

App 12140

PERMIT No. 11328

This is to certify that the application of which the foregoing is a true and correct copy has been considered and approved by the State Water Rights Board SUBJECT TO VESTED RIGHTS and the following limitations and conditions:

1. The amount of water appropriated shall be limited to the amount which can be beneficially used.
2. The amount of water appropriated shall not exceed 500 cubic feet per second by direct diversion to be diverted from the American River between about November 1 of each year and about August 1 of the succeeding year.
3. The maximum amount herein stated may be reduced in the license if investigation so warrants.
4. Actual construction work shall begin on or before July 1, 1961, and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.
5. Construction work shall be completed on or before December 1, 1965.
6. Complete application of the water to the proposed use shall be made on or before December 1, 2030.
7. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board.
8. The amount which may be diverted under rights acquired or to be acquired under this permit is and shall remain subject to reduction by future appropriation of water for reasonable, beneficial use within the American River watershed tributary to permittee's points of diversion.
9. Permittee shall limit its diversion from American River to such flows as may be in excess of releases past Nimbus Dam in satisfaction of downstream prior rights, for purposes of fish conservation in the American River and for salinity control in Sacramento-San Joaquin Delta.
10. For the purpose of defining the by-pass requirements for fish conservation as set forth in condition No. 9, this permit is specifically subject to that certain document entitled "Stipulation for Withdrawal of Protest" between City of Sacramento and California Department of Fish and Game, dated October 15, 1957, filed of record

as Fish and Game Exhibit No. 18 of the hearing of Applications 1218D and 16060.

11. 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.

12. Direct diversion from American River between about August 1 and about November 1 of each year and/or diversion to storage from South Fork American River are not authorized by this permit.

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: **MAY 7 1958**

STATE WATER RIGHTS BOARD

*J. K. Hill*  
Executive Officer