

ASSIGNMENT

By the California Water Commission
To the United States of America
Of Application No. 18115

WHEREAS, Under Division 6, Part 2, of the Water Code of the State of California, the State is directed and authorized to make and file applications for any water which in its judgment is required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State of California, and the authority and the powers of the State under this part are now in the Department of Water Resources; and

WHEREAS, Pursuant to such authorization, the State filed on April 30, 1958, an application to appropriate 160,000 acre-feet per annum of unappropriated water of Stony Creek by storage in Glenn and Tehama Counties, designated in the records of the State Water Rights Board as Application No. 18115; and

WHEREAS, Section 10504 of the Water Code authorizes the California Water Commission to assign an application filed under Division 6, Part 2, of the Water Code, when the assignment is for the purpose of development not in conflict with such general or coordinated plan, and Section 10505 of the Water Code prohibits any assignment that will in the judgment of the Commission deprive the county in which the water covered by the application originates of any such water necessary for the development of the county; and

WHEREAS, The Black Butte Project consisting of Black Butte Dam and Reservoir, located in Glenn and Tehama Counties, is being constructed by the United States of America, and the marketing of water from the project is being carried out by the Bureau of Reclamation; and

WHEREAS, On March 2, 1960, the United States and the State entered into a contract entitled, "Contract for Repayment of Allocation of Costs of Black Butte Dam and Reservoir to the Capacity of the Reservoir to be Utilized for Water Conservation and for the Repayment of Operation and Maintenance Costs Incurred by the United States", which provides certain guarantees of repayment by the State to the United States for the conservation benefits of the Black Butte Project and establishes that, until seven full calendar years after the Black Butte Project is available for storage or delivery of water, the United States is to contract for water service from the project and after that time the State shall have the right in perpetuity to store project water in uncommitted conservation storage space of the project and shall have the right to contract for the furnishing of water service from the project; and

WHEREAS, It is in the public interest that the United States and the State should have appropriative water rights commensurate with their rights as they may accrue under the contract of March 2, 1960; and

WHEREAS, The United States has filed Application No. 19451 for the storage of 160,000 acre-feet per annum and the direct diversion of 225 cubic feet per second for the Black Butte Project, but it is preferable that the United States should perfect rights to store water for the project under Application No. 18115; and

WHEREAS, After following the procedure prescribed by Section 10504.1 of the California Water Code, on October 7, 1960, the California Water Commission adopted Resolution No. 87 authorizing this assignment and making the findings contained in it:

NOW THEREFORE, It is determined by the California Water Commission, in exercise of the discretion and judgment vested in the Commission by Division 6, Part 2, of the Water Code of California, that:

(a) The Assignment of Application No. 18115 to the United States is for the purpose of development not in conflict with a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State, but is in furtherance thereof;

(b) The assignment herein contained will not in the judgment of the California Water Commission deprive any county in which the water covered by the application originates of any such water necessary for the development of the county; and

(c) The assignment herein contained is in the best interest of the people of the State of California.

WITNESSETH, THAT: The California Water Commission under the authority of Section 10504 of the Water Code and in consideration of the general benefits to accrue to the people of the State of California from the construction of the Black Butte Project does hereby assign to the United States of America all rights initiated or acquired under Application No. 18115; SUBJECT, HOWEVER, TO the following reservations and conditions:

(1) The prior rights of any county in which the water covered by the application originates to the use of such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code;

(2) Within 90 days from the date of this instrument, the United States will cancel the portion of Application No. 19451 providing for storage of water;

(3) Not later than 30 days from the expiration of the time specified in Subdivision (a) of Article 6 of the contract entitled, "Contract for Repayment of Allocation of Costs of Black Butte Dam and Reservoir to the Capacity of the Reservoir to be Utilized for Water Conservation and for the Repayment of Operation and Maintenance Costs Incurred by the United States", dated March 2, 1960, the United States shall, subject to the conditions hereinafter set forth and subject to that contract, reassign to the Department of Water Resources or any successor a portion of Application No. 18115 or assign a portion of any permit or license issued under that application equal to the quantity of conservation storage space of the project in which the State shall have the right in perpetuity to store project water as provided in Subdivision (d) of Article 2 of that contract;

(4) The assignment or reassignment provided for in the preceding paragraph shall be made subject to the condition that, if pursuant to Article 8(b) of the contract of March 2, 1960, water storage or water service is made available to the State from the United States Central Valley Project, California, in lieu of the water storage or water service otherwise available to the State under that contract, the Department of Water Resources or any successor shall again assign to the United States that portion of Application No. 18115 or any permit issued under that application which had been assigned or reassigned to the Department of Water Resources or any successor under the preceding paragraph or any permit or license issued to the Department of Water Resources or any successor under such reassigned Application No. 18115; and

(5) In accordance with Section 10504.5(a) of the California Water Code, the assignee shall, before making any changes determined by the California Water Commission to be substantial in the project in furtherance of which the assignment is made, submit such changes to the California Water Commission for its approval.

IN WITNESS WHEREOF, The California Water Commission, State of California, has caused this assignment to be executed in triplicate this 15th day of November, 1960.

STATE OF CALIFORNIA
CALIFORNIA WATER COMMISSION

By James K. Carr
James K. Carr
Chairman