

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814



**ORDER ALLOWING CHANGES IN POINTS OF DIVERSION,
CHARACTER OF USE AND TOTAL QUANTITY LIMIT;
AMENDING PERMIT TERMS 5 AND 13 AND ADDING
PERMIT TERM 21**

Permit 15026

Application 5632

WHEREAS the State Water Resources Control Board has found that the requested changes under Permit 15026 for which petitions were submitted on September 30, 1971 will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said point of diversion, character of use and total quantity limit in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission is hereby granted to: (1) change the points of diversion under said Permit 15026 to be described as follows,

- (a) NEW BULLARDS BAR DAM, SOUTH 54°30' EAST 2,350 FEET FROM NW CORNER OF SECTION 25, T15N, R7E, MDB&M, BEING WITHIN SE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 25.
- (b) PROPOSED MARYSVILLE AFTERBAY DAM WITHIN SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 29, T16N, R5E, MDB&M (PRECISE LOCATION TO BE DETERMINED AT TIME OF CONSTRUCTION).

(2) change the character of use under said Permit 15026 to read as follows:

**IRRIGATION, FLOOD CONTROL, DOMESTIC, INDUSTRIAL,
RECREATIONAL, FISH MITIGATION AND FISH ENHANCEMENT**

(3) change Permit Term 6 to read:

THE TOTAL QUANTITIES OF WATER APPROPRIATED UNDER LICENSES 435, 436, 777, AND 5544 AND WATER TO BE APPROPRIATED BY STORAGE UNDER PERMITS 15025, 15026, 15027, 15028, 15029, AND 15030 SHALL BE LIMITED TO 960,000 ACRE-FEET PER ANNUM AT NEW BULLARDS BAR RESERVOIR, AND

IT IS FURTHER ORDERED that: (1) Permit Term 5 be amended by addition of the following:

THE TOTAL AMOUNT OF WATER APPROPRIATED UNDER THIS PERMIT SHALL NOT EXCEED 1,140,000 ACRE-FEET ANNUALLY. *superceded*

(2) Permit Term 13 be amended by addition of the following:

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

(3) Permit Term 21 be added to the permit as follows:

THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE

DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER
QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY
OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CON-
TROL OF WASTE DISCHARGES.

Dated: MAY 11 1973

K. L. Woodward

K. L. Woodward, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2002-0005-DWR

IN THE MATTER OF PERMIT 15026 (APPLICATION 5632)
TEMPORARY CHANGE INVOLVING THE TRANSFER
OF UP TO 162,050 ACRE-FEET OF WATER
FROM THE YUBA COUNTY WATER AGENCY
TO THE DEPARTMENT OF WATER RESOURCES
AND CONTRA COSTA WATER DISTRICT

ORDER AUTHORIZING TEMPORARY CHANGE IN PLACE OF USE,
PURPOSE OF USE, AND POINT OF REDIVERSION
BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On February 19, 2002

Yuba County Water Agency
c/o Curt Aikens
1402 D Street
Marysville, CA 95901

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725, et seq. By letter of April 15, 2002, Yuba County Water Agency (YCWA) modified its petition. As modified, YCWA's petition requests the transfer of up to 162,050 acre-feet (af) of water to the Contra Costa Water District (CCWD) and the Department of Water Resources (DWR). Of this total, up to 5,000 af of water is intended for use by CCWD and up to 157,050 af of water is intended for use by DWR under its portion of the CALFED Environmental Water Account (EWA) and its 2002 Dry Year Water Purchase Program. Additionally, YCWA has requested that the proposed place of use water include the Yuba River (downstream of Daguerre Dam) thence the Feather River thence the Sacramento River to the Delta for the purpose of preservation and enhancement of fish and wildlife resources in accordance with the provisions of Water Code section 1707. If approved, the temporary change may be effective for up to one year from the date of approval.

1.1 Description of the Transfer YCWA proposes to transfer up to 162,050 af of water under Permit 15026 (Application 5632) to CCWD and DWR. To facilitate the transfer, YCWA proposes to release up to 162,050 af of water currently stored in the New Bullards Bar Reservoir between June 1 and October 31, 2002. Water would be released from New Bullards Bar Reservoir into Englebright Reservoir (via the Colgate Power House) thence the Yuba River (through Daguerre

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 15026)
(Application 5632),)
YUBA COUNTY WATER AGENCY,)
Permittee,)
CALIFORNIA SPORTFISHING)
PROTECTION ALLIANCE,)
Interested Party.)

ORDER: WR 91-05
SOURCES: North Yuba, Yuba
Middle Yuba, and
Oregon Creek
COUNTIES: Yuba, Nevada,
Butte, and Sutter

ORDER DISMISSING PETITION FOR RECONSIDERATION
OF APRIL 19, 1991 ORDER WHICH REVISED CONDITIONS
OF APPROVAL FOR TEMPORARY TRANSFER OF WATER
FOR USE IN NAPA COUNTY

BY THE BOARD:

1.0 INTRODUCTION

Yuba County Water Agency (YCWA) having filed a temporary change petition to transfer water for use in Napa County; the change having been approved on March 27, 1991 in an order signed by State Water Resources Control Board (State Board) Executive Director Walter G. Pettit; the conditions specified in the March 27 order having been revised in a subsequent order dated April 19, 1991; the California Sportfishing Protection Alliance (CSPA) having petitioned for reconsideration of the April 19 order; the issues raised by the petition for reconsideration having been duly considered; the State Board finds as follows:

Scott Hill
5632

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 15026)
on Application 5632 of)
YUBA COUNTY WATER AGENCY,)
Petitioner.)
_____)

ORDER: WR 90-11

SOURCE: North Yuba, Yuba,
Middle Yuba, and
Oregon Creek

COUNTY: Yuba, Nevada, Butte,
and Sutter

ORDER AFFIRMING ORDER WR 90-8
AND DENYING PETITION FOR RECONSIDERATION

BY THE BOARD:

1.0 INTRODUCTION

The State Water Resources Control Board (Board) having adopted Order WR 90-8 on May 17, 1990, approving temporary changes in purpose of use and place of use; the Board having received a timely petition for reconsideration from California Sportfishing Protection Alliance (CSPA), the Bay Institute of San Francisco (BISF), and Pacific Coast Federation of Fishermen's Association (PCFFA), hereinafter referred to collectively as Objector; the Board having duly considered the issues set forth in the petition for reconsideration, the Board finds as follows:

2.0 GROUNDS FOR RECONSIDERATION

Section 768 of Title 23 of the California Code of Regulations lists four causes upon which a petition for reconsideration may be based:

Field File
5632

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 15026)
on Application 5632 of)
YUBA COUNTY WATER AGENCY,)
Petitioner.)

ORDER: WR 90-8
SOURCE: North Yuba, Yuba,
Middle Yuba, and
Oregon Creek
COUNTY: Yuba, Nevada, Butte,
and Sutter

ORDER APPROVING TEMPORARY CHANGES IN
PURPOSE OF USE AND PLACE OF USE
INVOLVING TEMPORARY TRANSFER

BY THE BOARD:

1.0 INTRODUCTION

Yuba County Water Agency (YCWA) having filed a petition on April 4, 1990 under Water Code Section 1725 et seq. for a temporary transfer of water involving a temporary change in purpose of use and place of use; the petition having been supplemented for the third time on April 20, 1990; objections to the proposed transfer and additional information concerning the proposed transfer having been received by May 10, 1990; the State Water Resources Control Board (Board) having adequate information in its files to make the findings required by Water Code Section 1727(a); additional comments having been received on May 17, 1990 during the Board's meeting to consider adopting this Order; the Board having evaluated all information available to it; the Board finds as follows:

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15026,)
15027, and 15030 on)
Applications 5032, 15204, and)
15574 of)
YUBA COUNTY WATER AGENCY,)
Petitioner,)
CALIFORNIA SPORTFISHING)
PROTECTION ALLIANCE,)
UNITED ANGLERS OF CALIFORNIA,)
U. S. FISH AND WILDLIFE SERVICE,)
BAY INSTITUTE OF SAN FRANCISCO,)
and the CALIFORNIA DEPARTMENT)
OF FISH AND GAME,)
Interested Parties.)

ORDER: WR [REDACTED]
SOURCES: North Yuba, Yuba,
Middle Yuba, and
Oregon Creek
COUNTIES: Yuba, Nevada,
Butte, and Sutter

ORDER DISMISSING PETITION FOR RECONSIDERATION
OF ORDER WR 89-17
AND DIRECTING THAT SPECIFIED INFORMATION
BE PROVIDED TO THE
CALIFORNIA SPORTFISHING PROTECTION ALLIANCE

BY THE BOARD:

1.0 INTRODUCTION

The Board having issued Order WR 89-17 on July 20,
1989; Order WR 89-17 having approved a temporary
transfer of water from Yuba County Water Agency to the
Department of Water Resources; a petition for
reconsideration of Order WR 89-17 having been filed on
August 21, 1989 by the California Sportfishing
Protection Alliance; the issues raised by the petition
having been duly considered; the Board finds as
follows:

LET'S FOR THE... [REDACTED]

A15204

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional	)	ORDER:	WR 15204
Temporary Urgency Change Order on	)	SOURCES:	North Yuba, Yuba,
Permits 15026, 15027 and 15030,	)		and Middle Yuba
Applications 15202 , 15204 and 15574	)		Rivers and Oregon
	)		Creek
YUBA COUNTY WATER AGENCY,	)	COUNTIES:	Yuba, Nevada,
Permittee.	)		Butte and Sutter

ORDER VALIDATING THE ISSUANCE OF A
CONDITIONAL TEMPORARY URGENCY CHANGE ORDER
TO ADD A POINT OF REDIVERSION
ADD A PURPOSE OF USE AND PLACE OF USE
TO DELIVER WATER TO THE GRASSLAND WATER DISTRICT

BY THE BOARD:

The Yuba County Water Agency (YCWA) having filed a petition for a temporary urgency change in point of rediversion, purpose of use and place of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); Board Chairman Maughan having issued a conditional temporary urgency change order on August 23, 1989 subject to review and validation by the Board within 30 days as provided by Water Code Section 1435(d); the Board finds as follows:

DAY FOR FIELD ENGINEER

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15026,)
15027, and 15030 on)
Applications ~~15022~~, 15204, and)
15574 of)
YUBA COUNTY WATER AGENCY,)
Petitioner,)
CALIFORNIA SPORTFISHING)
PROTECTION ALLIANCE, UNITED)
ANGLERS OF CALIFORNIA,)
U. S. FISH AND WILDLIFE)
SERVICE, BAY INSTITUTE OF)
SAN FRANCISCO, and the)
CALIFORNIA DEPARTMENT OF FISH)
AND GAME,)
Interested Parties.)

ORDER: WR ~~15022~~

SOURCES: North Yuba, Yuba,
Middle Yuba, and
Oregon Creek

COUNTIES: Yuba, Nevada,
Butte, and Sutter

ORDER APPROVING
PETITION FOR TEMPORARY CHANGES IN
POINT OF DIVERSION, PURPOSE OF USE, AND PLACE OF USE
INVOLVING TEMPORARY TRANSFER

BY THE BOARD:

1.0 INTRODUCTION

Yuba County Water Agency (YCWA) having filed a petition on March 28, 1989 under Water Code Section 1725 for a temporary transfer of water involving a temporary change in point of diversion, purpose of use and place of use; the petitions having been amended on April 11, 1989; objections to the proposed transfer having been received; a hearing having been held on June 13, 1989; the petition having been amended on June 14, 1989 and

COPY FOR FIELD ENGINEER

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional Temporary)
Urgency Change Order On Permits 15026)
15027 and 15030 issued pursuant to)
Applications [redacted], 15204 and 15574)
YUBA COUNTY WATER AGENCY)
Permittee)

ORDER: WR [redacted]
SOURCES: North Yuba, Yuba,
and Middle Yuba
Rivers and Oregon
Creek
COUNTIES: Yuba, Nevada
Butte and Sutter

ORDER MODIFYING AND VALIDATING ISSUANCE OF
CONDITIONAL TEMPORARY URGENCY CHANGE
IN PURPOSE OF USE AND PLACE OF USE

BY THE BOARD:

The Yuba County Water Agency (YCWA) having filed a petition for a temporary Urgency Change in purpose of use and place of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); Board Chairman Maughan having concluded from available information that YCWA qualifies for a Temporary Urgency Change and having issued a Conditional Temporary Urgency Change Order on August 19, 1988, subject to review and validation by the Board as provided by Water Code Section 1435(d); the Board finds as follows:

Substance of the Proposed Change

1. The August 19, 1988 petition requests temporary urgency changes in Permits 15026, 15027, and 15030 of YCWA. The changes would be in purpose of use and place of use of up to 12,000 acre-feet (af) of water stored in New

FOR FIELD ENGINEER

15204

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 15026, 15027,)
and 15030 on Applications ~~1522~~, 15204,)
and 15574 of)
YUBA COUNTY WATER AGENCY,)
Petitioner,)
CALIFORNIA SPORTFISHING PROTECTION)
ALLIANCE,)
Protestant.)

ORDER: WR ~~12~~
SOURCES: North Yuba, Yuba,
Middle Yuba, and
Oregon Creek
COUNTIES: Yuba, Nevada,
Butte, and Sutter

ORDER APPROVING TEMPORARY CHANGES IN
PURPOSE OF USE AND PLACE OF USE INVOLVING TRIAL TRANSFER

BY THE BOARD:

1.0 INTRODUCTION

Yuba County Water Agency (YCWA) having filed a petition on April 18, 1988 under Water Code Section 1735 for a trial transfer of water involving a temporary change of place of use and purpose of use; a protest having been received; a hearing having been held on May 26, 1988; the State Water Resources Control Board (Board) having duly considered all evidence in the record; the Board finds as follows:

2.0 SUBSTANCE OF PETITION

YCWA has petitioned for a trial transfer of 185,000 acre-feet (af) of water from storage in New Bullards Bar Reservoir (Bullards Bar) under Permits 15026, 15027 and 15030 of YCWA to the Department of Water

FIELD ENGINEER

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5632

PERMIT 15026

LICENSE _____

ORDER TO ADD A POINT OF DIVERSION AND REDIVERSION
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 15026 was issued to Yuba County Water Agency on March 28, 1966 pursuant to Application 5632.
2. A petition to add a point of diversion and rediversion on the Yuba River has been filed with the State Water Resources Control Board (Board).
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Permit Condition 13 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this permit shall be as follows:

1. New Bullards Bar Dam - South 54°30' East 2,350 feet from NW corner of Section 25, T18N, R7E, MDB&M, being within SE¼ of NW¼ of said Section 25. Also described as California Coordinate System, Zone 2, North 629,700 East 2,242,800.
2. Proposed Marysville Afterbay Dam - within SW¼ of SW¼ of Section 29, T16N, R5E, MDB&M, (precise location to be determined at time of construction).

Point of Diversion and Rediversion

3. For Browns Valley Irrigation District - South 1,800 feet and West 1,300 feet from NE corner of Section 29, T16N, R5E, MDB&M, being within SE¼ of NE¼ of said Section 29. Also described as California Coordinate System, Zone 2, North 565,000 East 2,161,550.
2. Condition 13 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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.

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

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (00000)

3. Condition 22 is added to this permit as follows:

Permittee shall not divert water from Browns Valley Irrigation District's "Pumpline Diversion Facility" located South 1,800 feet and West 1,300 feet from NE corner of Section 29, T16N, R5E; being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, MDBAM, until the permittee has installed fish screening devices satisfactory to the Department of Fish and Game, in accordance with "Agreement for the Installation of a Rock Barrier at the Diversion Facilities of Browns Valley Irrigation District", entered in April 27, 1982, between the Browns Valley Irrigation District and the Department of Fish and Game.

Dated: DECEMBER 23 1988

WALTER C. PERRIT
WALTER C. PERRIT
Walter C. Perrit, Chief
Division of Water Rights

STATE OF CALIFORNIA—RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15026

Application 5632 of Yuba County Water Agency

c/o Alvin Landis, Atty. at Law, Suite 1116, 926 J Building, Sacramento, California 95814

filed on July 30 19 87, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Name of source(s):

Tributary to:

- | | |
|-----------------------------|--------------------------|
| (a) <u>North Yuba River</u> | (a) <u>Yuba River</u> |
| (b) <u>Yuba River</u> | (b) <u>Feather River</u> |
| (c) _____ | (c) _____ |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(a) <u>New Bullards Bar Dam</u> <u>S 34° 30' E 2690' from NW corner Section 25</u>	<u>SE 1/4 of NW 1/4</u>	<u>25</u>	<u>18N</u>	<u>7E</u>	<u>MDB&M</u>
(b) <u>New Colgate Diversion Dam</u> <u>N 76° 30' E 1820' from SW corner Section 25</u>	<u>SE 1/4 of SW 1/4</u>	<u>25</u>	<u>18N</u>	<u>7E</u>	<u>MDB&M</u>
(c) <u>Irrigation Diversion Weir on Yuba River</u> <u>N 42° 10' W 3475' from SE corner Section 28</u>	<u>NW 1/4 of SE 1/4</u>	<u>28</u>	<u>16N</u>	<u>5E</u>	<u>MDB&M</u>
(d)	<u>1/4 of 1/4</u>				
(e)	<u>1/4 of 1/4</u>				

County of Yuba

3. Place of use: Within Yuba County Water Agency service area consisting of a net irrigable area of 102,989 acres within a gross area of 121,366 acres, as shown on map in support of this application on file with the State Water Rights Board.

4. Purpose(s) of use: Irrigation, flood control, domestic, industrial, and recreational.

COPY FOR FIELD ENGINEER

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 43 cubic feet per second (cfs) by direct diversion from North Yuba River at New Colgate Diversion Dam; and 1550 cfs by direct diversion from Yuba River at the Irrigation Diversion Weir; and shall not exceed 490,000 acre-feet per annum (afa) by storage in New Bullards Bar Reservoir on North Yuba River. The storage season is from about October 1 of each year to about June 30 of the succeeding year. The direct diversion season is from about September 1 of each year to about June 30 of the succeeding year.

6. The total quantities of water to be appropriated by storage under permits issued pursuant to Applications 5631, 5632, 15204, 15205, 15563, and 5574 shall be limited to 990,000 afa at New Bullards Bar Reservoir and 6000 afa at Timbuctoo Afterbay.

7. The maximum amounts herein stated may be reduced in the license if investigation warrants.

8. Actual construction work shall begin on or before June 1, 1967, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, the permits may be revoked.

9. Construction work shall be completed on or before December 1, 1973.

10. Application of the water to the proposed uses shall be completed on or before December 1, 2010.

11. Upon the 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 limitations and conditions of this permit including the recognition of vested rights and for the purpose of determining the quantities of water placed to beneficial use under the permit both by direct diversion and storage.

12. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the state Water Rights Board until license is issued.

13. All rights and privileges under this permit including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

14. This permit does not authorize collection of water to storage outside of the specified storage season to offset evaporation or seepage losses or for any other purpose.

15. Permittee shall allow representatives of the State Water Rights 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 permit.

16. In accordance with Water Code Section 1393, Yuba County Water Agency shall clear the site of New Bullards Bar Reservoir and the reservoir to be created by the Irrigation Diversion Weir on Yuba River of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreation purposes.

17. This permit is subject to compliance with Water Code Section 10504.5(a).

18. This permit is subject to lawful appropriation of water for use in any county in which the water originates without regard to the time such appropriations are initiated.

19. This permit is subject to that certain agreement between Yuba County Water Agency and Nevada Irrigation District dated November 13, 1961, filed of record with the State Water Rights Board as Yuba's Exhibit 37 at the hearing of Applications 5631 etc., insofar as such agreement relates to matters within the jurisdiction of the Board.

20. This permit is subject to that certain agreement between Yuba County Water Agency and the California Department of Fish and Game dated November 28, 1962, and filed of record with the State Water Rights Board as Yuba's Exhibit 38 at the hearing of Applications 5631 etc., insofar as such agreement relates to matters within the jurisdiction of the Board.

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

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

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

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

Dated: MAR 28 1966

STATE WATER RIGHTS BOARD

L. K. Hill

L. K. Hill
Executive Officer

recording requested by:
STATE WATER RESOURCES CONTROL BOARD
Pursuant to Government Code Sec. 6103.

When recorded, mail to:
STATE WATER RESOURCES CONTROL BOARD
Room 1140, Resources Building
1416 Ninth Street
Sacramento, California 95814

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5632

PERMIT 15026

LICENSE _____

ORDER FOR CORRECTION OF PERMIT TERMS

WHEREAS:

1. Terms No. 5 and No. 6 of Permit 15026 as amended by Order of the State Water Resources Control Board dated May 11, 1973, have been found to incorrectly designate the amount of water which may be appropriated annually under Permit 15026 and the limitation of diversion to storage in New Bullards Bar Reservoir under the several permits and licenses of the Yuba County Water Agency has been incorrectly designated and the State Water Resources Control Board has determined that good cause for correction has been shown.

2. Correction of Terms 5 and 6 of Permit 15026 does not involve any physical change, and said correction will not operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED:

1. That Term No. 5 of Permit 15026 be corrected to read as follows:

THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 43 CUBIC FEET PER SECOND (CFS) BY DIRECT DIVERSION FROM NORTH YUBA RIVER; AND 1,550 CFS BY DIRECT DIVERSION FROM YUBA RIVER; AND SHALL NOT EXCEED 490,000 ACRE-FEET PER ANNUM (AFA) BY STORAGE IN NEW BULLARDS BAR RESERVOIR ON NORTH YUBA RIVER. THE STORAGE SEASON IS FROM OCTOBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR. THE DIRECT DIVERSION SEASON IS FROM SEPTEMBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR.

THE TOTAL AMOUNT OF WATER TAKEN FROM THE SOURCES UNDER THIS PERMIT SHALL NOT EXCEED 1,159,000 ACRE-FEET PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30.

COPY FOR FIELD ENGINEER

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5632

PERMIT 15026

LICENSE _____

ORDER TO ADD A POINT OF DIVERSION AND REDIVERSION
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 15026 was issued to Yuba County Water Agency on March 28, 1966 pursuant to Application 5632.
2. A petition to add a point of diversion and rediversion on the Yuba River has been filed with the State Water Resources Control Board (Board).
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Permit Condition 13 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this permit shall be as follows:
 1. New Bullards Bar Dam - South 54°30' East 2,350 feet from NW corner of Section 25, T18N, R7E, MDB&M, being within SE¼ of NW¼ of said Section 25. Also described as California Coordinate System, Zone 2, North 629,700 East 2,242,800.
 2. Proposed Marysville Afterbay Dam - within SW¼ of SW¼ of Section 29, T16N, R5E, MDB&M, (precise location to be determined at time of construction).

Point of Diversion and Rediversion

3. For Browns Valley Irrigation District - South 1,800 feet and West 1,300 feet from NE corner of Section 29, T16N, R5E, MDB&M, being within SE¼ of NE¼ of said Section 29. Also described as California Coordinate System, Zone 2, North 565,000 East 2,161,550.
2. Condition 13 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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.

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

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Condition 22 is added to this permit as follows:

Permittee shall not divert water from Browns Valley Irrigation District's "Pumpline Diversion Facility" located South 1,800 feet and West 1,300 feet from NE corner of Section 29, T16N, R5E; being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 29, MDB&M, until the permittee has installed fish screening devices satisfactory to the Department of Fish and Game, in accordance with "Agreement for the Installation of a Rock Barrier at the Diversion Facilities of Browns Valley Irrigation District", entered in April 27, 1982, between the Browns Valley Irrigation District and the Department of Fish and Game. (0000999)

Dated: DECEMBER 23 1983

for Lloy Johnson
Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5632

PERMIT 15026

LICENSE _____

ORDER AMENDING THE PERMIT

WHEREAS:

1. Permit 15026 was issued to Yuba County Water Agency on March 28, 1966.
2. After reviewing the permittee's Plan of Compliance, the staff recommended and the Permittee agreed to a term being added to Permit 15026.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 21 is added to this permit as follows:


"Any fishery flow release requirements contained or referenced in this permit shall be made in accordance with the permittee's Plan of Compliance accepted by the Division of Water Rights."

Dated: SEPTEMBER 23 1986

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

2. That Term No. 6 of Permit 15026 be corrected to read as follows:

THE TOTAL QUANTITIES OF WATER APPROPRIATED BY STORAGE UNDER LICENSES 435, 436, 777, AND 5544 AND WATER TO BE APPROPRIATED BY STORAGE UNDER PERMITS 15025, 15026, 15027, 15028, 15029, AND 15030 SHALL BE LIMITED TO 960,000 ACRE-Feet PER ANNUM AT NEW BULLARDS BAR RESERVOIR.


R. L. ROSENBERGER, Chief
Division of Water Rights

Dated: MAR 30 1976

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5632

PERMIT 15026

LICENSE _____

ORDER FOR CORRECTION OF PERMIT TERMS

WHEREAS:

1. Terms No. 5 and No. 6 of Permit 15026 as amended by Order of the State Water Resources Control Board dated May 11, 1973, have been found to incorrectly designate the amount of water which may be appropriated annually under Permit 15026 and the limitation of diversion to storage in New Bullards Bar Reservoir under the several permits and licenses of the Yuba County Water Agency has been incorrectly designated and the State Water Resources Control Board has determined that good cause for correction has been shown.

2. Correction of Terms 5 and 6 of Permit 15026 does not involve any physical change, and said correction will not operate to the injury of any other legal user of water.

NOW, THEREFORE, IT IS ORDERED:

1. That Term No. 5 of Permit 15026 be corrected to read as follows:

THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 43 CUBIC FEET PER SECOND (CFS) BY DIRECT DIVERSION FROM NORTH YUBA RIVER; AND 1,550 CFS BY DIRECT DIVERSION FROM YUBA RIVER; AND SHALL NOT EXCEED 490,000 ACRE-Feet PER ANNUM (AFA) BY STORAGE IN NEW BULLARDS BAR RESERVOIR ON NORTH YUBA RIVER. THE STORAGE SEASON IS FROM OCTOBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR. THE DIRECT DIVERSION SEASON IS FROM SEPTEMBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR.

THE TOTAL AMOUNT OF WATER TAKEN FROM THE SOURCES UNDER THIS PERMIT SHALL NOT EXCEED 1,159,000 ACRE-Feet PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30.

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTSROOM 1015, RESOURCES BUILDING
1416 NINTH STREET • SACRAMENTO 95814ORDER ALLOWING CHANGES IN POINTS OF DIVERSION,
CHARACTER OF USE AND TOTAL QUANTITY LIMIT;
AMENDING PERMIT TERMS 5 AND 13 AND ADDING
PERMIT TERM 21

Permit 15026

Application 5632

WHEREAS the State Water Resources Control Board has found that the requested changes under Permit 15026 for which petitions were submitted on September 30, 1971 will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said point of diversion, character of use and total quantity limit in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission is hereby granted to: (1) change the points of diversion under said Permit 15026 to be described as follows,

(a) NEW BULLARDS BAR DAM, SOUTH 54°30' EAST 2,350 FEET FROM NW CORNER OF SECTION 25, T15N, R7E, MDB&M, BEING WITHIN SE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SAID SECTION 25.

(b) PROPOSED MARYSVILLE AFTERBAY DAM WITHIN SW $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 29, T16N, R5E, MDB&M (PRECISE LOCATION TO BE DETERMINED AT TIME OF CONSTRUCTION).

(2) change the character of use under said Permit 15026 to read as follows:

IRRIGATION, FLOOD CONTROL, DOMESTIC, INDUSTRIAL,
RECREATIONAL, FISH MITIGATION AND FISH ENHANCEMENT

- (3) change Permit Term 6 to read:

THE TOTAL QUANTITIES OF WATER APPROPRIATED UNDER LICENSES 435, 436, 777, AND 5544 AND WATER TO BE APPROPRIATED BY STORAGE UNDER PERMITS 15025, 15026, 15027, 15028, 15029, AND 15030 SHALL BE LIMITED TO 960,000 ACRE-FEET PER ANNUM AT NEW BULLARDS BAR RESERVOIR, AND

IT IS FURTHER ORDERED that: (1) Permit Term 5 be amended by addition of the following:

THE TOTAL AMOUNT OF WATER APPROPRIATED UNDER THIS PERMIT SHALL NOT EXCEED 1,140,000 ACRE-FEET ANNUALLY.

- (2) Permit Term 13 be amended by addition of the following:

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (000012)

- (3) Permit Term 21 be added to the permit as follows:

THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE

(000013)



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DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

(0000013)

Dated: **MAY 11 1973**

K. L. Woodward
K. L. Woodward, Chief
Division of Water Rights

STATE OF CALIFORNIA—RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15026

Application 5632 of Yuba County Water Agency
c/o Alvin Landis, Atty. at Law, Suite 1116, 926 J Building, Sacramento, California 95814

filed on July 30 19 27, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

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

1. Name of source(s):

Tributary to:

- | | |
|-----------------------------|--------------------------|
| (a) <u>North Yuba River</u> | (a) <u>Yuba River</u> |
| (b) <u>Yuba River</u> | (b) <u>Feather River</u> |
| (c) _____ | (c) _____ |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |

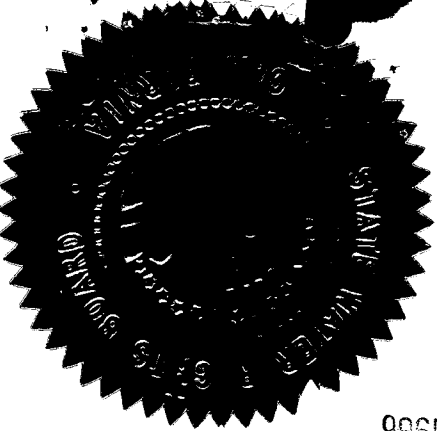
2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(a) <u>New Bullards Bar Dam</u> <u>S34°30'E 2690' from NW corner Section 25</u>	<u>SE 1/4 of NW 1/4</u>	<u>25</u>	<u>18N</u>	<u>7E</u>	<u>MDB&M</u>
(b) <u>New Colgate Diversion Dam</u> <u>N76°30'E 1820' from SW corner Section 25</u>	<u>SE 1/4 of SW 1/4</u>	<u>25</u>	<u>18N</u>	<u>7E</u>	<u>MDB&M</u>
(c) <u>Irrigation Diversion Weir on Yuba River</u> <u>N42°10'W 3475' from SE corner Section 28</u>	<u>NW 1/4 of SE 1/4</u>	<u>28</u>	<u>16N</u>	<u>5E</u>	<u>MDB&M</u>
(d) _____	<u>1/4 of 1/4</u>				
(e) _____	<u>1/4 of 1/4</u>				

County of Yuba

3. Place of use: Within Yuba County Water Agency service area consisting of a net irrigable area of 102,989 acres within a gross area of 121,366 acres, as shown on map in support of this application on file with the State Water Rights Board.

4. Purpose(s) of use: Irrigation, flood control, domestic, industrial, and recreational.



L. K. Hill
Executive Officer

STATE WATER RIGHTS BOARD

Dated: MAR 28 1966

This permit is issued and permittee takes it subject to the following provisions of the Water Code:
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriation of water to whom a permit is issued takes it subject to the conditions therein expressed.
Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services or the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 4.3 cubic feet per second (cfs) by direct diversion from North Yuba River at New Colgate Diversion Dam; and 1550 cfs by direct diversion from Yuba River at the Irrigation Diversion Weir; and shall not exceed 490,000 acre-feet per annum (afa) by storage in New Bullards Bar Reservoir on North Yuba River. The storage season is from about October 1 of each year to about June 30 of the succeeding year. The direct diversion season is from about September 1 of each year to about June 30 of the succeeding year.
6. The total quantities of water to be appropriated by storage under permits issued pursuant to Applications 5631, 5632, 15204, 15205, 15563, and 15574 shall be limited to 950,000 afa at New Bullards Bar Reservoir and 6000 afa at Timbuctoo Afterbay.
7. The maximum amounts herein stated may be reduced in the license if investigation warrants.
8. Actual construction work shall begin on or before June 1, 1967, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, the permits may be revoked.
9. Construction work shall be completed on or before December 1, 1973.
10. Application of the water to the proposed uses shall be completed on or before December 1, 2010.
11. Upon the 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 limitations and conditions of this permit including the recognition of vested rights and for the purpose of determining the quantities of water placed to beneficial use under the permit both by direct diversion and storage.
12. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the state Water Rights Board until license is issued.
13. All rights and privileges under this permit including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
14. This permit does not authorize collection of water to storage outside of the specified storage season to offset evaporation or seepage losses or for any other purpose.
15. Permittee shall allow representatives of the State Water Rights 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 permit.
16. In accordance with Water Code Section 1393, Yuba County Water Agency shall clear the site of New Bullards Bar Reservoir and the reservoir to be created by the Irrigation Diversion Weir on Yuba River of all structures, trees and other vegetation which would interfere with the use of the reservoirs for water storage and recreation purposes.
17. This permit is subject to lawful appropriation of water for use in any county in which the water originates without regard to the time such appropriations are initiated.
18. This permit is subject to compliance with Water Code Section 10504.5(a).
19. This permit is subject to that certain agreement between Yuba County Water Agency and Nevada Irrigation District dated November 13, 1961, filed of record with the State Water Rights Board as Yuba's Exhibit 37 at the hearing of Applications 5631 etc., insofar as such agreement relates to matters within the jurisdiction of the Board.
20. This permit is subject to that certain agreement between Yuba County Water Agency and the California Department of Fish and Game dated November 28, 1962, and filed of record with the State Water Rights Board as Yuba's Exhibit 38 at the hearing of Applications 5631 etc., insofar as such agreement relates to matters within the jurisdiction of the Board.

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APPLICATION 5632

PERMIT 15026

SEE D1159 DATED 12/19/63
SEE WR 88-12 DATED 7/6/88
SEE WR 88-17 DATED 9/7/88
SEE WR 89-17 DATED 7/20/89
SEE WR 89-20 DATED 9/21/89
SEE WR 89-23 DATED 10/19/89
SEE WR 90-8 DATED 5/17/90
SEE WR 90-11 DATED 8/1/90
SEE WR 90-14 DATED 9/20/90
SEE 91-05 DATED 7/18/91

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY AND WATER RIGHTS

ORDER AMENDING ORDER OF MARCH 27, 1991
APPROVING TEMPORARY CHANGES, INVOLVING THE TRANSFER OF WATER
AFFECTING POINTS OF DIVERSION, THE PLACE OF USE,
AND THE PURPOSES OF USE FOR NAPA

UNDER YUBA COUNTY WATER AGENCY'S
PERMIT 15026 (APPLICATION 5632)

WHEREAS:

1. On February 6, 1991, the Yuba County Water Agency (YCWA) filed a Petition (Notice) for Temporary Changes, under Water Code Section 1725 et seq., with the State Water Resources Control Board (State Board). YCWA petitions for the transfer of up to 7,500 acre-feet (af) of water, for municipal and industrial uses, to the following member agencies of the Napa County Flood Control and Water Conservation District: the City of Napa, the City of Calistoga, the City of St. Helena, and the American Canyon County Water District. The City of Napa would serve as the representative for the member agencies, who collectively are referred to as "NAPA" in the petition and herein. The proposed water transfer would occur during the April 1, 1991 through October 15, 1991 period, at a maximum diversion rate of 21 cubic feet per second (cfs).
2. On March 27, 1991, an Order approving the temporary changes was signed by Walter G. Pettit, pursuant to a delegation of authority from the State Board.
3. On April 12, 1991, the State Board received a letter from Bookman-Edmonston Engineering, Inc. (representing YCWA) requesting that by April 18, 1991, the maximum temperatures set forth in Condition 5 of the Order be eliminated from the Order. The summary portion of the letter in part stated:
"YCWA will begin release of colder water from New Bullards Bar Reservoir in late summer, as was done in 1990, to provide cold water in Englebright Reservoir for the fall salmon runs. However, it is not possible to assure that the Order's temperature limits can be met. Therefore, because (1) there will not be any unreasonable adverse impacts on instream values as a result of the NAPA transfer, (2) there will be slightly increased flows and (3) the maximum water temperature limits cannot be assuredly met without substantially greater flows, it is respectively requested that Order be revised before April 18, 1991, to delete the temperature limits. The transfer must begin by April 18 to deliver 7,500 acre-feet by October 15 at a rate of 21 cfs. If the Order cannot be revised by April 18, provision should be made to exceed 21 cfs as required."

4. Condition 5 of the March 27, 1991 Order stated:

YCWA shall, for the protection of fish and wildlife habitat, provide in the Yuba River at least the following minimum flows, (as measured at the USGS gage near Marysville), while maintaining water temperatures below the associated maximum limits, as follows:

<u>Month</u>	<u>Minimum Flow</u> (cfs)	<u>Maximum Temperature</u> (°F)	
		<u>Daguerre</u> <u>Point Dam</u>	<u>Marysville</u>
April	265		56
May	265		65
June	265		--
July	90		--
August	90		--
September	90		--
October 1-15	400	60	--
October 16-31	400	56	56
November	400		56
December	400		

5. Condition 5, of the March 27, 1991 Order reflects the minimum instream flows required under the 1965 Agreement, between YCWA and the Department of Fish and Game (DFG), for the maintenance of fishlife in the Yuba River immediately below Daguerre Point Dam during a normal water year.

The maximum temperature limits were taken from Board Order WR 90-8. However, the temperature limits were for minimum flows that were significantly higher than are current projected for the Yuba River.

6. Achievement of mean daily temperature below the maximum temperatures of Condition 5 could potentially obligate YCWA to release a significant amount of water in excess of the 7,500 af transfer to NAPA.

7. The Department of Fish and Game (DFG) has indicated agreement with the proposed modification, for the following reasons:

- a) Board Order WR 90-8, of May 17, 1990, approved a temporary transfer of Yuba River water with specific terms and conditions for the enhancement of chinook salmon spawning and rearing for the 1990-91 brood year.
- b) The young-of-the-year will be resident in the Yuba River through June 15, 1991.
- c) Projected flows in the Yuba River this spring are not likely to attract Shad upriver, therefore the water temperature is not critical for Shad during the May

- d) through July period.
Since few Shad are expected in the Yuba River, DFG does not recommend temperature control for the Shad fishery for this water transfer.
- e) DFG would like the water temperatures set forth in Condition 5 of the March 27, 1991 Order to be goals rather than requirements. Therefore, YCWA would operate its project in a manner to attempt to keep the Yuba River mean daily water temperature at or below the temperatures set forth in Condition 5 of the Order.
8. The natural production of salmon in the state has declined so severely over the last twenty years that it is now state policy to significantly increase the natural production (Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, Stats. 1988, ch. 1545/88, and Fish and Game Code Section 6902(a)).
9. Pursuant to the State Board's jurisdiction reserved in Condition 9 of the March 27, 1991 Order, it is found that Condition 5 of that Order should be amended as set forth below.

CONCLUSIONS:

10. A maximum mean daily water temperature of 65°F is desirable in the Yuba River through June 1991 to protect the young-of-the-year chinook salmon produced as a result of terms and conditions of Board Order WR 90-8.
11. Water temperature guidelines are necessary in the Yuba River, to protect a public trust resource, and to comply with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, Stats. 1988, ch. 1545/88, and Fish and Game Code Section 6902(a).
12. The proposed modification would not constitute the initiation of a new right nor operate to the injury of any lawful user of the water; provided that terms and conditions are included as set forth in the order below.
13. The proposed modification would not unreasonably affect fish, wildlife, or other instream beneficial uses of water.
14. The proposed modification should be approved and an order issued, with appropriate terms and conditions, for the water transfer.

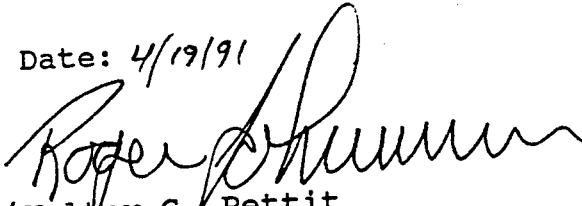
ORDER

NOW, THEREFORE, IT IS ORDERED that Condition 5 of the March 27, 1991, Order Approving Temporary Changes, Involving the Transfer of Water, Affecting Points of Diversion, Place of Use, and the Purposes of Use for NAPA be amended to read:

5. YCWA shall, for the protection of fish and wildlife habitat, provide in the Yuba River at least the following minimum flows, (as measured at the USGS gage near Marysville), while making best faith efforts (not requiring additional release of water) to maintain mean daily water temperatures below the stated mean daily temperatures, as follows:

<u>Month</u>	<u>Minimum Flow</u> (cfs)	<u>Mean Daily Temperature</u>
		(°F) <u>Marysville</u>
April	265	65
May	265	65
June	265	--
July	90	--
August	90	--
September	90	--
October 1-15	400	--

Date: 4/19/91


By Walter G. Pettit

STATE WATER RESOURCES CONTROL BOARD

THE PAUL F. BONDERSON BUILDING
901 P STREET
SACRAMENTO, CA 95814

Mailing Address:

DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000



916/324-5621

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER QUALITY AND WATER RIGHTS

ORDER APPROVING TEMPORARY CHANGES, INVOLVING THE TRANSFER OF WATER
AFFECTING POINTS OF DIVERSION, THE PLACE OF USE,
AND THE PURPOSES OF USE FOR NAPA

UNDER YUBA COUNTY WATER AGENCY'S
PERMIT 15026 (APPLICATION 5632)

WHEREAS:

1. On February 6, 1991, the Yuba County Water Agency (YCWA) filed a Petition (Notice) for Temporary Changes, under Water Code Section 1725 et seq., with the State Water Resources Control Board (State Board). YCWA petitions for the transfer of up to 7,500 acre-feet (af) of water, for municipal and industrial uses, to the following member agencies of the Napa County Flood Control and Water Conservation District: the City of Napa, the City of Calistoga, the City of St. Helena, and the American Canyon County Water District. The City of Napa would serve as the representative for the member agencies, who collectively are referred to as "NAPA" in the petition and herein. The proposed water transfer would occur during the April 1, 1991 through October 15, 1991 period, at a maximum diversion rate of 21 cubic feet per second (cfs).
2. The proposed water transfer is similar to YCWA's 1989 and 1990 water transfers to NAPA, each involving 7,000 af of water. Those transfers were approved by the Chief of the Division of Water Rights, pursuant to a delegation of authority from the State Board.
3. YCWA provided copies of the petition to known interested parties.
4. NAPA needs the 7,500 af of water due to the continuing drought. As of March 1, 1991, precipitation in the San Francisco Bay Area was about 35 percent of normal: compared to about 55 percent in 1990, and 70 percent in 1989. Runoff in the Napa River, above St. Helena, was about 2 percent of normal. Inflow to the City of Napa's Lake Hennessey was about 35 percent of normal, with storage there being about 42 percent of normal. Precipitation since March 1, 1991 has not changed the need for the transfer.
5. The 7,500 af of water proposed for transfer is presently stored in YCWA's New Bullards Bar Reservoir located on the Yuba River. The water would be released to flow down the Yuba River thence the Sacramento River thence the western Sacramento-San Joaquin Delta (Delta) to Lindsey Slough, located in Solano County northwest of Rio Vista. The water would be rediverted there by the Department of Water Resources (DWR) at the Barker Slough Pumping Plant (Barker Plant) for conveyance through the State Water Project's North Bay Aqueduct (NBA) to NAPA's service area.

6. In 1965, YCWA and the Department of Fish and Game, for the maintenance of fishlife, signed an agreement requiring minimum flows in the Yuba River immediately below Daguerre Point Dam (for a normal water year), as follows:

January 1 through June 30 245 cfs,
July 1 through September 3070 cfs, and
October 1 through December 31 ..400 cfs.

(Note: The agreement provides for lower flows in the event of a critical dry water year.)
7. Water temperature limits, for the benefit of fishlife in the Yuba River, have been developed from the record of previous YCWA water transfers.
8. On March 28, 1966, Permit 15026 was issued to YCWA pursuant to Application 5632, following the December 19, 1963 adoption of the State Board's Decision 1159.
9. On February 11, 1991, the U.S. Fish and Wildlife Service (Service) commented on the YCWA/NAPA petition that because of the continuing drought conditions all water transfer impact(s) should be assessed on a cumulative basis. State Board Chairman W. Don Maughan responded to the Service's comments in a letter dated March 7, 1991. Chairman Maughan advised the Service that, in reviewing proposed transfers, the State Board looks at all available environmental information and it is expected that some proposed transfers for the current year will be grouped together for purposes of review. Chairman Maughan's letter went on to state "...given the critical nature of California's current water shortage and the compressed time frames we will no doubt be facing, I cannot guarantee you that the cumulative impact of each and every proposed transfer will be fully evaluated. We simply will do the best we can under the circumstances."
10. Water Code Section 109(a), states in part "It is hereby declared to be the established policy of this state to facilitate the voluntary transfer of water and water rights where consistent with the public welfare of the place of export and the place of import."
11. The State Board's authority to issue an order approving temporary changes, allowing the transfer or exchange of water or water rights, is set forth in Chapter 10.5 of Part 2 of Division 2 of the Water Code (commencing with Water Code Section 1725). Approval of a petition for temporary changes requires the State Board to make an evaluation sufficient to determine that the change would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses (Water Code Sections 1727(a)(1) and 1727(a)(2)). If the statutory finding cannot be made within 60 days (or such extension of time as the permittee or licensee agrees to), then the State Board shall set a time and place for a hearing on the issues, and notify interested parties.

12. On February 11, 1991, the State Board received an operations study of New Bullards Bar Reservoir, submitted by Bookman-Edmonston Engineering, Inc., indicating that YCWA would be able to supply 1992 inbasin needs, provide water for the proposed transfer, and have about a 50,000 af buffer above the 234,000 af needed to meet local demands in the following year. Also, significant precipitation has occurred in the New Bullards Bar area since the operations study was submitted.
13. Staff of the California Regional Water Quality Control Board, Region 5, has concluded that the proposed water transfer would not adversely affect water quality.
14. Water Code Section 1729 states "A proposed temporary change under this article shall be exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code." This exemption allows the State Board's evaluation to be accepted in lieu of the formal requirements of the California Environmental Quality Act.
15. On page 9 of State Board Order WR 89-20, related to a water transfer through the Harvey O. Banks pumping plant, it was stated "...in the future, the Board will not approve projects which involve increased Delta exports in the absence of an adequate environmental assessment which addresses potential fishery impacts and other environmental effects of the proposed project." Although the Barker Plant is within the legal boundary of the Delta, the proposed water transfer does not involve the entrainment and reverse flow problems which exist in the southern Delta, as addressed in State Board Order WR 89-20. Diversions into the NBA are protected by a more effective fish screen and such diversions do not create the entrainment and reverse flow problems which exist in the southern Delta.
16. The Department of Fish and Game (DFG) does not object to the proposed water transfer.
17. On March 4, 1991, the State Board received a document titled: "Environmental Impact Analysis: Yuba County Water Agency Water Transfer to the City of Napa, 1991" prepared by the firm of Jones and Stokes Associates. The Jones and Stokes Associates analysis, describes the NBA fish screens and fish potentially affected by the proposed transfer. The analysis includes the following statements:

"Thirty-one species of fish have been taken from Barker and Lindsey Sloughs, including eight cyprinid species, six sunfish species, four cat fish species, striped bass, American shad, chinook salmon, and steelhead trout."

"The species most adversely affected would likely be striped bass....the adult striped bass population could be reduced by an estimated 21-37 fish. This loss of adult fish would be undetectable and is much less than one percent of striped bass losses to other diversions. The magnitude of this impact on an adult population estimated at approximately one million fish is 0.002 to 0.004 percent. In addition, there have been no known unreasonable impacts from similar transfers though the NBA conducted during previous years."

The Jones and Stokes analysis also concluded that impacts to other fish species present at times in the Lindsey Slough area would likely be less than those on striped bass.

18. On March 20, 1991, the State Board received comments from the California Sportsfishing Protection Alliance (CSPA). The comments address the alleged deficiency in the Jones and Stokes analysis. Board staff has assessed the comments to be germane to "transfers through the Delta" not the impact of a transfer of 7,500 af of water, at a maximum rate of 21 cfs, through the NBA. Also, CSPA's concern regarding cumulative impacts was addressed in the State Board's response to the Service's comment on cumulative impacts as discussed above.
19. On March 6, 1991, the State Board adopted Resolution 91-21, delegating authority to approve petitions for temporary changes to Walter G. Pettit, Chief of Division of Standards and Assessments, provided that the necessary statutory finding can be made.

CONCLUSIONS:

20. Permittee has proceeded with diligence and good cause has been shown for the petitioned temporary changes.
21. The petitioned temporary changes do not constitute the initiation of a new right nor operate to the injury of any lawful user of the water; provided that terms and conditions are included as set forth in the order below.
22. The petitioned temporary changes would not unreasonably affect fish, wildlife, or other instream beneficial uses of water.
23. The statutory requirements for approval of the proposed transfer of water are satisfied, and available evidence raises no issue requiring a hearing.
24. The petitioned temporary changes should be approved and an order issued, with appropriate terms and conditions, for the water transfer.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Diversion and use of water authorized by this order shall be subject to all existing terms and conditions of Permit 15026, except as modified by this order.
2. Permittee may transfer up to 7,500 af of water from the New Bullards Bar Reservoir, at a rate up to 21 cfs; beginning five days following the date of this order. Such approval shall be of no further force or effect on October 16, 1991.
3. NAPA may authorize DWR to redirect the transferred water at the Barker Plant. The point of such redirection, on Lindsey Slough in Solano County, is described as follows:

California Coordinate System: Zone 2, North 216,350 and East 2,064,750; being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, T5N, R2E, MDB&M.
4. The transferred water may only be used for municipal and industrial purposes in NAPA's service area, as shown on a map on file with the State Board.

5. YCWA shall, for the protection of fish and wildlife habitat, provide in the Yuba River at least the following minimum flows, (as measured at the USGS gage near Marysville), while maintaining water temperatures below the associated maximum limits, as follows:

<u>Month</u>	<u>Minimum Flow (cfs)</u>	<u>Maximum Temperature (°F)</u>	
		<u>Daguerre Point Dam</u>	<u>Marysville</u>
April	265		56
May	265		65
June	265		65
July	90		--
August	90		--
September	90		--
October 1-15	400	60	--
October 16-31	400	56	--
November	400		56
December	400		56

6. By the 20th day of each month, through January 1992, YCWA shall provide to the State Board, DFG, and other parties who request it, the following provisional daily data for the preceding month (as measured in the Yuba River at the USGS gage near Marysville): the mean Yuba River flow (cfs), the amount of water transferred to NAPA (af), and the maximum water temperature (°F). Exceptions to the authorized conditions shall be explained. The reports shall be submitted to the State Board, titled as "A5632 -- 1991 YCWA/NAPA TRANSFER FILE (CONDITION 6)."
7. By May 1, 1992, YCWA shall provide the State Board with a summary report, showing the following daily data (as measured in the Yuba River at the USGS gage near Marysville): the amount of water transferred to NAPA (af), the cumulative total amount of water transferred to NAPA (af), and the maximum daily water temperature (°F). Exceptions to the authorized conditions shall be explained. The report shall be submitted to the State Board, titled as "A5632 -- 1991 YCWA/NAPA TRANSFER FILE (CONDITION 7)."
8. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the State Board also may be exercised by imposing specific requirements over and above those contained in this order with a view to minimize waste of water and to meet the reasonable water requirements of the permittee without unreasonable draft on the source.

9. The State Board reserves jurisdiction to supervise the transfer and use of water under this order, and to coordinate or modify terms and conditions, at the discretion of the State Board, for the protection of vested rights, fish, wildlife, instream beneficial uses, and the public interest as future conditions may warrant.

Date: March 27, 1991



Walter G. Pettit