STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

# DIVISION OF WATER RIGHTS

## ORDER

APPLICATION 25654 PERMIT 18027 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 7 of the permit is amended to read as follows:

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 1, 1987

2. 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, 1989

3. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added 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) to 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: APRIL 22 1985

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 18027

Application 25654 of Theodore Char, Chuck Shima, Richard Lum, and Albert Yonashi, (Owen) A Partnership

Suite 800 AMFAC Building, Honolulu, Hawaii 96813

filed on January 26, 1978, 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: |
|---|---|
| (1) Whitehouse Creek | Pacific Ocean |
| (2) Unnamed Stream | Whitehouse Creek thence |
| | Pacific Ocean |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Town-ship | Range | Base and Meridan |
|---|---|---|---|---|---|
| Diversion to Offstream Storage (1) N248,300 and E1,470,000, California Coordinate System, Zone 3 | SE 1/4 of NE 1/4 | 8 | 9S | 4W | MD |
| Storage and Rediversion (2) N248,250 and E1,466,500 California Coordinate System, Zone 3 | SW 1/4 of NW 1/4 | 8 | 9S | 4W | MD |

County of San Mateo

| 3. Purpose of use: | 4. Place of use: | Section | Town-ship | Range | Base and Meridan | Acres |
|---|---|---|---|---|---|---|
| Fire Protection | | | | | | |
| Recreational | | | | | | |
| Stockwatering | Reservoir D in SW 1/4 of NW 1/4 | 8 | 9S | 4W | MD | |
| Irrigation | SE 1/4 of NW 1/4 | 8 | 9S | 4W | MD | 15 |
| | SW 1/4 of NW 1/4 | 8 | 9S | 4W | MD | 10 |
| | NW 1/4 of SW 1/4 | 8 | 9S | 4W | MD | 7 |
| | NE 1/4 of SW 1/4 | 8 | 9S | 4W | MD | 8 |
| | | | | | TOTAL | 40 |

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 December 1 of each year to May 1 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.

The maximum rate of diversion to offstream storage shall not exceed 1 cubic foot per second. (0000005)

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

7. Construction work shall be completed on or before December 1, 1983. (0000008)

8. Complete application of the water to the proposed use shall be made on or before December 1, 1984. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until 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, 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. (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 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)

P/8027.

3-31-82 Asgd to Cascade Ranch Associates Ltd
2-24-86 Asgd to The Trust for Public Land
4-21-87 Asgd to Calif State Coastal Conservancy

14. For the protection of fish and wildlife, permittee shall at all times bypass a minimum of 1 cubic foot per second at the point of diversion from Whitehouse Creek. The total streamflow shall be bypassed whenever it is less than the designated amount for that period. (0140060)

15. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

16. In accordance with Section 1603 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife and the San Francisco garter snake have been incorporated into the plans and construction of such diversion. The construction, operation, or maintenance costs of any facility required pursuant to this provision shall be borne by the permittee. (0000063)

17. For the protection of archeological resources permittee shall protect by fencing or other means, identified archeological sites CR-1 (4-SMA-113) and CR-9. Permittee shall prevent these sites from being impacted by construction or operation of reservoirs, pipelines, diversion of water or other activities related to use of water authorized by this permit. (0380500)

18. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, San Francisco Bay Region, or by the State Water Resources Control Board. (0000100)

***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:* SEPTEMBER 12 1980

STATE WATER RESOURCES CONTROL BOARD

L. C. Spencer, for

Chief, Division of Water Rights