

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20041

Application 26813 of University Exchange Corporation

P.O. Box 2507, Goleta, California 93118

filed on May 1, 1981, 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) McCoy Creek

Glen Annie Creek thence

Tecolotito Creek thence

Goleta Slough thence

Pacific Ocean

(2) and (3) Glen Annie Creek

Tecolotito Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
<u>By California Coordinate System Zone 5 Direct Diversion and Diversion to Offstream Storage</u>					
(1) Weir No. 1: North 362,052 East 1,436,380	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	25	5N	29W	SB
(2) Weir No. 2: North 355,701 East 1,434,534	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	1*	4N	29W	SB
(3) Weir No. 3: North 345,550 East 1,436,509	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	13*	4N	29W	SB
<u>Offstream Storage Reservoirs No. 1, 2 and 3 within</u>	W $\frac{1}{2}$ of SE $\frac{1}{4}$	1*	4N	29W	SB

County of Santa Barbara

*Projected

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
<u>Municipal</u>	<u>At residential development known as Pacific Oaks</u>					
	<u>Townhouses within NW$\frac{1}{4}$ of SW$\frac{1}{4}$ of Section 13*, and NE$\frac{1}{4}$ of SE$\frac{1}{4}$ of Section 14*.</u>		4N	29W	SB	11.2
<u>Stockwatering</u>						
<u>Irrigation</u>	<u>145 acres within</u>	1* 12*	4N	29W	SB	
		7*	4N	28W	SB	

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 0.77 cubic foot per second by direct diversion to be diverted from January 1 to December 31 of each year and 324 acre-feet per annum by storage to be collected from December 31 of each year to May 1 of the succeeding year as follows: 140 acre-feet per annum in Reservoir No. 1, 92 acre-feet per annum in Reservoir No. 2, and 92 acre-feet per annum in Reservoir No. 3. The total combined direct diversion and diversion to storage shall not exceed 490 acre-feet per annum. (0000005)

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. (0000005)

The maximum combined rates of direct diversion and diversion to offstream storage authorized at the three points of diversion shall not exceed 1,200 gallons per minute at Weir No. 1, 1,500 gallons per minute at Weir No. 2 and 500 gallons per minute at Weir No. 3. (0000005)

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

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction of the water diversion, conveyance, treatment and delivery facilities shall be completed by December 31, 1990. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1997. (0000009)

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

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. (0000011)

12. 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)

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. (0000013)

14. 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 all waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Coast Region, or by the State Water Resources Control Board. (0000100)

15. 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, Central Coast 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 issues 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. Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing. (0290101)

16. Permittee shall bypass the following flows:

- (a) At Weir No. 1, bypass all flow in excess of 25 gallons per minute when the flow below Weir No. 2 is less than 50 gallons per minute, and bypass all flow in excess of 50 gallons per minute when the flow below Weir No. 2 is between 50 and 60 gallons per minute.
- (b) At Weir No. 2, bypass 60 gallons per minute.
- (c) At Weir No. 3, bypass 170 gallons per minute or the natural flow of the stream, whichever is less. (0360400)

17. Permittee shall install and maintain measuring devices which meet the approval of the Chief, Division of Water Rights of the State Water Resources Control Board to measure (a) the diversions authorized by this permit and (b) the bypass flows required by this permit. (0050400)
(0060400)

18. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period. (0410600)

19. No construction of the project or use of water under this permit is authorized until the Chief, Division of Water Rights, has acknowledged in writing having received satisfactory evidence that the permittee has obtained a domestic water supply permit from the Department of Health Services.

The Board reserves jurisdiction over this permit to amend this condition. Action by the Board will be taken only after notice to interested parties and an opportunity for hearing.

(0360300)

20. Permittee shall divert water only at the points of diversion specified in this permit.

(0360999)

21. Permittee shall cause the reservoirs and appurtenant facilities to be designed and constructed under the direction of a licensed civil engineer, with due consideration given to potential impacts from earthquake damage and seismic action.

(0360500)

22. Permittee shall implement and comply with all erosion control measures required by the County of Santa Barbara, in order to minimize impacts due to erosion during and after construction of this project.

(0360500)

23. Permittee shall obtain and comply with Water Course Obstruction Permits from the Department of Fish and Game to cover those portions of the project that are to be constructed within or adjacent to a stream course.

(0360300)

24. Permittee shall employ the construction method for placement of the pipeline through the sensitive areas from Weir No. 1 downstream on McCoy Creek as specified in the Final Environmental Impact Report dated July 1984, page V-42. The conditions of this method are as follows:

a. No vehicular access shall be constructed within sensitive habitat areas.

b. Equipment and material shall be transported without the use of surface vehicles.

c. Where undergrowth is too thick to permit foot traffic for pipeline construction, a 5-foot wide path may be cleared by hand.

d. No trees, including willows, shall be removed.

e. Poison oak may be removed from the foot path as required to permit access.

f. Pipeline construction shall be above ground on pylon anchors except at road crossings where it may be underground.

(0360500)

25. Permittee shall design and construct the reservoirs and appurtenant facilities in such a manner that there will be no damage or loss to the coastal live oak woodlands.

(0360500)

26. Permittee shall have a qualified archeologist establish the boundaries of the three archeological sites near the proposed pipeline route. The boundaries shall be clearly marked. Construction activities shall not damage the sites. If any previously unrecorded cultural resources are unearthed during construction, an archeologist shall be consulted to determine the significance of the resource and prepare a mitigation plan if required.

(0360500)

27. No water shall be used under this permit until all necessary state and local approvals have been obtained and permittee has complied with all state and local requirements regarding impacts to cultural resources and environmentally sensitive areas.

(0360300)

28. No water shall be appropriated until a permanent organization has acquired the water rights granted hereunder and any additional rights to use such supplemental water as is necessary to operate the project and which will, to the Board's satisfaction, properly operate and maintain the permittee's water supply system.

(0360300)

29. No construction and no use of water appropriated under this permit on the 11.2 acre parcel (Pacific Oaks townhouses) is authorized by this permit until the Chief, Division of Water Rights, has acknowledged in writing having received satisfactory evidence that the County of Santa Barbara has approved construction of the Pacific Oaks townhouses on the 11.2 acre parcel.

The Board reserves jurisdiction over this permit to amend this condition after notice to interested parties and an opportunity for hearing. (0360300)

30. The requested place of use called the West Devereux Specific Plan, as identified on Plate 3 of the FEIR of July 1984 is not approved herein, and shall not be approved until such time as the Board has approved a change of place of use to include the West Devereux Specific Plan as a place of use for water appropriated under this permit. Any petition for change of place of use to add part or all of the West Devereux Specific Plan shall, in addition to other requirements of the Board, include satisfactory evidence that the County of Santa Barbara has approved use of the requested place of use and that the place of use can be approved within the requirements of the California Environmental Quality Act. (0450500)

31. Except for the West Devereux Specific Plan area, the places of use requested in Application 26813 are approved. (0450500)

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: MARCH 27 1987

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh
Chief, Division of Water Rights