

Re:

1. Assignment and release of priority of State Applications Nos. 5631 and 5632
2. Agreement respecting Applications Nos. 5195, 15575, 12017, 20072 and other designated applications of Nevada Irrigation District, 12746, 12747, and 12748 of the County of Placer and Applications Nos. 15204, 15205, 15563, and 15574 of the Yuba County Water Agency.

STIPULATION BY YUBA COUNTY WATER AGENCY,
AND NEVADA IRRIGATION DISTRICT.

IT IS HEREBY STIPULATED AND AGREED by and between YUBA COUNTY WATER AGENCY (hereinafter referred to as "YUBA") and NEVADA IRRIGATION DISTRICT (hereinafter referred to as "NEVADA") with respect to the following applications for water now pending before the State Water Rights Board, as follows:

WHEREAS, YUBA now has pending before the State Water Rights Board applications for issuance of permits on Applications Nos. 15204, 15205, 15563, and 15574 of YUBA (hereinafter referred to as "said applications of YUBA") and also has pending before the California Water Commission an application for assignment of State Water Applications 5631 and 5632; and

WHEREAS, NEVADA has made application to the California Water Commission for the following:

For a reservation to be made by the Commission in any assignment or release of priority of State Applications Nos. 5631 and 5632 for the needs of that portion of NEVADA and Placer Counties served by the Nevada Irrigation District, and

For an assignment or release of priority of State Applications Nos. 5631 and 5632 in favor of the needs of NEVADA: and

WHEREAS, NEVADA is now negotiating with the County of Placer (hereinafter referred to as "PLACER") for an assignment to NEVADA of Applications Nos. 12746 and 12747, and 12748; and

WHEREAS, Applications Nos. 5193, 15525, 20017, and 20072 (hereinafter referred to as "said applications of NEVADA") and the aforesaid applications of PLACER are now before the State Water Rights Board for hearing as to permits; and

WHEREAS, to meet its ultimate needs, NEVADA will in the future be faced with the necessity of making further development on the streams capable of serving the area, and it is to the mutual interest of the parties to agree between themselves as to the water that each may develop.

NOW, THEREFORE, the parties hereto stipulate and agree as follows:

1. To a release from priority of State Applications Nos. 5631 and 5632, in favor of applications now filed or that may hereafter be filed by NEVADA to develop the following water:

(a) All waters of the Middle Fork of the Yuba River originating above the existing Milton Dam of NEVADA up to a maximum of 50,000 acre feet for storage and 325 cubic feet per second direct diversion.

(b) All water of the South Fork of the Yuba River originating above Lang's Crossing.

(c) All water in Deer Creek originating above Scotts Flat.

(d) All water in Deer Creek originating below Scotts Flat required to satisfy the existing diversion rights of NEVADA and an additional amount not exceeding 14,000 acre feet per annum to be stored at or near Bitney's Corner for use in NEVADA.

2. To the release of priority of State Applications Nos. 5631 and 5632 in favor of the following permits of NEVADA:

<u>APPLICATION NO:</u>	<u>PERMIT NO:</u>	<u>SOURCE OF WATER:</u>
6701	5806	Clear Creek, Fall Creek, Trap Creek
6702	5807	Clear Creek, Fall Creek, Trap Creek
8177	5812	Wilson Creek, Poison Creek
8178	5813	Texas Creek, Clear Creek, Fall Creek, Trap Creek, Rucker Creek
8179	5814	Wilson Creek, Poison Creek
8180	5815	Clear Creek, Texas Creek, Fall Creek, Trap Creek, Rucker Creek

3. To the release of priority of State Applications Nos. 5631 and 5632 in favor of the applications hereinafter listed in this paragraph, when and if permits are granted thereon. NEVADA may amend said applications to change the points of diversion and places of use, but may not increase the amounts of water or the rates of flow, nor may NEVADA change any point of diversion downstream of the points of diversion described in said applications if such change in point of diversion will adversely affect YUBA.

<u>APPLICATION NO.</u>	<u>SOURCE OF WATER</u>
15524	South Fork of the Yuba River to be diverted at Rock Creek.
19138	East Fork of Middle Yuba River, Weaver Creek limited to 70 cfs of direct diversion and 4730 a.f. of annual storage.
19139	East Fork of Middle Yuba River - Weaver Creek limited to 70 cfs of direct diversion and 4730 a.f. of annual storage.
15525	South Fork of the Yuba River (Water originating above Washington Measuring Station).
20017	South Fork of the Yuba River (Water originating above Washington Measuring Station).
20072	Middle Fork of the Yuba River (Water originating above Milton Diversion).

4. That NEVADA has no objection to and consents to the assignment

to YUBA of said State Applications Nos. 5631 and 5632 subject to the following:

(a) The release of priority in favor of NEVADA agreed to in the preceding paragraphs numbered "1", "2" and "3" hereof; and

(b) A reservation of the following water required to supply the needs of the area now located within NEVADA

(i) All water in the Middle Fork of the Yuba River and its tributaries that originates above the existing Milton Diversion Dam of NEVADA.

(ii) All water in the South Fork of the Yuba River and its tributaries that originates above Lang's Crossing.

(iii) All water in East Creek and Weaver Creek above Weaver Lake tributary to the Middle Fork of the Yuba River, limited to the rate of diversion and amount of storage set forth in Applications 19138 and 19139, namely 70 cfs of direct diversion and 4730 a.f. of annual storage.

(iv) All water in Deer Creek originating above Scotts Flat.

(v) All water in Deer Creek originating below Scotts Flat required to satisfy the existing diversion water rights of NEVADA and an additional amount not exceeding 14,000 acre feet of water to be stored annually at or near Bitney's Corner for use in NEVADA.

(vi) All water in Haypress Creek, tributary to the North Fork of the Yuba River, that originates above the location of the existing measuring station of NEVADA on said creek, provided also that NEVADA shall not exercise its rights under the reservation to water of Haypress Creek prior to the year 2015.

5. YUBA agrees that the applications of NEVADA listed in paragraph "3" hereof; Applications Nos. 12746, 12747 and 12748 heretofore filed by Placer County, if said applications are assigned to NEVADA; and any substitute applications hereafter filed covering the same water or any portion thereof, and any applications hereafter filed by

NEVADA to develop the water described in paragraph "1" hereof, and all permits and licenses issued thereon, shall be considered as prior in time and right to the rights created by permits or licenses issued on said applications of YUBA, and on Applications Nos. 5631 and 5632, if assigned to YUBA, even though the filing date on said applications of YUBA and on Applications Nos. 5631 and 5632 may be prior in time.

6 YUBA agrees and consents to the State Water Rights Board hearing at any time the applications of NEVADA described or referred to in preceding paragraph numbered "5" hereof and Application 5193, or any of them, and to the issuance of permits to NEVADA thereon.

7 Nothing in this Stipulation shall be construed as limiting the diversion or amount of water that NEVADA may be entitled to or obtain under vested water rights and existing permits and licenses.

8 Subject to the aforesaid reservations and agreed priorities, and to existing rights of NEVADA, NEVADA consents to the granting of permits by the State Water Rights Board on said application of YUBA and on said Applications Nos. 5631 and 5632 if assigned to YUBA.

9 Copies of this Stipulation shall be filed with the California Water Commission and with the State Water Rights Board, and the parties agree that said Stipulation when filed shall be deemed offered in evidence in any hearings on the applications herein referred to, and said Commission and Board are requested in their orders and permits to recognize the conditions hereof.

10. It is recognized that delays and difficulties may occur respecting the granting of orders and permits on the applications to which this Stipulation is addressed, and delay or failure to obtain requested orders or permits by either party shall not prevent the stipulations made herein from being effective as to the other. It is

also recognized that a controversy exists between Johnson Rancho County Water District and YUBA, and the fact that NEVADA may enter into a similar stipulation with Johnson Rancho County Water District shall not invalidate this Stipulation.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation as of this 13th day of November, 1961.

YUBA COUNTY WATER AGENCY

By Ben Rose Chairman

By E. L. Year Secretary

NEVADA IRRIGATION DISTRICT

By Ross C. McBurney President

By H. Georgia Scottie Secretary

APPROVED:

COUNTY OF YUBA:

By John E. Furness
John E. Furness
Chairman of the Board of Supervisors of
Yuba County

ATTEST:

By Adrienne Conley
Clerk of the Board of Supervisors