

*Amended by  
attached  
order dated  
-2-23-65*

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Application 15764,

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Applicant

UNION PROPERTIES, INC., ET AL

Protestants

Decision D 1020

Source: Old River

Adopted June 30, 1961

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## INTRODUCTION

Application 15764 of the United States through its Bureau of Reclamation, Region 2, Sacramento, (hereinafter sometimes referred to as the Bureau), is for a permit to appropriate water from Old River, a channel of the Sacramento-San Joaquin Delta, (hereinafter referred to as the Delta) in furtherance of the San Luis Unit of the Federal Central Valley Project.

The Central Valley Project is being constructed in stages to meet the water requirements of various areas as the needs develop. The initial features of the project include Shasta and Keswick Dams on the Sacramento River, Delta Cross Channel, Contra Costa Canal; Delta-Mendota Canal, Friant Dam on the San Joaquin River and Madera and Friant-Kern Canals. The American River Division with Folsom and Nimbus Dams on the American River including the Sly Park Unit, and the Trinity River Division with Trinity and Lewiston Dams on the Trinity River and Whiskeytown Dam on Clear Creek have been added to the initial features.

The next large area where there is critical and immediate need for supplemental water, that could be supplied by the Central Valley Project, is located on the west side of the San Joaquin Valley in western Merced, Fresno and Kings Counties (RT 57-59). These lands, which are to be irrigated by the San Luis Unit, lie between elevations of about 200 and 500 feet above sea level on a broad gently sloping alluvial plain extending eastward from the Coast Range. The area forms a strip about 65 miles long and 13 miles wide, totaling about 500,000 acres. The climate is semi-arid and the only surface water supply is from minor creeks which are

dry in the summer months when water is needed for irrigation. Accordingly, present irrigation relies entirely on ground water which, for many years, has been heavily overdrawn (RT 59-61 and USBR 56\*).

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\* An asterisk following an exhibit number indicates an exhibit received into evidence by reference from the record of the hearing on Applications 5625 et al of the United States (Decision D 990).

SUBSTANCE OF THE APPLICATION AND PENDING PETITIONS

Application 15764, filed on March 8, 1954, by the Westlands Water District, and assigned to the United States on October 17, 1960, is for a permit to appropriate 1500 cubic feet per second (cfs) by direct diversion to be diverted between February 1 and November 30 of each year and 1,000,000 acre-feet per annum by offstream storage to be collected at the maximum rate of 4200 cfs between October 1 of each year and April 30 of the succeeding year from Old River for irrigation, incidental domestic and stockwatering purposes. The point of diversion is on Old River at the intake canal leading to Tracy Pumping Plant within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 29, T1S, R4E\*. Offstream storage is to be effected by San Luis Dam located within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 15, T10S, R8E. The place of use consists of a gross area of 399,924 acres lying within the Westlands Water District. Of this, a maximum of 340,000 acres may be irrigated in any one year.

The United States, on December 8, 1960, filed petitions to amend Application 15764 to include municipal, industrial and recreation as additional purposes of use and additional points of rediversion as follows:

San Luis Canal and  
Reservoir Intake

Within T9S, R8E at  
Station 3014+20 on  
the Delta-Mendota  
Canal

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\* All references to township and range are to Mount Diablo Base and Meridian (MDB&M).

Pacheco Pass Conduit Intake	Within projected Section 14, T10S, R7E
San Luis Canal Intake (from reservoir)	Within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23, T10S, R8E
Mendota Dam (non-Project feature)	Within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T13S, R15E
Temple Slough (Arroyo Canal) Intake (non- Project feature)	Within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12, T11S, R13E
Pleasant Valley Canal	Within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, T18S, R16E

At the same time the United States also filed a petition to amend the application by enlarging the place of use to include a gross area of 1,398,000 acres of which a maximum of 910,000 acres will be irrigated in any one year.

## HEARING

### Other Applications Included

After notice of Application 15764 was published, 42 protests were received. After due notice to the applicants and protestants, a public hearing was held before the Board on April 11, 12, 13, and 20, 1961, at Sacramento, California. Applications 13573 and 13574 of Alameda County Water District, Application 13892 of Santa Clara Valley Water Conservation District, Application 15756 of Kings River Conservation District, Application 16342 of the City of San Diego and Applications 16433 and 16434 of Alameda County Flood Control and Water Conservation District were all set for hearing at the same time as Application 15764. At the commencement of the hearing, motions were made to postpone hearing on the latter applications, with all of the applicants except the City of San Diego agreeing to subordinate to Application 15764 and thereby waiving priority with respect to Application 15764 (RT 222-223). The motions to postpone have been granted except that of the City of San Diego; which has been denied. Application 16342 of the City of San Diego has been denied for reasons set forth in the Board's Decision D 1019, dated June 30, 1961.

### Stipulation Between Bureau of Reclamation and Certain Protestants

The Bureau, Contra Costa County Water Agency, Delta Water Users Association, Sacramento River and Delta Water Association, California Department of Fish and Game, Alameda County Water District, and San Joaquin County Flood Control and Water Conservation District have

entered into a stipulation which provides substantially as follows:

1. That the Board defer action on the direct diversion portion of Application 15764 until such time as petitions for consolidating the service area under Applications 5626, 9363, 9364, 9366, 9367 and 9368 are considered, or after further hearing as may be directed by the Board.

2. That the month of October be deleted from the season of collection of water to storage thereby limiting the season of collection to storage from November 1 of each year through April 30 of the succeeding year.

3. That any permit issued pursuant to Application 15764 be limited so that the rate of diversion, when added to all other diversions from the Delta, through the Delta-Mendota Canal by the Bureau will not exceed a total of 4600 cfs.

4. That the Board defer hearing on the petition to change the place of use under Application 15764, insofar as it seeks to include lands within Alameda, Santa Cruz and San Benito Counties.

5. That the Board receive into evidence by reference the record of the hearing on Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368 and 10588 of the United States giving the same weight to objections and arguments as though they were made in this proceeding.

#### Disposition of the Issues Raised by the Stipulation

It is appropriate at this time to dispose of the requests of the parties expressed in the stipulation.



(1) The parties immediately involved herein have entered into a stipulation requesting the Board to defer action on a portion of the application. An important factor in determining the propriety of deferment is whether or not any party would be affected. Consideration has been given to the possible adverse effects of deferment upon other applicants and water users located within the Delta and the Board is of the opinion that none will occur at the present time. Moreover, if a situation should arise in the future which would require disposition of this portion of the application, the Board will consider it at that time. Therefore, the request of the parties to defer hearing on the direct diversion feature of Application 15764 is granted.

(2) The voluntary reduction of the season for diversion to storage by the applicant in accordance with the stipulation is accepted by the Board and the permit will reflect this change.

(3) The capacity of the Delta-Mendota Canal is 4600 cfs and physically incapable of diversion in excess of that amount. In accordance with the parties' stipulation, however, such a limitation will be imposed in the permit issued pursuant to Application 15764.

(4) The request of the parties to defer action on the petition to change the place of use to include lands within Alameda, Santa Cruz and San Benito Counties is granted for the same reason outlined in Paragraph (1) above.

(5) The Board, at the hearing on April 31, 1961, admitted the entire record of hearing on Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368 and 10588 (RT 241-45).

## PLAN OF THE UNITED STATES FOR USE OF WATER

Public Law 488, 86th Congress 2nd Session, 74 Stat. 156, enacted June 30, 1960, authorizes the Secretary of the Interior to construct the San Luis Unit of the Central Valley Project either as a Federal facility or as a joint use facility in cooperation with the State of California (USBR 4). The use of water to be appropriated under any permit issued pursuant to Application 15764 will be the same in either case (RT 64). However, it is convenient to consider the project first as it would be constructed solely as a Federal project to serve only the San Luis service area, and secondly, as it would be constructed to provide for joint use facilities as a Federal-State project.

### Federal Project

The Tracy Pumping Plant, which diverts water into the 113-mile Delta-Mendota Canal, is located on a cut channel extending to Old River about ten miles northwest of the City of Tracy. The Delta-Mendota Canal has a capacity at its head of 4600 cfs and delivers water to lands along the western side of the San Joaquin Valley and to the San Joaquin River at Mendota Pool west of the City of Fresno (USBR 45\*). The water delivered to Mendota Pool permits water in the San Joaquin River to be diverted upstream at Friant Dam for use along the eastern side of the San Joaquin Valley. The full capacity of the Tracy Pumping Plant and the Delta-Mendota Canal is used only during the peak of the irrigation season during the summer months to satisfy these requirements. The Canal transports relatively little water in the winter and early spring months,

while during the same months large quantities of water waste to the sea through the Delta (RT 62-63).

The plan is to utilize this available capacity of the Delta-Mendota Canal to transport surplus water from the Delta to the San Luis service area. Because surplus water and the available canal capacities both occur during the non-irrigation season when the consumptive use demands are low, it will be necessary to provide offstream storage near the San Luis service area to impound the water which cannot be directly placed to beneficial use. Sixty-seven miles from the Tracy Pumping Plant, the Delta-Mendota Canal passes within two and one-half miles of the San Luis Reservoir site. At this point water conveyed in the Delta-Mendota Canal will be rediverted by the San Luis pumps. Whenever possible, water will be diverted directly into the San Luis Canal for immediate use. The remaining water will be diverted into the San Luis Reservoir for storage (RT 62-63). During the summer months when the capacity of the Delta-Mendota Canal is not adequate to supply the demands along that canal and also the demands within the San Luis service area, water stored in the San Luis Reservoir will be released into the San Luis Canal to serve the San Luis service area. The required storage capacity can be provided by constructing a 1,000,000 acre-foot reservoir (USBR 6).

The 104-mile San Luis Canal, as part of the strictly Federal project, will extend the entire length of the San Luis service area to its terminus about three miles northwest of Kettleman City. The capacity of the canal at its head will be 6800 cfs and its terminal capacity will be 700 cfs. A secondary canal, 20 miles in length and having a capacity of 600 cfs, will be constructed to serve the Pleasant Valley area located east of the City of Coalinga (USBR 6).

San Luis Reservoir also may be utilized to store water which probably would be lost by spilling at Shasta or Folsom Reservoirs. Later this water will be released into the Delta-Mendota Canal to satisfy demands normally made by releases from Shasta and Folsom Reservoirs (USBR 56\*).

#### Federal-State Joint Use Project

San Luis Dam may be constructed as a joint Federal-State project to be used by the Bureau for the San Luis Unit and by the State for the Feather River and Delta Diversion Projects. Under joint operation the capacity will be enlarged to 2,000,000 acre-feet (USBR 6A) and water will be delivered from the Delta into a 40,700 acre-foot forebay reservoir through the Delta-Mendota Canal as well as a parallel canal to be constructed by the State. From the forebay water may be pumped into the San Luis Reservoir for storage. At a later date, water stored in San Luis Reservoir will be released back into the forebay before being transported to the place of use. It is anticipated that these releases will be utilized to generate electric power (RT 64-65).

Water from the forebay reservoir may be released either into the San Luis Canal or into the Delta-Mendota Canal. As a Federal-State joint use facility the San Luis Canal will have an intake capacity of 13,100 cfs and a terminal capacity of 7,750 cfs (USBR 6A). At the southern end of the San Luis service area this canal will cease to be a joint use facility but it will continue south as a feature of the State aqueduct system (RT 65).

## DISCUSSION OF THE ISSUES

The record developed at the hearing on Application 15764 is essentially the same as that developed for the Board's Decision D 990 on Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368 and 10588, and therefore most of the issues raised are identical. Those issues which have a bearing on Application 15764 are as follows:

1. Power of the Board to Condition Permits.
2. Salinity Incursion into the Delta.
3. Coordination of Federal and State Projects.
4. Watershed Protection.
5. Protection of Existing Rights.
6. Rights Appurtenant to the Land.

The Board adopts the sections of Decision D 990 disposing of these issues as a basis for the conclusions reached herein.

### Need for Water Under Application 15764

The portion of Application 15764 under consideration in this decision is for a permit to appropriate water to meet requirements for lands which for the most part were not included in Decision D 990. Therefore, it is necessary to consider these requirements and to determine if there are sufficient quantities of surplus water available during the requested diversion season.

### Project Requirements

The San Luis service area, according to USBR 56\*, will have a total annual water requirement of 1,666,000 acre-feet for irrigation,

domestic, municipal and industrial needs of the area. This requirement will be met from two sources - the Delta and the available ground water within the service area. The quantity of water that will be pumped from the available ground water is estimated as 540,000 acre-feet (USBR 56\*). The annual quantity of supplemental water is estimated as 1,126,000 acre-feet. To this quantity must be added the canal losses of 125,000 acre-feet and the evaporation losses from San Luis Reservoir of 50,000 acre-feet per year, making the total average annual quantity required to be diverted from the Delta for the San Luis Unit about 1,300,000 acre-feet (USBR 56\*). Of this quantity 470,000 acre-feet will be applied directly to the land; and the remaining 830,000 acre-feet will be stored in San Luis Reservoir for later release (RT 63). Included in the 830,000 acre-feet is that quantity which may be required for the portion of the Delta-Mendota Canal service area which can be served by water from the San Luis Reservoir. Releases of water from San Luis Reservoir for use within the Delta-Mendota Canal service area appeared to be advantageous in only two years of a 20-year operation study of the reservoir. This study indicated that the average annual release for the Delta-Mendota Canal service area would be 40,000 acre-feet (USBR 56\*).

Other Permits of the United States  
to Supply Service Area

The United States holds permits to appropriate water from Trinity River, Clear Creek, Sacramento River, American River and the Delta for use within the San Luis service area. The service area described under the Trinity River and Clear Creek permits with the exception

of the San Luis Reservoir area and small areas along the western side of the San Joaquin Valley, include the entire service area under consideration in this decision. The service area under the American River, Sacramento River and Delta permits include all of the area to be served by the Delta-Mendota Canal and approximately one-third of the area to be served by the San Luis Canal. These permits allow direct diversions into the Delta-Mendota Canal year-round up to its capacity of 4600 cfs. They also permit water stored in Trinity, Lewiston, Whiskeytown, Shasta and Folsom Reservoirs to be rediverted into the Delta-Mendota Canal for use within their respective service areas. However, none of these permits allows water to be stored in San Luis Reservoir which is requested under that portion of Application 15764 considered in this decision.

Season of Diversion and Quantity  
of Water to be Granted

There is unappropriated water within the Delta during the winter and spring months. This is clearly established by USBR 21 which indicates large quantities of unappropriated water available in the Delta during the period November 1 through April 30 of every year. USBR 164\*, "Central Valley Project Operation Study, Shasta Reservoir Operation", which presents conditions under full project development with a repetition of the hydrologic conditions for the period 1921-22 through 1953-54, also indicates that water would be available for diversion to San Luis Reservoir during each of these months for the period of study.

The record is clear that there is a need for supplemental water within the area to be served and that there is adequate water available

within the Delta during the requested season of diversion. Therefore, a permit will be granted for 1,000,000 acre-feet per annum to be collected in San Luis Reservoir at the maximum rate of 4200 cfs from about November 1 of each year to about April 30 of the succeeding year.

#### Disposition of Petitions

Those portions of the petitions to amend Application 15764 which are under consideration in this decision request (1) that the character of use be changed to include municipal, industrial and recreational uses; (2) that additional points of rediversion be allowed; and (3) that the place of use be extended to include the lands designated in Stanislaus, Merced, Fresno and Kings Counties.

The inclusion of municipal, industrial and recreational purposes will permit water to be supplied to communities within the service area not having access to any other supplemental water supply. The inclusion of the additional lands in Stanislaus, Merced, Fresno and Kings Counties will permit greater flexibility in the operation of the Central Valley Project by allowing the coordination of the storage facilities thereby making maximum use of the available supply. Because neither the quantity nor the season are to be changed, existing rights would not be adversely affected. Accordingly, the petitions will be approved.

The inclusion of these additional lands within the service area will require other points of rediversion for the water sought to be appropriated. However, some points described in the petitions merely constitute portions of the artificial distribution system and are not true



points of rediversion. The additional points of rediversion to be allowed under this permit are San Luis Dam, Mendota Dam and Temple Slough (Arroyo Canal) Intake.

Water Quality in the Lower San Joaquin River

The Delta Water Users' Association et al, and the San Joaquin County Flood Control and Water Conservation District presented testimony showing the deterioration of the quality of water in the San Joaquin River north of Mendota Pool since 1950 (DWUA 1). This is a result of a great many factors influenced by a highly developed irrigation economy in the San Joaquin Valley.

It is the position of the parties raising the issue that the development of the San Luis Unit will further degrade water quality in the San Joaquin River and in the Delta. It is contended that return flow from the San Luis service area will contain high concentrations of salts and if added to those already found in the San Joaquin River northward from Mendota Pool, will adversely affect the water quality for diverters along the stream and in the Delta (RT 277-78). At the same time, the parties point out that the construction of a master drainage system envisioned as one possible solution to the problem in Department of Water Resources Bulletin No. 89 will intercept all return flows for conveyance northward to San Francisco Bay, thereby reducing the flow of water in the lower San Joaquin River (RT 283-84).

The testimony discloses that a reduction in the quantity of water presently available in the lower San Joaquin River will result from the interception of drainage water north of Mendota Pool rather than the

interception of the drainage water from the San Luis Unit (RT 312-14). Therefore the contention that the construction of a master drainage system will reduce the quantity of water available in the lower San Joaquin River is clearly outside of the issues under consideration in connection with Application 15764.

Public Law 488, previously referred to, forbids commencement of construction of the San Luis Unit until the Secretary "has received satisfactory assurance from the State of California that it will make provision for a master drainage outlet and disposal channel for the San Joaquin Valley, as generally outlined in the California water plan, Bulletin Numbered 3, of the California Department of Water Resources, which will adequately serve, by connection therewith, the drainage system for the San Luis unit or has made provision for constructing the San Luis interceptor drain to the delta designed to meet the drainage requirements of the San Luis unit as generally outlined in the report of the Department of the Interior, entitled 'San Luis Unit, Central Valley Project', dated December 17, 1956".

Facilities for removal of drainage water from the San Joaquin Valley are included in the State Water Facilities as defined in Water Code Section 12934(d).

No specific term or condition is offered by the parties in this proceeding for inclusion in the permit to be issued by the Board which would bear directly upon the problem. The Board is convinced that Public Law 488 authorizing the construction of the San Luis Unit adequately protects the water of the lower San Joaquin River from further degradation of quality by return flows from the San Luis service area.

Therefore, no special term or condition relative to the disposition of drainage water from the San Luis service area will be included in this permit.

## CONCLUSION

The evidence indicates and the Board finds that unappropriated water exists in Old River at times and in sufficient amounts to justify the approval of Application 15764 insofar as that application relates to appropriation by storage; that no lawful user of water will be injured by the approval in part of the petitions to change the character of use, place of use and to add points of rediversion; that the uses proposed are beneficial; and that the application should be approved in part and a permit be issued pursuant thereto, subject to the usual terms and conditions and subject to additional terms and conditions set forth in the following Order for the protection of prior rights and in the public interest. The Board finds that, so conditioned, the project proposed in this application will best develop, conserve and utilize in the public interest the water sought to be appropriated.

ORDER

Application 15764 of the United States for a permit to appropriate unappropriated water having been filed with the Division of Water Resources, predecessor to the State Water Rights Board, protests against the approval thereof having been submitted, jurisdiction of the administration of water rights, including the subject application, having been subsequently transferred to the Board, a public hearing having been held and evidence received by the Board and the Board having considered the same and now being fully informed in the premises:

IT IS HEREBY ORDERED:

(a) That portion of the petition to amend Application 15764 to enlarge the place of use to include additional lands within Stanislaus, Merced, Fresno and Kings Counties is hereby granted.

(b) That portion of the petition to amend Application 15764 by adding San Luis Dam, Mendota Dam and Temple Slough (Arroyo Canal) Intake as additional points of diversion is hereby granted.

(c) That the petition to amend Application 15764 to include municipal, industrial and recreation uses is hereby granted.

(d) That action on Application 15764 insofar as it relates to appropriation of water by direct diversion, and on those portions of the petitions which propose to include lands within Alameda, Santa Cruz and San Benito Counties and the points of diversion necessary to serve these lands is withheld pending further order of the Board.

IT IS FURTHER ORDERED that Application 15764, insofar as it relates to appropriation of water by storage, be and the same is approved,

and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The quantity of water to be appropriated from Old River for irrigation, incidental domestic, stockwatering, municipal, industrial and recreation purposes shall be limited to the amount which can be beneficially used and shall not exceed 1,000,000 acre-feet per annum to be diverted from about November 1 of each year to about April 30 of the succeeding year. The maximum rate of diversion to offstream storage shall be 4200 cubic feet per second.

2. The maximum rate of diversion through the Delta-Mendota Canal under this permit, together with other rights of permittee, shall not exceed 4600 cubic feet per second.

3. The maximum quantity of water herein stated may be reduced in the license if investigation warrants, and all rights and privileges under the 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 and unreasonable method of diversion of said water.

4. Construction work shall commence on or before December 1, 1965.

5. Construction work shall be completed on or before December 1, 1985.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

7. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

8. This permit shall be subject to rights initiated by applications for use within the Sacramento-San Joaquin Delta\* and the watershed of the Sacramento River Basin\*\* regardless of the date of filing said applications.

9. The State Water Rights Board reserves continuing jurisdiction over this permit until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta. Permittee shall on or before January 1, 1962, and each six months thereafter submit to the Board a written report as to the

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\* For the purpose of this Order the Sacramento-San Joaquin Delta shall be that area defined in Water Code Section 12220.

\*\* For the purpose of this Order the Sacramento River Basin shall be that portion of the State encompassed by a line beginning at the Sacramento-San Joaquin Delta at Collinsville thence northeasterly to the crest of the Montezuma Hills; thence northwesterly through the crest of the Vaca Mountains; thence northerly along the crest of Putah, Cache, Stony, Thomas and Cottonwood Creek Basins and along the crest of the Trinity Mountains to Mt. Eddy; thence easterly through Mt. Shasta and along the northern boundary of the Pit River Basin to the crest of the Warner Mountains; thence southerly and westerly along the boundary of the Pit River Basin to Red Cinder Cone Peak; thence easterly along the northern boundary of the Feather River Basin to the crest of the Sierra-Nevada; thence southerly along the crest of the Sierra-Nevada to the southern boundary of the American River Basin; thence westerly along the southern boundary of the American River Basin to the eastern boundary of said Delta; thence northerly, westerly and southerly along the boundary of the Delta to the point of beginning.

progress of negotiations relative to agreement between the permittee and the State of California and/or the permittee and the water users in the Delta and in Northern Contra Costa County.

10. The Board reserves continuing jurisdiction over this permit for an indefinite period not to extend beyond the date of issuance of license for the purpose of coordinating terms and conditions of the permit with terms and conditions which have been or which may be included in permits issued pursuant to other applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Resources Development System.

11. Upon request of the Board, permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this order including the recognition of vested rights and for the further purpose of determining the quantities of water placed to beneficial use under the permit.

12. This permit shall be subject to "Agreement between the United States of America and the Department of Water Resources of the State of California for the Coordinated Operation of the Federal Central Valley Project and the State Feather River and Delta Diversion Projects", dated May 16, 1960, filed of record as Bureau of Reclamation Exhibit 3.

13. Subject to the existence of long-term water delivery contracts between the United States and public agencies and subject to



compliance with the provisions of said contracts by said public agencies, this permit is further conditioned as follows:

(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 the 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 the permit, continue in perpetuity.

14. In accordance with Water Code Section 1393 permittee shall clear the site of the proposed reservoir of all structures, trees and vegetation which would interfere with the use of the reservoir for water storage and recreation purposes.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, on the 30th day of June, 1961.

Kent Silverthorne, Chairman

Ralph J. McGill, Member

W. A. Alexander, Member

The Board finds that no emergency has arisen in the interim requiring imposition of specific permit terms; that additional time for the parties to resolve their problems would not cause injury to any lawful user of water; and that there has been no material change in project operations which would alter the conditions under which salinity incursion is now controlled.

Upon such findings, the Board concludes that the reservation of continuing jurisdiction should be extended.

IT IS HEREBY ORDERED that the State Water Rights Board reserve continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until further order of the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

Adopted as the order of the State Water Rights Board at a meeting duly called and held in Sacramento, California, on the                      day of                      , 19                      .

/s/ Kent Silverthorne  
Kent Silverthorne, Chairman

/s/ Ralph J. McGill  
Ralph J. McGill, Member

/s/ W. A. Alexander  
W. A. Alexander, Member

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

In the Matter of Applications 5625, 5626,  
9363, 9364, 9365, 9366, 9367, 9368, 10588,  
and 15764,

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Applicant

SACRAMENTO RIVER AND DELTA WATER  
ASSOCIATION, ET AL.,

Protestants

Sources: Sacramento  
River, Rock Slough,  
Old River, and  
Channels of the  
Sacramento-  
San Joaquin Delta

*Adopted December 23 1963*

ORDER EXTENDING TIME IN WHICH  
TO FORMULATE TERMS AND CONDITIONS  
RELATIVE TO SALINITY CONTROL  
PURSUANT TO DECISIONS D 990 AND D 1020

Condition No. 25 of the Board's order under Decision D 990, made on February 9, 1961, and condition No. 9 of the Board's order under Decision D 1020, made on June 30, 1961, reserved continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

The initial period of three years was considered reasonable in order to allow the United States, the State of California, and the water users in the Delta an opportunity to work out their problems by mutual agreement; or, failing to reach agreement, to provide the Board with information upon which to make such further order as may be necessary and proper relating to salinity control in the Delta.