

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Applications) for Temporary Permits:)	ORDER: WR 87- 3
)	
Application 28938 of)	SOURCE: Cedar Creek
JOHN HANCOCK MUTUAL LIFE)	
INSURANCE COMPANY)	COUNTY: Lassen
Applicant,)	
)	
Application 28956 of)	
BARBARA DEAN JONES)	
Applicant,)	
)	
Application 28957 of)	
LOWELL L. NOVY)	
Applicant,)	
)	
Application 28958 of)	
REX B. AND VERONICA OLSEN)	
Applicants,)	
)	
Application 28959 of)	
TOM B. AND MARCIA RATLIFF)	
AND DON WOOL)	
Applicants.)	
)	

ORDER APPROVING APPLICATIONS FOR
TEMPORARY PERMITS

BY THE BOARD:

John Hancock Mutual Life Insurance Company (Hancock); Barbara Dean Jones (Jones); Lowell L. Novy (Novy); Rex B. and Veronica Olsen (Olsen); and Tom and Marcia Ratliff and Don Wool (hereinafter referred to collectively as Ratliff) having filed the respective Applications 28938, 28956, 28957, 28958 and 28959 for temporary urgency permits to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the California Water Code; the Board having reviewed available records, files and decisions which

relate to the availability of water and having consulted with the Department of Fish and Game; the Board having concluded from available information that Hancock, Jones, Novy, Olsen and Ratliff qualify for temporary permits to divert and use water, as provided by Water Code Section 1425, the Board finds as follows:

Substance of the Applications

1. On November 14, 1986, Application 28938 was filed by Hancock for a temporary permit to appropriate a combined total amount of 3,775 acre-feet (af) from Cedar Creek by storage from November 14 to April 15 and by direct diversion of 16 cubic feet per second (cfs) from April 15 to October 15. Water will be used for irrigation of 2,092.5 acres of alfalfa within Sections 26 and 35, T42N, R12E, MDB&M and Sections 2, 11, 12, 14, 15, 22, 23, 26, 27, 34 and 35, T41N, R12E, MDB&M (presently known as Headquarter Ranch).
2. On January 6, 1987, Application 28956 was filed by Jones for a temporary permit to appropriate a combined total amount of 315 af from Cedar Creek by storage from October 1 to April 15 and by direct diversion of four cfs from April 1 to November 1. Water will be used for the stockwatering of 200 head of cattle and the irrigation of 280 acres of alfalfa within Sections 22 and 23, T37N, R13E, MDB&M.
3. On January 6, 1987, Application 28957 was filed by Novy for a temporary permit to appropriate a combined total amount of 2,790 af from Cedar Creek by storage from October 1 to April 15 and by direct diversion of 14 cfs from April 1 to November 1. Water will be used for the stockwatering of approximately 300 head of cattle and the irrigation of 2,490 acres of alfalfa and pasture within Sections 26 and 35, T37N, R12E, and Sections 2, 11 and 12, T36N, R12E, and Section 7, T36N, R13E, MDB&M.

4. On January 6, 1987, Application 28958 was filed by Olsen for a temporary permit to appropriate a combined total amount of 157 af from Cedar Creek by storage from October 1 to April 15 and by direct diversion of two cfs from April 1 to November 1. Water will be used for the stockwatering of 150 head of cattle and the irrigation of 143 acres of alfalfa and grain within Sections 14 and 15, T37N, R13E, MDB&M.
5. On January 6, 1987, Application 28959 was filed by Ratliff for a temporary permit to appropriate a combined total amount of 1,238 af from Cedar Creek by storage from October 1 to April 15 and by direct diversion of five cfs from April 1 to November 1. Water will be used for the stockwatering of 500 head of cattle and the irrigation of 1,107 acres of alfalfa and grain located within Sections 3, 10, 15 and 16, T37N, R13E, MDB&M.

The Projects

6. From 1977 to 1985, Hancock and its predecessors (First Akers and then Pit River Ranches) have diverted Cedar Creek flow from Tule Lake Reservoir to Headquarter Ranch for irrigation under a claimed pre-1914 appropriative right.
7. All flow in Cedar Creek is diverted into Tule Lake Reservoir which has a storage capacity of 35,000 af. The reservoir has no natural outlet back to Cedar Creek. To divert water to Hancock's Headquarter Ranch, water is siphoned from the reservoir and discharged back into the natural channel of Cedar Creek. The water flows down the natural channel to the West Valley Reservoir, operated by the South Fork Irrigation District. This water is either temporarily re-regulated or released into the South Fork Pit River. Hancock rediverts the water into the Westside Canal for delivery to its place of use, for sprinkler irrigation.

8. Jones, Novy, Olsen and Ratliff all take water via an outlet tunnel at the southwest end of Tule Lake Reservoir then down a drainage channel leading to Madeline Reservoir, a regulatory facility built in the 1950's. Water is distributed from this reservoir via Eastside and Westside Canals, a system used since 1911 by land owners north of Brockman Road.
9. Jones rediverts water from the Eastside Canal for flood irrigation of 280 acres.
10. Novy rediverts water from the Westside Canal for flood irrigation of 2,490 acres.
11. Olsen rediverts water from the Eastside and Westside Canals for flood and sprinkler irrigation of 143 acres.
12. Ratliff rediverts water from the drainage canal to irrigate 72 acres. Water is rediverted to irrigate the remaining 1,035 acres from Eastside and Westside Canals and the Fish and Game Ditch. Water is applied by flood and sprinkler irrigation to alfalfa and grain crops .

Availability of Unappropriative Water

13. On May 31, 1977, the Board received a petition for statutory adjudication of Cedar Creek water being stored within Tule Lake Reservoir. The Board granted the petition on March 16, 1978.
14. The Board found when it issued the Order of Determination (Board Order WR 85-5) that:
 - a. Tule Lake Reservoir has an average net yield of 5,500 acre-feet.
 - b. Claimants of the adjudication should be allotted 2,820 acre-feet.

- c. There is an average of 2,680 acre-feet per annum of additional deliverable yield of water within the system.
15. On February 20, 1986, the Lassen County Superior Court entered its Decree affirming the Final Order of Determination (Board Order WR 85-5).
 - a. Hancock was allotted 20 af for stockwatering within all or portions of Sections 3, 4, 9, 10, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34 and 36, T36N, R12E and Sections 17, 18, 19, 20, 29, 30, 31 and 32, T36N, R13E, MDB&M.
 - b. Jones was allotted 35 af for irrigation of 98 acres within portions of Sections 22 and 23, T37N, R13E, MDB&M.
 - c. Novy was allotted 130 af for irrigation of 2,490 acres within portions of Sections 26 and 35, T37N, R12E; Sections 2, 11, and 12, T36N, R12E; and Section 7, T36N, R13E, MDB&M.
 - d. Olsen was allotted 123 af for irrigation of 143 acres within portions of Sections 14 and 15, T37N, R13E, MDB&M.
 - e. Ratliff was allotted 630 af for irrigation of 527 acres within portions of Sections 3, 10, 15 and 16, T37N, R13E, MDB&M.
 16. Hancock's temporary permit No. 19834 (Application 28686) was approved on April 17, 1986 by Board Order WR 86-7 for the 1986 irrigation season.
 17. Ratliff's temporary permit No. 19843 (Application 28830) was validated on June 19, 1986 by Board Order WR 86-8 for the 1986 irrigation season.
 18. The approximate amount of water in Tule Lake Reservoir on February 20, 1987 was 27,000 af. After deducting the minimum pool requirement (6,190 af), allocation under the decree (2,820 af) and losses due to evaporation

and seepage (4,500 af), 13,490 af will remain in Tule Lake Reservoir. Hancock's application for temporary permit seeks 3,775 af leaving about 9,715 af in excess of prior annual requirements.

In accordance with the intention of Jones, Novy, Olsen and Ratliff, as expressed in a letter to Raymond Walsh from Adolph Moskovitz dated March 23, 1987, the temporary permits issued on applications 29856, 29857, 29858, and 29859 shall be given equal priority. Appropriation of the combined total of 4,500 af under the four applications would leave 5,215 af in excess of the prior annual requirements in Tule Lake Reservoir.

Temporary Need

19. Hancock has two pending water right applications (27749 and 27851) which will not be acted upon by the Board before the 1987 irrigation season. Hancock's 2,092.5 acres of alfalfa is a perennial crop and could be damaged or lost causing serious financial impact if water is not available.
20. Jones, Novy, Olsen and Ratliff also have water right applications pending (Nos. 28518, 28610, 28570 and 28571 respectively) which will not be acted upon by the Board before the 1987 irrigation season. All have perennial crops and could suffer serious financial impacts if irrigation water is not available.

Objection and Dismissal Terms

21. Pacific Gas and Electric Company (PG&E) objects to the issuance of temporary permits. The objection is based upon alleged injury to prior vested rights when Cedar Creek flow contributes to West Valley Creek thence South Fork Pit River. PG&E makes riparian claims and holds appropriate rights for use of water from the Pit River.

PG&E will withdraw its objection if diversion of water from Cedar Creek will not occur when flows measured at the Canby Gage Station are 300 cubic feet per second or less. PG&E also wants a term requiring the applicant to install proper measuring devices and provide flow records to PG&E.

22. An objection to Hancock's application for a temporary permit was filed on public interest grounds by Jones, Novy, Olson and Ratliff. The objecting parties have competing applications filed with the Board. They contend that use of water by the land owners in the Madeline Plains, would better serve the public interest. They contend the flow was originally intended for the Madeline Plains, where it has flowed for more than 70 years. No dismissal terms were given.
23. Objections to temporary permits filed by Jones, Novy, Olsen and Ratliff were received from Hancock. The objections claim the diversions would diminish the available supply for Hancock's temporary permit which has an earlier filing date. Hancock's objection stated that their objection may be dismissed if:
 - a. Storage in Tule Lake Reservoir is above 26,225 acre-feet on April 1, 1987. This quantity of water will provide for the minimum pool, decreed rights, evaporation and carryover of 4,500 acre-feet for Hancock's use during the 1988 irrigation season.
 - b. The applicants are required to measure the total quantity of water diverted from Tule Lake Reservoir for use on Madeline Plains, including water diverted under any permits issued pursuant to these applications.

24. The Department of Fish and Game (DFG) filed objections to the issuance of temporary permits for Jones, Novy, Olsen and Ratliff. The objections are based upon environmental issues related to the disturbance of important wildlife habitat, such as that of the Greater Sandhill Crane which the State lists as a "threatened species". DFG is concerned about possible adverse affects of converting seasonally flooded pasture lands to alfalfa.

DFG will withdraw its objections if water appropriated pursuant to the temporary permits is not used in agricultural practices which deviate from recent historical applications.

CEQA

25. The Board has prepared a Negative Declaration for each application in accordance with the California Environmental Quality Act (Public Resource Code, Section 21000 et seq.) and its Guidelines, and the Board determines that with the inclusion of the permit terms there will be no significant effect on the environment as a result of approval of the temporary permits.

Duties of Water and Alternative Sources of Water

26. Hancock cannot contract to purchase water from the local irrigation district. There are two groundwater wells on the ranch. However the Hancock wells do not service the place of use sought under water Application 28938.

27. Hancock has the following licenses to Bayley Reservoir on Crook Canyon Creek:

License 4291 (Application 10079), - Joint holder to collect 745 af for use on 1,965.5 acres within Sections 14, 23, 26, and 35, T41N, R12E and Sections 1, 2, 11, 26, 27 and 35, T40N, R12E, MDB&M.

License 4294 (Application 13526) - Collection of 113 af for use on 1,544.7 acres within Sections 14, 23, 26 and 35, T41N, R12E, and Sections 1 and 2, T40N, R12E, MDB&M.

License 6071 (Application 14759) - Collection of 93.5 af for use within the same acreage as License 4294.

License 6951 (Application 16047) - Collection of 204 af for use within the same acreage as License 4294.

License 6952 (Application 16048) - Collection of 549 af for use within Sections 2 and 11, T40N, R12E, and Section 35, T41N, R12E, MDB&M.

Hancock has a total of 875.5 af available from Bayley Reservoir for use within the requested place of use. Only portions of the place of use under the Hancock's license, within Sections 14, 26 and 35, T41N, R12E, MDB&M are the same lands sought under Hancock's application for temporary permit.

28. The estimated annual demand for Hancock's 2,092.5 acres at the place of use is 4,394.3 af at a duty of 2.1 af per acre per annum.
29. Jones, Novy, Olsen and Ratliff also can not contract to buy water from a local water district. They have groundwater wells for domestic use, which are not adequate to meet irrigation demands.
30. Jones was allotted 35 af by the Decree to irrigate 280 acres and the stockwatering of 200 head of cattle. Jones seeks a amount of 315 af which is based upon an apportionment agreement between the Madeline Plain owners. The irrigation duty is less than the 2.1 af per acre per annum recommended for the area.

31. Novy has 130 af allotted by the Decree to irrigate 2,490 acres and the stockwatering of 300 head of cattle. Novy seeks an amount of 2,790 af which is based upon an apportionment agreement between the Madeline Plain owners. The irrigation duty is less than the 2.1 af per acre per annum recommended for the area.
32. Olsen has 123 af allotted by the Decree to irrigate 143 acres and the stockwatering of 150 head of cattle. Olsen seeks an amount of 157 af which is based upon an apportionment agreement between the Madeline Plain owners. The irrigation duty is less than the 2.1 af per acre per annum recommended for the area.
33. Ratliff is allotted 630 af by the Decree to irrigate 1,107 acres and the stockwatering of 500 head of cattle. Ratliff seeks an amount of 1,238 af which is based upon an apportionment agreement between the Madeline Plain owners. The irrigation duty is less than the 2.1 af per acre per annum recommended for the area.

Objections

34. PG&E objections to the temporary permits are dismissed. Absent the Hancock permit approved herein no water would return to Cedar Creek from Tule Lake Reservoir. Instead, it would flow from Tule Lake Reservoir toward Madeline Plains, outside of the Cedar Creek Watershed. Thus, the temporary permit will augment the flows in the Pit River system at the Headquarter Ranch rediversion point.
35. Hancock's need for water is urgent and no lawful water users will be injured. The joint objection to Hancock's application for a temporary permit filed by Jones, Novy, Olsen and Ratliff is dismissed.

36. Jones, Novy, Olsen and Ratliff have an urgent need for water and no lawful water users will be injured. Permittees will be required to: 1) report the total amount diverted, and 2) install and properly maintain adequate measuring devices. Therefore, Hancock's objections are dismissed.
37. DFG's objections to the issuance of temporary permits for Jones, Novy, Olsen and Ratliff are dismissed. Each will have a permit term which addresses the conversion of pasture land to alfalfa.

Automatic Expiration of Temporary Permits

38. The temporary permits issued herein will automatically expire 180 days after they are issued. Therefore, to the extent that the applications herein request authorization to divert water to storage prior to the date when the permits are issued, those parts of the applications are denied.

No Effect on Board's Future Decision

39. Issuance of temporary permits on Application Numbers 28938, 28956, 28957, 28958 and 28959 is independent of any action the Board may take on pending applications for rights to water from Tule Lake Reservoir or from Cedar Creek. No finding herein shall be construed as predeciding any issues relevant to the Board's consideration of the pending applications, including but not limited to the issue whether there is hydraulic continuity between the upper reach of Cedar Creek and Pit River.

No Unreasonable Effects on Fish and Wildlife and Other Beneficial Uses

40. Under the terms and conditions set forth herein, and under the current circumstances, the water sought under these applications may be diverted and used without unreasonable effects upon fish, wildlife or other instream beneficial use.

Public Interest

41. The proposed diversion and uses are in the public interest under terms and conditions set forth herein, and under the current circumstances.

Conclusion

42. Based on the foregoing findings, the Board concludes that Application Numbers 28938 (Hancock), 28956 (Jones), 28957 (Novy), 28958 (Olsen) and 28959 (Ratliff) should be approved and temporary permits issued to the applicants subject to the conditions set forth in the following order.

ORDER

IT IS HEREBY ORDERED that Application 28938 (Hancock) be approved for irrigation purposes, and Applications 28956 (Jones), 28957 (Novy), 28958 (Olsen) and 28959 (Ratliff) be approved for irrigation and stockwatering purposes and that temporary permits be issued to the applicants subject to vested rights. The permits shall contain standard permit term 23 (a copy of the Board's standard permit terms is available upon request) in addition to the following terms and conditions:

1. This temporary permit is issued and permittee takes it subject to the California Water Code, Division 2, Chapter 6.5, Section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board. Any temporary permit shall automatically expire 180 days after the date of its issuance, unless an earlier date is specified or it has been revoked.
2. The Board shall supervise diversion and use of water under the temporary permit for the protection of vested rights and instream beneficial uses and

for compliance with permit conditions. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this temporary permit.

3. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary permit, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control 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.
4. The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view to eliminating waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source.
5. The permittee shall report to the State Water Resources Control Board by December 1, 1987, the maximum rate of diversion and the total acre-feet diverted under this temporary permit.
6. The permittee, with the cooperation of the other diverters, shall install and properly maintain in Tule Lake Reservoir a staff gage satisfactory to the State Water Resources Control Board, for the purpose of determining water levels and the amount of water held in storage in the reservoir.

IT IS FURTHER ORDERED that the permit issued on Application 28938 (Hancock) shall contain the following terms and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 16 cubic feet per second by direct diversion to be diverted from the date of this temporary permit to October 15, 1987 and rediversion of 3,775 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from the date of this temporary permit to October 15, 1987. The total amount of water to be taken from the sources under this temporary permit shall not exceed 3,775 acre-feet.
2. The permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water contained in Tule Lake Reservoir. The reservoir must contain more than 13,510 acre-feet before any use under this temporary permit may commence. If the amount in storage as of the date of this temporary permit is under 17,285 acre-feet (13,510 plus 3,775 AF), the permittee may divert the difference between the amount in storage and the 13,510 acre-feet.
3. The permittee shall record the staff gage reading at the beginning and end of the irrigation season and shall report the readings to the State Water Resources Control Board by December 1, 1987.
4. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

IT IS FURTHER ORDERED that the permit issued on Application 28956 (Jones) shall contain the following terms or conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 4 cubic feet per second by direct diversion to be diverted from the date of issuance of this temporary permit and ending 180 days thereafter and rediversion of 315 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from the date of issuance of this temporary permit and ending 180 days thereafter. The total amount of water to be taken from the sources under this temporary permit shall not exceed 315 acre-feet.
2. Permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water stored in Tule Lake Reservoir. The reservoir must contain more than 17,285 acre-feet before any use under this temporary permit may commence. If the amount in storage as of the date of the temporary permit is less than 21,785 acre-feet, the permittee correlatively with the permittees under applications 28957, 28958 and 29859 may divert the difference between the amount in storage and 17,285 acre-feet.
3. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. The permittee shall locate said measuring device in the channel between the outlet of the tunnel from Tule Lake Reservoir and Madeline Reservoir.

4. Permittee shall not utilize water under this temporary permit to convert lands from growing pasture grass to alfalfa unless alfalfa has been part of an established rotation pattern on the authorized place of use within the past five years.
5. Permittee shall report to the State Water Resources Control Board by December 1, 1987 the types of crops irrigated under this temporary permit and the types of crops grown in the place of use of water under this permit within the past five years.

IT IS FURTHER ORDERED that the permit issued on Application 28957 (Novy) shall contain the following terms or conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 14 cubic feet per second by direct diversion to be diverted from the date of issuance of this temporary permit and ending 180 days thereafter and rediversion of 2,790 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from the date of issuance of this temporary permit and ending 180 days thereafter. The total amount of water to be taken from the sources under this temporary permit shall not exceed 2,790 acre-feet.
2. Permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water stored in Tule Lake Reservoir. The reservoir must contain more than 17,285 acre-feet before any use under this temporary permit may commence. If the amount in storage as of the date of the temporary permit is less than 21,785 acre-feet, the permittee correlatively with the permittees under applications 28956, 28958, and 28959 may divert the difference between the amount in storage and the 17,285 acre-feet.

3. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. The permittee shall locate said measuring device in the channel between the outlet of the tunnel from Tule Lake Reservoir and Madeline Reservoir.
4. Permittee shall not utilize water under this temporary permit to convert lands from growing pasture grass to alfalfa unless alfalfa has been part of an established rotation pattern on the authorized place of use within the past five years.
5. Permittee shall report to the State Water Resources Control Board by December 1, 1987 the types of crops irrigated under this temporary permit and the types of crops grown in the place of use of water under this permit within the past five years.

IT IS FURTHER ORDERED that the permit issued on Application 28958 (Olsen) shall contain the following terms or conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed two cubic feet per second by direct diversion to be diverted from the date of issuance of this temporary permit and ending 180 days thereafter and rediversion of 157 acre-feet of water stored in Tule Lake Reservoir to be withdrawn from the date of issuance of this temporary permit and ending 180 day thereafter. The total amount of water to be taken from the sources under this temporary permit shall not exceed 157 acre-feet.
2. Permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water stored in Tule Lake Reservoir. The reservoir must contain more than 17,285 acre-feet before any use under

this temporary permit may commence. If the amount in storage as of the date of the temporary permit is less than 21,785 acre-feet, the permittee correlatively with the permittees under applications 28956, 28957, and 28959 may divert the difference between the amount in storage and the 17,285 acre-feet.

3. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. The permittee shall locate said measuring device in the channel between the outlet of the tunnel from Tule Lake Reservoir and Madeline Reservoir.
4. Permittee shall not utilize water under this temporary permit to convert lands from growing pasture grass to alfalfa unless alfalfa has been part of an established rotation pattern on the authorized place of use within the past five years.
5. Permittee shall report to the State Water Resources Control Board by December 1, 1987 the types of crops irrigated under this temporary permit and the types of crops grown in the place of use of water under this permit within the past five years.

IT IS FURTHER ORDERED that the permit issued on Application 28959 (Ratliff) shall contain the following terms or conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed five cubic feet per second by direct diversion to be diverted from the date of issuance of this temporary permit and ending 180 day thereafter and rediversion of 1,238 acre-feet of water

stored in Tule Lake Reservoir to be withdrawn from the date of issuance of this temporary permit and ending 180 days thereafter. The total amount of water to be taken from the sources under this temporary permit shall not exceed 1,238 acre-feet.

2. Permittee shall report to the Board within 15 days of the issuance of this temporary permit the amount of water stored in Tule Lake Reservoir. The reservoir must contain more than 17,285 acre-feet before any use under this temporary permit may commence. If the amount in storage as of the date of the temporary permit is less than 21,785 acre-feet, the permittee correlatively with the permittees under applications 28956, 28957 and 28958 may divert the difference between the amount in storage and the 17,285 acre-feet.
3. No water shall be diverted under the permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. The permittee shall locate said measuring device in the channel between the outlet of the tunnel from Tule Lake Reservoir and Madeline Reservoir.
4. Permittee shall not utilize water under this temporary permit to convert lands from growing pasture grass to alfalfa unless alfalfa has been part of an established rotation pattern on the authorized place of use within the past five years.

5. Permittee shall report to the State Water Resources Control Board by December 1, 1987 the types of crops irrigated under this temporary permit and the types of crops grown in the place of use of water under this permit within the past five years.

CERTIFICATION

The undersigned Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 16, 1987.

AYE: W.D. Maughan
 D.E. Ruiz
 D. Walsh
 E.H. Finster
 E.M. Samaniego

NO: None

ABSENT: None

ABSTAIN: None



Maureen Marche
Administrative Assistant to the Board