

P17487

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 25198 Permit 17487 License _____

ORDER TO CHANGE PLACE OF USE, ADD OFFSTREAM STORAGE, REDISTRIBUTE STORAGE, ADD POINT OF REDIVERSION, ADD PERMIT CONDITIONS, AND APPROVE NEW DEVELOPMENT SCHEDULE AND AMEND PERMIT

WHEREAS:

1. Permit 17487 was issued to Skylawn Memorial Park on December 14, 1978 pursuant to Application 25198.
2. On June 14, 1990 permittee petitioned to change the place of use (POU), add offstream storage reservoir, redistribute storage in proposed onstream and offstream reservoirs and add a point of rediversion.
3. On January 3, 1991 permittee petitioned for an extension of time within which to develop the project and apply the water to the proposed use.
4. On February 13, 1991 the Department of Fish and Game (DFG) filed a protest by memorandum against Permit 17487. On May 27, 1993 DFG submitted four conditions for dismissal of said protest.
5. Permittee's letter dated September 14, 1993 agreed to DFG conditions for dismissal of protest relative to DFG's letter dated May 27, 1993.
6. The State Water Resources Control Board (SWRCB) has determined the petitions for change and extension of time as revised by conditions for DFG dismissal of protest do not contribute to the initiation of a new right nor operate to the injury of any other lawful user of water.
7. The permittee has proceeded with diligence and good cause has been shown for said changes and extension of time.
8. Permit Condition 12 pertaining to the continuing authority of the SWRCB should be updated to conform to Section 780 (a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 2 of the permit, location of Points of Diversion be amended to read as follows:

Point of Diversion and Diversion to Offstream Storage

1) South 100 feet and West 1,500 feet from NE corner of Section 23, T5S, R5W, MDB&M, being within NW¹/₄ of NE¹/₄ of said Section 23, also described as California Coordinate System, Zone 2, N 366,000 and E 1,456,000.

2) Point of Offstream Storage:

North 4,100 feet and West 2,800 feet from SE corner of projected Section 11, T5S, R5W, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 11.
(0000002)

2. Condition 4, Description of the Place of Use be amended to read as follows:

6 acres, within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 11;
30 acres, within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 14; and,
40 acres, within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 14, all being within T5S, R5W, MDB&M, as shown on the map dated 2-14-94 on file with SWRCB.
(0000004)

3. Condition 5 of the permit be amended to reflect redistribution of storage as follows:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 49 acre-feet per annum to be collected from January 1 to March 31 of each year as follows:

- A) 12 acre-feet in proposed onstream reservoir located within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, and
- B) 37 acre-feet in proposed offstream reservoir located within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 11, all within T5S, R5W, MDB&M.

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 0.2 cubic foot per second.
(0000005)

4. Condition 8 of the permit be amended to read as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE December 31, 2006
(0000008)

5. Condition 9 of the permit be amended to read as follows:

COMPLETE APPLICATION OF
TO THE PROPOSED USE SHALL BE MADE
ON OR BEFORE December 31, 2007
(0000009)

6. The existing continuing authority condition under Permit 17487 be amended as follows:

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)

7. Condition 16 of the permit be added to read as follows:

For the protection of fish and wildlife, permittee shall during the period of January 1 through March 31, bypass a minimum of 10 cubic feet per second on Pilarcitos Creek at the Highway 92 bridge. The total Streamflow shall be bypassed wherever the flow is less than the designated amount. (0140060)

8. Condition 17 of the permit be added to read as follows:

Permittee shall install a device, satisfactory to the SWRCB, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be located on Pilarcitos Creek adjacent to the Highway 92 bridge. Said measuring device shall be properly maintained. Permittee shall provide to the DFG an accurate rating table for said measuring device. (0060062)

9. Condition 18 of the permit be added to read as follows:

Permittee shall record flows at the Pilarcitos Creek measuring device on a daily basis during the diversion season and shall provide these records to the DFG at the end of each month. (0550400)

10. Condition 19 of the permit be added to read as follows:

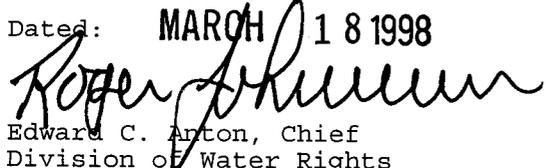
For the protection of the endangered San Francisco garter snake, which inhabit the area surrounding the reservoir, permittee shall establish and maintain, undisturbed, a 150-foot wide buffer zone strip of natural upland vegetation around the water storage reservoir except as provided for below:

- a. Normal maintenance of the existing dam, outlet dam, outlet pipe, and existing roads within the buffer zone is permissible. Existing dirt roads within the buffer zone shall remain unpaved.
- b. Alteration of vegetation within the buffer zone shall not occur without the review and approval of the DFG and the U.S. Fish and Wildlife Service (Service).
- c. Permittee shall obtain written approval from the DFG and the Service prior to any reservoir dredging operations. In all cases, permittee shall refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations.
- d. Permittee shall restrict cattle access to the reservoir to a maximum of 10 percent to the shoreline, or construct outlet pipes to watering troughs as an alternative to cattle access at the reservoir.
- e. Permittee shall immediately report any incident that affects a San Francisco garter snake to the DFG and the Service.

(0400500)

Dated:

MARCH 18 1998

for 
Edward C. Anton, Chief
Division of Water Rights

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

ORDER

APPLICATION 25198

PERMIT 17487

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 17487 was issued to Skylawn Memorial Park on December 14, 1978.
2. 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.
3. The permittee has proceeded with diligence and good cause has been shown for an extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

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

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1989 (0000008)

2. Paragraph 9 of the permit be amended to read as follows:

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

December 31, 1990 (0000009)

3. Paragraph 12 of this permit be amended to read as follows:

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:

JANUARY 13 1988



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 25198

PERMIT 17487

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 9 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, 1986 (0000009)

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

Pursuant to California Water Code Sections 100 and 275, 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.

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.

(000012)

Dated: JUNE 24 1983

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights

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

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17487

Application 25198 of Sky Lawn Memorial Park
P. O. Box 5070, San Mateo, California 94402

filed on November 18, 1976, 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:

<p>1. Source:</p> <p><u>Unnamed Stream</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p style="text-align: center;">Tributary to:</p> <p><u>Pilarcitos Creek thence</u></p> <p>_____</p> <p><u>Pacific Ocean</u></p> <p>_____</p> <p>_____</p> <p>_____</p>
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
S100 ft. & W1500 ft. from NE Corner of Section 23	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	23	5S	5W	MD

County of San Mateo

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Irrigation	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	14	5S	5W	MD	30
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	14	5S	5W	MD	40
					Total	70

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 49 ACRE- FEET PER ANNUM TO BE COLLECTED FROM JANUARY 1 OF EACH YEAR TO MARCH 31 OF THE SUCCEEDING YEAR.

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. (000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked (000007)

8. Said construction work shall be completed on or before DECEMBER 1, 1981. (000008)

9. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1982. (000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (000010)

11. 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)

12. 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)

13. 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)

14. PERMITTEE SHALL 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. (0050043)

15. IF ANY ITEMS OF CULTURAL, HISTORICAL OR ARCHEOLOGICAL VALUE ARE DISCOVERED DURING CONSTRUCTION OF THE PROJECT, THE CHIEF OF THE DIVISION OF WATER RIGHTS SHALL BE NOTIFIED AND CONSTRUCTION SHALL BE HALTED UNTIL APPROPRIATE MITIGATION MEASURES CAN BE DETERMINED. (0380500)

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: DECEMBER 14 1978

STATE WATER RESOURCES CONTROL BOARD

[Signature]
EXECUTIVE DIRECTOR
~~CHIEF, DIVISION OF WATER RIGHTS~~
WATER RIGHTS AND ADMINISTRATION