

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25288 PERMIT 17067 LICENSE _____

ORDER APPROVING CHANGES IN POINTS OF DIVERSION,
PLACE OF USE, A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 17067 was issued to George A. Cavalletto, Pauline C. Cavalletto, Louis D. Cavalletto, and Donald O. Cavalletto on February 6, 1978 pursuant to Application 25288.
2. Permit 17067 was subsequently assigned to Pauline C. Cavalletto and Donald O. Cavalletto.
3. A petition to change points of diversion on Unnamed Creek (AKA Fremont Creek) and the place of use, and a petition for extension of time to apply the water to the proposed use have been filed with the State Water Resources Control Board (Board).
4. The Board has determined that the petitioned 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 been shown for said changes and for the extension of time.
6. Permit Condition 11 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit be amended to read:

Location of Points of Diversion:

- A) South 3,610 feet and West 4,390 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 357,640 and East 1,450,260.
- B) South 3,270 feet and West 3,810 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 357,980 and East 1,450,840.
- C) South 2,670 feet and West 4,210 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 358,580 and East 1,450,440.
- D) South 2,040 feet and West 4,370 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 359,210 and East 1,450,280.

- E) South 2,720 feet and West 2,420 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 358,530 and East 1,452,230.
- F) South 2,210 feet and West 2,280 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 359,040 and East 1,452,370.
- G) South 1,480 feet and West 1,470 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 359,770 and East 1,453,180.
- H) South 1,790 feet and West 760 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 359,460 and East 1,453,890.
- I) South 1,400 feet and West 3,240 feet from the NE corner of Section 33, T5N, R28W, SBB&M; being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section. Also described as California Coordinate System, Zone 5, North 359,850 and East 1,451,410. (000002)

2. Condition 4 of the permit be amended to read:

Place of Use: At the reservoir in the E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Irrigation of 258.6 acres, located as follows:

- 21.0 acres, within the NW $\frac{1}{4}$;
- 34.0 acres, within the SW $\frac{1}{4}$;
- 11.6 acres, within the NE $\frac{1}{4}$ and
- 133.0 acres, within the SE $\frac{1}{4}$; all within Section 33, T5N, R28W, and
- 58.9 acres, within the NE $\frac{1}{4}$ of Section 4, T4N, R28W, SBB&M. (0000004)

3. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE December 31, 1995 (0000009)

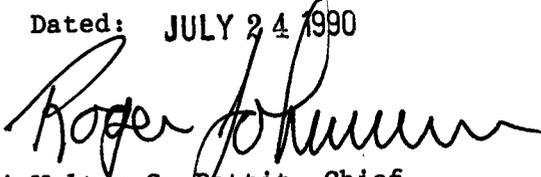
4. Condition 11 of the permit be amended to read:

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)

Dated: JULY 24 1990



for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25288

PERMIT 17067

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1988

(0000009)

2. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, all rights and privilege 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 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 minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (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. (0000012)

Dated: APRIL 14 1983

for *L. D. Johnson*
Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17067

Application 25288 of George A. Cavalletto, Louis D. Cavalletto, Pauline C. Cavalletto, and Donald D. Cavalletto ^(over)
c/o George A. Cavalletto, P. O. Box 779, Santa Barbara, California 93102

filed on March 9, 1977, 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:

Unnamed Streams	San Jose Creek thence
	Goleta Slough thence
	Pacific Ocean

2. Location of point of diversion:

Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Reservoir					
1. S1400 ft & W3240 ft from NE Corner of Sec. 33	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	33	5N	28W	SB
Diversion					
2. S1325 ft & W3790 ft from NE Corner of Sec. 33	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	33	5N	28W	SB
3. S2165 ft & W3955 ft from NE Corner of Sec. 33	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	33	5N	28W	SB
4. S3860 ft & W4230 ft from NE Corner of Sec. 33	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	5N	28W	SB
5. S2880 ft & W2140 ft from NE Corner of Sec. 33	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	5N	28W	SB
6. S2585 ft & W1335 ft from NE Corner of Sec. 33	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	33	5N	28W	SB
7. S2345 ft & W570 ft from NE Corner of Sec. 33	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	33	5N	28W	SB

County of Santa Barbara

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Recreational	Reservoir in E $\frac{1}{2}$ of NW $\frac{1}{4}$	33	5N	28W	SB	
Irrigation	NW $\frac{1}{4}$	33	5N	28W	SB	58.3
	SW $\frac{1}{4}$	33	5N	28W	SB	32.4
	NE $\frac{1}{4}$	33	5N	28W	SB	46.1
	SE $\frac{1}{4}$	33	5N	28W	SB	42.9
				Total		179.7

The place of use is shown on map filed 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 0.334 CUBIC FOOT PER SECOND BY DIRECT DIVERSION TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR AND 150 ACRE-Feet PER ANNUM BY STORAGE TO BE COLLECTED FROM SEPTEMBER 1 OF EACH YEAR TO APRIL 1 OF THE SUCCEEDING YEAR. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE SHALL NOT EXCEED 200 ACRE-Feet PER WATER YEAR OF OCTOBER 1 TO SEPTEMBER 30.

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.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 920 CUBIC FEET PER SECOND. (000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (000006)

7. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1981. (000008)

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1982. (000009)

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (000010)

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. (000011)

11. PURSUANT TO CALIFORNIA WATER CODE SECTION 100, 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 PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) 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. (000012)

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. (000013)

13. PERMITTEE SHALL, WHEN REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL; OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0050044)

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 SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT HAS APPROVED PLANS AND SPECIFICATIONS. (0360048)

15. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE AREA COVERED BY THE RESERVOIR OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES. (0120050)

16. THAT DIVERSIONS FOR STORAGE BE MADE ONLY DURING TIMES THAT WATER IS FLOWING IN THE CREEK CHANNEL WITHIN 100 YARDS DOWNSTREAM FROM THE OUTSIDE BASE OF THE MAIN DAM OF THE RESERVOIR. DURING PERIODS THAT NO SUCH DOWNSTREAM FLOW WITHIN THE CREEK CHANNEL IS OCCURRING, THEN DIVERSIONS FOR STORAGE MAY BE MADE ONLY WHILE APPLICANT IS RELEASING WATER FROM THE RESERVOIR DOWNSTREAM INTO THE CREEK CHANNEL AT THE RATE OF NOT LESS THAN 50 GALLONS PER MINUTE. (0160999)

17. THAT APPLICANT MAKES NO MODIFICATIONS TO THE STORAGE RESERVOIR WHICH WOULD REDUCE CURRENT RATES OF SEEPAGE AND PERCOLATION EXCEPT AS MAY BE REQUIRED BY FEDERAL, STATE OR LOCAL HEALTH AND SAFETY LAWS, REGULATIONS OR ORDERS, SPECIFICALLY INCLUDING THE BUILDING OF A NEW, ENLARGED AND LOWER SPILLWAY AS MAY BE REQUIRED BY THE STATE DIVISION OF SAFETY OF DAMS OF THE DEPARTMENT OF WATER RESOURCES. (0000999)

18. THAT APPLICANT SHALL, WITHIN THREE YEARS, COMPLETE SOIL CONSERVATION WORK ADJACENT TO THE SUBJECT CREEK TO ENHANCE RECHARGE, AS SHOWN ON SOIL CONSERVATION PLANS FOR 3CS RANCH, DATED APRIL 1, 1977. (0000500)

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 6 1978

STATE WATER RESOURCES CONTROL BOARD

C. W. Hickey
EXECUTIVE DIRECTOR
Chief, Division of Water Rights

P17067

3-5-85 ownership chgd to Louis D., Pauline C. + Donald D.
Cavalleto

1-7-87 ownership chgd to Pauline C. + Donald D. Cavalleto