

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 5629, 5630, 14443, 14444, 14445A, 17512, 17514A, and 17515A of California Department of Water Resources to Appropriate from Feather River, Sacramento-San Joaquin Delta, Lindsey Slough, Italian Slough, and San Luis Creek in Butte, Contra Costa, Sacramento, San Joaquin, Solano, Yolo, and Merced Counties

Decision D 1275

See also
D. 1291

Adopted May 31, 1967

TABLE OF CONTENTS

	Page
Introduction	1
Substance of Applications	4
General Information Concerning the Applications	8
Protests, Issues, and Hearings	14
Availability of Unappropriated Water	
Quantities of Water Available in the Delta	16
Quality Requirements in the Delta	17
Interim Water Quality Requirements in the Delta	18
Quantities of Water Available in San Luis Creek	21
Quantities of Water and Seasons of Diversion to be Allowed	
Quantities of Water	
Project Requirements	21
Capacities of Works	22
Seasons of Diversion	
Feather River	23
The Delta	26
San Luis Creek	29
Protection to Areas of Origin and Relative Priority of Rights of Department and Rights of Others	
County of Origin and Watershed Protection Laws	30
Permits Granted to the Bureau Pursuant to Decision D 990	32
Coordinated Operation of the Federal Central Valley Project and the State Water Project	32

	Page
Other Permit Terms	
Stipulated Terms	33
Protection of Fish and Wildlife	34
Conclusion	35
Order	36

TABLES

TABLE I	Summary of Water Right Applications for State Water Project	10
TABLE II	Locations of Points of Diversion and Other Features of the State Water Facilities . . .	12
TABLE III	Ultimate Annual Project Requirements . . .	24
TABLE IV	Capacities of Works	25

LIST OF PLATES

PLATE 1	General Map
PLATE 2	Delta Area
PLATE 3	Oroville Facilities
PLATE 4	San Luis Facilities

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In the Matter of Applications 5629, 5630,
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Resources to Appropriate from Feather River,
Sacramento-San Joaquin Delta, Lindsey Slough,
Italian Slough, and San Luis Creek in Butte,
Contra Costa, Sacramento, San Joaquin,
Solano, Yolo, and Merced Counties

Decision D 1275

DECISION APPROVING IN PART APPLICATIONS 5629,
5630, 14443, 14444, 14445A, 17512, 17514A, AND
CANCELING APPLICATION 17515A

Introduction

This decision concerns eight applications in the name of the California Department of Water Resources (hereinafter sometimes referred to as "the Department") to appropriate water from Feather River, Sacramento-San Joaquin Delta, Italian Slough, Lindsey Slough, and San Luis Creek. These applications were filed pursuant to Chapter 286 of the Statutes of 1927 (now Section 10500 of the Water Code) in furtherance of a general or coordinated plan for development of the water resources of the State of California, and are commonly referred to as state filings.

The Department proposes to use the water applied for in the operation of the California State Water Project. Maps showing the main features of this project and many of the other pertinent details are included as Plates 1, 2, 3, and 4.

In brief, the State Water Project is a system of facilities to be operated to conserve surplus water of the Feather River and the Delta and to convey it to areas of seasonal or perennial deficiency in the Feather River, Delta, North Bay, South Bay, San Joaquin Valley, Central Coastal, and Southern California areas, as these areas are shown on Plate 1. The dam at Oroville will divert Feather River water for power and store water for power and consumptive uses. Thermalito Diversion Dam, a short distance downstream from Oroville Dam, will divert natural flow of the Feather River and stored water released from Oroville Reservoir for power and consumptive uses in the Feather River area. Other diversions will be made from the Feather River at points to be selected for consumptive use in the Feather River area. Feather River water reaching the Delta, both as natural flow and as released stored water from Oroville, will be diverted, together with surplus water in the Delta, from Delta channels at points to be selected to serve the Delta area, from Lindsey Slough through the North Bay Aqueduct to serve the North Bay area, from Italian Slough through the South Bay Aqueduct to serve the South Bay area, and from Italian Slough through the California Aqueduct to

serve the San Joaquin Valley, Central Coastal, and Southern California areas.

Water of the Feather River and the Delta diverted from Italian Slough through the California Aqueduct will be stored at times in San Luis Reservoir for later release to generate power and continue south in the California Aqueduct. San Luis Dam, San Luis Pumping-Generating Plant and the reach of the canal to Kettleman City will be operated to serve both the Federal Central Valley Project and the State Water Project.

The Coastal Branch canal and pipeline takes out of the California Aqueduct near the Kings-Kern County line to serve the Central Coastal area. The California Aqueduct continues south through the Tehachapi Mountains by a series of pumps and tunnels and then divides into the West and East Branches to serve the Southern California area.

The planned Peripheral Canal, scheduled for completion in 1973, will convey water from the Sacramento River near Hood along the eastern boundary of the Delta to Italian Slough, releasing water into Delta channels en route.

A detailed description of the State Water Project facilities is contained in Bulletin 132-66 (DWR Exh. 55).

When the term "Delta" is used, it refers to the Sacramento-San Joaquin Delta as described in Section 12220 of the Water Code.

The hearing on these applications, and the protests to them, commenced on July 26, 1966, before Kent Silverthorne, then Chairman*, Ralph J. McGill and W. A. Alexander, members, of the State Water Rights Board. The hearing, interspersed with recesses, was completed on April 19, 1967, after 40 days of hearing.

Substance of Applications

The material contained in the amended applications is summarized in Table I. The locations of the points of diversion and other features of the proposed facilities that are described in the applications are shown in Table II.

Applications 5629 and 5630 were filed on July 30, 1967, by the California Department of Finance and were later transferred to the Department of Water Resources. Application 5629, as amended, is for a permit to appropriate 7,600 cubic feet per second (cfs) by direct diversion year round, and 380,000 acre-feet per annum (afa) by storage to be collected year round from the Feather River for power, incidental recreation, and fish and wildlife enhancement purposes. Points of diversion are (1) Oroville Dam, (2) Thermalito Diversion Dam, and (3) Feather River Fish Hatchery Dam. The places of use for power are (1) Oroville Powerplant and (2) Thermalito

* George B. Maul was appointed Chairman on March 30, 1967.

Powerplant. Incidental uses are at project facilities associated with Oroville Dam and Reservoir and along the Feather River below Oroville Dam, shown on Plate 1.

Some of the units in the powerplants at Oroville Dam and Thermalito Forebay Dam will be equipped with reversible pump turbines for reuse of water by pumped storage operation.

Application 5630, as amended, is for a permit to appropriate 1,400 cfs by direct diversion year round and 380,000 afa by storage to be collected year round from the Feather River for domestic, irrigation, municipal, industrial, and salinity control purposes, and incidental power, recreational, and fish and wildlife enhancement purposes. Points of diversion are (1) Oroville Dam, (2) Thermalito Diversion Dam, (3) Feather River Fish Hatchery Dam, (4) Delta Water Facilities, (5) Substitute Water Distribution System to serve the western portion of the Delta, and (6) California Aqueduct Intake. The place of use is 9,546,000 net acres within a gross area of 29,402,000 acres comprising (1) Feather River area, (2) Sacramento-San Joaquin Delta, (3) North Bay area, (4) South Bay area, (5) San Joaquin Valley area, (6) Central Coastal area, and (7) Southern California area, as shown on Plate 1. Incidental use of water for power is at the following powerplants: (1) San Luis, (2) San Luis Obispo, (3) Cottonwood, (4) Pyramid, (5) Castaic, (6) Devil Canyon No. 1, and (7) Devil Canyon No. 2.

Applications 14443 and 14444 were filed on August 24, 1951, by the Department of Finance and were later transferred

to the Department of Water Resources. Application 14443, as amended, is for a permit to appropriate by direct diversion year round (1) 1,360 cfs from the Feather River and (2) 6,185 cfs from the Sacramento-San Joaquin Delta channels and by storage to be collected year round (1) 3,500,000 afa from the Feather River and (2) 42,100 afa from the Sacramento-San Joaquin Delta channels for domestic, irrigation, municipal, industrial, and salinity control purposes and incidental power, recreational, and fish and wildlife enhancement.

The points of diversion and place of use are identical to those of Application 5630.

Application 14444, as amended, is for a permit to appropriate 11,000 cfs by direct diversion year round and 3,500,000 afa to be collected year round from the Feather River for power and incidental recreational and fish and wildlife enhancement.

The points of diversion and places of use are identical to those of Application 5629.

Application 14445A is a portion of Application 14445 which was filed on August 25, 1951, by the Department of Finance and later transferred to the Department of Water Resources. As amended, it is for a permit to appropriate 2,115 cfs by direct diversion year round and 44,000 afa by storage to be collected year round from (1) Italian Slough and (2) Sacramento-San Joaquin Delta channels for domestic, irrigation, municipal, industrial, salinity control, and incidental power, recreational,

and fish and wildlife enhancement purposes. Points of diversion are (1) Delta Water Facilities, (2) Substitute Water Distribution System, and (3) California Aqueduct Intake. The application, as amended on page 2 of the supplement, lists San Luis Creek as a point of diversion. This listing is in error as San Luis Creek is not a source of water under the application. The application will be corrected to show San Luis Dam as a point of rediversion. The place of use is 8,214,000 net acres within a gross area of 26,773,000 acres comprising (1) Sacramento-San Joaquin Delta, (2) South Bay area, (3) San Joaquin Valley area, (4) Central Coastal area, and (5) Southern California area, as shown on Plate 1. Incidental use of water for power is at the following powerplants: (1) San Luis, (2) San Luis Obispo, (3) Cottonwood, (4) Pyramid, (5) Castaic, (6) Devil Canyon No. 1, and (7) Devil Canyon No. 2.

Application 17512 was filed on March 15, 1957. As amended, it is for a permit to appropriate 1,100,000 afa by storage to be collected year round from (1) Italian Slough, (2) Sacramento-San Joaquin Delta channels, and (3) San Luis Creek for domestic, irrigation, municipal, industrial, and salinity control purposes and incidental power, recreational, and fish and wildlife enhancement purposes. Points of diversion are (1) Delta Water Facilities, (2) Substitute Water Distribution System, (3) California Aqueduct Intake, and (4) San Luis Dam. The places of use are identical to those of Application 14445A.

Application 17514A is a portion of Application 17514 which was filed on March 15, 1957. As amended, it is for a permit to appropriate 200 cfs by direct diversion year round from Lindsey Slough for municipal and industrial purposes. The point of diversion is North Bay Aqueduct Intake. The place of use is the North Bay area, as shown on Plate 1.

Application 17515A is a portion of Application 17515 which was also filed on March 15, 1957. As amended, it is for a permit to appropriate 200 cfs by direct diversion year round from Lindsey Slough for irrigation and domestic purposes. The point of diversion is North Bay Aqueduct Intake. The place of use is 669,000 net irrigable acres within a gross area of 1,272,000 acres comprising the North Bay area, as shown on Plate 1.

General Information Concerning the Applications

The locations of two of the points of diversion and rediversion are not shown in the applications. They are (1) Delta Water Facilities and (2) Substitute Water Distribution System to serve western portions of the Delta. Plans for the Delta Water Facilities to transport water from the Sacramento River in the vicinity of Hood to the intake of the California Aqueduct and to supply the western portion of the Delta have not been finally determined. The final locations of pumps and conduits associated with the Substitute

Water Distribution System to serve the western portion of the Delta will be determined after further study. The applications state that when these systems have been selected, information will be filed with the Board describing the features associated with these systems.

Applications 5630, 14443, 14445A, 17512, 17514A, and 17515A also state that a portion of the water will be stored underground by agencies which have contracted with the State for water supplies and that the water so stored will thereafter be applied to the beneficial purposes for which these applications are made.

Applications 5629, 5630, 14443, 14444, 14445A, 17512, 17514A, and 17515A all state that these applications are without priority as among themselves.

The priorities of Applications 5629, 5630, 14443, 14444, and 14445A were released in favor of Applications 13681, 13682, 14919, and 14920 and those portions of Applications 15551 and 15552 not pertaining to Grizzly Valley Reservoir (Middle Fork Feather River Project). The priorities of Applications 5629 and 5630 were also released in favor of Applications 13676, 13956, 13957, 14112, and 14113 (South Fork Feather River Project).

The California Water Commission approved the amendments to the applications and assigned them to the Department subject to the prior rights of any county in which the water covered by the applications originates to the use of such water

TABLE I

SUMMARY OF WATER RIGHTS APPLICATIONS FOR STATE WATER PROJECT

As amended December 21, 1964

Appli- cation Number	Date Filed	Source	Amount		Point of Diversion	Purpose of Use	Place of Use
			Direct Diversion CFS	Storage Acre-Feet			
5629	7-30-27	Feather River	7,600	380,000	Oroville Dam, Thermalito Diversion Dam, Feather River Fish Hatchery Dam.	Power; incidental recreational, and fish and wildlife enhancement purposes.	Oroville and Thermalito Powerplants; project facilities associated with the Oroville Divi- sion and Feather River below Oroville Dam.
5630	7-30-27	Feather River	1,400	380,000	Oroville Dam, Thermalito Diversion Dam, Feather River Fish Hatchery Dam, Delta Water Facil- ities, Substitute Water Distribution System, and Califor- nia Aqueduct Intake.	Domestic, irriga- tion, municipal, industrial, and salinity control purposes; and inci- dental power, rec- reational, and fish and wildlife en- hancement purposes.	Feather River Area, Sacramento-San Joaquin Delta, North Bay Area, South Bay Area, San Joaquin Valley Area, Central Coastal Area, and Southern California Area.
14443	8-24-51	Feather River Sacramento-San Joaquin Delta Channels	1,360 6,185	3,500,000 42,100	Oroville Dam, Thermalito Diversion Dam, Feather River Fish Hatchery Dam, Delta Water Facil- ities, Substitute Water Distribution System, and Califor- nia Aqueduct Intake.	Domestic, irriga- tion, municipal, industrial, and salinity control purposes; and inci- dental power, rec- reational, and fish and wildlife en- hancement purposes.	Feather River Area, Sacramento-San Joaquin Delta, North Bay Area, South Bay Area, San Joaquin Valley Area, Central Coastal Area, and Southern California Area.

-10-

TABLE I (Continued)

SUMMARY OF WATER RIGHTS APPLICATIONS FOR STATE WATER PROJECT

As amended December 21, 1964

Appli- cation Number	Date Filed	Source	Amount		Point of Diversion*	Purpose of Use	Place of Use**
			Direct Diversion CFS	Storage Acre-Feet			
144444	8-24-51	Feather River	11,000	3,500,000	Oroville Dam, Thermalito Diversion Dam, and Feather River Fish Hatchery Dam.	Power; incidental recreational, and fish and wildlife enhancement purposes.	Oroville and Thermalito Powerplants; project facilities associated with the Oroville Divi- sion and Feather River below Oroville Dam.
14445A	8-25-51	Italian Slough and Sacramento- San Joaquin Delta Channels	2,115	44,000	Delta Water Facili- ties, Substitute Water Distribution System, California Aqueduct Intake.	Domestic, irrigation, municipal, industri- al, and salinity control purposes; and incidental power, recreational, and fish and wildlife enhancement purposes.	Sacramento-San Joaquin Delta, South Bay Area, San Joaquin Valley Area, Central Coastal Area, and Southern California Area.
17512	3-15-57	Italian Slough, Sacramento-San Joaquin Delta Channels, and San Luis Creek		1,100,000	Delta Water Facili- ties, Substitute Water Distribution System, California Aqueduct Intake, and San Luis Dam.	Domestic, irrigation, municipal, industri- al, and salinity control purposes; and incidental power, recreational, and fish and wildlife enhancement purposes.	Sacramento-San Joaquin Delta, South Bay Area, San Joaquin Valley Area, Central Coastal Area, and Southern California Area.
17514A	3-15-57	Lindsey Slough	200		North Bay Aqueduct Intake.	Municipal and industrial purposes.	North Bay Area.
17515A	3-15-57	Lindsey Slough	200		North Bay Aqueduct Intake.	Irrigation and domes- tic purposes.	North Bay Area.

*Locations of points of diversion are included in Table II.

**Locations of places of use are shown approximately on Plate 1.

TABLE II
LOCATIONS OF
POINTS OF DIVERSION AND OTHER FEATURES
OF THE STATE WATER FACILITIES

PROJECT FEATURES	CALIFORNIA COORDINATES			SUBDIVISION OF PUBLIC LAND SURVEY					
	NORTH	EAST	ZONE	TOWN-		SECTION	SHIP	RANGE	B&M
			1/4	1/4					
OROVILLE RESERVOIR									
OROVILLE DAM AND POWERPLANT	681,581	2,145,832	2	NW	NW	1	19N	4E	MD
THERMALITO DIVERSION DAM	678,538	2,128,276	2	SW	SE	5	19N	4E	MD
THERMALITO FOREBAY DAM AND POWERPLANT	673,570	2,104,700	2	NW	SW	10	19N	3E	MD
WESTERN CANAL OUTLET				NW	NW	18	19N	3E	MD
SUTTER-BUTTE CANAL OUTLET				SE	SE	32	19N	3E	MD
RIVER OUTLET	652,500	2,102,200	2	SW	SE	33	19N	3E	MD
FEATHER RIVER FISH HATCHERY									
DIVERSION DAM	675,483	2,127,942	2	SW	NE	8	19N	4E	MD
DELTA WATER FACILITIES	252,650	2,137,200	2	SW	NE	22	6N	4E	MD
	489,027	1,684,405	3	NW	NE	24*	1S	3E	MD

FINAL LOCATIONS OF DELTA WATER FACILITIES
WILL BE DETERMINED AFTER FURTHER STUDY

SUBSTITUTE WATER DISTRIBUTION
SYSTEM TO SERVE WESTERN PORTION
OF DELTA

FINAL LOCATIONS OF PUMPS AND CONDUITS WILL
BE DETERMINED AFTER FURTHER STUDY

NORTH BAY AQUEDUCT INTAKE AND FISH SCREEN	216,350	2,064,750	2	NW	SE	20*	5N	2E	MD
CALHOUN PUMPING PLANT				SE	NW	26	5N	1E	MD
CORDELIA PUMPING PLANT				NW	SW	12	4N	3W	MD
NORTH BAY AQUEDUCT TERMINUS				SW	NW	5	4N	3W	MD
CALIFORNIA AQUEDUCT INTAKE AND FISH SCREEN	489,027	1,684,405	3	NW	NE	24*	1S	3E	MD
DELTA PUMPING PLANT				NW	SW	35	1S	3E	MD
SOUTH BAY PUMPING PLANT				NE	NE	10	2S	3E	MD
DEL VALLE PUMPING PLANT				SW	NW	3*	4S	2E	MD
DEL VALLE DAM AND RESERVOIR	408,222	1,639,465	3	NE	SW	3*	4S	2E	MD
SOUTH BAY AQUEDUCT TERMINUS				NW	NE	23*	6S	1E	MD
SAN LUIS FOREBAY AND FOREBAY DAM**	216,800	1,841,100	3	NE	SW	1	10S	8E	MD
SAN LUIS POWER AND PUMPING PLANT**				NE	NE	15*	10S	8E	MD
SAN LUIS DAM AND RESERVOIR**	204,450	1,832,440	3	SW	SE	15*	10S	8E	MD
PACHECO PASS TUNNEL INTAKE				SW	SW	18*	10S	8E	MD
PACHECO PASS TUNNEL TERMINUS				NW	SW	33*	10S	6E	MD
DOS AMIGOS PUMPING PLANT**				NW	NE	1	12S	10E	MD

* PROJECTED SECTION

** JOINT USE FACILITIES OF CALIFORNIA AQUEDUCT
AND SAN LUIS UNIT, CENTRAL VALLEY PROJECT

TABLE II (CONT.)
LOCATIONS OF
POINTS OF DIVERSION AND OTHER FEATURES
OF THE STATE WATER FACILITIES

PROJECT FEATURES	CALIFORNIA COORDINATES			SUBDIVISION OF PUBLIC LAND SURVEY						
	NORTH	EAST	ZONE	1/4	1/4	SECTION	TOWN- SHIP	RANGE	B&M	
SAN LUIS CANAL TERMINUS**				SW	SE	13	22S	10E	MD	
BUENA VISTA PUMPING PLANT				SW	NE	12	32S	24E	MD	
WHEELER RIDGE PUMPING PLANT				NW	NW	22	11N	20W	SB	
WIND GAP PUMPING PLANT					S $\frac{1}{2}$	NE	26	11N	20W	SB
TEHACHAPI PUMPING PLANT				NW	SW	17*	10N	18W	SB	
TEHACHAPI AFTERBAY				SW	NE	32*	9N	17W	SB	
COTTONWOOD POWERPLANT				SE	SE	32*	9N	17W	SB	
OSO PUMPING PLANT				SE	NW	6*	8N	17W	SB	
PYRAMID POWERPLANT				SE	NE	21	7N	18W	SB	
PYRAMID DAM AND RESERVOIR	417,150	1,770,500	5	SW	NW	2	6N	18W	SB	
CASTAIC POWERPLANT				NE	SE	22	6N	17W	SB	
CASTAIC DAM AND RESERVOIR	4,301,400	4,104,900	7		N $\frac{1}{2}$	SW	18	5N	16W	SB
PEARBLOSSOM PUMPING PLANT				SW	NW	15	5N	10W	SB	
CEDAR SPRINGS DAM AND RESERVOIR	293,520	2,207,260	5		S $\frac{1}{2}$	NE	32	3N	4W	SB
DEVIL CANYON POWERPLANT NO. 1				SW	NW	32	2N	4W	SB	
DEVIL CANYON POWERPLANT NO. 2				SW	SW	6*	1N	4W	SB	
PERRIS DAM AND RESERVOIR	613,500	1,713,400	6		N $\frac{1}{2}$	SE	4	4S	3W	SB
LAS PERILLAS PUMPING PLANT				SE	NW	15	24S	19E	MD	
BADGER HILL PUMPING PLANT				SE	SW	17	24S	19E	MD	
DEVILS DEN PUMPING PLANT				SE	NE	34	25S	18E	MD	
SAWTOOTH PUMPING PLANT				SE	NE	1	26S	17E	MD	
POLONIO PUMPING PLANT				NW	SW	32	25S	17E	MD	
SAN LUIS OBISPO POWERPLANT				SW	NE	5	31S	13E	MD	
COASTAL AQUEDUCT TERMINUS				SE	SE	8*	10N	33W	SB	

* PROJECTED SECTION

** JOINT USE FACILITIES OF CALIFORNIA AQUEDUCT
AND SAN LUIS UNIT, CENTRAL VALLEY PROJECT

as may be necessary for the development of the county, to water service contracts validly entered into by the Department pursuant to Section 12937 and Part 3, Division 6, of the California Water Code, and to the provisions of Water Code Section 10504.5 requiring permission of the Commission for any substantial changes in the project.

Applications 17514A and 17515A are practically identical except for the purpose of use. Separate applications were filed because at that time administrative regulations did not permit combining more than one major use in a single application. That restriction has since been removed. In order to eliminate unnecessary paper work in the future, the Board will amend Application 17514A by adding irrigation as a purpose of use and by adding to the description of the place of use a statement of the number of acres to be irrigated, as set forth in Application 17515A. The latter application will then be canceled.

Protests, Issues, and Hearings

Over one hundred individuals, associations, corporations, and public agencies in the Sacramento Valley, the Delta, and the San Joaquin Valley filed protests to all or some of the applications on the basis that the storage and diversion of water proposed by the Department would interfere with present or future water requirements.

At the hearing, the Department presented data to support its contention that unappropriated water is available for storage and diversion as proposed in its applications. A number of the agencies which have contracted to purchase water from the Department submitted data on their present and future water requirements and supported the Department's request for permits. A relatively small number of protestants submitted evidence and proposed permit terms. Other protestants submitted proposed permit terms only, while many protestants did not appear at the hearing. A number of interested parties submitted information at the hearing, e.g., the United States Bureau of Reclamation (hereinafter referred to as "the Bureau") submitted data pertaining to the joint water rights study and a summary of a study of coordinated operation of the federal and state projects. Federal and state agencies also explained the Delta water quality studies which have been undertaken.

The principal issues developed by the protests and presentations at the hearing are summarized as follows:

1. In what quantity and season is unappropriated water available to supply the Department?
2. What terms and conditions should be included in permits issued to the Department pertaining to water quality in the Delta?
3. Should permits issued to the Department for export be subject to applications filed for use within the Central Valley Basin, as delineated

on Plate 1 appended to Decision D 990, regardless of the date of filing said applications?

4. Should permits issued to the Department and permits issued to the Bureau pursuant to Decision D 990 have priority in accordance with the dates of the underlying applications notwithstanding any provision of the agreement between the Department and the Bureau dated May 16, 1960?

Availability of Unappropriated Water

The primary and most controversial issues raised at the hearing were:

- (1) What quantity of unappropriated water is available in the Delta to supply the Department?
- (2) What quality of water in the Delta should be maintained to protect prior rights?

These issues are interrelated and an analysis of the quantity of water available must take into consideration the quality to be maintained.

Quantities of Water Available in the Delta

The Department presented a study of the coordinated operation of the Federal Central Valley Project and the State Water Project for the 33-year period 1921 through 1954 (DWR Exh. 80) based on numerous assumptions, including:

- (1) 1,800 cfs Delta outflow;

- (2) Upstream depletions at the level of projected development in the year 2015;
- (3) Augmentation of the supply to the Delta by construction of additional facilities to offset future depletions in the Delta.

The third assumption appears reasonable as the Upper Eel River development, authorized by the Department in 1964, will yield an amount of water to meet projected depletions in the year 2035 as shown by Table 5 of Department Bulletin 132-66 (DWR Exh. 55).

The coordinated operations study develops how much water would have been available in the Delta and how much water would have been required to satisfy all demands on the Delta, including those of the Bureau of Reclamation to operate the Federal Central Valley Project and those of the State to operate the State Water Project. According to the study, supplies would have exceeded demands in at least one month in all but two years. In the years when supply would have exceeded demand, the excess ranges from 15,000 to 27,655,000 acre-feet, and in 50 percent of the years there was at least 4,820,000 acre-feet excess.

Quality Requirements in the Delta

The problem with regard to water quality in the Delta is similar to that presented when Decision D 990 was issued. That decision contains a detailed discussion of the reasons which compelled the Board to reserve jurisdiction over permits

issued to the Bureau for the purpose of formulating terms and conditions relative to salinity control in the Delta. Substantially the same reasons still exist plus the fact that both federal and state agencies are conducting extensive studies regarding the problem of water quality in the San Francisco Bay and the Delta for the purpose of determining what standards of water quality should be maintained and recommending how this is to be accomplished. The Water Pollution Control Law of 1965 (Stats. 1965, Chapter 1351) requires a report to the Legislature by 1969.

The Board finds that sufficient information is not available to finally determine the terms and conditions regarding water quality in the Delta which will reasonably protect vested rights without resulting in waste of water. Jurisdiction will be reserved over the permits to be issued for the purpose of formulating terms and conditions relative to water quality control in the Delta. The Board further finds that the reservation of jurisdiction should be for a period of three years or for such additional time as may be later prescribed by the Board.

Interim Water Quality Requirements in the Delta

During the hearing the Board indicated that any permits issued would specify the minimum water quality to be maintained in the Delta, which quality would be equal to or better than that agreed upon by the Department and the Sacramento River and Delta Water Association, as set forth in "Delta Water Quality Criteria" dated November 19, 1965 (SRDWA Exh. 17).

Reasonable protection to the Delta water users requires some winter flushing flows, a fairly high quality of water during the early irrigation season, and no degradation of the quality of water below natural conditions during the summer and fall seasons when the natural flow is low.

The Department proposes to commence the diversion of a relatively small quantity of water from the Delta in 1967 and to gradually increase diversions over a period of approximately 20 years.

Historic streamflow records provide assurance there will be ample water in the Delta during the months of December through March to provide flushing flows and also meet the relatively small demands of the Department during the next few years. Therefore, no interim water quality criteria are necessary for these months.

From April 1 through June 30 the needs of the agricultural interests in the western Delta would be satisfactorily met by maintaining a chloride ion content not exceeding 250 ppm measured at Blind Point on the San Joaquin River.

From July 1 to November 30 the quality of water the Department has contracted to maintain (SRDWA Exh. 17) will provide water of higher quality than would result at most times under natural conditions.

To protect the protestants until the Board makes a final determination of water quality requirements in the

Delta or the protestants and Department reach an agreement satisfactory to the Board, the Board finds that the Department should program its operations to comply with the following permit conditions:

- (a) Until further order of the Board, permittee shall make no diversions and shall not collect water to storage during the period from April 1 through June 30 at any time the maximum surface zone chloride ion content of the San Joaquin River at Blind Point exceeds 250 ppm. If Blind Point is not used as a monitoring station, the Department shall establish a correlation with some other station satisfactory to the Board to provide the required quality at Blind Point.
- (b) Until further order of the Board these permits shall be subject to the water quality criteria included as "Exhibit A" of the agreement entered at the hearing as SRDWA Exhibit No. 17, insofar as those criteria do not conflict with other terms included in these permits.

If the Department is prevented from storing or diverting water by these special conditions at times when the Bureau is storing or diverting water in the exercise of rights granted by Decision D 990, the Department may request the Board to reopen that decision for the purpose of formulating conditions relative to salinity control to be included in the Bureau's permits and coordinating them with these conditions.

In addition to these special conditions the permits will contain the standard provision that they are issued subject to vested rights, which imposes on the Department the responsibility of programming its operations so as to avoid interference with any prior water right except with the owner's consent.

Quantities of Water Available in San Luis Creek

The average annual runoff recorded at the USGS gaging station on San Luis Creek near San Luis Dam is 4,810 acre-feet. According to the uncontroverted testimony of the Department's witness, there are no known or apparent users on San Luis Creek below the gage location (RT 10186).

Quantities of Water and Seasons of Diversion to Be Allowed

Quantities of Water

Project Requirements

The direct diversion requirements for power on the Feather River, together with incidental use for recreation and fish and wildlife enhancement, all nonconsumptive uses, are described in Applications 5629 and 14444. These applications request a total of 18,600 cfs to be diverted at Oroville Dam, Thermalito Diversion Dam, and Feather River Fish Hatchery Dam. Other applications propose seven power-recovery plants in the project facilities south of the Delta, which will use the same water that will be appropriated for consumptive uses.

The total annual water demand of the State Water Project for consumptive uses, exclusive of surplus water which may be sold to agencies on an interim basis, is 4,570,830 acre-feet, as shown in Table III.

Capacities of Works

The features of the State Water Project are shown on Plate 1 and the capacities of the project works which have a bearing on the permit quantities to be granted are listed in Table IV.

The Department has filed for a total of 3,880,000 afa to be stored in Oroville Reservoir, which has a capacity of only 3,484,000 acre-feet. However, the possibility exists for multiple use of some storage capacity in a single year.

Del Valle Reservoir has a capacity of 78,500 acre-feet.

The State's share of the San Luis Reservoir is 1,095,000 acre-feet.

Therefore, the total storage capacity for project water is 4,657,500 acre-feet in Oroville, Del Valle, and San Luis Reservoirs, compared to a total quantity of water to be diverted to storage of 5,066,100 acre-feet requested in the applications. Since these figures bear a reasonable relation to each other, permits should be issued for storage of the quantity requested.

The Department requests 18,600 cfs to operate the Oroville and Thermalito Powerplants. This is less than 15 percent in excess of the planned powerplant capacities of 16,500 cfs. The permits should allow the 18,600 cfs requested, as actual capacities may exceed what is planned

and the quantities can be reduced at time of license to flows experienced in operation of the project.

Two hundred cubic feet per second was applied for to serve the North Bay area, but the North Bay Aqueduct is being planned for a capacity of only 117 cfs. The permit should be issued for this lesser amount plus an allowance for excess capacity, or 135 cfs.

Seasons of Diversion

Feather River

With regard to the season of availability of unappropriated water in the Feather River at Oroville, a tabulation presented by the Department (DWR Exh. 98) presents estimates of water remaining in the Feather River at Oroville after satisfaction of all pre-1927 rights. In the 31-year period 1924-54, according to this tabulation, water would have been available during June in 22 years, July in only five years, during August in only one year, during September in only five years and during October in 29 years.

A similar tabulation in the 1966 Joint Water Rights Study (DWR Exh. 72), Table A-1, lists estimates of water remaining in the Feather River at Oroville after satisfaction of all pre-1963 rights and rights of local contractors to water from the State Water Project. This table lists water available during June in 22 years, July in only five years, during August in no years, during September in only three years and during October in 28 years. Based on these studies, the season of

TABLE III

ULTIMATE ANNUAL PROJECT REQUIREMENTS

<u>Requirement (1)</u>	<u>Quantity</u>
<u>Power (2)</u>	<u>(cfs)</u>
Oroville	16,500
Thermalito	16,500
<u>Consumptive Uses</u>	<u>(afa)</u>
Feather River Area	39,800
North Bay Area	67,000
South Bay Area	188,000
San Joaquin Valley Area	1,355,000
Central Coastal Area	82,700
Southern California Area	2,497,500
<u>Other Water</u>	
Losses, etc.	340,830
<u>Total Demand</u>	
State Water Project	4,570,830

(1) Data taken from Tables 4 and 5, Bulletin 132-66 (DWR Exh. 55).

(2) The same water is used at both plants.

TABLE IV

CAPACITIES OF WORKSStorage Reservoirs

<u>Reservoir</u>	<u>Capacity (af)</u>
Oroville	3,484,000
Del Valle	78,500
San Luis	2,095,000

Aqueduct Capacities

<u>Conduit</u>	<u>Capacity (cfs)</u>
Thermalito Power Canal	17,000
North Bay Aqueduct	117
South Bay Aqueduct	363
California Aqueduct	10,000

Pumping Plant Capacities

<u>Plant</u>	<u>Capacity (cfs)</u>
Oroville	16,500
Thermalito	16,500
North Bay	117
South Bay	315
Del Valle	120
Delta	10,350

diversion to storage and of direct diversion for consumptive use from the Feather River should exclude the months of July, August, and September. For applications primarily for power use, the direct diversion season from the Feather River should be year round because such diversions do not deplete the flow.

The Delta

With regard to the season of availability of water for export from the Delta, the 1966 Joint Water Rights Study (DWR Exh. 72) generally confirms the results of the operation study submitted by the Bureau (USBR Exh. 164) in the hearing on the Bureau's Central Valley Project applications (Staff Exh. 10). According to USBR Exhibit 164, in the 31-year period 1924-54, after in-basin rights and demands for development of the Federal Central Valley Project were met, water was available in the Delta during June in 19 years, during July in only five years, during August and September in no years, and during October in 22 years.

The results of the 1966 Joint Water Rights Study (DWR Exh. 72), expressed in terms of flow remaining for various conditions at several locations along the Sacramento River, were presented in a series of tables (DWR Exh. 99). One of these tables lists the flow remaining in the Delta after the satisfaction of 1951-64 rights, exclusive of Bureau or Department exports. For the 1924-54 period, according to this table, there would have been water remaining in the Delta during June

in 25 years, during July in only five years, during August in no years, during September, in small quantities, in only five years, and during October in 31 years. If allowance is made for the export diversion requirements of the Bureau to make the results from the 1966 Joint Water Rights Study more nearly comparable to the results from USBR Exhibit 164, DWR Exhibit 99 would list water available during June in about 17 years, during July in only one year, during August and September in no years, and in October in about 19 years. Both these studies indicate that the season to be allowed for diversion for export from the Delta should exclude the months of July, August, and September.

In Decision D 990 the Board, in determining seasons of diversion to be allowed, relied on water rights studies introduced in the hearing preceding that decision. These studies indicated that no water was available in the channels of the Delta during August, that water was available only infrequently during July, and that September was also a month of questionable supply. However, a year-round diversion season from the Sacramento River and the Delta channels was allowed the Bureau because of the possibility that return flows from project waters would result in unappropriated water becoming available in the Sacramento River and the Delta channels during these months of deficient supply. The applications of the Bureau for diversion from the Delta for which year-round season of diversion was allowed were filed in 1938. The total

direct diversion allowed in permits issued pursuant to these applications is 14,950 cfs*.

To the extent that the applications of the Department for diversion from the Delta are of equal or earlier priority than those of the Bureau, they should also be allowed year-round diversion from the Delta. Only Application 5630, filed in 1927, meets this criterion. However, since the source under Application 5630 is the Feather River, diversion from Delta points under the permit will be limited to the quantity of water which is available for diversion at Oroville. At Oroville the season of availability of unappropriated water does not include the months of July, August, and September. For this reason the season for direct diversion from the Delta under Application 5630 cannot include the months of July, August, and September, even though on the basis of its priority and consistency with seasonal allowances in Decision D 990 it would warrant a year-round diversion season.

The remaining applications for diversion from the Delta were filed subsequent to the 1938 applications of the

* Decision D 990 also allowed year-round diversion from the Sacramento River and the Delta channels of 8,000 cfs direct diversion under Application 5626. However, this appropriation was limited to the quantity available at Shasta Dam. At Shasta no water was found available during July or August. Thus, the effective direct diversion season from the Delta under Application 5626 does not include July or August.

Bureau. In the 1966 Joint Water Rights Study (DWR Exh. 72) a sample year (1936) computation is shown. Estimated return flow based on full supply for all in-basin assumed rights is given for the three reaches of the Sacramento River in lines 3, 10, and 18, page 15, of the study. For the months of July, August, and September these return-flow estimates in acre-feet are 211,000, 245,000, and 286,000, respectively. Even if all these return flows reached the Delta, the quantities are less than the direct diversion rights of the Bureau under its permits with 1938 priority. The Joint Water Rights Study utilized these return flows to help meet the demands of the in-basin rights to water from the Sacramento River and the Delta channels. Even so, as already discussed, these studies show very little water remaining in the Delta in July, August, and September after all in-basin rights are satisfied. Therefore, return flows cannot be expected to be available for 1951 rights of the Department. Thus, the seasons of diversion from the Delta for the Department's 1951 applications should not include the months of July, August, and September.

San Luis Creek

The USGS records of discharge of San Luis Creek for the 14 years 1950-63 list flow during July in only four years, during August in only three years, and during September in only three years. However, as all the flow will be available, will be controlled by the physical features of the project, and

will be put to beneficial use, there is no need to restrict the quantity or season of diversion from San Luis Creek by the Department.

Protection to Areas of Origin
and Relative Priority of Rights of Department
and Rights of Others

County of Origin and Watershed Protection Laws

Section 10505 of the Water Code prohibits the release or assignment of any state filing that will deprive the county in which the water originates of any water necessary for development of the county. The assignments of Applications 5629, 5630, 14443, 14444, 14445A, 17512, 17514, and 17515 were made subject to certain reservations and conditions, including a reservation of the prior rights of the counties of origin.

As the interest held by the Department in these applications is subject to the reservations and conditions, the permits issued to the Department should include the reservations and conditions set forth in the assignments.

Sections 11460-11463 prohibit the Department from depriving a watershed or area wherein water originates, or an area immediately adjacent thereto which can conveniently be supplied with water therefrom, of the prior right to all water reasonably required to supply the beneficial needs of the watershed or area.

Conflicting views have been expressed concerning the proper interpretation of this law, particularly as to the meaning of "watershed or area wherein water originates" and "an area immediately adjacent thereto which can conveniently be supplied with water therefrom." The final answers can only be supplied by a court. However, the Board is convinced that whatever fine distinctions might be involved in applying the law in favor of one watershed as against another, no question exists that all of the area within the Central Valley Basin is entitled to some specific protection before water is transferred to more distant areas of the State.

The Department has stipulated with the Sacramento River and Delta Water Association and the Delta Water Users Association that permits issued on these applications shall provide that direct diversion and storage of water under the permits for use beyond the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, or outside the watershed of the Sacramento River Basin, as defined in Decision D 990 of the State Water Rights Board, shall be subject to rights initiated by applications for beneficial use within said watershed and Delta regardless of the date of filing said application. This provision will be included in the permits. However, it does not cover that portion of the Central Valley Basin which lies south of the American River watershed and therefore an additional provision will be included in the permits to give similar protection to that portion of the basin.

Permits Granted to the Bureau
Pursuant to Decision D 990

A permit term was proposed which would declare that priorities of the permits issued to the Bureau pursuant to Decision D 990 and the permits that may be issued to the Department pursuant to this decision shall be according to the dates of filing the corresponding applications, notwithstanding the May 16, 1960, agreement between the Bureau and the State (DWR Exh. 96). In view of the stipulation between the applicants and the proponents of this proposed permit term, and the inclusion of permit term No. 24, it is not necessary to include the proposed permit term.

Coordinated Operation of the Federal Central Valley
Project and the State Water Project

The Department presented its plan for coordinated operation of the state and federal projects (DWR Exh. 80), and the Bureau presented a summary of its coordinated operation plan. The Department's plan assumed the demand of the state project on the Delta to be 4,570,830 afa and the Delta outflow to be 1,800 cfs; the Bureau's plan assumed 4,010,000 afa and 1,500 cfs for the same items. If adjusted for the differences in these assumptions, the results of the two plans for coordinated operation are almost identical.

Both Bureau and Department representatives stated that negotiations have been in progress for some time and will be continued to reach agreement regarding coordinated operation of the two projects.

Jurisdiction was reserved in Decision D 990 to coordinate the permits issued pursuant to that decision with other permits issued to the Bureau and the Department in furtherance of the federal and state projects.

The Board finds that permits issued to the Bureau in furtherance of the federal project and permits issued to the Department in furtherance of the state project require coordinated terms and conditions. Therefore, jurisdiction should be reserved for the purpose of coordinating the terms and conditions of permits issued pursuant to this decision with the terms and conditions of other permits issued to the Bureau in furtherance of the federal project and to the Department in furtherance of the state project.

The Board should review any agreement entered into by the Bureau and the Department for coordinated operation of the federal and state projects, but if such agreement is not entered into on or before July 1, 1968, the Board should consider proceeding to formulate coordinated terms and conditions.

Other Permit Terms

Stipulated Terms

The Department has stipulated with several protestants that its permits may be issued subject to certain conditions. Generally the Board will include in permits any terms that are acceptable to the parties if they relate to

the diversion and use of water under the permits, and do not appear to prejudice other persons.

Permit terms Nos. 16-b, 17, 18, 20, 22, 23, and 25 are included in the following order as a result of stipulations. Some terms agreed to are not included because they are sufficiently covered by other permit terms. Term 24 which is based on the discussion commencing on page 32 in regard to coordinated operation of the Federal Central Valley Project and the State Water Project also conforms in part to stipulations.

Protection of Fish and Wildlife

The Department of Fish and Game made a presentation, as an interested party, pertaining to protection of fish and wildlife in the Feather River Watershed and the Delta and requested the Board to retain jurisdiction to permit completion of studies and negotiations with the Department which are in progress.

The Department stated it was negotiating with the Department of Fish and Game regarding the magnitude of releases required to protect fish and wildlife and explained how such releases were accounted for in its operations study (DWR Exh. 8).

The Board finds that the State Water Project should be operated to provide reasonable protection to fish and wildlife and that continuing jurisdiction should be retained to formulate appropriate terms and conditions when specific data become available.

Conclusion

The evidence indicates, and the Board finds, that unappropriated water exists in the Feather River, the Delta, and San Luis Creek at times and in sufficient amounts to justify the approval of Applications 5629, 5630, 14443, 14444, 14445A, 17512, and 17514A; that the uses proposed are beneficial; that such waters may be taken and used as proposed, subject to certain conditions, without interference with the exercise of prior rights; and that the applications should be approved and permits issued pursuant thereto, subject to the usual terms and conditions and the additional terms and conditions indicated in this decision. The Board finds that as so conditioned the developments proposed in these applications will best develop, conserve, and utilize in the public interest the water sought to be appropriated.

ORDER

IT IS HEREBY ORDERED that Applications 5629, 5630, 14443, 14444, 14445A, 17512, and 17514A be, and they are, approved in part, and that permits be issued to the applicant subject to vested rights and to the following limitations and conditions:

1-a. The water appropriated under permit issued pursuant to Application 5629 shall be limited to the quantity which can be beneficially used and shall not exceed 7,600 cubic feet per second by direct diversion, to be diverted from January 1 to December 31 of each year, and 380,000 acre-feet per annum by storage, to be collected from about October 1 of each year to about July 1 of the succeeding year.

1-b. The water appropriated under permit issued pursuant to Application 5630 shall be limited to the quantity which can be beneficially used and shall not exceed 1,400 cubic feet per second by direct diversion and 380,000 acre-feet per annum by storage, to be diverted and collected from about October 1 of each year to about July 1 of the succeeding year; provided that the quantity of water appropriated by direct diversion shall be limited to such quantity as would be available for appropriation at Oroville Dam.

1-c. The water appropriated under permit issued pursuant to Application 14443 shall be limited to the quantity which can be beneficially used and shall not exceed

1,360 cubic feet per second by direct diversion and 3,500,000 acre-feet per annum by storage from the Feather River and shall not exceed 6,185 cubic feet per second by direct diversion and 42,100 acre-feet per annum by storage from the Sacramento-San Joaquin Delta channels, to be diverted and collected from about October 1 of each year to about July 1 of the succeeding year.

1-d. The water appropriated under permit issued pursuant to Application 14444 shall be limited to the quantity which can be beneficially used and shall not exceed 11,000 cubic feet per second by direct diversion, to be diverted from January 1 to December 31 of each year, and 3,500,000 acre-feet per annum by storage, to be collected from about October 1 of each year to about July 1 of the succeeding year.

1-e. The water appropriated under permit issued pursuant to Application 14445A shall be limited to the quantity which can be beneficially used and shall not exceed 2,115 cubic feet per second by direct diversion and 44,000 acre-feet per annum by storage, to be diverted and collected from about October 1 of each year to about July 1 of the succeeding year.

1-f. The water appropriated under permit issued pursuant to Application 17512 shall be limited to the quantity which can be beneficially used and shall not exceed

1,100,000 acre-feet per annum by storage, to be diverted from Italian Slough and Sacramento-San Joaquin Delta channels from about October 1 of each year to about July 1 of the succeeding year, and to be collected year round from San Luis Creek.

1-g. The water appropriated under permit issued pursuant to Application 17514A shall be limited to the quantity which can be beneficially used and shall not exceed 135 cubic feet per second by direct diversion, to be diverted from about October 1 of each year to about July 1 of the succeeding year.

2. The total quantity of water to be appropriated by storage from the Feather River under permits issued pursuant to Applications 5629, 5630, 14443, and 14444 shall not exceed 3,880,000 acre-feet per annum.

3. The maximum combined rates of direct diversion, diversion to storage, and rediversion of stored water for export through the Delta Pumping Plant, shall not exceed 10,350 cubic feet per second.

4. The maximum quantities herein stated may be reduced in the licenses if investigation warrants.

5. These permits do not authorize collection of water to storage outside the specified season to offset evaporation and seepage or for any other purpose.

6. Water entering Oroville Reservoir or collected in the reservoir under permits issued pursuant to Applications

5629, 5630, 14443, and 14444 during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under these permits.

7. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees, and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes.

8. Construction work shall be completed on or before December 1, 1972.

9. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

10. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

11. No direct diversion, diversion to storage, or rediversion of stored water from the Feather River or the Sacramento-San Joaquin Delta for beneficial use under permits issued pursuant to Applications 5630, 14443, and 14445A other than from the points of diversion or rediversion named in these permits shall be made until a description of the location of each point of diversion and statement of the quantity of water to be diverted is filed with the State Water Rights Board.

12. 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 terms and conditions of these permits, including the recognition of vested rights and for the further purpose of determining the quantities of water placed to beneficial use under the permits, both by direct diversion and storage.

13. All rights and privileges under the permits, 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, and unreasonable method of diversion of said water.

14. In conformity with Water Code Section 10505, these permits shall be subject to any and all rights of any county in which the water sought to be appropriated originates to the extent that any such water may be necessary for the development of such county.

15. Until further order of the Board, permittee shall make no diversions (except under permits issued pursuant to Applications 5629 and 14444) and shall not collect water to storage during the period from April 1 through June 30 at any time the maximum surface zone chloride ion

content of the San Joaquin River at Blind Point exceeds 250 parts per million. If Blind Point is not used as a monitoring station, permittee shall establish a correlation with some other station satisfactory to the Board to provide the necessary data on quality at Blind Point.

16-a. Until further order of the Board, these permits shall be subject to the water quality criteria included as "Exhibit A" of the agreement entered at the hearing of Applications 5629, etc., as SRDWA Exhibit 17, insofar as those criteria do not conflict with other terms included in these permits.

16-b. These permits shall be subject and subordinate to all diversions of water for beneficial use within the area shown on the map which is a part of "Exhibit A", entitled in part "Location of Delta Quality Stations"; provided that this provision shall be of no further effect on and after October 1, 1970, unless an agreement has been signed as contemplated in said "Exhibit A" or unless the permittee agrees to an extension of such time.

17. Permittee shall not object to the use of any quantities of water specified in the Schedules of Monthly Diversion of Water attached to those contracts between users of water above Sacramento and the United States Bureau of Reclamation heretofore or hereafter entered into as such quantities are from time to time revised except in the event

of a general adjudication of rights to the use of water of the Sacramento River System.

18. To the extent of its authority, permittee shall not impair the vested rights for any Delta lands by severance of said lands from their sources of water supply by the construction of the Peripheral Canal unless permittee acquires a right against the holders of said rights by agreement or by the exercise of its power of eminent domain.

19. The State Water Rights Board reserves continuing jurisdiction over these permits for the purpose of formulating or revising terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta. Permittee shall, on or before January 1, 1968, and each six months thereafter, submit to the Board a written report as to the progress of negotiations relative to agreement between permittee and water users in the Delta and in Northern Contra Costa County. The Board will, prior to June 30, 1970, hear, review, and make such further order relative to salinity control as may be required.

20. Direct diversion and storage of water under permits issued pursuant to Applications 5630, 14443, 14445A, 17512, and 17514A for use beyond the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, or outside the watershed of the Sacramento River Basin, as defined in Decision D. 990 of the State Water Rights Board, shall be

subject to rights initiated by applications for beneficial use within said watershed and Delta regardless of the date of filing said applications.

21. Direct diversion and storage of water which originates in that part of the Central Valley Basin consisting of the watershed of streams tributary to the Delta south of the American River, under permits issued pursuant to Applications 5630, 14443, 14445A, 17512, and 17514A for use outside the Central Valley Basin, shall be subject to rights initiated by applications for use within said part of the Central Valley Basin regardless of the date of filing said applications.

22. Water stored under permits issued pursuant to Applications 5630, 14443, and 14445A shall be available within the Feather River Basin, the Sacramento River Basin, and the Sacramento-San Joaquin Delta for such uses as are reasonably required to adequately supply both present and future beneficial needs of said areas, provided, however, such water shall not be available until an agreement for such uses of said water is first entered into with the State of California. Such agreements shall be governed by requirements of uniformity imposed by law and other water supply contracts for state project water.

23. These permits shall be subject to the agreement between the State of California, acting by and through its Department of Water Resources, and Contra Costa County Water

District dated April 21, 1967, and entered at the hearing of Applications 5629, etc., as an attachment to Contra Costa County Water District Exhibit 9.

24. The Board reserves continuing jurisdiction over these permits for the purpose of coordinating terms and conditions of the permits with terms and conditions which have been or which may be included in permits issued pursuant to applications of the United States in furtherance of the Central Valley Project and other applications of the State of California in furtherance of the State Water Project. At such time as the Department of Water Resources and the United States Bureau of Reclamation have entered into a coordinated operation agreement, the Board will review said agreement for the purpose of formulating and imposing such coordinated terms and conditions as may be appropriate. If said agreement has not been entered into on or before July 1, 1968, the Board, on its own motion or on the motion of any interested party, after hearing, may formulate and impose such coordinated terms and conditions as may be appropriate pending the execution of such agreement.

25. Permittee shall operate Pyramid Dam and Reservoir and Castaic Dam and Reservoir in accordance with the contract between the State of California, acting by and through its Department of Water Resources, and United Water Conservation District dated April 14, 1967.

26. These permits are subject to compliance by permittee with Water Code Section 10504.5(a).

27. The State Water Rights Board reserves continuing jurisdiction over these permits for the purpose of formulating terms and conditions relative to flows to be maintained in the Feather River and in the Delta for the protection of fish and wildlife.

IT IS FURTHER ORDERED that Application 17515A be, and it is, canceled.

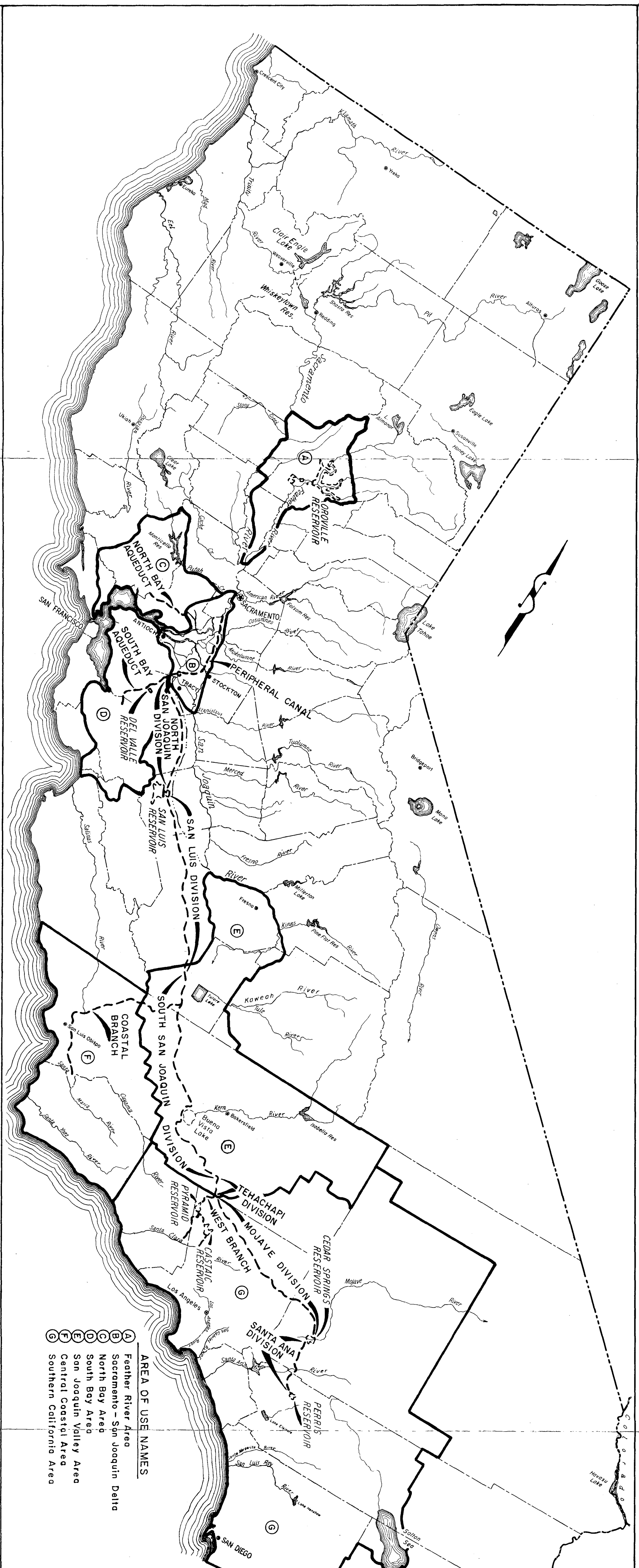
Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at Sacramento, California.

Dated: May 31, 1967

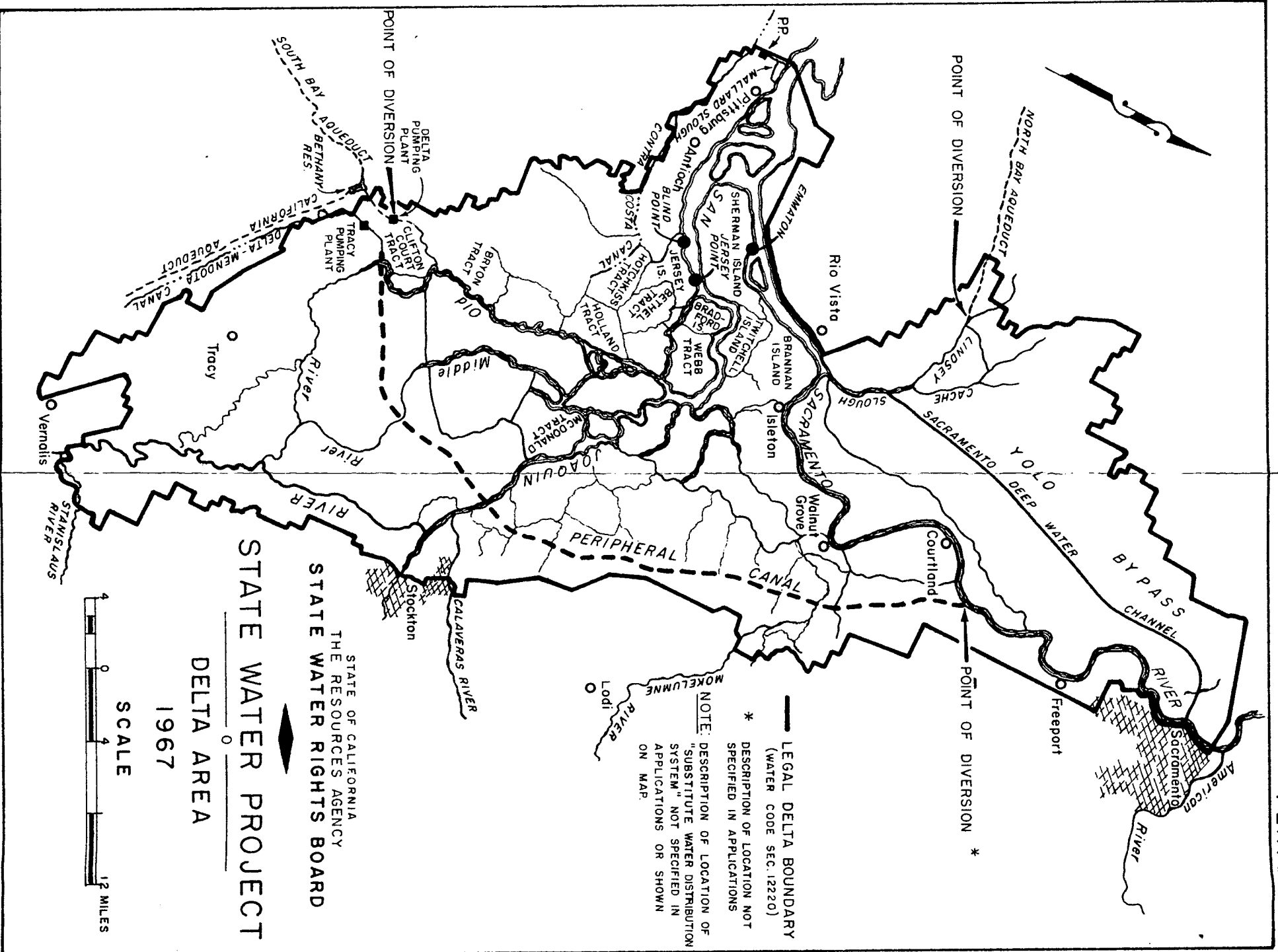
/s/ George B. Maul
George B. Maul, Chairman

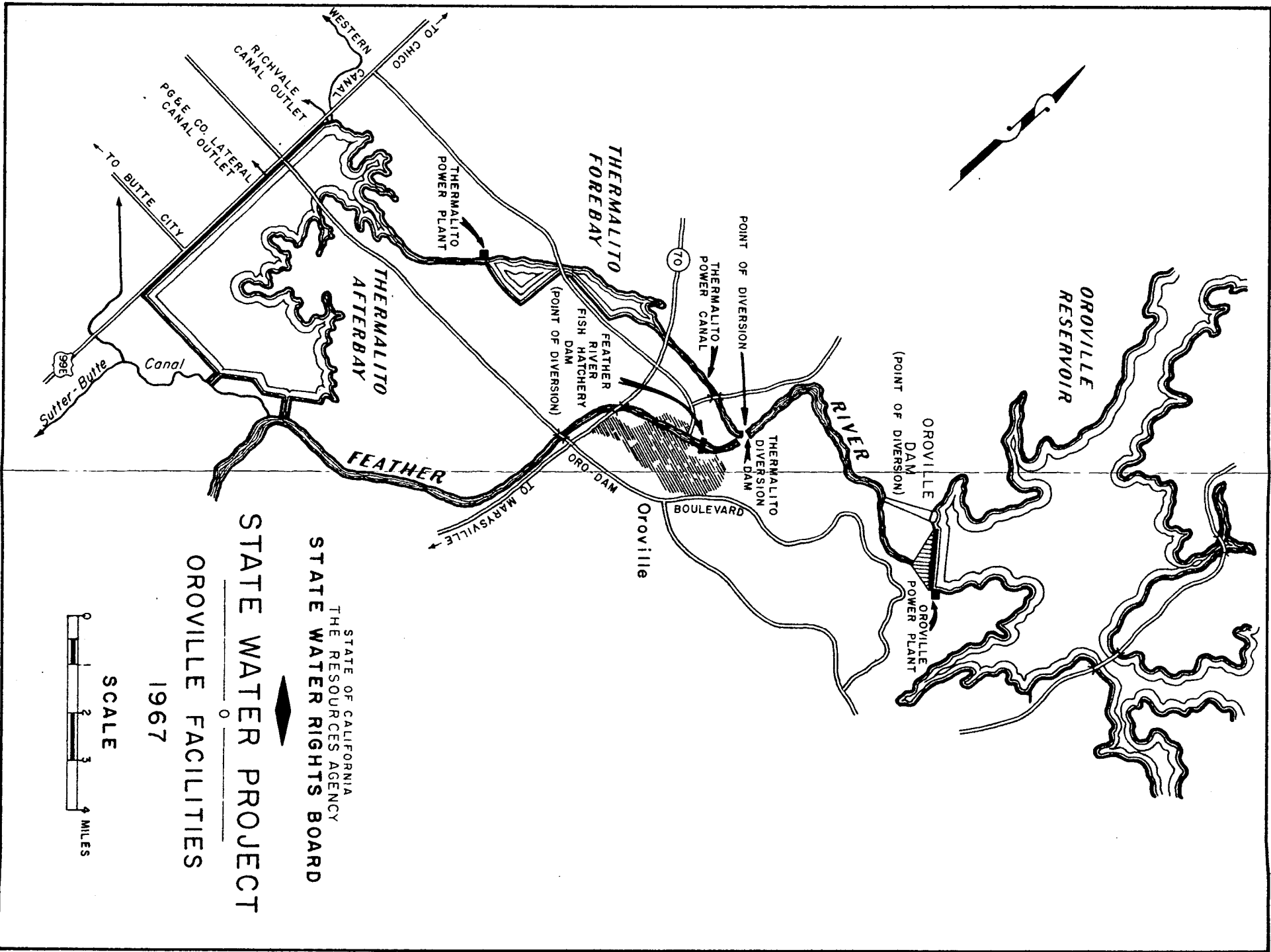
/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member



- AREA OF USE NAMES**
- (A) Feather River Area
 - (B) Sacramento - San Joaquin Delta
 - (C) North Bay Area
 - (D) South Bay Area
 - (E) San Joaquin Valley Area
 - (F) Central Coastal Area
 - (G) Southern California Area

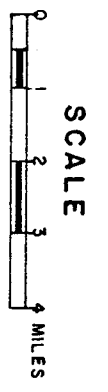


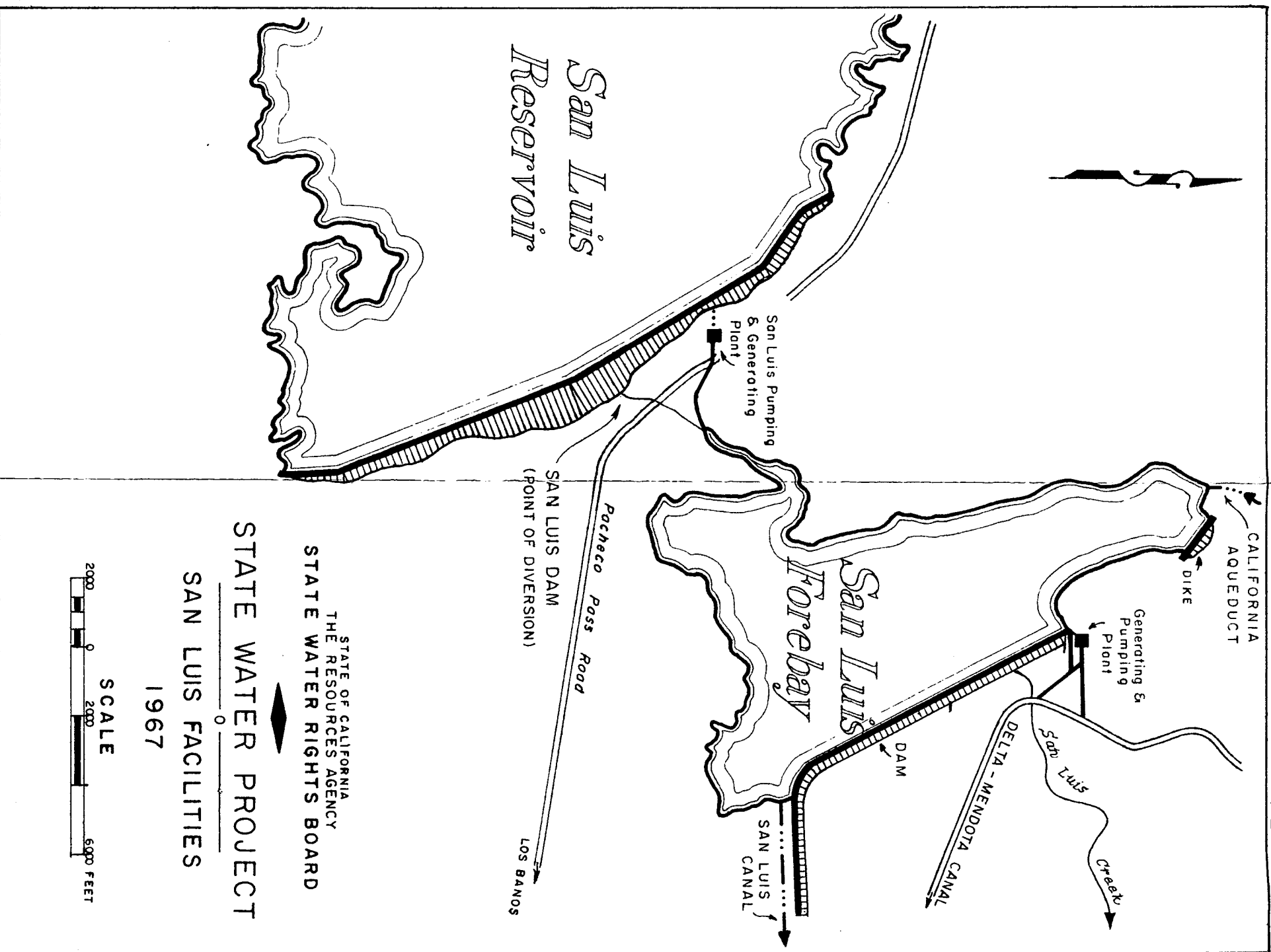


STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

STATE WATER PROJECT
OROVILLE FACILITIES

1967





STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RIGHTS BOARD

STATE WATER PROJECT
SAN LUIS FACILITIES

1967



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 16477, 16478,)
16479, 16480, 16481, 16482 and 16483)
Issued on Applications 5629, 5630,) ORDER WR 73-21
14443, 14444, 14445A, 17512, and 17514A)
CALIFORNIA DEPARTMENT OF WATER RESOURCES)
Permittee)

ORDER ALLOWING MODIFICATION OF BLIND POINT CONDITION

WHEREAS:

1. The Department of Water Resources and the Department of Fish and Game jointly requested on February 5, 1973 the State Water Resources Control Board to temporarily allow suspension of condition 15 of Decision 1275, as amended by Decision 1291, which is incorporated in the above-numbered permits issued to the Department of Water Resources.

2. Notice of proposed staff recommendations in regard to the request has been circulated to interested parties.

3. The State Water Resources Control Board has reviewed the information pertinent to the staff recommendations, together with comments submitted by parties who were provided with notice thereof.

4. Department of Water Resources Bulletin 120-73, Report No. 2, entitled "Water Conditions in California", indicates the April-July 1973 runoff will be above normal, and the daily reports of project operations show that San Luis Reservoir is essentially full.



NOW, THEREFORE, the State Water Resources Control Board finds that suspension of condition 15 for the year 1973 will not adversely affect agriculture in the Delta and is in the public interest in that the information to be acquired and analyzed by the Department of Fish and Game may contribute to a fuller understanding of the Bay - Delta Ecosystem;

NOW, THEREFORE, IT IS ORDERED that:

1. Condition 15 is suspended for the year 1973.
2. The proposed testing program during the year 1973 shall be concurred in by the Department of Fish and Game.
3. This Board reserves the right, for good cause, to terminate this temporary suspension of condition 15.

Dated: May 3, 1973

W. W. ADAMS

W. W. Adams, Chairman

RONALD B. ROBIE

Ronald B. Robie, Vice Chairman

ROY E. DODSON

Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER

Mrs. Carl H. (Jean) Auer, Member

W. DON MAUGHAN

W. Don Maughan, Member