STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 15444

Application 22704 of Ernest Righetti and Susan S. Righetti

4750 Righetti Road, San Luis Obispo, CA 93401

filed on February 15, 1967, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
West Corral de Piedra Creek	Pismo Creek thence
	Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section Proj.	Township	Range	Base and Meridian
Point of Diversion and Storage: (1) California Coordinate System, Zone 5, N 645,700 and E 1,228,800	NW¼ OF NE¼	9	31S	13E	MD
Point of Rediversion: (2) California Coordinate System, Zone 5, N 643,400 and E 1,228,900	NW¼ OF SE¼	9	31S	13E	MD

County of San Luis Obispo

3. Purpose of use:	4. Place of use:	Section Proj.	Township	Range	Base and Meridian	Acre
Stockwatering, Recreational and	Righetti Reservoir SW¼ OF SE¼	4	31S	13E	MD	
Fish Culture	NW¼ OF NE¼	9	31S	13E	MD	
Irrigation	200 acres within a gross area of 300 acres located within projected Section 4, 8, and 9		31S	13E	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 27 acre-feet per annum to be collected from December 1 of each year to May 31 of the succeeding year. (0000005)

6. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

7. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

8. Complete application of the water to the authorized use shall be made by December 31, 1994. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control 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 Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee 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 permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the 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 Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the 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. (0000012)

12. 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 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. (0000013)

13. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. (0050043)

14. If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage of water under this permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0360048)

15. In accordance with the requirements of Water Code Section 1393, permittee shall clear the area covered by the proposed reservoir enlargement of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

16. Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

18. Permittees shall allow all of the surface and underground inflow to pass through the reservoir undiminished in quantity during the period from June 1 to November 30 of each year. (0000400)

19. For the protection of fish and wildlife habitat, permittee shall during the period from December 1 through May 31 bypass a flow of 1.5 cubic feet per second or the natural flow, whichever is less, to the natural stream channel immediately below the dam. The natural flow is the total subsurface and surface flow in the creek immediately above the reservoir. The natural flow shall be bypassed whenever permittee demonstrates, through streamflow measurements acceptable to the chief of the Division of Water Quality and Water Rights, that mean daily flow is less than 1.5 cubic feet per second

20. Maximum withdrawal from storage under this permit and permits 14086, 15444 and permit for Application 28883 during the period from June 1 of each year to May 31 of the succeeding year shall not exceed 450 acre-feet. (0000005)

21. Permittee shall install and properly maintain in the reservoir a staff gage or similar device satisfactory to the Chief of the Division of Water Quality and Water Rights for the purpose of determining the volume of water in the reservoir. (0070047)

22. Permittee shall install and maintain measuring devices satisfactory to the Chief of the Division of Water Quality and Water Rights for the purpose of measuring total surface and subsurface inflow to the reservoir and outflow from the reservoir. (0060046)

23. Permittee shall:
    (a) measure and record weekly the rate of subsurface inflow to the reservoir,
    (b) measure and record daily the rate of outflow through the outlet pipe from the reservoir,
    (c) from December 1 of each year to May 31 of the succeeding year, measure and record daily the rate of surface inflow to the reservoir when the mean daily flow is less than 1.5 cubic feet per second,
    (d) from June 1 to November 30 of each year, measure and record daily the rate of surface inflow to the reservoir.

The permittee shall submit a written monitoring report containing the records required in this term for the preceding calendar year to the Chief of the Division of Water Quality and Water Rights. This monitoring report shall be submitted with the annual Progress Report of Permittee. (0100300)

24. Permittee shall allow the Protestants to this application, and all successors in interest, or a designated representative, reasonable access to the reservoir for the purpose of verifying reservoir inflow and outflow measurements. Such persons shall exercise reasonable caution to not adversely affect the horticultural activities of the permittee. (00003000)

This permit is issued and permittee takes it **subject to the following provisions of the Water Code:**

Section 1390. A permit 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 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, 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 permit 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 permittee 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 permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEBRUARY 25 1991

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22704 PERMIT 15444 LICENSE _____

ORDER TO INCLUDE REQUIRED CONDITIONS, ADD A POINT OF REDIVERSION
CHANGE THE PLACE OF USE, APPROVE A NEW DEVELOPMENT
SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 15444 was issued to Ernest and Susan S. Righetti on February 15, 1967 pursuant to Application 22704.

2. On November 27, 1990, the State Water Resources Control Board (State Board) adopted Decision 1627 approving a conditional permit for Application 28883. The State Board Order also ordered that certain permit conditions be revised or added to Permits 12887, 14086 and 15444.

3. A petition to add a point of rediversion at Tichenor Reservoir, change the place of use and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Board.

4. The State Board has determined that the petition changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

5. The permittee has proceeded with diligence and good cause has shown for the said changes and for the extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

An amended permit be issued to include conditions required in Decision 1627 issued November 27, 1990 and approving the petitions for changes and extension of time.

Dated: FEBRUARY 25 1991

Roger Johnson

for Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22704 AMENDED PERMIT 15444 LICENSE _____

ORDER AMENDING THE PERMIT

WHEREAS:

1. Amended Permit 15444 was issued to Ernest and Susan S. Righetti on February 25, 1991, pursuant to Application 22704.

2. Permit Condition 24, regarding protestants to Application 28883 should be amended to specifically reference Application 28883.

3. Permit Condition 25 should be added to the amended permit to reflect a portion of Board Decision 1627 which was not included in amended Permit 15444.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 24 of the permit be amended to read:

   Permittee shall allow the Protestants to Application 28883 and all successors in interest, or a designated representative, reasonable access to the reservoir for the purpose of verifying reservoir inflow and outflow measurements. Such persons shall exercise reasonable caution to not adversely affect the horticultural activities of the permittee. (0003000)

2. Condition 25 is added to this permit as follows:

   In order to ensure that the permittee does not divert water to areas outside the authorized place of use, Permits 12887, 14086, and 15444 shall also include the following term:

   Permittee shall keep a monthly record of the following totals:

   (a) volume of non-jurisdictional water (percolating groundwater, water diverted under claim of riparian right or pre-1914 appropriative right) pumped into the reservoir,

   (b) volume of non-jurisdictional water taken from the reservoir and applied to acreage outside of the approved place of use,

   (c) volume of non-jurisdictional water taken from the reservoir and applied to acreage within the approved place of use,

   (d) volume of water appropriated under Permits 12887, 14086, and 15444 which is applied to acreage within the approved place of use,

   (e) volume of water in the reservoir on the last day of each month.

   The permittee shall submit a written monitoring report containing required monthly measurements for the preceding 12 months to the Chief of the Division of Water Rights. The written monitoring report shall be submitted with the annual Progress Report of Permittee. (0090800)
   (0100800)

Dated: OCT R 27 1992

Roger [signature]
for Edward C. Anton, Chief
Division of Water Rights