STATE OF CALIFORNIA

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

**STATE WATER RESOURCES CONTROL BOARD**

**DIVISION OF WATER RIGHTS**

**RIGHT TO DIVERT AND USE WATER**

APPLICATION 13156 PERMIT 10478

 Right Holder: East Bay Municipal Utility District

 375 11th Street

 Oakland, CA 94607

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **June 16, 1949**.This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. This right supersedes any previously issued righton **Application 13156**.

The Deputy Director for Water Rights finds that: (a) the change will not operate to the injury of any lawful user of water; (b) good cause has been shown for the change; (c) the petition does not constitute the initiation of a new right; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA) or the project is exempt from CEQA.

The Deputy Director for Water Rights finds that: (a) due diligence has been exercised; (b) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (c) satisfactory progress will be made if an extension is granted; and (d) the State Water Resources Control Board (State Water Board) has made the required findings pursuant to the California Environmental Quality Act (CEQA).

The State Water Board has complied with its independent obligation to consider the effect of the proposed change on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].)

**Right holder is hereby granted a right to divert and use water as follows:**

1. Source of water: **(1) (2) Mokelumne River**

tributary to: **(1) (2) San Joaquin River**

within the Counties of **Amador, Calaveras, and San Joaquin**

2. Location of points of diversion and places of storage

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| By California Coordinate System of 1983 in Zone 3 | 40-acre subdivision of public land survey or projection thereof | Section(Projected)\* | Township | Range | Base and Meridian |
| **Pardee Dam** **(1) North 2,280,400 feet and East 6,461,020 feet** | **NW¼ of SW¼** | **26** | **5N** | **10E** | **MDB&M** |
| **Camanche Dam** **(2) North 2,269,000 feet and East 6,411,400 feet** | **SE¼ of SE¼** | **6** | **4N** | **9E** | **MDB&M** |

Location of point of rediversion

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| By California Coordinate System of 1983 in Zone 3 | 40-acre subdivision of public land survey or projection thereof | Section (Projected)\* | Township | Range | Base and Meridian |
| **Camanche Dam** **(2) North 2,269,000 feet and East 6,411,400 feet** | **SE¼ of SE¼** | **6** | **4N** | **9E** | **MDB&M** |

|  |  |
| --- | --- |
| 3. Purpose of use | 4. Place of use |
| 40-acre subdivision of public land survey or projection thereof | Section (Projected)\* | Township | Range | Base and Meridian | Acres |
| **Recreation and Fish & Wildlife Preservation and Enhancement** | Pardee and Camanche Reservoirs |
| **Municipal and Industrial** | Within the East Bay Municipal Utility District’s probable ultimate service area comprising the cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hercules, Oakland, Piedmont, Pinole, Richmond, San Leandro, San Pablo, Walnut Creek, and the City of Brentwood and unincorporated areas in Alameda and Contra Costa Counties; adjacent incorporated and unincorporated areas located outside the District boundaries but within EBMUD’s probable ultimate service boundary, or sphere of influence as determined by the Alameda and Contra Costa Counties’ Local Area Formation Commission; and military installations of the United States, adjacent to the District or to its facilities, where service is required for national security; and generally located within T1, 2, 3 S and 1 and 2 N, R 1, 2, 3, 4, and 5 W, and 1, 2, and 3 E, MDB&M, as shown on EBMUD Map 1932-R.  |

The place of use is shown on EBMUD Map 1932-R dated December 6, 2010, filed with the State Water Board.

Acronyms used in this water right:

Woodbridge Irrigation District – WID

California Department of Fish and Wildlife – CDFW

U.S. Fish and Wildlife Service – USFWS

Cubic feet per second – cfs

Thousand Acre Feet - TAF

1. The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **194 cubic feet per second** by direct diversion to be diverted from about December 1 of each year to about July 1 of the succeeding year.

(0000005A)

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **353,000 acre-feet per year** by storage to be collected from about December 1 of each year to about July 1 of the succeeding year in Pardee and Camanche Reservoirs.

 (0000005C)

1. No water shall be collected to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(0000005I)

1. The capacities of Pardee and Camanche Reservoirs covered by this right shall not exceed **209,950 acre-feet** and **431,500 acre-feet**, respectively.

(0000005P)

1. The quantity of water which right holder is allowed to divert from the Mokelumne River watershed to its service area under this right shall not exceed the equivalent of a **30-day average flow of 194 cubic feet per second or 140,000 acre-feet per annum** whether by direct diversion or diversion from storage.

(0350300)

1. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2040.

(0000009)

1. Insofar as this application relates to the diversion or storage of water from July 1 to December 1 of each year the same is denied.

(0350900)

1. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.

(0000030)

1. Right holder shall release water from Camanche Reservoir to the lower Mokelumne River in accordance with the 1965 Agreement and 1983, 2003 and 2009 Supplementary Agreements between right holder and WID, on file with the State Water Board, or as said agreements may hereafter be amended by mutual consent of the parties thereto. Right holder shall advise the State Water Board if subsequent amendments to the agreement change the releases from Camanche Reservoir. Said agreements currently provide as follows in regard to flows:
2. Right holder shall release up to 60,000 acre-feet of water from Camanche Reservoir and/or Pardee Reservoir from March 1 to October 31 for irrigation use by WID on a net area of not more than 19,370.3 acres within WID’s boundaries, that said quantity is subject to a reduction of not to exceed 35% in specified dry years, and that said quantity of water is defined as constituting the “Permanent Regulated Base Supply” of WID (Regulated Base Supply). Said releases shall be in accordance with a schedule agreed upon between right holder and WID. An exception in paragraph 13(g) of the 1965 Agreement provides that WID may request the release of a portion of its Regulated Base Supply during the winter months, which are charged on the quantities of water the District is entitled to receive in the following irrigation season.
3. By September 30th of the then-current year, WID may in writing request right holder to release up to 1,000 acre-feet of Woodbridge’s pre-1914 water right portion of its Regulated Base Supply water from Camanche Dam over the period from October 15 of one year through the end of February of the following year for purposes of providing water to the City of Lodi pursuant to the agreements between WID and Lodi. Such releases when requested by WID and actually made thereafter shall be deducted from the quantity of Regulated Base Supply water which WID is entitled to receive and divert under its agreements with right holder for the following irrigation season. Once started, such non-irrigation season releases shall be at a uniform rate and shall cease if releases for flood control purposes are required by the U.S. Army Corps of Engineers. The Parties may meet and confer in a timely manner to determine an actual non-irrigation season release schedule if a Party wishes to modify the uniform release. Requests to modify the uniform release schedule shall not exceed one per month during the non-irrigation season.

(0160300)

1. For purposes of accounting for withdrawal from storage under Permit 10478, water diverted at Pardee Reservoir into the Aqueducts in excess of 310 cubic feet per second will be accounted for as withdrawal from storage under Permit 10478 when there is an equivalent corresponding net depletion in the combined storage of Pardee and Camanche Reservoirs.

(0070900)

1. Right holder shall monitor and record water diversion and use in accordance with a Water Diversion and Use Monitoring Program approved by the Deputy Director for Water Rights. Any modifications to the monitoring program are subject to review, modification and approval of the Deputy Director for Water Rights.

(0100900)

1. Right holder shall provide the “Release from Camanche Dam” into the Mokelumne River in accordance with the flow schedules set forth below. The water year types are defined below.

**NORMAL AND ABOVE NORMAL YEARS**

**Mokelumne River Minimum Flow Schedule (1)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FALL RUN CHINOOK SALMON****LIFE STAGE** | **PERIOD** | **NOTE\*** | **DAYS** | **RELEASE FROM CAMANCHE DAM (CFS)** |
| Adult Immigration | 10/1-10/15 | (2) | 15 | 325 |
| Spawn/Incubation  | 10/16-10/3111/1-11/3012/1-12/31  | (2)(3)(3) | 163031 | 325325325 |
| Incubation/Alevin | 1/1-1/312/1-2/28 | (3)(3) | 3128 | 325325 |
| Fry Rearing | 3/1-3/314/1-4/154/16-4/30 | (3)(4),(5)(4),(5) | 311515 | 325325325 |
| Fry Rearing/Juvenile RearingOutmigration | 5/1-5/316/1-6/30 | (5)(5) | 3130 | 325325 |
| Oversummer | 7/1-9/30 |  | 92 | 100 |

Notes\*

(1) Due to changes in water conditions or to optimize fishery conditions, right holder may modify Flow Standards upon written concurrence of CDFW and USFWS, provided the total quantity of water released for fishery purposes in Normal and Above year types is not less than the quantity provided by this flow schedule.

(2) During October, right holder will maintain minimum flows of 325 cfs below Camanche Dam and 100 cfs below WID's dam in Normal and Above year types.

(3) During the period when WID dam boards are pulled out and Lodi Lake is empty (approximately November 1 through March 31), right holder shall make minimum releases of 325 cfs from Camanche Dam in Normal and Above year types. This release from Camanche dam is expected to provide at least 100 cfs below WID dam during this period. However, right holder shall not be obligated to increase releases above 325 cfs during this period in Normal and Above year types.

(4) During April, right holder will maintain minimum flows of 325 cfs below Camanche Dam and 150 cfs below WID's dam in Normal and Above year types.

(5) For the months of April, May, and June during Normal and Above year types, additional release of up to 200 cfs is required depending on combined Pardee and Camanche storage levels relative to the maximum allowable for the end of the prior month as follows:

Less than 10 TAF below maximum allowable storage (BMAS), additional release is 200 cfs for subsequent month.

10 TAF <= BMAS < 20 TAF, additional release is 150 cfs for subsequent month.

 20 TAF <= BMAS < 30 TAF, additional release is 100 cfs for subsequent month.

 30 TAF <= BMAS < 40 TAF, additional release is 50 cfs for subsequent month.

**BELOW NORMAL YEAR**

**Mokelumne River Minimum Flow Schedule (1)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FALL RUN CHINOOK SALMON****LIFE STAGE** | **PERIOD** | **NOTE\*** | **DAYS** | **RELEASE FROM CAMANCHE DAM (CFS)** |
| Adult Immigration | 10/1-10/15 | (2) | 15 | 250 |
| Spawn/Incubation  | 10/16-10/3111/1-11/3012/1-12/31  | (2)(3)(3) | 163031 | 250250250 |
| Incubation/Alevin | 1/1-1/312/1-2/28 | (3)(3) | 3128 | 250250 |
| Fry Rearing | 3/1-3/314/1-4/154/16-4/30 | (3)(4),(5)(4),(5) | 311515 | 250250250 |
| Fry Rearing/Juvenile RearingOutmigration | 5/1-5/316/1-6/30 | (5)(5) | 3130 | 250250 |
| Oversummer | 7/1-9/30 |  | 92 | 100 |

Notes\*

(1) Due to changes in water conditions or to optimize fishery conditions, right holder may modify Flow Standards upon written concurrence of CDFW and USFWS, provided the total quantity of water released for fishery purposes in Below Normal year types is not less than the quantity provided by this flow schedule.

(2) During October, right holder will maintain minimum flows of 250 cfs below Camanche Dam and 100 cfs below WID's dam in Below Normal year types.

(3) During the period when WID dam boards are pulled out and Lodi Lake is empty (approximately November 1 through March 31), right holder shall make minimum releases of 250 cfs from Camanche Dam in Below Normal year types. This release from Camanche dam is expected to provide at least 100 cfs below WID dam during this period. However, right holder shall not be obligated to increase releases above 250 cfs during this period in Below Normal year types.

(4) During April, right holder will maintain minimum flows of 250 cfs below Camanche Dam and 150 cfs below WID's dam in Below Normal year types.

(5) For the months of April, May, and June in Below Normal year types, additional release of up to 200 cfs is required depending on combined Pardee and Camanche storage levels relative to the maximum allowable for the end of the prior month as follows:

Less than 10 TAF below maximum allowable storage (BMAS), additional release is 200 cfs for subsequent month.

10 TAF <= BMAS < 20 TAF, additional release is 150 cfs for subsequent month.

20 TAF <= BMAS < 30 TAF, additional release is 100 cfs for subsequent month.

30 TAF <= BMAS < 40 TAF, additional release is 50 cfs for subsequent month.

**DRY YEAR**

**Mokelumne River Minimum Flow Schedule (1)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **FALL RUN CHINOOK SALMON****LIFE STAGE** | **PERIOD** | **NOTE\*** | **DAYS** | **RELEASE FROM CAMANCHE DAM (CFS)** |
| Adult Immigration | 10/1-10/15 | (2) | 15 | 220 |
| Spawn/Incubation  | 10/16-10/3111/1-11/3012/1-12/31  | (2)(3)(3) | 163031 | 220220220 |
| Incubation/Alevin | 1/1-1/312/1-2/28 | (3)(3) | 3128 | 220220 |
| Fry Rearing | 3/1-3/314/1-4/154/16-4/30 | (3)(4)(4) | 311515 | 220220220 |
| Fry Rearing/Juvenile RearingOutmigration | 5/1-5/316/1-6/30 | (5) | 3130 | 220100 |
| Oversummer | 7/1-9/30 |  | 92 | 100 |

Notes\*

(1) Due to changes in water conditions or to optimize fishery conditions, right holder may modify Flow Standards upon written concurrence of CDFW and USFWS, provided the total quantity of water released for fishery purposes in Dry year types is not less than the quantity provided by this flow schedule.

(2) During October, right holder will maintain minimum flows of 220 cfs below Camanche Dam and 80 cfs below WID's dam in Dry year types.

(3) During the period when WID dam boards are pulled out and Lodi Lake is empty (approximately Nov. 1 through March 31), right holder shall make minimum releases of 220 cfs from Camanche Dam in Dry year types. This release from Camanche dam is expected to provide at least 80 cfs below WID dam during this period. However, right holder shall not be obligated to increase releases above 220 cfs during this period in Dry year types.

(4) During April, right holder will maintain minimum flows of 220 cfs below Camanche Dam and 150 cfs below WID's dam in Dry year types.

(5) During June, Outmigrating smolts will be trapped, tagged, and transported around the Delta in Dry year types with approval of the Partnership Steering Committee created under the 1998 Joint Settlement Agreement.

**CRITICALLY DRY YEAR**

**Mokelumne River Minimum Flow Schedule (1)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  **FALL RUN CHINOOK SALMON****LIFE STAGE** | **PERIOD** | **NOTE\*** | **DAYS** | **RELEASE FROM CAMANCHE DAM (CFS)** |
| Adult Immigration | 10/1-10/15 | (2) | 15 | 100 |
| Spawn/Incubation  | 10/16-10/3111/1-11/3012/1-12/31  | (2)(3)(3) | 163031 | 130130130 |
| Incubation/Alevin | 1/1-1/312/1-2/28 | (3)(3) | 3128 | 130130 |
| Fry Rearing | 3/1-3/314/1-4/154/16-4/30 | (3)(4)(4) | 311515 | 130130130 |
| Fry Rearing/Juvenile RearingOutmigration | 5/1-5/316/1-6/30 | (5)(5) | 3130 | 100100 |
| Oversummer | 7/1-9/30 |  | 92 | 100 |

Notes\*

(1) Due to changes in water conditions or to optimize fishery conditions, right holder may modify Flow Standards upon written concurrence of CDFW and USFWS, provided the total quantity of water released for fishery purposes in Critically- Dry year types is not less than the quantity provided by this flow schedule.

(2) During October, right holder will maintain minimum flows of 130 cfs below Camanche Dam and will maintain minimum flows of 15 cfs from Oct. 1-15 and 75 cfs from Oct. 16-31 below WID dam in Critically Dry year types.

(3) During the period when WID dam boards are pulled out and Lodi Lake is empty (approximately Nov. 1 through March 31), right holder shall make minimum releases of 130 cfs from Camanche Dam in Critically Dry year types. This release from Camanche dam is expected to provide at least 75 cfs below WID dam during this period. However, right holder shall not be obligated to increase releases above 130 cfs during this period in Critically-Dry year types.

(4) During April, right holder will maintain minimum flows of 130 cfs below Camanche Dam and 75 cfs below WID's dam in Critically-Dry year types.

(5) During May and June, outmigrating smolts will be trapped, tagged, and transported around the Delta in Critically-Dry year types with approval of the Partnership Steering Committee created under the 1998 Joint Settlement Agreement.

**Water Year Type Determination**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year Type** | **Normal/Above** | **Below Normal** | **Dry** | **Critically Dry** |
| Oct. - Mar. (1) (Pardee/Camanche Storage) | Max Allowable (2) | Max Allowable to400 TAF | 399 TAFto270 TAF | 269 TAForLess |
| Apr. - Sep. (3) (Unimpaired runoff) | 890 TAForMore | 889 TAFto500 TAF | 499 TAFto300 TAF | 299 TAForLess (4) |

Notes\*

(1) October through March minimum flows are determined by total Pardee and Camanche storage on November 5th.

(2) Maximum allowable storage on November 5th, shall be determined in accordance with the Army Corps of Engineer's Water Control Manual for Camanche Dam and Reservoir dated September 1981.

(3) April through September minimum flows are determined by the water year unimpaired runoff into Pardee Reservoir as forecasted by Department of Water Resources (DWR) in the April 1st Bulletin 120 Report except when combined Pardee/Camanche Nov. 5 storage is projected to be less than 200 TAF.

(4) April through September minimum flows shall be critically dry whenever Nov. 5 combined Pardee/Camanche storage is projected to be 200 TAF or less based on the runoff forecast in DWR Bulletin 120, beginning April 1st.

(0140400)

1. Right holder may reschedule or modify the specified flow releases required in the tables above, but the total quantity of water released in any year shall not be less than the quantity of water that would have been provided pursuant to the flow schedule specified in the tables above for the water year type in which the resheduling or modification occurs. Thirty days prior to rescheduling or modifying the specified flow releases, right holder shall submit to the Executive Director of the State Water Board an operations plan acceptable to the Executive Director of the State Water Board that specifies the release schedule for that year.

Right holder shall also submit a written concurrence to the operations plan signed by a representative of the CDFW and the USFWS.

(0140400)

1. For the protection of fish, right holder shall:

(a) Make river flow changes gradually. During the October 16 through March 31 spawning and incubation period, flows shall not decrease by more than 50 cfs per day. During other periods, flows shall not decrease by more than 100 cfs per day. This requirement does not apply during emergency conditions or when flood control releases are being made.

(b) Use its best efforts to maintain a minimum of 28 taf of hypolymnetic volume in Camanche Reservoir through October whenever Pardee Reservoir volume exceeds 100 taf.

(c) Take action to maintain dissolved oxygen and to reduce hydrogen sulfide levels in the Camanche Reservoir hypolimnion during the period from May through October by using its Hypolimnetic Oxygenation System (HOS).

(0140400)

1. Right holder shall implement the Mitigation Measures for Fish and Agricultural Resources as described in Chapters 3.2 and 3.4 (p. 3.2-60 through p. 3.2-61 and p. 3.4-7 through 3.4-8) of the Draft Environmental Impact Report for the Permit 10478 Time Extension Project.

(0140500)

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

1. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.)

(0000016)

1. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.)

(0000017)

1. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board.

(0000018)

1. Once the time to develop beneficial use of water ends under this permit, right holder is not authorized to increase diversions beyond the maximum annual amount diverted or used during the authorized development schedule prior to submitting a time extension petition and obtaining approval of the State Water Board.

(0000019)

1. The amount of water for consideration when issuing a license shall be limited to only the amount of water diverted and applied to beneficial use in compliance with the terms and conditions of this right, as determined by the State Water Board. (Wat. Code, § 1610.)

(0000006)

1. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use.

(0000015)

1. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right.

(0000010)

1. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

(0000070)

1. Right holder shall grant, or secure authorization through right holder’s right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
2. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
3. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
4. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
5. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(0000011)

1. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

(0000022)

1. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

(0000025)

1. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders’ responsibility to be aware of any dedications that may preclude diversion under this right.

(0000212)

1. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

Within 90 days of the issuance of this right or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

 (0000203)

1. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An “urban water supplier” means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An “agricultural water supplier” means a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

(0000029D)

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

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 tail water 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 right and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

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

(0000012)

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

(0000013)

1. This right does not authorize any act which results in the taking of a candidate, threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)

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

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director*

*Division of Water Rights*

Dated: