

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permitted Applications)
18010, 18011, 18012, 18013, and 20878)
(Permits 11913, 11914, 11915, 11916, and)
14327).)

LOMA LINDA UNIVERSITY)

Permittee)

Order: WR 80- 1

Sources: Marion, Wayland and

County: Sierra

ORDER GRANTING EXTENSION OF TIME AND
RESTRICTING RATE OF DIVERSION

BY THE BOARD:

The time to complete construction and application of water to the proposed use under Permitted Applications 18010 through 18013 and 20878 having expired; petitions for extensions of time having been filed; notice of petitions having been issued; no protests having been received; a hearing having been held by the State Water Resources Control Board on April 27, 1978, to determine whether further extensions of time should be granted or the permits revoked; a post-hearing field investigation having been held on May 31, 1978, to obtain additional information; additional information having been submitted under cover letter dated June 10, 1978; the evidence received at the hearing, the information obtained during the field investigation; the information submitted under cover letter dated June 10, 1978, having been duly considered, the Board finds as follows:

Substance of Permits

1. The substance of Permits 11913 through 11916 and 14327 is summarized in Appendix A, attached hereto.

Change in Agent

2. The University executed a "Mineral Entry and Exploration Agreement" on May 30, 1978, with Ore-Dressing, Inc. (Company). The University has authorized Mr. Perry Hobson, the President of the Company, to act as its agent in all water right matters. The Company has moved its corporation headquarters from Portland, Oregon to Grass Valley, California.

Diligence of Permittee

3. The Company has conducted extensive sampling and testing, proving to their satisfaction availability of gold in commercial quantities on the property. Mr. Hobson reported the Company has spent in excess of \$50,000 for further research and development during the last 18 months. He also proposes to exercise a 99 year lease subject to Board approval of petitions for extensions of time presently before the Board.

Reduced Scope of Project

4. The Company proposes to divert about five cubic feet per second through the first ore processing plant. About 10 cfs will be required under full development. The water may be diverted from Wayland, Marion and/or Oregon Creeks.

Fish Flow Bypass Requirements

5. Decision D1160 deleted the months of July through October from Application 20878 and set minimum fish flow bypass amounts for the remaining months on Oregon Creek. Permit 11914 imposes a year around minimum fish flow bypass requirement at the lower point of diversion on Marion Creek (Application 18011).

Conclusions

6. The Board concludes that good cause has been shown for extensions of time until December, 1984 to complete application of water to beneficial use.

7. The Board further concludes that the combined rate of diversion under all permits from all sources should be restricted to 10 cubic feet per second.

NOW, THEREFORE, IT IS ORDERED:

1. That pending petitions for extensions of time for permits 11913, 11914, 11915, 11916 and 14327 be approved and amended permits be issued to the permittee subject to vested rights. The amended permits shall retain all applicable standard permit terms (1, 2, 3, 4, 5a, 6, 10, 11, 12 and 60)* contained in the existing permits.

IT IS ALSO ORDERED:

2. That a new development schedule be approved for Permits 11913, 11914, 11915 and 11916 as follows:

"Construction work shall be completed on or before December 1, 1982, Application of the water to the proposed use shall be completed on or before December 1, 1984."

3. That a new development schedule be approved for Permit 14327 as follows:

"Construction work shall be completed on or before December 1, 1982. Application of the water to the proposed use shall be completed on or before December 1, 1984."

IT IS FURTHER ORDERED that the following conditions be included in each amended permit:

4. The combined thirty day continuous flow rate of diversion under Permits 11913, 11914, 11915, 11916 and 14327 shall be limited to 10 cubic feet per second.

5. Water diverted under this permit is for a nonconsumptive use and shall be passed through a settling pond before release to Oregon Creek within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, T18N, R9E, MDB&M.

6. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate

*The Board maintains a list of standard permit terms. Copies are available upon request.

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.

7. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Valley Region, or by the State Water Resources Control Board.

8. No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, Central Valley Region, pursuant to Water Code Section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

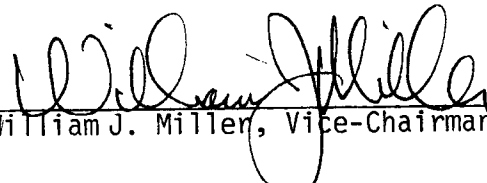
- (1) The Regional Board issues a waiver pursuant to Section 13269, or
- (2) The Regional Board fails to act within 120 days of the filing of the report.

No report of waste discharge pursuant to Section 13260 of the Water Code shall be required for percolation to the groundwater of water resulting from the irrigation of crops.


9. Staff is directed to issue amended permits 11913 through 11916 and 14327 granting extensions of time and updating the permit format to current standards.

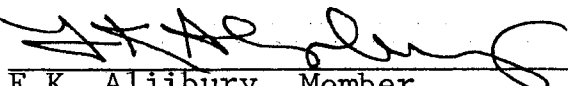
Dated: JAN 24 1980


Carla M. Bard, Chairwoman


William J. Miller, Vice-Chairman


L. L. Mitchell, Member


Jill B. Dunlap, Member


F.K. Aljibury, Member

