



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 24578
Page 1 of 5

PERMIT 17733

LICENSE **13869**

THIS IS TO CERTIFY, That

Santa Ynez River Water Conservation District,
Improvement District No. 1
P.O. Box 157
Santa Ynez, CA 93460

has made proof as of **June 15, 2011** (the date of inspection) to the satisfaction of the State Water Resources Control Board (State Water Board) of a right to the use of the waters of **Santa Ynez River Underflow** in **Santa Barbara County**

tributary to **Pacific Ocean**

for the purpose of **Municipal and Irrigation uses**

under **Permit 17733** of the State Water Board; that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the State Water Board, and the permit terms; that the priority of this right dates from **March 22, 1974**; and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **(a) two and nine tenths (2.9) cubic feet per second by direct diversion from March 1 to November 15 of each year for Irrigation use; and (b) eight tenths (0.8) cubic foot per second by direct diversion from January 1 to December 31 of each year for Municipal use. The maximum amount diverted under this license for all uses shall not exceed 1,776.4 acre-feet per year.**

The maximum amount of water diverted under this license and the license issued pursuant to Application 24579 shall not exceed 3,308.9 acre-feet per year.

(0000114)

The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

(0000027)

THE MOVEABLE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED BETWEEN:

4.0 CFS Well Field:

Point A - By California Coordinates System of 1983, Zone 5, North 2,039,395 feet, East 5,936,500 feet being within the SW¼ of SE¼ of projected Section 19, T6N, R30W, SBB&M, and

Point B - By California Coordinates System of 1983, Zone 5, North 2,039,100 feet, East 5,938,855feet being within the SW¼ of SW¼ of projected Section 20, T6N, R30W, SBB&M

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal use within the boundaries of the Santa Ynez River Water Conservation District, Improvement District No. 1, and its growth area, and Irrigation of a net area of 3,160 acres within a gross area of 10,370 acres in T6N, R30W; T6N, R31W; T7N, R30W; T7N, R31W, all within SBB&M as shown on map, dated July 27, 2012 filed with the State Water Board.

At such time as the water level in observation well 6N/30W-29E1 (Windmill Well) is at or below elevation 445.5 feet, licensee shall at its option either: (a) refrain from pumping from the underflow of the Santa Ynez River pursuant to this license, or (b) supply water to Bryant Myers, and his successor in interest, for use upon his riparian land in amounts necessary to irrigate such land, provided that Myers and such successors pay to licensee what their costs would have been to pump such amounts of water from their own wells.

In the event that credits in the "Above Narrows" account are available for release from Lake Cachuma pursuant to State Water Board Order WR 73-37, as amended by WR 89-18, or any amendment thereof, and 150 acre-feet of credits are reserved for release after September 1 of any year, the elevation in well 6N/30W-29E1 at which the licensee must either refrain from pumping or supply water shall be 444.5 feet.

Jurisdiction is retained to modify this condition, if necessary, to protect fully the exercise of all riparian rights, and to allow full development of this license and to prevent any unnecessary restrictions upon pumping thereunder.

(0360800)

This license shall not be construed as conferring upon the licensee the right of access to the point of diversion.

(0000022)

Licensee shall implement all cost-effective measures identified in the Water Conservation Program, supplemented by any actions required by the State Water Board, in accordance with the schedule for implementation.

(0000029B)

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the maps prepared to accompany the water right, the licensee shall, at their expense, have the subject maps updated or replaced with equivalent as-built maps. The revisions or new maps shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revisions or maps shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

Licensee shall monitor and maintain the existing Supervisory Control and Data Acquisition (SCADA) system in proper working order.

(0050800)

Licensee shall divert under this license only water which would have been available from the unregulated flow of the Santa Ynez River without the Cachuma Project.

(0050800)

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the licensee to evaluate the find and recommend appropriate mitigation. Project-related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Deputy Director for Water Rights.

(0380500)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water 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 State Water Board finds that: (1) adequate 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.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W KASSEL FOR:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: NOV 13 2012