

Permit No. \_\_\_\_\_

AMENDED APPLICATION FOR A PERMIT

To Appropriate Unappropriated Waters of the State of California FOR MUNICIPAL PURPOSES

City of Sacramento (Name of Applicant) Sacramento County of Sacramento State of California

do hereby make application for a permit to appropriate the following described public waters of the State of California, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation First incorporated 1851

1. The source of the proposed appropriation is Sacramento River (Name of stream, lake, or other source) located in Sacramento County, tributary of \_\_\_\_\_

2. The amount of water which the applicant intends to apply to beneficial use is Three Hundred (300) cubic feet per second. (One cubic foot per second equals 40 miner's inches)

3. The use to which the water is to be applied is Municipal Water Supply for General Purposes in connection with and in addition to that now done by the City of Sacramento. 2,510 Ft. more or less S. 45 deg. W. of N.E. Cor. Sec. 35 T. 9 N. R. 4 E. Also 2210 ft. more or less N. 8 deg. West of \_\_\_\_\_

located within the S.W. quarter (1/4) of U.E. quarter (1/4) (Give smallest legal subdivision not to exceed 40 acres)

Sec. 35 T. 9 N. R. 4 E. M., in the county of Sacramento

5. The main intake pipe line to be 1,000 ft. in length, terminating in the filtration plant, thence to City Distributing System of \_\_\_\_\_ (Main ditch, canal or pipe line) (Smallest legal subdivision)

8 N. & 9 N. R. 4 E. & 5 E. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is Filtration Plant.

DESCRIPTION OF WORKS

7. (a) Height of dam \_\_\_\_\_ feet; length on top \_\_\_\_\_ feet; length at bottom \_\_\_\_\_ feet; material to be used and character of construction \_\_\_\_\_ (Loose rock, concrete, masonry, rock, etc., timber crib, etc., wasteway over or around dam)

(b) Description of headgate Follow core mass concrete with four 4 ft. x 6 ft. openings. (Timber, concrete, etc.)

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be valid for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of the conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; provided, that at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings; and if it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in said permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; provided, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the date of notice of said revocation of said permit or license, his heirs, successors or assigns. And every licensee or permittee who accepts the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, or for the regulation by any competent public authority of the services or the price of the services to be rendered by any person or licensee, his heirs, successors or assigns, or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale or purchase, whether through eminent domain 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; provided, however, that application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and providing, further, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs thereof, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and providing, further, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and provided, further, that when such municipality shall desire to use the additional water granted in its said application it may so do upon making compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation shall be agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law determining the value of property taken by and through eminent domain proceedings.

City of Sacramento  
(Name of Applicant)

Mayor  
Charles J. Stier  
President of the City Commission

Signed in the presence of us as witnesses:

W. J. Denton, City Clerk  
(Name)  
H. J. Denton  
(Name)

City of Sacramento  
(Address)  
City of Sacramento  
(Address)  
Robert L. Shrum  
(Address)  
CITY ATTORNEY

STATE OF CALIFORNIA,  
County of \_\_\_\_\_

This is to certify that we have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion as follows:

In order to return to the applicant, this application must be returned to the State Water Commission with respect to the following:

\_\_\_\_\_ 19\_\_\_\_

WITNESSES our hands this \_\_\_\_\_ day of \_\_\_\_\_

*City of San Francisco  
The Municipal Corporation*

Application No. 1748  
Permit No. 998

**EMERALD  
MUNICIPAL  
APPLICATION  
TO APPROPRIATE THE PUBLIC  
WATERS OF THE  
STATE OF CALIFORNIA**

This application was first received in the office  
of the State Water Commission on the 30  
day of March 1922  
at Stockton, Cal.

Returned to Applicant for Correction  
Corrected Application Received  
Approved:  
February 18, 1922  
Recorded in Book No. \_\_\_\_\_  
of \_\_\_\_\_

STATE OF CALIFORNIA,  
City and County of San Francisco ss.

This is to certify that we have examined the application of which the foregoing is a true and correct copy and  
thereby grant the same, subject to VESTED RIGHTS and the following limitations and conditions, in addition to those  
enumerated in Section 20 (Statutes 1913, Chapter 586) set forth above: to-wit:

That water may be diverted to the full capacity of the pumping plant and  
diverting works to be constructed for such time during any thirty day period  
as to result in an amount equivalent to continuous flow allowance.

The maximum amount herein stated may be reduced in the license if in-  
vestigation so warrants.

Actual construction work shall begin on or before April 1st, 1922

and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit shall  
be void.

The amount of water appropriated shall be limited to the amount which was applied to beneficial use, and shall  
not exceed (Two hundred twenty-five) cubic feet per second from January 1st to December 31st of  
each season, or its equivalent in case of rotation as stated above.

Said construction work shall be completed on or before April 1st, 1924

Complete application of the water to the proposed use shall be made according to a  
prescribed scale of use increasing from time to time as follows:

maximum diversion of	28	cubic feet per second by the year	1925
	56		1930
	84		1935
	113		1940
	141		1945
	169		1950
	196		1955
	225		1960

20

15th day of February 1922

STATE DEPARTMENT OF PUBLIC WORKS,  
DIVISION OF WATER RIGHTS,

BY H. H. [Signature]



Canal System—

8. Give dimensions at each point of canal where materially changed in size, stating miles from headgate:

(a) At headgate: Width on top (at water line) \_\_\_\_\_ feet; width on bottom \_\_\_\_\_

feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_ feet fall per one thousand feet.

(b) At \_\_\_\_\_ miles from headgate: Width on top (at water line) \_\_\_\_\_ feet;

width on bottom \_\_\_\_\_ feet; depth of water \_\_\_\_\_ feet; grade \_\_\_\_\_

feet fall per one thousand feet. (Attach sheet covering other changes.)

Intake Lines—Two 60" concrete pipes leading 1,000 ft. to pumping plant.

Storage Reservoir

FILTRATION PLANT WORKS: LIST OF CAPACITIES

Site - Suitable for works having capacity of	400	sec. ft.
Intake and Intake Lines	300	" "
Low Lift pumping Installation, present proposed installation	124	" "
High Lift pumping Installation, present proposed installation	116	" "
Coagulating Basins	43.5	acre ft.
10 Rapid Sand Filters (at overload)	93.0	sec. ft.
Clear Water Basin	27.6	acre ft.
42 in. and 36 in. pressure lines to City	155.0	sec. ft.

length on top \_\_\_\_\_ feet; length on bottom \_\_\_\_\_ feet; width on top \_\_\_\_\_

feet; slope of front or water face \_\_\_\_\_ slope on back \_\_\_\_\_

height of dam above water line when full \_\_\_\_\_ feet.

12. Character of construction of dam and the materials of which it is to be built \_\_\_\_\_

total

13. Estimated cost of proposed works, \$ 1,800,000

14. Construction work will begin on or before 1921

15. Construction work will be completed on or before 1923 Amended by order of OCT 20 1950

16. The water will be completely applied to the proposed use on or before 1923 Amended by order of OCT 29 1950

17. To supply the city of Sacramento, Sacramento County,

having a present population of 80,000

18. Estimated future requirements of city in amount of water, needed 500 cfs per day in 1960

Character of construction: concrete, reinforced concrete, iron and

steel—Permanent construction.

19. It is understood and agreed that this application and the permit and license which may be granted hereunder

shall be subject to all the conditions set forth in Section 20 of the Water Commission Act (Statutes 1913, Chapter 586),

which is as follows:



# State Water Resources Control Board



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

**Division of Water Rights**  
901 P Street • Sacramento, California 95814 • (916) 657-0765  
Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000  
FAX (916) 657-1485 • Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

**Gray Davis**  
Governor

In Reply Refer  
to: 333:GFW:1743

**OCT 31 2000**

City of Sacramento  
c/o Mr. Joe Robinson  
Office of the City Attorney  
9800 10<sup>th</sup> Street, 10<sup>th</sup> Floor  
Sacramento, CA 95814-7455

Dear Mr. Robinson:

PERMITS 992, 11359, AND 11360 (APPLICATIONS 1743, 12321, AND 12622)-PETITION  
FOR CHANGE IN POINT OF DIVERSION/REDIVERSION

Your petition for change in a point of diversion/rediversion under the subject permits has been approved. The amended points of diversion/rediversion and any new conditions are set forth in the enclosed Orders. We suggest that you retain the Orders with your permits.

Please note that continuing authority and water quality terms have been amended/added to the permits to reflect the current common law public trust doctrine as contained in title 23, California Code of Regulations, section 780(a) & (b). Additionally, a threatened and endangered species term has been added to the permits.

If you have any questions, please contact Greg Wilson who is currently assigned to process your petition at (916) 657-1875.

Sincerely,

Mark L. Stretars, Chief  
Petition Unit

Enclosures

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

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In the Matter of Permit 992 (Application 1743)  
**City of Sacramento**

ORDER APPROVING CHANGE IN  
POINT OF DIVERSION  
AND AMENDING THE PERMIT

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SOURCE: Sacramento River

COUNTY: Sacramento

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**WHEREAS:**

1. Permit 992 was issued to the City of Sacramento on February 18, 1922, pursuant to Application 1743.
2. A petition to change a point of diversion under Permit 992 was filed with the State Water Resources Control Board (SWRCB) on March 16, 2000 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on April 14, 2000 and no protests were received.
3. The SWRCB has determined that the petition for change in point of diversion does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.
5. The permit term relating to the continuing authority of the SWRCB should be updated to conform to section 780(a), title 23 of the California Code of Regulations.
6. A permit term relating to the water quality objectives of the SWRCB should be added to the permit to conform to section 780(b), title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT Permit 992 IS AMENDED TO READ AS FOLLOWS:**

1. The points of diversion for Permit 992 are amended to read as follows:

- (1) City of Sacramento Water Treatment Plant – A point of diversion located at North 337,400 and East 2,141,400, California Coordinate System of 1927, Zone 2, being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 35 T9N R4E MDB&M. (The current point of diversion; the existing City of Sacramento Water Treatment Plant intake structure located at North 338,100 and East 2,141,300, 1927 California Coordinate System Zone 2, being within the S $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 35 T9N R4E MDB&M; will be used until the completion of construction of the new intake structure. Upon completion of construction, the current point of diversion will be abandoned.)
- (2) Inlet at North 330,133.46 and East 2,139,393.33, California Coordinate System of 1927, Zone 2, being within the NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 2 T8N R4E MDB&M

2. The continuing authority condition shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, 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 SWRCB 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 SWRCB 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 licensee 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB 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 SWRCB 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 SWRCB 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. A water quality objectives condition shall be added to Permit 992 to read as follows:

The quantity of water diverted under this permit is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB 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 SWRCB 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)

4. An endangered Species term shall be added to Permit 992 to read as follows:

This permit does not authorize any act which results in the taking of a 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 and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

Dated: OCT 30 2000

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Chief, Division of Water Rights