

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT #####

APPLICATION 31487 of:

United States Department of Interior,
Bureau of Reclamation (MP-440)
2800 Cottage Way
Sacramento, CA 95825

This permit is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXX XX, 2012. Therefore, **Application 31487** filed on **January 8, 2004** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

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

1. Source of water

Source:

(1) Independence Creek

(2)(3) Little Truckee River

Tributary to:

Little Truckee River

Truckee River thence Pyramid Lake

within the Counties of **Sierra and Nevada**

The numbering for the points of diversion, points of rediversion, and places of storage for this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permit issued pursuant to Application 31488, are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

2. Location of points of diversion and places of storage

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) Independence Dam (Independence Lake), North 2,295,098 feet and East 7,044,314 feet	NW ¼ of SW ¼	35	19N	15E	MD
(2) Stampede Dam (Stampede Reservoir), North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam (Boca Reservoir), North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD

¹ Point of Diversion (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this permit.

2a. Location of points of redirection. Points (2) and (3) are on the Little Truckee River. Points (5) through (65) are on the Truckee River.

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(2) Stampede Dam North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD
(5) Farad Power Plant Ditch & Flume North 2,276,726 feet and East 7,119,940 feet	SW ¼ of NW ¼	30	18N	18E	MD
(6) Fleish Power Plant Ditch & Flume North 2,297,211 feet and East 7,124,864 feet	NE ¼ of SE ¼	6	18N	18E	MD
By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(7) Steamboat Canal North 14,843,385 feet and East 2,223,994 feet	NE ¼ of SW ¼	31	19N	18E	MD
(8) Coldron Ditch North 14,850,973 feet and East 2,226,583 feet	SE ¼ of NE ¼	30	19N	18E	MD
(9) Katz Ditch North 14,853,083 feet and East 2,226,202 feet	SE ¼ of SE ¼	19	19N	18E	MD
(10) Verdi Power Plant, Ditch & Flume North 14,853,117 feet and East 2,226,229 feet	SE ¼ of SE ¼	19	19N	18E	MD
(11) Washoe Power Plant Ditch North 14,862,548 feet and East 2,235,859 feet	NW ¼ of NE ¼	16	19N	18E	MD
(12) Hogan Ditch North 14,860,793 feet and East 2,236,229 feet	SW ¼ of NE ¼	16	19N	18E	MD
(13) Highland Ditch North 14,863,059 feet and East 2,236,256 feet	SW ¼ of SE ¼	9	19N	18E	MD
(14) Mastin Ditch North 14,858,104 feet and East 2,244,534 feet	SE ¼ of SW ¼	14	19N	18E	MD
(15) Last Chance Ditch North 14,860,796 feet and East 2,247,614 feet	SE ¼ of NE ¼	14	19N	18E	MD

Location of points of redirection (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(16) Sparks-Capurro Ditch North 14,859,813 feet and East 2,250,976 feet	NW ¼ of SE ¼	13	19N	18E	MD
(17) Irwin-Mayberry Ditch North 14,856,488 feet and East 2,254,953 feet	NE ¼ of NW ¼	19	19N	19E	MD
(18) Lake Ditch (Lake Southside) North 14,856,917 feet and East 2,255,686 feet	NE ¼ of NW ¼	19	19N	19E	MD
(19) South Side Canal North 14,858,528 feet and East 2,259,680 feet	NE ¼ of SW ¼	17	19N	19E	MD
(20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch North 14,859,198 feet and East 2,260,521 feet	NE ¼ of SW ¼	17	19N	19E	MD
(21) Indian Flat Ditch North 14,858,946 feet and East 2,262,112 feet	NE ¼ of SE ¼	17	19N	19E	MD
(22) Orr Ditch Pump Station North 14,859,008 feet and East 2,262,704 feet	NE ¼ of SE ¼	17	19N	19E	MD
(23) Reno Power Ditch & Flume North 14,859,867 feet and East 2,267,642 feet	SE ¼ of NE ¼	16	19N	19E	MD
(24) Countryman Ditch North 14,862,075 feet and East 2,268,033 feet	NE ¼ of NE ¼	16	19N	19E	MD
(25) Chism Ditch North 14,862,003 feet and East 2,268,150 feet	NE ¼ of NE ¼	16	19N	19E	MD
(26) English Mill Ditch & English Mill Tailrace Ditch North 14,863,566 feet and East 2,271,673 feet	NW ¼ of SE ¼	10	19N	19E	MD
(27) Hayden Ditch or Court Ditch North 14,862,824 feet and East 2,272,659 feet	SE ¼ of SE ¼	10	19N	19E	MD
(28) Idlewild Pump Station North 14,862,625 feet and East 2,273,168 feet	SE ¼ of SE ¼	10	19N	19E	MD
(29) Sullivan & Kelly Ditch North 14,863,999 feet and East 2,276,707 feet	NW ¼ of SE ¼	11	19N	19E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(30) Cochran Ditch North 14,863,699 feet and East 2,277,344 feet	NW ¼ of SE ¼	11	19N	19E	MD
(31) Riverside Mill Ditch & Flume (Claim #10) North 14,864,144 feet and East 2,277,365 feet	NW ¼ of SE ¼	11	19N	19E	MD
(32) Scott Ranch Ditch North 14,865,010 feet and East 2,279,290 feet	SW ¼ of NW ¼	12	19N	19E	MD
(33) Abbee Ditch North 14,866,265 feet and East 2,283,562 feet	SE ¼ of NE ¼	12	19N	19E	MD
(34) Perry Ditch North 14,866,298 feet and East 2,284,219 feet	SE ¼ of NE ¼	12	19N	19E	MD
(35) Eastman Ditch North 14,865,286 feet and East 2,287,441 feet	SW ¼ of NE ¼	7	19N	20E	MD
(36) No. Truckee Ditch (Glendale Plant) North 14,865,173 feet and East 2,287,712 feet	SW ¼ of NE ¼	7	19N	20E	MD
(37) Sessions Ditch North 14,865,057 feet and East 2,287,842 feet	SW ¼ of NE ¼	7	19N	20E	MD
(38) Pioneer Ditch North 14,862,744 feet and East 2,289,385 feet	SE ¼ of SE ¼	7	19N	20E	MD
(39) Stephens Ditch (Stevens) North 14,862,524 feet and East 2,291,611 feet	SE ¼ of SW ¼	8	19N	20E	MD
(40) Glendale Ditch North 14,862,252 feet and East 2,291,882 feet	SE ¼ of SW ¼	8	19N	20E	MD
(41) Hidden Valley Induction Well #4 North 14,861,057 feet and East 2,295,828 feet	SW ¼ of NW ¼	16	19N	20E	MD
(42) Largomarsino -Murphy Ditch (S. Largomarsino) North 14,858,576 feet and East 2,316,686 feet	NW ¼ of SE ¼	18	19N	21E	MD
(43) Largomarsino – Noce Ditch (N. Largomarsino) North 14,858,813 feet and East 2,318,003 feet	NE ¼ of SE ¼	18	19N	21E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(44) Groton Ditch North 14,858,234 feet and East 2,324,482 feet	NE ¼ of SE ¼	17	19N	21E	MD
(45) Sheep Ranch Ditch North 14,859,130 feet and East 2,325,476 feet	NW ¼ of SW ¼	16	19N	21E	MD
(46) McCarran North Side Ditch North 14,866,397 feet and East 2,338,153 feet	NE ¼ of NW ¼	11	19N	21E	MD
(47) McCarran South Side Ditch North 14,870,317 feet and East 2,342,460 feet	SW ¼ of NW ¼	1	19N	21E	MD
(48) Old Ditch North 14,871,849 feet and East 2,349,880 feet	NW ¼ of NE ¼	6	19N	22E	MD
(49) Hill Ditch North 14,876,905 feet and East 2,354,774 feet	NW ¼ of NE ¼	32	20N	22E	MD
(50) Tracy Power Plant North 14,877,698 feet and East 2,359,590 feet	SE ¼ of SW ¼	28	20N	23E	MD
(51) Derby Dam & Truckee Canal North 14,884,928 feet and East 2,380,516 feet	NE ¼ of SW ¼	19	20N	23E	MD
(52) Preston Ditch North 14,885,468 feet and East 2,386,178 feet	SE ¼ of NW ¼	20	20N	23E	MD
(53) Washburn Ditch North 14,885,521 feet and East 2,396,933 feet	SE ¼ of NW ¼	22	20N	23E	MD
(54) Gregory Ditch North 14,888,853 feet and East 2,405,578 feet	SE ¼ of SE ¼	14	20N	23E	MD
(55) Wadsworth Power Ditch North 14,889,268 feet and East 2,406,873 feet	NW ¼ of SW ¼	13	20N	23E	MD
(56) Herman Ditch North 14,891,957 feet and East 2,417,775 feet	NW ¼ of NW ¼	17	20N	24E	MD
(57) Pierson Ditch North 14,894,902 feet and East 2,422,828 feet	NW ¼ of SW ¼	9	20N	24E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(58) Olinghouse No. 1 Ditch North 14,897,868 feet and East 2,425,862 feet	NW ¼ of NE ¼	9	20N	24E	MD
(59) Fernley North 14,899,217 feet and East 2,427,535 feet	SW ¼ of NW ¼	9	20N	24E	MD
(60) Proctor Ditch North 14,901,290 feet and East 2,428,199 feet	SW ¼ of NW ¼	3	20N	24E	MD
(61) Fellnagle Ditch North 14,905,654 feet and East 2,425,317 feet	NW ¼ of SE ¼	33	21N	24E	MD
(62) Olinghouse No. 2 Ditch North 14,914,468 feet and East 2,431,328 feet	SW ¼ of SE ¼	22	21N	24E	MD
(63) Gardella Ditch North 14,922,553 feet and East 2,428,236 feet	SW ¼ of NW ¼	15	21N	24E	MD
(64) Olinghouse No. 3 Ditch North 14,923,152 feet and East 2,428,587 feet	SW ¼ of NW ¼	15	21N	24E	MD
(65) Indian Ditch (Nixon Ditch) North 14,959,013 feet and East 2,408,112 feet	SW ¼ of SW ¼	18	22N	23E	MD

3. Purpose of use	4. Place of use	Township	Range	Base and Meridian
Municipal, Domestic, Industrial, Irrigation,* Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power**	The place of use is shown on map [MAP NUMBER] filed with the State Water Board, dated [DATE].	13N	17 & 18E	MD
		14N	16 – 18E	MD
		15N	16 – 18E	MD
		16N	16 – 18E	MD
		17N	15 – 20E, 24 – 31E	MD
		18N	14 – 21E, 24 – 31E	MD
		19N	14 – 31E	MD
		20N	18 – 32E	MD
		21N	18 – 26E, 29 – 32E	MD
		22N	20 – 24E	MD
		23N	20 – 24E	MD
		24N	20 – 24E	MD
		25N	20 – 24E	MD
		26N	20 – 24E	MD
27N	20 – 24E	MD		
28N	23 & 24E	MD		

* The maximum area irrigated in any one year under this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permit issued pursuant to Application 31488, shall not exceed a total of 96,800 net acres within a total gross area of 143,480 acres as follows:

- Truckee Meadows - 26,800 net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E, and
- Newlands Project - 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E, all within MDB&M.

** Incidental Power use at the following locations:

Powerhouse	Subdivision	Section	Township	Range	Base and Meridian
Stampede	SW ¼ NW ¼	28	19N	17E	MD
Farad	SE ¼ SE ¼	12	18N	17E	MD
Fleish	NE ¼ SE ¼	30	19N	18E	MD
Verdi	NW ¼ SE ¼	8	19N	18E	MD
Washoe	SW ¼ SW ¼	14	19N	18E	MD

5. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 350 cubic feet per second by direct diversion at Stampede Reservoir and 226,500 acre-feet per annum by storage at Independence Lake, Stampede Reservoir, and Boca Reservoir from January 1 to December 31 of each year.

The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed 226,500 acre-feet per year.
(0000005E mod.)
6. The total quantity of water collected to storage under this permit, Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 226,500 acre-feet per year.
(0000005L)
7. The total quantity of water collected to storage at Independence Lake, Stampede Reservoir, and Boca Reservoir under this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed a total of 284,850 acre-feet per year.
(0000005M mod.)
8. The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.
(0000005N mod.)
9. The maximum simultaneous rate of direct diversion at Stampede Reservoir under this permit, Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 350 cfs.
(0000114c mod.)
10. The equivalent of the authorized continuous flow allowance for any 30-day period may be directly diverted at Stampede Reservoir in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.
(0000027)
11. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and be completed by December 31, 2022.
(0000009)

12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)
13. Permittee shall consult with the Division of Water Rights as to whether permittee is an "urban water supplier" as defined in California Water Code section 10617. If permittee is an urban water supplier, then within one year from issuance of this permit, permittee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.
- All cost-effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein. (0000029A mod.)
14. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights. (0000030)
15. In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this permit is by means of a dam, permittee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir. (0140069)
or (0210069)
16. To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, permittee shall bypass a minimum flow of 150 cfs in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.
- No diversion shall be allowed at the points of diversion or rediversion authorized by this permit/license unless the applicable bypass flows are met. (0140400)
17. Water diverted for Incidental Power use under this permit is for nonconsumptive use and is to be released at the following locations:
- Stampede Powerhouse Return: Little Truckee River: By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.
Farad Powerhouse Return: Truckee River: By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.

Fleish Powerhouse Return: Truckee River: By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.
Verdi Powerhouse Return: Truckee River: Nevada Coordinate System of 1983, West Zone, North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: Truckee River: Nevada Coordinate System of 1983, West Zone, North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

18. The permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief, Division of Water Rights. (0000203)
19. Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this permit. (9990999)
20. Permittee shall maintain the existing outlet pipes for Independence Lake, Stampede Reservoir, and Boca Reservoir in proper working order. (000000S mod.)
21. Permittee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit. The permittee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the permittee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this permit will not exceed the authorized amount under the permit. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under TROA will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this permit. Permittee shall implement the plan upon approval. A record of such measurements shall be maintained by the permittee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Progress Report by Permittee." (0100900)
22. To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses or releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:

During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal-state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile

downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.

No diversion shall be allowed at the points of diversion or redirection authorized by this permit unless the applicable flows are met.

(0400400)

23. Diversions under this permit shall be subject to interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective. (9990900)
24. Due to the permittee's ability to exchange water among water right holders under the Truckee River Operating Agreement (TROA), beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted. (9990999)
25. All diversions, storage, use of water and operations under this permit shall be in accordance with the provisions contained in this permit and the TROA, which is on file with the State Water Board. (0430300)
26. Diversion of water under this permit is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this permit. (000000N mod.)
27. Permittee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article Thirteen of TROA that will affect the diversion and use of water under this permit. (0490300)
28. The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing. (000000M)

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

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

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the state and federal Endangered Species Acts for the project authorized under this permit.

(0000014)

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

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the

permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

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

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy
Deputy Director for Water Rights*

Dated: