there is a change in return flow associated solely with the transfer, and (b) whether the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee in the absence of the proposed temporary change or conserved pursuant to Water Code section 1011.

In addition, the response letter indicates that use of the Delta Pumps for transfer purposes should be conditioned on compliance by DWR and Reclamation with D1641, all applicable biological opinions and court orders, and any other conditions imposed by other regulatory agencies applicable to these operations.

The objection is addressed upon a finding that: (a) no change in return flows is occurring, and (b) the transfer only involves water that would have been consumptively used or stored. Approval of the petition is also contingent on inclusion of condition 6 of this order. The required evaluations are found in Section 5 of this order.

5.0 REQUIRED FINDINGS OF FACT

5.1 Transfer Only Involves Water That Would Have Been Consumptively Used or Stored

Before approving a temporary change due to a transfer or exchange of water pursuant to Chapter 10.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change or conserved pursuant to Section 1011. (Wat. Code, §§ 1725, 1726.) Water Code section 1725 defines “consumptively used” to mean “the amount of water which has been consumed through use by evapotranspiration, has percolated underground, or has been otherwise removed from use in the downstream water supply as a result of direct diversion.”

The projects proposed under these petitions involve water that would have been consumptively used or stored in the absence of the transfers/exchanges. According to the petitions, the transfer/exchange will not result in the diversion of additional water from the Delta or the delivery of more water to any individual water supplier or user than has been delivered historically. Instead, the requested change will provide the operational flexibility the Projects need to get available supplies where they are needed most and in the most efficient manner possible. The water proposed for transfer/exchange consists of either:

- a) Water stored pursuant to the specified license and permits of the CVP and SWP; or
- b) Water directly diverted pursuant to the specified license and permits of the CVP and SWP for use outside of the Delta watershed, and thus removed from use in the downstream water supply.

In light of the above, I find in accordance with Water Code section 1726, subdivision (e) that the water proposed for transfer pursuant to this Order would be consumptively used or stored in the absence of the proposed temporary change.

5.2 No Injury to Other Legal Users of Water

Before approving a temporary change due to a transfer or exchange of water pursuant to Article 1 of Chapter 10.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the transfer would not injure any legal user of the water during any potential hydrologic condition that the Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows. (Wat Code, § 1727, subd. (b)(1).)

The total quantity of diversions from the Delta will not change. The timing of diversions from the Delta will not change, however the timing of deliveries south of the Delta diversion facilities to specific SWP or CVP contractors will change as detailed above in paragraphs 1.1 (b), (d) and (f). The delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and Reclamation so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and will not be adversely impacted as a result of the exchanges. The terms and conditions contained in D1641 protect other in-basin diverters from any potential impacts of Project diversions of natural flow. DWR and Reclamation are required to operate in conformance with D1641 and all other applicable regulatory restrictions governing SWP and CVP operations. There are no other legal users downstream of the points of diversion that would be affected by the exchanges. Overall, there will be no impact to other legal users of water.

In light of the above, I find in accordance with Water Code section 1727, subdivision (b)(1) that the proposed temporary change will not injure any legal user of the water.

5.3 No Unreasonable Effect on Fish, Wildlife, or Other Instream Beneficial Uses

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) However, the State Water Board must consider potential impacts to fish, wildlife, or other instream beneficial uses in accordance with Water Code section 1727(b)(2).

The water is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water right license and permits governing those diversions. There will be no change in the amount of SWP or CVP water diverted at the Banks or Jones Pumping Plants. Therefore, there will be no change in flow or water quality conditions in the Delta. All water exported at the SWP and CVP pumping plants is pumped consistent with the criteria contained in D1641 and all other applicable regulatory restrictions governing SWP and CVP operations.

Exchanges similar to those proposed herein occurred in 2009, 2010 and 2012 consistent with the provisions of WR 2009-0033, WR 2010-0032-DWR and a July 6, 2012 State Water Board order on transfer. No measurable effects on fish and wildlife or the environment were noted from those transfers. The exchanges will not result in an increase in deliveries to any drainage impaired lands, or in a measurable change in quantity or quality of return flows.

In light of the above, I find in accordance with Water Code section 1727, subdivision (b)(2) that the proposed transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses.

6.0 STATE WATER BOARD'S DELEGATION OF AUTHORITY

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, delegating to the Deputy Director for Water Rights the authority to act on petitions for temporary change if the State Water Board does not hold a hearing. This Order is adopted pursuant to the delegation of authority in section 4.4.2 of Resolution 2010-0029.

7.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1727, and therefore I find as follows:

I conclude that, based on the available evidence:

1. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.
2. The proposed temporary change will not injure any legal user of water.
3. The proposed temporary change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petitions filed for temporary change for transfer of 196,000 af of water are approved.

All existing terms and conditions of the DWR and Reclamation license and permits remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchanges of water are limited to the period commencing on the date of this Order and continuing for one year.
2. The place of use under DWR Permit 16479 is temporarily expanded to include portions of the CVP service area shown on map titled *Petition for Temporary Change to Modify SWP and CVP Places of Use, Areas to be added to SWP Authorized Place of Use*, Map 214-202-83.
3. The place of use under Reclamation License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12725, 12726, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973, and 12364 is temporarily expanded to include portions of the SWP service area as *Petition for Temporary Change to Modify SWP and CVP Places of Use, Areas to be added to CVP Authorized Place of Use*, Map No.214-202-84.
4. Water transferred/exchanged pursuant to this Order shall be limited to 196,000 af as specifically described in item 1.1 (a) through (g) in "Substance of Petitions" above. Although the transfer limits water service as noted herein, the one-for-one repayment of exchanged transfer water is not limited to service areas (a) through (g), but may occur within the more general service areas shown on Maps 214-202-83 and 214-202-84.
5. DWR and Reclamation shall not increase their allocations of water to the transfer/exchange parties beyond the quantities authorized by existing contract for purposes of this transfer/exchange.
6. Diversion of water at the Delta Pumps pursuant to this Order is subject to compliance by the SWP and CVP project operators with the objectives set forth in Tables 1, 2 and 3 on page 181 to 187 of State Water Board's Revised Decision 1641 (D-1641), or any future State Water Board order or decision implementing Bay-Delta water quality objectives at those points of diversion/rediversion, including compliance with the various plans required under D-1641 as prerequisites for the use of the Joint Points of Diversion by DWR and Reclamation. Diversion of water at the Delta Pumps pursuant to this Order is subject to compliance by the pumping plant operators with all applicable biological opinions, court orders, and any other conditions imposed by other regulatory agencies applicable to these operations.
7. Within 90 days of the completion of the transfer; but no later than September 30, 2014, the Petitioners shall provide to the Deputy Director for Water Rights a report describing the transfer authorized by this Order. The report shall include the following information:
 - a. Separate data identifying the monthly and total volumes of water delivered to each of the transfer/exchange parties pursuant to this Order.
 - b. The monthly and total amounts of Delta and delivered water to each of the transfer/exchange parties for the period covered by this transfer. This total shall include SWP and CVP deliveries, other water transfers, and any other amount of Delta water each location received.
 - c. Documentation that the water transferred/exchanged did not result in an increase in water diverted to SWP and CVP facilities from the source waters of DWR's permit and Reclamation's license and permits beyond the quantities that would otherwise have been diverted absent the transfer.

8. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change order, including 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 also may be exercised by imposing specific requirements over and above those contained in this order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

9. This order 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 transfer, the petitioners shall obtain authorization for an incidental take permit prior to construction or operation. Petitioners shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.
10. I reserve jurisdiction to supervise the transfer, exchange, and use of water under this order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL FOR:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUL 01 2013

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

DIVISION OF WATER RIGHTS

In the Matter of Permits 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973 and 12364
(Applications 5626, 9363, 9364, 5628, 15374, 15375, 16767, 17374 and 17376)

U. S. Bureau of Reclamation

**ORDER APPROVING CHANGE IN POINT OF DIVERSION
AND/OR REDIVERSION AND AMENDING PERMITS**

SOURCE: Trinity River, Clear Creek, Sacramento River, and Old River

COUNTY: Trinity, Contra Costa, Shasta, Glenn, Sacramento, and Tehama

WHEREAS:

1. Permits were issued to the U. S. Bureau of Reclamation (Reclamation) as follows:
 - a) Permit 12721 was issued on April 12, 1961, pursuant to Application 5626.
 - b) Permit 12722 was issued on April 12, 1961, pursuant to Application 9363.
 - c) Permit 12723 was issued on April 12, 1961, pursuant to Application 9364.
 - d) Permit 11967 was issued on September 16, 1959, pursuant to Application 5628.
 - e) Permit 11968 was issued on September 16, 1959, pursuant to Application 15374.
 - f) Permit 11969 was issued on September 16, 1959, pursuant to Application 15375.
 - g) Permit 11971 was issued on September 16, 1959, pursuant to Application 16767.
 - h) Permit 11973 was issued on September 16, 1959, pursuant to Application 17374.
 - i) Permit 12364 was issued on July 28, 1960, pursuant to Application 17376.
2. Petitions to add a point of diversion/rediversion were filed with the State Water Resources Control Board (State Water Board) on February 10, 2010 to add a new fish screened pumping plant to be used in lieu of the existing unscreened pumping facility. The fish screened facility will be used to divert water into the Tehama-Colusa and Corning Canals. Public notice of the change was issued on June 3, 2010 and no protests were received.
3. The State Water Board has determined that the petitions for change do 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.
4. Under the California Environmental Quality Act (CEQA), Tehama-Colusa Canal Authority (TCCA) is

the lead agency for preparation of environmental documentation for the project. On May 22, 2008, a Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR) titled Red Bluff Diversion Dam Fish Passage Improvement Project was issued (SCH #2002042075). On June 4, 2008, TCCA issued a Notice of Determination (NOD) for the project. On February 20, 2009, TCCA issued an NOD for an addendum to the FEIS/EIR. TCCA adopted a Statement of Overriding Considerations regarding recreation, land use, socioeconomics and aesthetics. These issues are not within the State Water Board's water right permitting jurisdiction. Consequently, the State Water Board is not adopting a Statement of Overriding Considerations.

5. The State Water Board is a responsible agency for purposes of considering whether to approve the change petition that will allow Reclamation and TCCA to proceed with the proposed project. As a responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency, and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the FEIS/EIR in deciding whether to approve the petition. The State Water Board will issue an NOD within 5 days of the date of this order.
6. 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 petitions, with the CEQA lead agency's mitigation measures from the FEIS/EIR to minimize impacts to fishery resources, water resources, biological resources, recreation, geology, and cultural resources will have any adverse impacts on public trust resources.
7. A term has been added to require measurement of water diverted under the permits to comply with Water Code section 1605.
8. 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.
9. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director to administer the duties required under 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 PETITIONS ARE APPROVED AND PERMITS 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973 AND 12364 ARE AMENDED TO READ AS FOLLOWS:

1. A point of diversion and/or rediversion shall be added to the permits as follows:

By California Coordinate System of 1983, Zone 1, North 1,940,053 feet, East 6,502,708 feet, being within NE ¼ of NW ¼ of projected Section 33, T27N, R3W, MDB&M.

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 Permits 12721, 12722, 12723, 11967, 11968, 11969, 11971, 11973 and 12364 are still applicable.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

Barbara Evoy
Deputy Director for Water Rights

Dated: June 30, 2011

JL: DCC: 10/25/10

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 11969 (Application 15375)

of United States Bureau of Reclamation

**AMENDED ORDER SUPERSEDING AND REPLACING JULY 18, 1994 ORDER
AMENDING PERMIT 11969 TO CONFORM WITH DECISION 1629**

**AND INCORPORATING TERMS OF CONCURRENT ORDER ON
AUGUST 9, 2007 AND JULY 16, 2009 PETITIONS TO CHANGE**

SOURCES: Old River, Trinity River

COUNTIES: Contra Costa, Trinity

WHEREAS:

1. The Permittee is the U.S. Bureau of Reclamation (Reclamation).
2. On July 18, 1994, the State Water Resources Control Board (State Water Board) issued an Order Amending Permit 11969 to Conform with Decision 1629 (1994 Order) regarding the Los Vaqueros Reservoir Project. The order identified the conditions in Decision 1629 that were applicable to Permit 11969.
3. On August 9, 2007, Reclamation filed a petition to add a point of diversion on Victoria Canal.
4. On July 16, 2009, Reclamation filed a petition to add incidental hydroelectric power generation as a purpose of use in connection with Contra Costa Water District's Los Vaqueros Energy Recovery Project.
5. The Division of Water Rights evaluated the 2007 and 2009 petitions and determined the conditions for approval of the two pending petitions in an Order Approving Changes in Point of Diversion and Rediversion and Purpose of Use on 15 water right permits of Reclamation and Permits 20245 and 20249 of Contra Costa Water District (2010 Order on petitions) that will be issued concurrently with this Order. The 2010 Order on petitions modifies some of the terms in the 1994 Order.
6. This order lists the entire group of conditions that are applicable, based on the 1994 and 2010 Orders. This Order supersedes the July 18, 1994 Order.

NOW, THEREFORE, IT IS ORDERED THAT:

The July 18, 1994 Order on Permit 11969 is superseded by this Order.

The following list of acronyms is used within the text of the following Order:

- Department of Fish and Game - DFG

- National Marine Fisheries Service – NMFS
- Alternate Intake Project – AIP
- U.S. Fish and Wildlife Service – USFWS
- Department of Water Resources – DWR
- U.S. Bureau of Reclamation – Reclamation
- State Water Resources Control Board – State Water Board
- Division of Water Rights - Division
- Contra Costa Water District - CCWD

1. Condition (a) was added to the permit by Decision 1629. Condition (b) was added to the permit by the 2010 Order. The condition of the permit related to the points of diversion is amended to include the following:

(a) A point of redirection on Old River tributary to San Joaquin Delta Channels, within NW ¼ of SE ¼ of projected Section 31, T1N, R4E, MDB&M, also described as California Coordinates, NAD 83, Zone 3, North 2,147,455 feet and East 6,250,918 feet.

(b) A point of redirection on Victoria Canal tributary to Old River thence San Joaquin Delta Channels, within NE ¼ of NW ¼ of Section 9, T1S, R4E, MDB&M. also described as California Coordinates, NAD 83, Zone 3, North 2,139,610 feet and East 6,259,970 feet.

2. Condition (a) was added to the permit by Decision 1629. Condition (b) was added to the permit by the 2010 Order. The condition of the permit related to the purpose of use shall be amended to include:

(a) Municipal and industrial uses. These uses are only authorized in the service area of the CCWD, as shown on a map filed with the State Water Board.

(b) Incidental hydroelectric power generation at: California Coordinates, NAD 83, Zone 3, North 2,182,439 feet and East 2,201,417 feet, being within the NW ¼ of NW ¼ of Section 34, T2N, R2E, MDB&M.

(0000003)
(0000004)

The following conditions were added to the permit by Decision 1629, and are updated by the 2010 Order as shown:

3. The combined instantaneous maximum rate of diversion and redirection to offstream storage in Los Vaqueros Reservoir from Old River and Victoria Canal shall not exceed 200 cubic feet per second.

(000005J)

4. Permittee shall maintain a daily record of water diversion utilizing both the Old River and Victoria Canal points of diversion and submit such record to the Division on an annual basis.

(0090700)

5. No water shall be diverted under this permit until Permittee has installed devices, satisfactory to the State Water Board, which are capable of measuring the flow: (1) directly diverted at Victoria Canal; (2) diverted into the Los Vaqueros Reservoir from Old River and Victoria Canal; and (3) releases through or flowing out of the outlet facilities of Los Vaqueros Reservoir. Said measuring devices shall be properly maintained.

(0060062)

6. The total combined quantity of water diverted and/or rediverted from Old River and Victoria Canal under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735, issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304 and 22316 shall not exceed 180,675 acre-feet per annum, and also shall not exceed in any one-year period commencing on March 1, the sum of (i) 177,000 acre-feet and (ii) 4,000 acre-feet to replace evaporation losses and (iii) the difference between the quantity of water in storage in Los Vaqueros Reservoir at the end of the period and the quantity of water in storage in Los Vaqueros Reservoir at the beginning of the period from Old River and Victoria Canal combined. If the quantity of water in storage in Los Vaqueros Reservoir at the end of the period is less than the quantity of water in storage in Los Vaqueros Reservoir at the beginning of the period, the change in storage shall be subtracted from the 177,000 acre-feet.

Until further order of the State Water Board, the combined maximum annual diversion shall not exceed 222,000 acre-feet per annum from Old River, Rock Slough, and Victoria Canal. Any such further order of the State Water Board shall be preceded by notice to all interested parties, by opportunity for hearing, and a showing that water can be diverted in excess of 222,000 acre-feet per annum, taking into account the needs of public trust uses, senior water right holders, and other beneficial uses. Any petition seeking such a further order of the State Water Board shall be accompanied by any environmental documentation required under California law. This requirement for a further order of the State Water Board shall not preclude the Permittee from filing an appropriate petition or petitions for temporary changes or application(s) for temporary permits under laws existing at the time of the filing of the petition or application.

Provided, however, that if during the 12 months after the date when water is first diverted to storage in Los Vaqueros Reservoir there is adequate water available under the water rights listed above, the combined maximum diversion during that initial 12 months shall be 252,000 acre-feet from Old River and Rock Slough.

The total quantity of water under the permits on the above water rights distributed within the authorized place of use served by CCWD for use by the customers of CCWD, in any-year commencing March 1 shall not exceed 177,000 acre-feet.

(0000114)

7. The combined rates of diversion and/or rediversion from Old River under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 to Reclamation (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858A, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 250 cubic feet per second.

(0000114)

The following condition was added to the permit by Decision 1629 and is unchanged:

8. Permittee shall comply with all legally binding requirements of DFG, USFWS, and NMFS imposed on the Permittee under the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544) and the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098) with respect to the Los Vaqueros Project.

(0400500)

(0600999)

The following conditions were added to the permit by Decision 1629, and are updated by the 2010 Order as shown:

9. Permittee shall in cooperation with CCWD implement the mitigation monitoring and reporting measures for Bay-Delta fishery resources, Bay-Delta water quality, vegetation resources, wildlife resources, cultural resources, and to comply with the Fish and Wildlife Coordination Act (16 U.S.C.

Section 661 et seq.), which are set forth in the Environmental Commitments and Mitigation Monitoring the Reporting Plan for the Los Vaqueros Project Stage 2 Environmental Impact Report/Environmental Impact Statement, dated October 27, 1993. Permittee in cooperation with CCWD shall provide a report to the Deputy Director for Water Rights by April 1 of each year detailing the results of the previous year's monitoring, plans for the current year's monitoring, and the status of implementation of each mitigation measure required by this decision.

(0400500)

10. Permittee shall minimize increased levels of suspended sediments discharged to Old River during construction, maintenance and repair of the Old River intake facility and minimize loss of fish and riparian wildlife at the Old River intake facility construction site by: (1) installing floating silt curtains, silt fences, stormwater detention facilities, and other appropriate sediment control facilities; (2) mapping existing riparian/aquatic fish habitat prior to construction and taking steps to avoid losses to existing habitat during facility construction as much as possible; and (3) reestablishing suitable new habitat on newly constructed or existing levees to compensate for unavoidable losses. Further, the Permittee shall perform all construction, maintenance and repair operations on the Old River intake facility only during the period from September 1 through December 30 of each year, unless USFWS and DFG authorized these activities during other periods. Best management practices shall be used to minimize direct and indirect impacts to fish and wildlife.

(0400500)

The following condition was added to the permit by Decision 1629, and is updated by the 2010 Order as shown:

11. (a) Until the Rock Slough diversion is screened, water diversion from Rock Slough will be minimized under Permits 12725, 12726, and 15735 on Applications 9366, 9367, and 22316 of Reclamation from December 1 through June 30. Permittee shall maximize use of its screened intakes, unless monitoring at the intakes indicates, and DFG, USFWS and NMFS agree, that the incidental take of winter-run Chinook salmon, spring-run Chinook salmon, delta smelt and longfin smelt adults, juveniles, or larvae would be less at Rock Slough than another intake, or that these species are not present at Rock Slough. Permittee shall provide to the Division written concurrence, including the calendar dates when use is authorized, from DFG, USFWS and NMFS prior to use of any unscreened facilities.
- (b) During the period from March 15 through May 31 of each year, Permittee shall not divert water from the Old River or Victoria Canal points of diversion to offstream storage in Los Vaqueros Reservoir except when the reservoir storage level is less than 70,000 acre-feet in a below normal, above normal, or wet water-year, or less than 44,000 acre-feet in a dry or critical water-year ("emergency storage levels"). Water-year types will be as defined in the February edition of the DWR Bulletin 120 or the Four Basin Index set forth in the permits and licenses of Reclamation. If reservoir storage is below emergency storage levels, Permittee may fill the reservoir only if:
 - 1) Permittee has provided DFG with notification that reservoir storage is expected to be below emergency storage level, and
 - 2) DFG concurs with the proposed diversion and rate of diversion.Permittee shall provide the Deputy Director for Water Rights a minimum 15-day notification after obtaining DFG concurrence with the proposed dates and rate of diversion in advance of any diversion. Unless within 15 days the Deputy Director for Water Rights objects to the proposed modification or proposes an alternative, the Permittee may divert at the identified rate of diversion.
- (c) Beginning in the February following the first operation of the Victoria Canal diversion, Permittee shall not divert water from any of its diversions to storage in Los Vaqueros Reservoir for 15 days from February 14 through February 28, provided that reservoir storage is at or above 90,000 acre-feet on February 1. If reservoir storage is at or above 80,000 acre-feet on February 1 but below 90,000 acre-feet, Permittee shall not divert water to storage in Los Vaqueros Reservoir for 10 days from February 19 through February 28. If reservoir storage is at or above 70,000 acre-feet on February 1, but below 80,000 acre-feet, Permittee shall not divert water to

storage in Los Vaqueros Reservoir for five days from February 24 through February 28.

- (d) During the period April 1 to April 30, Permittee shall not divert from the Delta for use by CCWD unless Los Vaqueros Reservoir is below emergency storage levels as defined above, and will instead release up to 12,500 acre-feet of water from storage in Los Vaqueros Reservoir to meet demand in the CCWD service area. In those instances where diversions are necessary due to the Reservoir being at or below emergency storage levels, Permittee may divert from the Delta only for direct use by CCWD within the CCWD service area, and no water may be diverted to storage in Los Vaqueros Reservoir.
- (e) The Permittee may submit to DFG, USFWS and NMFS by January 1 of each year, a proposal for modifying the dates of conditions (b), (c), and (d) to better protect threatened or endangered species. DFG may approve modification of the dates for the periods when the reservoir filling is to be avoided and the periods when no diversion shall occur if DFG determines the proposed modification of dates will be more effective in minimizing take of delta smelt and longfin smelt. If no response from DFG is received, Conditions (b), (c), and (d) shall apply. Condition (c) is a condition of DFG only. In addition, prior to modifying the dates of conditions (b) and (d), the concurrence of USFWS and NMFS is required. Permittee shall by February 15, or immediately if after February 15, notify the Deputy Director for Water Rights of the time period modifications for that year. Unless within 15 days the Deputy Director for Water Rights objects to the proposed modifications or proposes an alternative, the Permittee shall implement the modifications.

(0560900)
(0360900)
(0600500)

The following conditions from the 2010 Order shall be added to the permit:

- 12. The maximum instantaneous combined rate of diversion for all diversions from Mallard Slough, Rock Slough, Old River and Victoria Canal under CCWD's Permit 29749 and License 10514 (Application 5941), and Reclamation Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 16600, 15735 and 13776 shall not exceed: 540 cubic feet per second for the months of June, July, August, September and October; 410 cubic feet per second for the months of November, December, January, February and March; and 470 cubic feet per second for April and May; the maximum rate of diversion from Victoria Canal shall not exceed 250 cubic feet per second; and the maximum combined rate of diversion from Old River and Victoria Canal shall not exceed 320 cubic feet per second.
(000005J)
- 13. If DFG, USFWS, or NMFS notifies CCWD that a change in the periods described in conditions 11(b) or 12 is desirable, then Reclamation will cooperate with CCWD to, no later than January 15 of any year, provide the Division with a written request to modify one or more of those conditions. CCWD shall indicate to each agency and the Division whether the change is accepted.

The following conditions were added to the permit by Decision 1629 and are unchanged:

- 14. Permittee shall construct, operate and maintain a fish screen and fish screen cleaning system at the Old River intake facility, satisfactory to the DFG, USFWS, and NMFS. The fish screen facility shall be constructed and made fully operational prior to operation of the Old River intake facility and by not later than January 1, 1997. In addition, the screen facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening, and be operated to effectively screen fish greater than 21 millimeters long.

(0400500)

15. To avoid construction impacts to Swainson's hawks, surveys shall be conducted weekly beginning the first week of April through May 15 by a biologist acceptable to DFG to determine if any nesting is occurring within ½ mile of the Old River diversion point, and to determine whether there is any suitable nesting habitat within ½ mile. If nesting is occurring within ½ mile, construction may not be initiated or continued until August 15 without additional consultation with DFG. This term shall expire upon completion of construction.

(0400500)

16. The following condition was added to the permit by Decision 1629 and is updated as shown:

No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a Lake and Streambed Alteration Agreement between DFG and CCWD is filed with the Division. Compliance with the terms and conditions of the agreement is the responsibility of CCWD. If a Lake and Streambed Alteration Agreement is not necessary for this permitted project, the Permittee shall cooperate with CCWD to provide the Division a copy of a waiver signed by DFG.

(0000063)

The following conditions from the 2010 Order shall be added to the permit:

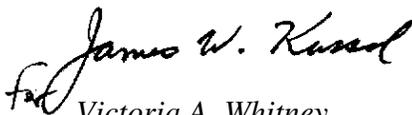
17. Permittee shall comply with the following:

- (a) Diversions at Victoria Canal Intake under Permit 20749 of CCWD and Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 11968, 11969, 11971, 11973, 12364, 13776, and 15735 of Reclamation can be made only when no adverse impact in water levels or water quality resulting from said diversions is detected at West Side Irrigation District (WSID) diversion points.
- (b) The State Water Board reserves jurisdiction over the permits providing for diversions from the new intake at Victoria Canal for such additional time as necessary to determine if use of said point of diversion adversely impacts the water supply or water quality available to WSID. The State Water Board shall, after giving due notice thereof, make any further orders that it finds to be necessary concerning proper use of the point of diversion, and impose conditions providing for additional measurements or studies as it may deem necessary.

18. Nothing shall alter the relative priority of diversions under Permit 20749 of CCWD and Permits 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 16600, 15735 and 13776 of Reclamation from that contained in State Water Board Decision 1629.

All other permit terms and conditions not specifically modified or added by this Order shall remain in effect.

STATE WATER RESOURCES CONTROL BOARD


Victoria A. Whitney
Deputy Director for Water Rights

Dated: **AUG 25 2010**

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 11969 (Application 15375)
U.S. Bureau of Reclamation

**ORDER APPROVING CHANGE IN PLACE OF USE
AND AMENDING THE PERMIT**

SOURCE: Trinity River

COUNTY: Trinity

WHEREAS:

1. Permit 11969 was issued to U.S. Bureau of Reclamation on September 16, 1959, pursuant to Application 15375.
2. A petition to change the place of use was filed with the State Water Resources Control Board (SWRCB) on May 23, 2001, and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on November 16, 2001, and no protests were received.
3. The SWRCB has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 11969 IS AMENDED TO READ AS FOLLOWS:

1. The place of use as shown on USBR Map No. 214-208-12581 on file with the Board, and as further delineated in the GIS maps on file with the Board and attached to Board Decision 1641, is amended to include the following:

71 acres within E½ of Section 12, T14S, R11E, MDB&M.
160 acres within NW¼ of Section 29, T14S, R12E, MDB&M.

2. All other conditions of Permit 11969 are still applicable.

STATE WATER RESOURCES CONTROL BOARD


Edward C. Anton, Chief
Division of Water Rights

Dated:

JUL 29 2002

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 11969 (Application 15375)
U.S. Bureau of Reclamation

**ORDER APPROVING CHANGE IN PLACE OF USE
AND AMENDING THE PERMIT**

SOURCE: Sacramento River
COUNTY: Shasta

WHEREAS:

1. Permit 11969 was issued to U.S. Bureau of Reclamation on September 16, 1959, pursuant to Application 15375.
2. A petition to change the place of use was filed with the State Water Resources Control Board (SWRCB) on November 21, 1996, and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on March 12, 1997, and the protests have been resolved.
3. The SWRCB has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 11969 IS AMENDED TO READ AS FOLLOWS:

1. The place of use as shown on USBR Map No. 214-208-12480 on file with the SWRCB, and as further delineated in the GIS maps on file with the SWRCB and attached to SWRCB Decision 1641, is amended to include the following:

30,000 net acres within a gross area of 70,000 acres within the Pajaro Valley Water Management District, as shown on USBR Map No. 214-208-12480 dated November 1, 1996, on file with the SWRCB.

2. All other conditions of Permit 11969 are still applicable.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: JUL 19 2002

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Permits 11968, 11969,)
11971, 11973 and 12364 (Applications)
15374, 15375, 16767, 17374 and 17376))
of United States Bureau of Reclamation)
to appropriate from Trinity River and)
Clear Creek in Trinity and Shasta)
Counties)

Change Order No. 38

ORDER APPROVING PETITIONS TO CHANGE POINTS
OF DIVERSION (REDIVERSION) AND PLACE OF USE

The United States Bureau of Reclamation having filed petitions for permission to change points of diversion and petitions for permission to change place of use under the above-numbered permits, notice having been given as required by the Board, protests having been received, a hearing having been held, the Board having considered all available information and now being fully informed in the premises, finds as follows:

1. Permits 11968, 11969, 11971 and 11973 to appropriate water of Trinity River were issued on September 16, 1959. Permit 12364 to appropriate water of Clear Creek was issued on July 28, 1960.

2. The Trinity River permits allow storage in Trinity Reservoir and direct diversion at Lewiston Dam, with Lewiston Dam as a point of rediversion of stored water; they further allow the conveyance of the water of Trinity River through a tunnel and powerhouse and release to Whiskeytown Reservoir on Clear Creek. From Whiskeytown Reservoir this water may be rediverted for use in the Bald Hills area or for conveyance through another

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tunnel and powerhouse and release into Keswick Reservoir on the Sacramento River. The Clear Creek permit allows storage and direct diversion at Whiskeytown Dam through the same works as those used for water released into Whiskeytown Reservoir under the Trinity River permits. The further points of rediversion allowed under all five permits are the intakes of the Tehama-Colusa and Corning Canals, Chico Canal, Delta Cross Channel, Contra Costa Canal and Delta-Mendota Canal. The five permits now allow use within a gross area of 4,031,000 acres as shown on Map 416-208-341.

3. The United States Bureau of Reclamation filed petitions for change in place of use in connection with the above-numbered permits on December 23, 1959. Amended petitions for change in place of use were received on March 7, 1960, together with new petitions for change in point of diversion. A request to further amend the petitions for change in place of use was received on September 23, 1960, and the said petitions were so amended.

4. As finally amended, the petitions propose, in addition to the features previously allowed, Shasta County Area Diversions Intake from Whiskeytown Reservoir; Bella Vista Conduit Intake on the Sacramento River below Keswick Dam and above the confluence of Clear Creek with the Sacramento River; non-project diversions* of project water from the Sacramento River between Keswick Dam and the confluence of the American River; Yolo-Zamora Intake; Eastside Canal Intake from the Sacramento River near Hood; Figarden Dam on the San Joaquin River near Fresno; Vallejo Pumping Plant on Cache Slough; non-project diversions of project water from the Sacramento-San Joaquin Delta and the Sacramento River below the confluence of the American River;

*By the phrase "non-project diversions of project water" is meant the diversion of water claimed by the United States Bureau of Reclamation under Permits 11968, 11969, 11971, 11973 and 12364, by means of facilities owned and operated by persons or entities other than the United States Bureau of Reclamation.

Santa Clara Conduit Intake from Italian Slough; San Luis Dam on San Luis Creek; Mendota Dam on the San Joaquin River and Temple Slough on the San Joaquin River. The United States Bureau of Reclamation also proposes to consolidate the place of use and add new lands as shown on Maps 214-208-3330 and 214-208-3331 revised as of July 19, 1960, so that the total gross area of the place of use under the Trinity River permits will be approximately 10,925,000 acres, and under the Clear Creek permit will be approximately 10,821,000 acres. Numerous project features are also proposed which are not classified as changes in point of diversion or changes in place of use, but which are enumerated on Map 214-208-3332 dated March 21, 1960, and shown on the aforesaid Maps 214-208-3330 and 214-208-3331 revised as of July 19, 1960.

5. Although submitted on forms entitled, "Petition for Change in Point of Diversion", the changes proposed thereon actually are changes in points of rediversion.

6. Notice of the amended petitions received March 7, 1960, was issued by the Board on April 22, 1960. It was thereafter published by the petitioner as required by the Board and mailed by the Board to known interested parties. Notice of the amendment of September 23, 1960, was provided in the notice of hearing released September 23, 1960, which was mailed to known interested parties.

7. Hearing, of which petitioner and protestants were given due notice, was held on November 1, 1960.

8. The petitioner has satisfied the requirements of Section 1702 of the Water Code and has established to the satisfaction of the Board, and the Board finds, that the proposed changes will not operate to the injury of any legal user of the water involved.

9. At some time in the future it may be necessary to install suitable measuring devices and submit sufficient records to this Board so that it may be determined that the petitioner is not interfering with existing rights to the use of the natural flow of Clear Creek. Approval granted herein should be so conditioned.

IT IS THEREFORE ORDERED that the petitions of the United States Bureau of Reclamation to change points of redirection and place of use under Permits 11968, 11969, 11971, 11973 and 12364 be, and the same are, hereby approved and that each of the foregoing numbered permits be amended so that the points of diversion and redirection and place of use are described as follows, to wit:

1. The point of diversion for stored water under Permits 11968, 11969 and 11971 is at Trinity Dam, N34° 42'E 2308 feet from SW corner of Section 15, T34N, R8W, MDB&M, being within N $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Section 15.

2. The point of direct diversion of Trinity River water under Permits 11968, 11969 and 11973 and the point of redirection of stored water is at Lewiston Dam, N73° 56'E 3777 feet from SW corner of Section 8, T33N, R8W, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 8.

3. The point of direct diversion and the point of diversion to storage of Clear Creek water and a point of redirection of Trinity River water is at Whiskeytown Dam, N16° E 2760 feet from SW corner of Section 27, T32N, R6W, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 27. Said point is also the point of diversion described as Shasta County Area Diversions Intake.

4. Points of redirection of direct and stored flows of Trinity River and Clear Creek are at:

a) Keswick Dam, S62° 38' 15"E 1567.15 feet from W $\frac{1}{4}$ corner of Section 21, T32N, R5W, MDB&M, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 21.

b) Bella Vista Conduit Intake, south 200 feet and west 4500 feet from NE corner of Section 31, T32N, R4W, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 31.

5. The following are points of redirection of direct flows and stored waters of Trinity River and points of redirection of Clear Creek stored waters only:

a) Corning Canal and Tehama-Colusa Canal Intake, N31° 15'W 800 feet \pm from E $\frac{1}{4}$ corner of Section 33, T27N, R3W, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 33.

b) Chico Canal Intake, N51° 20'E 1878 feet from W $\frac{1}{4}$ corner of Section 1, T23N, R2W, MDB&M, being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 1.

c) At various points on the Sacramento River from Keswick Dam to confluence with American River, by means of non-project works.

d) Yolo-Zamora Conduit Intake, S21° 50'W 539 feet from NE corner of Section 25, T12N, R1E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 25.

e) East Side Canal Intake, S29° 30'W 1825 feet from NE corner of Section 22, T6N, R4E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 22.

f) At various points in the Sacramento-San Joaquin Delta and on the Sacramento River below the American

River, by means of non-project works.

g) Vallejo Pumping Plant Intake, S28° 00' 40"E
1157.77 feet from NW corner of projected Section 10, T5N,
R2E, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 10.

h) Delta Cross Channel Intake, station 1 + 69.2,
S4° 17'W, approximately 999 feet $\frac{1}{4}$ from NW corner of
Swamp and Overflow Land Survey 763, T5N, R4E, MDB&M.

i) Contra Costa Canal Intake, N89° 52'W 8.9 feet
from E $\frac{1}{4}$ corner of Section 33, T2N, R3E, MDB&M, being within
SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 33.

j) Santa Clara Conduit Intake, within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of
Section 24, T1S, R3E, MDB&M.

k) Delta-Mendota Canal Intake, L 6 + 90, S76° 39'E
2674.53 feet from W $\frac{1}{4}$ corner of Section 29, T1S, R4E, MDB&M,
being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 29.

l) San Luis Dam, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section
15, T10S, R8E, MDB&M.

m) Figarden Dam, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section
28, T12S, R19E, MDB&M.

n) Mendota Dam, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19,
T13S, R15E, MDB&M.

o) Temple Slough (Arroyo Canal) Intake, approximately
500 feet north and 2400 feet east from SW corner of Sec-
tion 12, T11S, R13E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said
Section 12.

p) The place of use under Permits 11968, 11969, 11971
and 11973 is within a gross area of 10,925,000 acres to be

served by Trinity River water as shown on maps numbered 214-208-3330 and 214-208-3331 revised as of July 19, 1960.

q) The place of use under Permit 12364 is within a gross area of 10,821,000 acres to be served by Clear Creek water as shown on said maps numbered 214-208-3330 and 214-208-3331 revised as of July 19, 1960.

IT IS FURTHER ORDERED that the foregoing approvals be conditioned as follows:

1. Permittee shall, upon request of the State Water Rights Board, install suitable measuring devices and submit appropriate records to this Board to show the amounts of natural flow available from Clear Creek to owners of prior downstream rights.

2. The amount of water in storage under these permits shall not be increased by use of reservoirs allowed as points of rediversion, above the amount which could have been collected to storage in the reservoirs named in the permits as originally issued.

3. Before water is rediverted from the Sacramento River at any point below Keswick Dam or from the Sacramento-San Joaquin Delta Channels under these permits by means of non-project works there shall first be executed and filed with the State Water Rights Board a contract between the United States and the prospective water user describing the point of rediversion in conformity with subsection (d) of Section 670 of Title 23, California Administrative Code.

Adopted as the order of the State Water Rights Board at a meeting
duly called and held at Sacramento, California this 20th day of December, 1960.

W. P. Rowe, Member

Ralph J. McGill, Member

Board Chairman Kent Silverthorne did not participate in this order.

ORDER

APPLICATION 15375PERMIT 11969

LICENSE _____

ORDER ALLOWING CHANGE IN POINTS OF REDIVERSION
AND CHANGE IN PLACE OF USE

WHEREAS permittee has established to the satisfaction of the State Water Rights Board that the change in points of rediversion and change in place of use under Application 15375, Permit 11969, for which petitions were submitted on March 7, 1960, and December 23, 1979, will not operate to the injury of any other legal user of water and the Board so finds;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of rediversion under said Application 15375, Permit 11969, so that the points of diversion and points of rediversion are those points described as follows, to wit:

1. THE POINT OF DIVERSION FOR STORED WATER IS AT TRINITY DAM, N34° 42' E 2700 FEET FROM SW CORNER OF SECTION 15, T32N, R24W, N200M, BEING WITHIN 1/2 OF 1/4 OF SAID SECTION 15.
2. THE POINT OF DIRECT DIVERSION AND A POINT OF REDIVERSION OF STORED WATER IS AT LEVINSON DAM, N75° 56' E 3777 FEET FROM SW CORNER OF SECTION 8, T32N, R24W, N200M, BEING WITHIN 1/4 OF 1/4 OF SAID SECTION 8.
3. THE FOLLOWING ARE POINTS OF REDIVERSION OF DIRECT FLOWS AND STORED WATER:
 - (A) WILKINSON DAM, N16° E 2700 FEET FROM SW CORNER OF SECTION 27, T32N, R24W, N200M, BEING WITHIN 1/4 OF 1/4 OF SAID SECTION 27. SAID POINT IS ALSO THE POINT OF DIVERSION DESCRIBED AS SHASTA COUNTY AREA REVERSONE DRAIN.
 - (B) KIRKICK DAM, S62° 33' 15" E 1567.15 FEET FROM W 1/2 CORNER OF SECTION 21, T32N, R24W, N200M, BEING WITHIN 1/4 OF 1/4 OF SAID SECTION 21.
 - (C) BELLA VISTA CONDUIT INTAKE, SOUTH 200 FEET AND WEST 4500 FEET FROM NE CORNER OF SECTION 21, T32N, R24W, N200M, BEING WITHIN 1/4 OF 1/4 OF SAID SECTION 21.

ORDER

APPLICATION 15375PERMIT 11269

LICENSE _____

- (D) COCKING CANAL AND MENAHA-COLUMA CANAL INTAKE N 31° 15' W 800 FEET ± FROM NW CORNER OF SECTION 35, T27N, R31W, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 35.
- (E) CHICO CANAL INTAKE, N51° 20' W 1878 FEET FROM W½ CORNER OF SECTION 1, T23N, R28W, M28M, BEING WITHIN THE SW¼ OF SW¼ OF SAID SECTION 1.
- (F) AT VARIOUS POINTS ON THE SACRAMENTO RIVER FROM NEWBICK DAM TO CONFLUENCE WITH AMERICAN RIVER, BY MEANS OF NON-PROJECT WORKS.
- (G) YUBA-SANICRA CONDUIT INTAKE, S21° 30' W 539 FEET FROM NE CORNER OF SECTION 25, T14N, R12E, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 25.
- (H) EAST SIDE CANAL INTAKE, S29° 30' W 1225 FEET FROM NE CORNER OF SECTION 22, T25N, R28E, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 22.
- (I) AT VARIOUS POINTS IN THE SACRAMENTO-SAN JOAQUIN DELTA AND ON THE SACRAMENTO RIVER BELOW THE AMERICAN RIVER, BY MEANS OF NON-PROJECT WORKS.
- (J) DELTA CROSS CHANNEL INTAKE, STATION 1 + 69.2, S4° 17' W, APPROXIMATELY 999 FEET ± FROM NW CORNER OF SWAMP AND OVERFLOW LAND SURVEY 765, T34N, R22E, M28M.
- (K) CONTRA COSTA CANAL INTAKE, N39° 52' W 8.9 FEET FROM N½ CORNER OF SECTION 35, T28N, R32E, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 35.
- (L) SANTA CLARA CONDUIT INTAKE, WITHIN SW¼ OF SW¼ OF SECTION 24, T16E, R32E, M28M.
- (M) DELTA-MENDOTA CANAL INTAKE, L 6 + 90, S76° 39' W 2074.53 FEET FROM W½ CORNER OF SECTION 29, T18E, R28E, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 29.
- (N) SAN LUIS DAM, BEING WITHIN SW¼ OF SW¼ OF SECTION 15, T10S, R28E, M28M.
- (O) PILGRIM DAM, BEING WITHIN SW¼ OF SW¼ OF SECTION 23, T12S, R19E, M28M.
- (P) MENDOTA DAM, BEING WITHIN SW¼ OF SW¼ OF SECTION 19, T13N, R19E, M28M.
- (Q) TEMPLE SLough (ARROYO CANAL) INTAKE APPROXIMATELY 500 FEET NORTH AND 2,400 FEET EAST FROM NW CORNER OF SECTION 12, T11N, R15E, M28M, BEING WITHIN SW¼ OF SW¼ OF SAID SECTION 12.

ORDER

APPLICATION 15375PERMIT 11969

LICENSE _____

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 15375, Permit 11969, to a place of use described as follows, to wit:

WITHIN A GROSS AREA OF 10,925,000 ACRES TO BE SERVED BY TRINITY RIVER WATER AS SHOWN ON MAPS NUMBERED 214-203-3330 AND 214-203-3331 REVISED AS OF JULY 19, 1960.

IT IS FURTHER ORDERED that the foregoing approvals be conditioned in accordance with the following special terms:

1. THE AMOUNT OF WATER IN STORAGE UNDER THIS PERMIT SHALL NOT BE INCREASED BY USE OF RESERVOIRS ALLOWED AS POINTS OF REDIVERSION, ABOVE THE AMOUNT WHICH COULD HAVE BEEN COLLECTED TO STORAGE IN THE RESERVOIR NAMED IN THE PERMIT AS ORIGINALLY ISSUED.
2. BEFORE WATER IS REDIVERTED FROM THE SACRAMENTO RIVER AT ANY POINT BELOW JOHNSON DAM OR FROM THE SACRAMENTO-SAN JOAQUIN DELTA CHANNELS UNDER THIS PERMIT BY MEANS OF NON-PROJECT WORKS THERE SHALL FIRST BE SECURED AND FILED WITH THE STATE WATER RIGHTS BOARD A CONTRACT BETWEEN THE UNITED STATES AND THE PROSPECTIVE WATER USER DESCRIBING THE POINT OF REDIVERSION IN CONFORMANCE WITH SUBSECTION (4) OF SECTION 670 OF TITLE 23, CALIFORNIA ADMINISTRATIVE CODE.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 30th day of December, 1960

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

[For full information concerning the filling out of this form refer to Article 4 of Rules and Regulations Pertaining to Appropriation of Water]

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 15375 Filed June 15, 1953 at 1:54 P.M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER

I, U. S. Bureau of Reclamation OVER
Name of applicant
of P. O. Box 2511, Sacramento 11, County of Sacramento
Address does
State of California, hereby make application for a permit to appropriate the following described unappropriated waters of the State of California, SUBJECT TO VESTED RIGHTS:

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Trinity River
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed
located in Trinity County, tributary to Klamath River

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use (1) 1700 cubic feet per second, to be diverted from January 1 to December 31 of each year.
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day

(b) For diversion to be stored and later applied to beneficial use (2) 1,800,000 acre-feet per annum, to be collected between January 1 and December 31 of each season.
1 acre-foot equals 325,851 gallons

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is irrigation, incidental domestic, fish and wildlife propagation, navigation, water quality control and incidental recreation purposes.
Domestic, irrigation, power, municipal, mining, industrial, recreational

4. The point of diversion is to be located See supplement (1) N 73° 56' E, 3777 feet from SW corner of Section 8, T33N, R8W, MDB&M.
State bearing and distance or coordinate distances from section or quarter section corner

(2) N 34° 42' E, 2308 feet from SW corner of Section 15, T34N, R8W, MDB&M.
being within the (1) SW 1/4 of SE 1/4 (2) N 1/2 of SW 1/4

(1) 8 State 40-acre subdivision of public land survey or projection thereof
of Section (2) 15, T. 34N, R. 8W, MDB&M, B. & M., in the County of Trinity
Spring Creek Powerplant, discharging into Keswick Reservoir

5. The main conduit terminates in NW 1/4 of SW 1/4 of Sec. 21, T. 32N, R. 5W, MD B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)
(a) Diversion will be made by pumping from Lewiston Reservoir (1)
Sumo, offset well, unobstructed channel, etc.

(a) Diversion will be made by ~~passing~~ from Lewiston Reservoir (1)
Sump, offset well, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being 58 feet in height (stream bed to level of overflow); 715 feet long on top; and constructed of earth and rockfill
Concrete, earth, brush, etc.

(c) The storage dam will be 440 feet in height (stream bed to overflow level); 2,430 feet long on top; have a freeboard of 8.0 feet, and be constructed of earth and rockfill
Concrete, earth, etc.

7. Storage Reservoir Trinity
Name

The storage reservoir will flood lands in See supplement
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of 16,600 acres, and a capacity of 2,500,000 acre-feet.

~~☞~~ In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

8. Conduit System (describe main conduits only)

(a) Canal, ditch, flume: Width on top (at water line) _____ feet; width at bottom _____ feet; depth of water _____ feet; length _____ feet; grade _____ feet per 1,000 feet; materials of construction _____

Cross out two not used

Earth, rock, timber, etc.

(b) Pipe line: Diameter _____ inches; length _____ feet; grade _____ feet per 1,000 feet; total ^{fall} lift from intake to outlet _____ feet; kind _____

Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map.

9. The estimated capacity of the diversion conduit or pumping plant proposed is 3200 Clear Creek Tunnel 3600 Spring Creek Tunnel

State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is \$203,673,000

Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before _____ has begun _____

Construction work will be completed on or before July, 1964

The water will be completely applied to the proposed use on or before July 1990

Description of Proposed Use

11. Place of Use. See supplement and Paragraph 13

State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? No Jointly? No

Yes or No

Yes or No

~~Contracts will be negotiated with representatives of owners.~~

If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right <small>(riparian, appropriative, purchased water, etc.)</small>	Year of First Use	Use made in recent years <small>including amount if known</small>	Season of Use	Source of Other Supply
1.				
2.				
3.				
4.				

Attach supplement at top of page 3 if necessary. within the gross service area of 4,031,000 acres

13. Irrigation Use. The area to be irrigated is any 1,400,000 acres during a single year acres.

(see supplement)

State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres;

orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____

14. Power Use. The total fall to be utilized is _____ feet.

Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.

Second feet \times fall \div 5.5

The use to which the power is to be applied is _____

For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____

Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water ^{will} be returned to _____ in _____ of
_{will not} Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M.

15. Municipal Use. This application is made for the purpose of serving _____
Name city or cities, town or towns. Urban areas only

_____ having a present population of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is _____
Name of claim

_____ and the nature of the mines is _____
Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____
Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise _____
 will not _____
Explain nature of pollution, if any

and it will be returned to _____ in _____ of _____
 will not _____
Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M. _____

17. Other Uses. The nature of the use proposed is domestic, fish and wildlife propagation,
Industrial, recreational, domestic, stockwatering, fish culture, etc.
navigation and incidental recreation.

State basis of determination of amount needed. No water to be used except as required for other
Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type
higher uses.
Industrial use, and unit requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, _____
Yes or No
state specifically the time required for filing same _____

19. Does the applicant own the land at the proposed point of diversion? No If not, give name and _____
Yes or No
address of owner and state what steps have been taken to secure right of access thereto Agreements are being
entered into with owners.

20. What is the name of the post office most used by those living near the proposed point of diversion?

Lewiston

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Unknown

[SIGNATURE OF APPLICANT] /s/ A. N. Murray

Acting Regional Director

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PERMIT No. 11969

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 appropriated shall be limited to the amount which can be beneficially used and shall not exceed 1700 cubic feet per second by direct diversion to be diverted from January 1 to December 31 of each year and 1,800,000 acre-feet per annum by storage to be collected between January 1 and December 31 of each year; all as more explicitly set forth in Paragraph 2 of the supplement to this approved application. The amount of water diverted under this permit and permits issued pursuant to Applications 5628, 15374, 16767 and 17374 shall not exceed a total of 2,500,000 acre-feet per annum by storage and 3200 cubic feet per second by direct diversion. (0000000)
2. The maximum amount herein stated may be reduced in the license if investigation so warrants. (0000000)
3. Construction work shall be completed on or before December 1, 1964. (0000000)
4. Complete application of the water to the proposed/^{use} shall be made on or before December 1, 1990. (0000000)
5. 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. (0000000)
6. 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. (0000000)
7. Permittee shall maintain a daily record of inflow into and outflow from Trinity Reservoir, volumes in storage and water surface elevations. Permittee shall maintain like records with respect to Lewiston 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 author-

(a) The right to the beneficial use of water for irrigation purposes, 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 on 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.

(b) The right to the beneficial use of water for irrigation purposes shall, consistent with other terms of this permit, continue in perpetuity.

00003-0

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: **SEP 16 1959**

STATE WATER RIGHTS BOARD



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

69611

the purpose of securing supplemental information.

8. Permittee shall at all times bypass or release over, around or through Lewiston Dam the following quantities of water down the natural channel of Trinity River for the protection, preservation and enhancement of fish and wildlife from said dam to the mouth of said stream;

October 1 through October 31 - 200 cfs

November 1 through November 30 - 250 cfs

December 1 through December 31 - 200 cfs

January 1 through September 30 - 150 cfs

Any water released through said Lewiston Dam for use in the fish hatchery now under construction adjacent thereto shall be considered as partial fulfillment of the above schedule. (0400400)

9. Permittee shall release sufficient water from Trinity and/or Lewiston Reservoirs into the Trinity River so that not less than an annual quantity of 50,000 acre-feet will be available for the beneficial use of Humboldt County and other downstream users. (0160800)

10. This permit shall be subject to the prior rights of the county in which the water sought to be appropriated originates to use such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code of California. (0000800)

11. The Board retains continuing jurisdiction for the purpose of coordinating terms and conditions with other applications of the United States in furtherance of the Central Valley Project including but not limited to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368 and 10588, when acted upon, and for a period of two years thereafter, which period may be extended upon hearing and further order of the Board. (0000600)

12. Subject to the existence of long-term water delivery contracts between the United States and public agencies and subject to the compliance with the provisions of said contracts by said public agencies, this permit is further conditioned as follows:

SUPPLEMENT TO APPLICATION NO. 15375

Paragraph 2: AMOUNT OF WATER

The direct diversion of 1,700 c.f.s. applied for in this application will use any of the direct diversion applied for in the power generation applications.

The quantities of water stored temporarily behind Lewiston Dam, Whiskeytown Dam, and Keswick Dam, in order to reregulate the releases from Trinity Dam, and to coordinate releases of Shasta Dam in Keswick Reservoir are in addition to those applied for in this application. Since the quantities of such storages fluctuate and are retained for a relatively short time, no attempt is made to specify them in this application.

Paragraph 3: USE

The primary purpose of this application is to appropriate water for irrigation purposes, but during certain months of the year some of the 2,500,000 acre-feet (under this and Application 16767) of stored water may be released specifically to supplement the natural flow of the Sacramento River to provide the flow necessary for navigation and fish propagation purposes between Keswick Reservoir and the city of Sacramento; such releases are those not specifically required for other project purposes, and shall not be subject to appropriation by others until they have fulfilled their purpose for navigation or fish propagation use. Return flows resulting from water diverted under this application into the Central Valley Project service area from the Trinity River, and remaining within the place of use depicted, are intended for reuse to serve the Central Valley Project requirements and are not intended for appropriation by others.

Paragraph 4: POINT OF DIVERSION

The point of diversion for the quantities of direct diversion applied for in this application is Lewiston Dam and storage is Trinity Dam. The course of the Trinity River below Trinity Dam will be used for a conveyance of stored water to Lewiston Reservoir (point of this diversion) where it, together with water directly diverted at Lewiston, will be rediverted via Clear Creek Tunnel to the Whiskeytown Reservoir where, commingled with Clear Creek water, they will be rediverted via Spring Creek Tunnel to Keswick Reservoir, and, commingled with Sacramento River water, they will flow in the course of the Sacramento River to the intakes of the canals or channels which will utilize the 1,700 c.f.s. of direct diversion applied for in this application. Such canals authorized to date by Congress are included in the following

list. This list also includes canals or channels that will divert the quantities of temporary storage applied for in this application.

Trinity Dam: Station 12+60 on axis of Trinity Dam is 535,615 N, 1,788,887 E (Zone I, State Coordinate System), and N 34°42' E, 2,308 feet from SW Cor. Sec. 15, T34N, R8W, M.D.B.&M.

Lewiston Dam: Station 5+20 on axis of Lewiston Dam is 508,480 N and 1,780,500 E (California Zone I Rectangular Coordinate System), and N 73°56' E, 3,777 feet from SW Cor. Sec. 8, T33N, R8W, M.D.B.&M.

Whiskeytown Dam: Station 22+60 on axis of Whiskeytown Dam is 1,860,360 E, 461,580 N (California Zone I Rectangular Coordinate System), and N 16° E, 2,760 feet from SW Cor. Sec. 27, T32N, R6W, M.D.B.&M.

Keswick Dam: Station 5+00 on axis of Keswick Dam is S 62°38'15" E, 1,567.15 feet from the W $\frac{1}{4}$ Cor. Sec. 21, T32N, R5W, M.D.B.&M.

Corning Canal: Intake will be located N 31°15' W, 2,530 feet from E $\frac{1}{4}$ Cor. Sec. 33 within SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 33, T27N, R3W, M.D.B.&M.

Tehama-Colusa Canal: Intake will be located N 31°15' W, 800 feet from E $\frac{1}{4}$ Cor. Sec. 33 within SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 33, T27N, R3W, M.D.B.&M.

Chico Canal: Intake will be located N 51°20' E, 1,878 feet from W $\frac{1}{4}$ Cor. Sec. 1 within SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 1, T23N, R2W, M.D.B.&M.

Delta Cross Channel: Initial diversion from Sacramento River is at Walnut Grove; intake structure is located at Delta Cross Channel approximately S 4°17' W, 999.0 ± feet from NW corner of Swamp Land Survey 763 in T5N, R4E, M.D.B.&M.

Delta-Mendota Canal: Diversion point from Delta Cross Channel is located on Old River. Intake headworks is S 76°39'23" E, 2,674.53 feet from W $\frac{1}{4}$ corner, Section 29, T1S, R4E, M.D.B.&M.

Centerline of units of Tracy Pumping Plant at Canal Station L 133+75 is N 26°54'47" E, 800.63 feet from SW Cor. Sec. 31, T1S, R4E, M.D.B.&M.

Contra Costa Canal: Diversion point from Delta is at Rock Slough. Intake is N 89°52' W, 8.9 feet from E $\frac{1}{4}$ Cor. Sec. 33, T2N, R3E, M.D.B.&M.

The points of diversion or redirection are within the following 40-acre subdivision of U.S. Government Survey or projection thereof:

Trinity Dam	N $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 15, T34N, R8W, MDB&M, Trinity Co.
Lewiston Dam	SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 8, T33N, R8W, MDB&M, Trinity Co.
Whiskeytown Dam	NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 27, T32N, R6W, MDB&M, Shasta Co.
Keswick Dam	NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 21, T32N, R5W, MDB&M, Shasta Co.
Corning Canal and Tehama-Colusa Canal	NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 33, T27N, R3W, MDB&M, Tehama Co.
Chico Canal	SE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 1, T23N, R2W, MDB&M, Butte Co.
Delta Cross Channel	Swamp Land Survey 763, T5N, R4E, MDB&M, Sacramento Co.
Delta-Mendota Canal: Pilot Canal Intake, Sta. 6+90	NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 29, T1S, R4E, MDB&M, Alameda Co.
Tracy Pumping Plant, Sta. L 133+75	SW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 31, T1S, R4E, MDB&M, Alameda Co.
Contra Costa Canal	SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 33, T2N, R3E, MDB&M, Contra Costa Co.

Paragraph 5: THE MAIN CONDUITS TERMINATE IN

<u>Feature</u>	<u>Quarter quarter</u>	<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>Base</u>
Keswick Dam	NW $\frac{1}{4}$ SW $\frac{1}{4}$	21	33N	5W	M. D. B. & M.
Corning Canal	NE $\frac{1}{4}$ SW $\frac{1}{4}$	5	23N	3W	M. D. B. & M.
Tehama-Colusa Canal	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34	12N	1W	M. D. B. & M.
Chico Canal	SE $\frac{1}{4}$ SW $\frac{1}{4}$	3	21N	1E	M. D. B. & M.
Delta Cross Channel	Old River at intake of Delta-Mendota Canal				
Delta-Mendota Canal	SE $\frac{1}{4}$ SE $\frac{1}{4}$	19	13S	15E	M. D. B. & M.
Contra Costa Canal	NE $\frac{1}{4}$ NW $\frac{1}{4}$	20	2N	2W	M. D. B. & M.

Paragraph 6: INTAKE OR HEADWORKS

<u>Dam (Name)</u>	<u>Height (feet)</u>	<u>Top Length (feet)</u>	<u>Freeboard (feet)</u>	<u>Construction</u>
Trinity	440	2,430	8	earth and rock fill
Lewiston	58	715	8	earth and rock fill
Whiskeytown	260	2,150	7.5	earth and rock fill
Keswick	118	1,046	8.5	concrete

Corning and Tehama-Colusa Canals: Diversion will be by gravity with 19-foot high concrete diversion dam, 800 feet long. Corning Canal will have a 500 c.f.s. pumping plant located 3,500 feet downstream from the common diversion point.

Chico Canal: Pumping plant of 310 c.f.s. with no diversion dam.

Delta Cross Channel: Conveyance channel for carrying Sacramento River water southerly into San Joaquin channels leading to Tracy Pumping Plant.

Tracy Pumping Plant: Diversion is from Old River through fish protective headworks and intake canal. Capacity is 4,600 c.f.s. to the gravity section of Delta-Mendota Canal.

Contra Costa Canal: Initial diversion from Rock Slough is by gravity, with intake channel to first of series of four pumping plants. Capacity is 350 c.f.s.

Paragraph 7: STORAGE RESERVOIR AND REGULATING RESERVOIRS

Trinity Reservoir (storage): The lands to be flooded by Trinity Reservoir are those lying below elevation 2,387, as shown on the compiled U. S. Geological Survey quadrangle maps (Nos. 416-208-342, 416-208-344, and 416-208-345), accompanying this application. The reservoir will flood lands in projected sections shown in the following: Sections 20, 28, 29, 32, and 33, T37N, R7W. Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 28, 29, 32, 33, and 34, T36N, R7W. Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, and 30, T35N, R7W. Sections 13, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, T35N, R8W. Sections 34 and 35, T35N, R9W. Sections 1, 2, and 3, T34N, R9W. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 18, T34N, R8W, *MOB/M.*

Coordinated with the storage reservoir are regulating reservoirs which will, or do now, flood the lands shown as follows:

Lewiston Reservoir: The lands to be flooded by Lewiston Reservoir are those lands lying below elevation 1,902, as shown on the accompanying compiled U. S. Geological Survey maps (Nos. 416-208-342 and 416-208-346), in sections as follows: Sections 21, 22, 23, and 28, T34N, R8W; Sections 4, 5, 6, 7, and 8, T33N, R8W, *MOB/M.*

Whiskeytown Reservoir: The lands to be flooded by Whiskeytown Reservoir are those lands lying below elevation 1,220.5 as shown on the accompanying compiled U. S. Geological Survey maps, (Nos. 416-208-342 and 416-208-347), in sections as follows: Sections 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 20, 21, 22, 27, and 28, T32N, R6W; Sections 1, 2, 11, and 12, T32N, R7W, *MOB/M.*

Keswick Reservoir: The lands flooded by Keswick Reservoir are as follows: Sections 4, 5, 8, and 9, T32N, R5W; Sections 15, 16, 20, 21, 28, 29, and 32, T33N, R5W, *MOB/M.*

Paragraph 8: CONDUIT SYSTEM

Trans-river section:

The dimensions and capacities of the main conduits are as follows:

<u>Tunnel</u>	<u>Size</u>	<u>Length</u> (feet)	<u>Grade</u> (1/1000)	<u>Capacity</u> in c.f.s.	<u>Type</u>
Clear Creek	17'-16" Dia.	57,000	.0034	3,200	Circ.-concrete lined
Spring Creek	18'-6" Dia.	15,400	.0044	3,600	Circ.-concrete lined

<u>Pipe Lines</u> (Penstocks)	<u>Size</u>	<u>Length</u>
Clear Creek Powerhouse	14'3"	2,000
Spring Creek Powerhouse	15'6"	2,000
Trinity Powerhouse	16'0"	1,500

Corning Canal: The proposed diversion works, heading at the Redbank Diversion Dam, will have an intake channel 3,500 feet long, a pumping plant of 500 c.f.s. capacity for a lift of 55 feet through an 8.5-foot diameter concrete pipeline 5,400 feet long. The water will then flow by gravity in a canal having a top width of 50 feet, a bottom width of 72 feet, and a depth of 7.2 feet, a slope of 0.98 feet per 1,000 feet at the head of the canal and a top width of 24 feet, bottom width of 10 feet, depth of 3.55 feet, and a slope of 0.2 feet per 1,000 feet in the last section of the canal, which will terminate in Section 5, T23N, R3W, M. D. B. & M.

Tehama-Colusa Canal: Heading at the Redbank Diversion Dam the first 3,500 feet of the canal will have a capacity of 2,500 c.f.s., of which 500 c.f.s. will be for Corning Canal pumping plant. The remaining 2,000 c.f.s. will be carried in the canal for irrigation uses. The canal dimensions for the 2,000 c.f.s. capacity are 87 feet top width, 40 feet bottom width, and 11.6 feet deep. The canal will be 121 miles long with the last reach having a top width of 24 feet, bottom width of 8 feet, depth of 5.4 feet, and a carrying capacity of 175 c.f.s. The slope of the canal is about 0.10 feet per 1,000 feet.

Chico Canal: With an intake heading at Hazel Bend on the Sacramento River, an intake channel 9,000 feet long, a pumping plant of 310 c.f.s. capacity, the main canal will be 19 miles long, with the upper reach having a capacity of 310 c.f.s., a top width of 34 feet, bottom width of 16 feet, and a depth of 5.93 feet, and a slope of 0.1 feet per 1,000 feet.

Delta Cross Channel: Presently used channel for Central Valley Project purposes, with variable dimensions due to the dredged and natural channels utilized along the 50-mile length. Dredged sections are 426 feet wide at water line, 210 feet at bottom, with depth of 26 feet. Grade is approximately level.

Delta-Mendota Canal: Heads at Old River, with approximately 2.5 miles of intake channel, with water surface width of 186 feet, bottom width of 98 feet and a water depth of 14.3 feet, to the Tracy Pumping Plant. The pumping plant, with six electrically driven pumps has a capacity of 4,600 c.f.s. with an approximate lift of 200 feet to the gravity section of the canal through which it flows southerly about 113 miles to the Mendota Pool on the San Joaquin River.

Contra Costa Canal: Heads at Rock Slough, with intake channel to the first of a series of four pumping plants whose diversion flows westerly and southerly for approximately 46 miles, terminating in Martinez Reservoir.

Paragraph 11: PLACE OF USE

The water will be used within the service areas of districts, municipalities, water companies, corporations, and other legal entities within the gross area of the place of potential use delineated on Map 416-208-341, provided that the delivery of the water is conditioned upon execution of valid contracts for such deliveries.

Water will be used by the United States of America, State or United States agencies, authorities, associations, public or private corporations, political subdivisions, and other agencies, whether as primary or supplemental supply, and under contracts with the United States of America or other authorization which may be made or given by authority and pursuant to law.

Paragraph 13: IRRIGATION USE

Parts of the area within the described place of use are or will be served, in part or entirely, with water under lawful rights acquired and used independently of those of the United States. Other parts will require, either as a supplemental supply or the entire supply, water furnished under rights acquired by the United States.

The general crop segregation of the irrigable acreages will be alfalfa, irrigated pasture, rice, orchards, vineyards, cereals, hay, and other crops adaptable to the areas involved.

IMPORTANT
[Please Read Carefully]

1. Note the terms and conditions of this permit. Construction work must be prosecuted, and the water applied to the beneficial uses intended with due diligence. Annual reports of progress will be expected from you upon forms which will be furnished for the purpose. When the water has been fully applied to the beneficial uses intended the Water Code requires that you notify the State Water Rights Board thereof.
2. Neither this application nor the permit is a water right, but if the terms and conditions of the permit are observed a water right can be obtained through beneficial use of the water—the extent of the right to be determined by a field inspection which will be made by a representative of the State Water Rights Board.
3. No change in point of diversion, or place of use or character of use, can be made under this application and permit without the approval of the State Water Rights Board.
4. If the rights under this permit are assigned immediate notice to that effect with the name and address of the new owner should be forwarded to the State Water Rights Board, Sacramento, California.
5. Please advise immediately of any change of address. Until otherwise advised communications will be sent to the address used in the letter transmitting this permit.