

FROM

STIPULATED AGREEMENT
 FOR PERMIT 10477 (APPLICATION 12842)
 OF NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

The North San Joaquin Water Conservation District (District), the California Department of Fish and Game, the California Sportfishing Protection Alliance and the East Bay Municipal Utility District stipulate to granting the District a time extension until December 31, 2000 for Permit 10477 (Application 12842) of North San Joaquin Water Conservation District provided the following conditions are included in the permit.

1. The North San Joaquin Water Conservation District shall limit direct diversion and storage under Permit 10477 to a combined total of 20,000 acre-feet per annum. The maximum rate of direct diversion at the two existing pumping facilities shall be limited to a combined total of 80 cubic feet per second and no more than 40 cubic feet per second at any one pumping facility.

If, during the scheduled Mokelumne River hearing, it is determined that water is available to serve Permit 10477, the time extension shall remain in effect. If it is determined that there is no further water available to serve this permit, then the face value of the permit may be adjusted after hearing.

This agreement shall not be a limitation on any statutory or administrative remedies available to the parties to this agreement including any State Water Resources Control Board consideration of flows necessary to maintain aquatic life in any further proceeding on Permit 10477.

2. No additional pumping capacity or storage facilities shall be constructed under Permit 10477.
3. Permit term 63 (modified) shall be added to the permit as follows:

"No water shall be diverted under this permit during the 1992 or subsequent water years, until the permittee has constructed screening facilities adequate to protect fishlife and/or has entered into an operating agreement with the Department of Fish and Game that will protect fishlife.

If fish screens are constructed to meet the requirements of this permit condition, the Department of Fish and Game shall review the construction plans and determine whether the facilities are adequate to protect fishlife. The Department of Fish and Game shall notify the Division of Water Rights of its approval of the plans in writing. Construction, operation, and maintenance costs of any required facilities are the responsibility of the permittee."

In the event the permittee and the Department of Fish and Game cannot reach agreement with respect to this condition, either party may petition the State Water Resources Control Board to hold a hearing to determine the appropriate conditions.

