STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19724

Application 25062 of North Marin County Water District

999 Rush Creek Place, Novato, California 94947

filed on May 6, 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:

1. Source:	Tributary to:
Lagunitas Creek	Tomales Bay

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town-ship	Range	Base and Meridan
North 500 feet and West 1,575 feet from SE corner of projected Section 25	SW¼ of SE¼	25	3N	9W	MD

County of Marin

3. Purpose of use:	4. Place of use:	Section	Town-ship	Range	Base and Meridan	Acres
Municipal	The towns of Olema, Point Reyes Station and Inverness Park, Point Reyes National Seashore Park and within the District Boundary of Annexation No. 3 to the North Marin County Water District, within T2&3N, R8&9W, MDB&M					

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 0.699 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 212.7 acre-feet per year. (0000005)

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

7. Complete application of the water to the authorized use shall be made by December 1, 2000. (0000009)

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

9. 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)

10. 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)

11. 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)

12. The total rate and quantity of water diverted and used under this permit, the permit issued pursuant to Application 25079, and permittee's claimed existing right for the place of use specified in this permit shall not exceed 1.66 cubic feet per second and 505.2 acre-feet per year. If the permittee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the rate and quantity of diversion and use allowed under this permit shall be either (1) the net of the specified total value less the amount of water available under Application 25079 and the existing right or (2) the face value of this permit, whichever is less.

Permittee shall forfeit all rights under the permit if permittee transfers all or any part of its claimed existing right for the place of use covered by this permit to another place of use without the prior approval of the Board. (0000021)

13. No water shall be used under this permit until the permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, San Francisco Bay Region, pursuant to Water Code Section 13260, and the Regional Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Board or State Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Board or the State Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if after filing the report pursuant to Section 13260:

(1) the Regional Board issued a waiver pursuant to Section 13269, or
(2) the Regional Board fails to act within 120 days of the filing of the report.

No permittee shall be required to file a report of waste discharge pursuant to Section 13260 of the Water Code for percolation to the groundwater of water resulting from the irrigation of crops. (0290101)

14. This permit is specifically subject to the prior rights of Waldo Giacomini held under licensed Application 13965, and to any prior right that may be held by Harold Genazzi. (0160800)

15. This permit does not authorize diversion of any water specifically released from storage by Marin Municipal Water District for fish and wildlife protection in Lagunitas Creek in compliance with the terms of any permit, license or order of the State Water Resources Control Board. Permittee shall not divert or impair the flow of such water. (0160400)

During all times when the Giacomini Dam, or other facility at that location, is in place across Lagunitas Creek, permittee shall, at intervals not less frequent than once a week, monitor and record the flow over the Giacomini fish ladder or substitute facility. If the flow thus monitored is less than one cubic foot per second, permittee shall immediately notify, in writing, the Division of Water Rights and designated representatives of the California Department of Fish and Game, Marin Municipal Water District, and Waldo Giacomini or his successor in interest. The records of flow monitoring required by this term shall be submitted to the Division of Water Rights every three months, and shall be available for inspection upon reasonable notice by interested parties. (0160400)

16. The State Water Resources Control Board reserves jurisdiction in the public interest to impose appropriate conditions in the event of unforeseen adverse impacts on migration of anadromous fish. Board action will be taken only after notice to interested parties and opportunity for hearing. (000M001)

17. Permittee shall report progress on its ongoing water conservation and reclamation activities to the State Water Resources Control Board annually. The Board reserves jurisdiction to require permittee to develop and implement a comprehensive water conservation program or specific water conservation actions at any time prior to issuance of a license under this permit, upon notice from the Board and opportunity for hearing. (0110600)

***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 12 1985

STATE WATER RESOURCES CONTROL BOARD

Kloy Johnson
Chief, Division of Water Rights