

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Eleven Petitions for)	
Partial Assignment of Application 5648C)	Decision: 1581
and Proposed Completed Applications 5648C-1/11)	Source: Tributaries of
State Filing 5648C)	the Calaveras River
)	Above New Hogan Dam
Petitioners as Listed)	County: Calaveras
Protestants as Listed)	

List of Petitioners and Protestants

<u>Sub-Number</u>	<u>Petitioner</u>	<u>Protestant</u>
C-1	Joseph G. Moore	Flintkote Company Stockton East Water District Edward R. & Mary M. Johnson
C-2	Edward R. & Mary M. Johnson	Flintkote Company Stockton East Water District
C-3	Donald J. & Peggy T. Smith	Stockton East Water District
C-4	Mary Joses, Robert J. and Richard L. Mateoli	Flintkote Company Stockton East Water District
C-5	Theodore L. and Lucile M. Fenner	Not protested
C-6	Mary L. & Albert J. Matteoli	Flintkote Company
C-7	Mary L. & Albert J. Matteoli	Not protested
C-8	W. C. Potter and Son, Inc.	Not protested
C-9	Joseph G. Moore	Edward R. & Mary M. Johnson
C-10	Robert W. Perkins, April Perkins & Joseph S. Folsom	Department of Fish & Game Calaveras County Water District
C-11	John P. & Rosemary Faulkner	Not protested

A twelfth Petition (C-12) by William A. and Mary L. Nesler was cancelled on September 17, 1980.

DECISION ASSIGNING PORTIONS OF STATE APPLICATION 5648C AND
APPROVING APPLICATIONS 5648C-1 THROUGH 5648C-11

BY THE BOARD:

The above listed petitioners having filed their respective Applications for partial assignment of State Filing 5648C for permits to appropriate water from tributaries of the Calaveras River above the New Hogan Dam; protests having been received; hearings on May 16, 1978 and October 15, 1979 having been held; the Board having considered all evidence in the record; the Board finds as follows:

Substance of Application

1. State Application 5648 was filed by the State of California on July 30, 1927, under Section 10500 et seq of the Water Code to reserve water for possible projects on the Mokelumne, Calaveras, and Stanislaus Rivers. A partial assignment of the application was made to the U. S. Bureau of Reclamation (Bureau) on May 16, 1962 for appropriation of 800 cfs and 100,000 afa from the Calaveras River at the New Hogan Dam site and assigned the application number 5648C. However, the Bureau filed Application 18812 for the New Hogan Dam and Reservoir and did not pursue Application 5648C. On September 17, 1965 Application 5648C was reassigned to the Board. Calaveras County Water District was granted a release from priority of State Filing 5648C under Permit 15012, but has not proceeded with its project. The following proposed completed applications advertised between January 14, 1977 and October 27, 1978 are seeking assignment of portion of Application 5648C.

Application 5648C-1

Petitioner: Joseph G. Moore
Date Filed: September 13, 1976
Source: Steele Creek

Application 5648C-1
(continued)

Tributary to: South Fork Calaveras River thence New Hogan Reservoir
Quantity: 49 acre-feet per annum (afa) by storage
Season: Between November 1 and May 1
Purposes: Irrigation, stockwatering, recreational, and fire protection
Point of diversion: NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 7, T3N, R12E*
Place of Use: 100 acres within the SW $\frac{1}{4}$ of Section 7, T3N, R12E*

Application 5648C-2

Petitioner: Edward R. & Mary M. Johnson
Date filed: September 17, 1976
Sources: Unnamed Stream
Tributary to: Steel Creek thence South Fork Calaveras River
Quantity: 5 afa by storage
Season: Between November 1 and April 1
Purposes: Irrigation and stockwatering
Points of diversion: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T3N, R12E
Place of Use: 5 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T3N, R12E

Application 5648C-3

Petitioner: Donald J. & Peggy T. Smith
Date Filed: October 6, 1976
Sources: South Fork Esperanza Creek
Tributary to: Esperanza Creek thence North Fork Calaveras River
Quantity: 35 afa by storage

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

Application 5648C-3
(continued)

Season: Between November 1 and April 1
Purposes: Irrigation, domestic, stockwatering, recreational,
and fire protection
Point of diversion: SE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 16, T5N, R13E
Place of Use: 23 acres within the NE $\frac{1}{4}$ of Section 16, T5N, R13E

Application 5648C-4

Petitioner: Mary Joses, Robert J. Matteoli, Richard L. Matteoli
Date filed: November 17, 1976
Sources: Unnamed Stream
Tributary to: Willow Creek thence Calaveritas Creek thence
South Fork Calaveras River

Quantity: 34 afa by storage
Season: Between November 1 and April 30
Purposes: Irrigation, stockwatering, and recreation
Point of diversion: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 21, T4N, R12E
Place of use: 8 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, T4N, R12E

Application 5648C-5

Petitioner: Theodore L. & Lucile M. Fenner
Date filed: December 7, 1976
Source: Wet Gulch
Tributary to: Jesus Maria Creek thence North Fork Calaveras River
Quantity: 14 afa by storage
Season: Between November 1 and March 31
Purpose: Irrigation, stockwatering, fire protection, fish
culture, wildlife enhancement

Application 5648C-5
(continued)

Point of diversion: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 19, T5N, R13E
Place of use: 5 acres within the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 19,
T5N, R13E

Application 5648C-6

Petitioner: Mary L. & Albert J. Matteoli
Date filed: December 10, 1976
Source: Willow Creek
Tributary to: Calaveritas Creek thence South Fork Calaveras River
Quantity: 45 afa by storage
Season: Between November 1 and April 1
Purposes: Irrigation, stockwatering, and recreation
Point of diversion: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 22, T4N, R12E
Place of use: 10 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28, T4N,
R12E; 1 acre within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24,
T4N, R12E

Application 5648C-7

Petitioners: Mary Louise and Albert J. Matteoli
Date filed: January 6, 1977
Sources: Unnamed streams
Tributary to: Willow Creek thence Calavaritas Creek thence
South Fork Calaveras River
Quantity: 5 afa by storage in 5 reservoirs for a total of 25 afa
Season: November 1 to April 30
Purpose: Stockwatering

Application 5648C-7
(continued)

Points of diversion
and Places of Use:

- (1) SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 21, T4N, R12E
- (2) NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, T4N, R12E
- (3) NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 27
- (4) SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27
- (5) NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27

Application 5648C-8

Petitioners: W. C. Potter & Son, Inc.
Date filed: November 7, 1977
Source: Unnamed Stream
Tributary to: New Hogan Reservoir
Quantity: 38 afa
Season: November 1 to April 1
Purposes: Irrigation and stockwatering
Point of diversion: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T4N, R11E
Place of use: 67 acres within the SE $\frac{1}{4}$ of Section 17, T4N, R11E

Application 5648C-9

Petitioner: Joseph G. Moore
Date filed: July 21, 1978
Source: Unnamed Stream
Tributary to: Steele Creek thence South Fork Calaveras River
Quantity: 25 afa
Season: November 1 to April 1
Purpose: Irrigation and stockwatering
Point of diversion: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 18, T3N, R12E
Place of use: 100 acres within S $\frac{1}{2}$ of Section 7, T3N, R12E

Application 5648C-10

Petitioners: Robert W. Perkins, April Perkins, and Joseph S. Folsom

Date filed: August 23, 1978

Source: Jesus Maria Creek

Tributary to: North Fork Calaveras River

Quantity: 3 cubic feet per second with a maximum diversion of 2168 afa

Season: January 1 to December 31

Purposes: Goldmining and fire protection

Point of diversion: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25, T5N, R12E

Place of use: N $\frac{1}{2}$ of Section 25 and S $\frac{1}{2}$ of Section 24, T5N, R12E

Application 5648C-11

Petitioners: John P. and Rosemary Faulkner

Date filed: August 31, 1978

Source: Unnamed Stream

Tributary to: Esperanza Creek thence North Fork Calaveras River

Quantity: 20 afa by storage

Season: December 1 to May 1

Purpose: Irrigation

Point of diversion: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7, T5N, R14E

Place of use: 50 acres within the SW $\frac{1}{4}$ of Section 7, T4N, R14E

Protests

2. Protests were received against Applications 5648C-1, 2, 3, 4, 6, 9 and 10. These protests are discussed in the section entitled "Applicants' Projects and Discussion of Relevant Issues".

Prior Board Decisions

3. Decision 1179, adopted April 21, 1964, ordered permits to be issued on (1) Application 11792 to Calaveras County Water District (CCWD) for appropriation of a total of 30 cfs and 51,200 afa above New Hogan Reservoir; (2) for Application 18812 of the U. S. Bureau of Reclamation (USBR) for 200 cfs and 325,000 afa at New Hogan; and (3) Application 12839 of Stockton and East San Joaquin Water Conservation District, now Stockton East Water District (SEWD) for 200,000 afa by underground storage downstream from New Hogan. The SEWD permit has since been revoked. The decision found that no further unappropriated water remained in the Calaveras River watershed but subjected the permit of USBR to subsequent applications for reasonable quantities of water for stockwatering within the Calaveras River watershed.

4. CCWD was granted a release from priority of State Filing 5648C, but has never proceeded with construction of projects under its permit which is of earlier priority than that of USBR. However, in 1968 CCWD made a partial assignment of 272 afa of water under its permit. The Board later granted the assignee a change in point of diversion, place of use, and character of use as necessary to cover the project.

In June of 1976 the Board adopted a policy that future appropriations in the Calaveras River watershed other than those for stockwatering, as defined by Regulation 657.2 be requested as partial assignment of Application 5648C.

The Bureau objected to this policy because partial assignment of Application 5648C would deplete the yield of New Hogan Reservoir. However, the Bureau felt that the water requirements of users in the watershed above New Hogan Reservoir could be satisfied without depleting the yield of New Hogan and prior vested water rights will be adequately protected with the inclusion of a permit term worded substantially as follows:

"This permit shall be junior in priority to and subject to rights evidenced by permits and licenses for all projects located above and below New Hogan Reservoir for which applications were filed between July 30, 1927 and (date of the application)."

"This permit is junior in priority to Permit 15012 (Application 11792) of Calaveras County Water District. The combined amount diverted under all permits issued pursuant to Application 5648C and Permit 15012 shall not exceed the amount allowed under Permit 15012."

The permit terms essentially place the priority of the reassignment of the State filing at a more equitable time frame. Any depletion of Calaveras River flows would be charged against CCWD's permit which would make water available for appropriations. Reassignments of Application 5648C could therefore be made up to a maximum of 51,200 afa and 30 cfs, including any permits already reassigned. Non-consumptive use permits, so reassigned, should not be subtracted. This is an appropriate manner of allocating water above New Hogan Dam and these permit terms should be made a part of any future permit issued pursuant to reassignment of Application 5648C.

CCWD by letter dated May 15, 1978 concurred with the recommendation that the depletions incurred by individual appropriation be charged against CCWD's allocations of 30 cfs and 51,200 afa. The applications submitted are beneficial to Calaveras County and comply with the overall intent of CCWD's Application 11792 as it pertains to the Calaveras River. These applicants and future applicants must be within the county of origin and any assignment of State Filing 5648C is to comply with the intent of Application 11792.

Applicants' Projects and Discussion of Relevant Issues

5. Each applicant's project and any protests or issues raised by a specific petition will be discussed in this section.

Application 5648C-1

6. The applicant proposes to store water in an existing 49 acre-foot reservoir to supplement water stored in 95 acre-foot and 18 acre-foot reservoirs under licensed Applications 13817 and 18352. The water from all three projects will be used for stockwatering, recreation, fire protection, and irrigation of 100 acres of pasture.

The project was protested by Edward and Mary Johnson, the Flintkote Company, and Stockton East Water District.

The Johnsons claim the applicant's project is located on the same stream as their project (Application 5648C-2) and would interfere with their rights. However, the applicant's project is located on Steele Creek and the Johnsons project is on a tributary to Steele Creek. Because of their relative location the projects of the applicant could not interfere with the Johnsons project and the Johnsons do not have a valid protest to Application 5648C-1.

The Flintkote Company claims the applicant's project could interfere with their rights under licensed Application 12722. It was pointed out to the Flintkote Company at the hearing that the rights they held under Application 12722 would be senior to any permits issued under Application 5648C provided the permit terms recommended by the Bureau were made a part of the permits.

The Stockton East Water District informed the Board that their concerns regarding prior vested rights including licensed Application 6522 and riparian rights, would be satisfied if the permit terms recommended by the Bureau were included in any permits issued.

Application 5648C-2

7. The applicants propose to store water in an existing 5 acre-foot capacity reservoir for stockwatering and irrigation of 5 acres of land.

This application was also protested by the Flintkote Company and Stockton East Water District. The issues raised were the same as for Application 5648C-1 and the protestants concerns should be satisfied with the inclusion of the special permit terms recommended by the Bureau of Reclamation.

Application 5648C-3

8. The applicants propose to store water in an existing 35 acre-foot capacity onstream reservoir for domestic, stockwatering, recreation, fire protection and the irrigation of 23 acres of land.

The Stockton East Water District also protested this application. The issues raised were the same as for Application 5648C-1 and the District's concerns should be satisfied with the inclusion of the special permit terms recommended by the Bureau of Reclamation.

Application 5648C-4

9. The applicant proposes to store water in a 34 acre-foot onstream reservoir for stockwatering, recreation and irrigation of eight acres.

The application was protested by the Flintkote Company and the Stockton East Water District. The issues raised were the same as for Applications 5648C-1 and the protestants concerns should be satisfied as they were for Application 5648C-1 with the inclusion of the special permit terms recommended by the Bureau of Reclamation.

Application 5648C-5

10. The applicants propose to store 14 acre-feet of water in two reservoirs on Wet Gulch. The upper reservoir will have a capacity of six acre-feet and the lower reservoir eight acre-feet. The water will be used for stockwatering, fire protection, fish culture, wildlife enhancement and the irrigation of five acres of pasture.

This application was not protested.

Application 5648C-6

11. The applicant proposes to collect and store 45 acre-feet of water behind a 24 foot earth fill dam to be constructed on Willow Creek. The water will be used at the reservoir for stockwatering 15 head of cattle, irrigation of 11 acres of pasture, and for recreation.

The application was protested by the Flintkote Company. The issues raised were the same as for Application 5648C-1 and the company's rights should be adequately protected under the state permit system.

Application 5648C-7

12. The applicants propose to store 25 acre-feet of water in five reservoirs each with a five acre-foot capacity. The water will be used for stockwatering purposes.

This application was not protested.

Application 5648C-8

13. The applicant proposes to collect 38 acre-feet of water in an existing earth fill dam, 20 feet high and 340 feet long. The water is to be used for irrigation and stockwatering.

This application was not protested.

Application 5648C-9

14. The applicant has constructed an earthen dam 19 feet high forming a reservoir with a capacity of 25 acre-feet. The applicant stores water from natural runoff and water pumped from a well. The water is used to supplement water stored under licensed Applications 13817 and 18352 and pending Application 5648C-1. The applicant seeks to establish a water right for the natural runoff.

This application was protested by Edward and Mary Johnson. The Johnsons claim the reservoir holds back the water that would be used to fill their reservoir, and allege that the dam was constructed without benefit of adequate engineering and poses a potential hazard to their property.

The Johnsons' project and the applicant's project were plotted on a USGS quad map and the watersheds delineated. The area of watershed contributing to the Johnsons' project was calculated to be 171 acres,

hence, even one-inch of rainfall would provide adequate yield for a five acre-foot reservoir. The applicant's project would influence less than 10% of the watershed and should not significantly reduce the inflow to the Johnsons' project.

The applicant has submitted evidence that the dam was designed and the construction of the dam was in accordance with design standards of the U. S. Soil Conservation Service. Structures built in accordance with these standards have proven to be very reliable. Also the construction of the dam was later reviewed by a licensed engineer who verified the above finding. The dam should not present a hazard to the Johnsons.

Application 5648C-10

15. The applicant proposes direct diversion of water via 200 feet of 2½ inch PVC pipe to a mill for the processing of gold ore. The water, after being used in the mill, will be discharged to settling ponds and the water will return to Jesus Maria Creek by percolation. The water in the settling basin will also be recycled through the mill.

The applicant will obtain ore from seven mines located in the vicinity of the mill. Ore from the mines will be stockpiled at the mill and processed at a time when sufficient ore is available. The operation, therefore, does not require continuous water use.

The application was protested by the Department of Fish and Game (Fish and Game) under provisions of Sections 1243 and 1257 of the Water Code and Section 5937 of the Fish and Game Code. Calaveras County Water District (CCWD) protested on the basis of an injury to vested rights.

Fish and Game reviewed the applicant's project and agreed to withdraw its protest if the following term was made part of any permit issued:

"The applicant will maintain 5 cfs, or the natural flow if less, at all times below his diversion. The measuring point for the required streamflow will be below the point of return of the water percolating from the settling ponds (about 300 yards downstream from the diversion point). Applicant will install and maintain a suitable measuring weir so that the flow at the measuring point may be quickly and accurately determined."

The applicant has agreed to accept this condition. CCWD also agreed to withdraw its protest if the above term was made part of the permit.

The applicant has also obtained a waste discharge permit from the Central Valley Regional Water Quality Control Board.

Application 5648C-11

16. The applicant proposes to store water in an existing 20 acre-foot reservoir behind a 23 foot high earth dam for stockwatering and irrigation of a portion of 50 acres of pasture.

This application was not protested.

Availability of Unappropriated Water

17. Decision 1179 ordered a permit to be issued to Calaveras County Water District (CCWD) for a total of 30 cfs and 51,200 afa above New Hogan Reservoir. The decision found that no further unappropriated water remains in the Calaveras River watershed. CCWD, however, has not developed its project and has agreed to have the assignments of these

State filings subtracted from its permit. Unappropriated water, therefore, will be available until the amount specified in CCWD's permit is depleted.

Compliance With Provisions of Water Code Section 10500 et. seq.

18. The assignments under 5648C-1 through 11 are not in conflict with the general or coordinated plan for development of the waters of the State. The water quality objectives established pursuant to law have all been met. A waste discharge permit has been obtained for the mining project under Application 5648C-10. The assignments will not deprive the county of origin of any waters necessary for its development, since all the projects are within the County of origin.

Environmental Considerations

19. This Board decision authorizes projects 5648C-1 through 9 and 5648C-11 which constitute only minor modifications to land, water and vegetation, and such projects are thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

20. The State Board has prepared a Negative Declaration for Application 5648C-10 in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) and the State Guidelines, and the Board determines that there will be no significant effect on the environment as a result of the project.

Record in this Matter

21. The records, documents and information used in deciding this matter are: The files of Applications 5648C-1 through 11, the Engineering Staff Analysis of Record, and past Board Decisions relating to State Filings on the Calaveras River.

Conclusions

22. From the foregoing findings, the Board concludes that Applications 5648C-1 through 11 should be approved and that permits should be issued to the applicants subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that the partial assignments of State Filing 5648C are approved and that permits be issued to the applicants of Applications 5648C-1 through 11 subject to vested rights. The permits shall contain all applicable standard permit terms 6, 7, 8, 9, 10, 11, 12, and 13, and the following terms and conditions:

1. 5648C-1: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 49 acre-feet per annum to be collected from November 1 of each year to May 1 of the succeeding year.

2. 5648C-2: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 5 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

3. 5648C-3: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 35 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

4. 5648C-4: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 34 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year.

5. 5648C-5: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 14 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year.

6. 5648C-6: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 45 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

7. 5648C-7: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 25 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year as follows: (1) 5 acre-feet per annum in first reservoir, (2) 5 acre-feet per annum in second reservoir, (3) 5 acre-feet per annum in third reservoir, (4) 5 acre-feet per annum in fourth reservoir, and (5) 5 acre-feet per annum in fifth reservoir.

"After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season."

8. 5648C-8: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 38 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

9. 5648C-9: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 25 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year.

10. 5648C-10: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 2,168 acre-feet per annum.

The permittee shall maintain 5 cfs, or the natural flow if less, at all times below his diversion. The measuring point for the required streamflow shall be below the point of return of the water percolating from the settling ponds (about 300 yards downstream from the diversion point). Permittee shall install and maintain a suitable measuring weir so that the flow at the measuring point may be quickly and accurately determined.

11. 5648C-11: The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 20 acre-feet per annum to be collected from December 1 of each year to May 1 of the succeeding year.

12. All of the above permits shall contain the following terms:

"This permit shall be junior in priority to and subject to rights evidenced by permits and licenses for all projects located above and below New Hogan Reservoir for which applications were filed between July 30, 1927 and (date of Application). This permit, however, is senior in priority to permitted Application 18812 for appropriation of water at New Hogan Reservoir."

"This permit is junior in priority to Permit 15012 of Calaveras County Water District. The combined amount diverted under all permits issued pursuant to Application 5648C and Permit 15012 shall not exceed the amount allowed under Permit 15012."

"Before making any change in the project determined by the State Water Resources Control Board to be substantial, permittee shall submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a)."

13. Permits for Applications 5648C-1, 3, 4, 6, 8, and 9 shall include the following term:

"Permittee shall, when required by the State Water Resources Control Board, install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released."

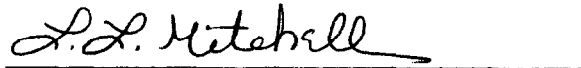
14. Permit for Application 5648C-10 shall include the following

term:

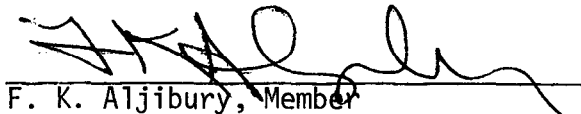
"This permit will be subject to revocation, after opportunity for hearing, if permittee fails to comply with waste discharge requirements imposed by the Regional Water Quality Control Board, Central Valley Region."

Dated: January 21, 1982


Carrie M. Bard, Chairwoman


L. L. Mitchell, Vice-Chairman


Bill B. Dunlap, Member


F. K. Aljibury, Member

10/10/10

