

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 20751 (Application 29466)

The Sea Ranch Water Company

**ORDER CORRECTING POINTS OF DIVERSION, APPROVING
CHANGES IN PLACE OF USE, AND AMENDING THE PERMIT**

SOURCE: South Fork Gualala River (Underflow) tributary to the Gualala River

COUNTY: Sonoma

WHEREAS:

1. On July 29, 1994, Permit 20751 was issued to The Sea Ranch Water Company (Permittee) pursuant to Application 29466 by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
2. Permits 15358, 20751, and 20801 issued to Permittee each utilize the same points of diversion and cover the same place of use.
3. On June 30, 2009, the Division conducted a licensing inspection for Permit 15358. Permits 15358 and 20751 share common diversion facilities. Documented in the inspection report are Division staff findings that:
 - a. The point of diversion for Permit 20751 is inaccurately described due to a mapping error in the application. The permitted point of division is approximately 160 feet from the actual well location(s).
 - b. Permittee constructed and now uses two offset wells to divert from the underflow of the South Fork Gualala River.
 - c. In the past, wells located close together were described as a single point of diversion. The Division now identifies each well as a separate point of diversion. In this case, the change of description does not constitute a new additional point of diversion.
 - d. The description of the location and number of points of diversion may be corrected administratively. It was determined that this correction also applies to all permits sharing these points of diversion.

4. On June 8, 2010, Permittee submitted a letter requesting correction of the point of diversion in Permit 20751. This correction is consistent with the direction of Division staff, and can be made administratively. Corrected point of diversion locations in accordance with California Code of Regulations, title 23, section 715, subd. (c)(1) were provided by Permittee, as follows:

Well A: Approximately 370 feet from NW corner of APN 122-170-024 on bearing of approximately
N68° 49' E
Well B: Approximately 540 feet from SW corner of APN 122-170-024 on bearing of approximately
N60° 52' E
Both within SW¼ of SE¼ of Section 16, T10N, R14W, MDB&M.
5. By email communication on August 30, 2010, Permittee provided the following descriptions of the locations of existing Wells A and B at the Division's request to meet the requirements of the electronic Water Rights Information Management System (eWRIMS):

Well A: North 2,022,446 feet and East 6,155,525 feet, NAD 83 datum, CCS Zone 2
Well B: North 2,022,451 feet and East 6,155,607 feet, NAD 83 datum, CCS Zone 2
6. Field data collected during the June 30, 2009 licensing inspection for Permit 15358, which uses the same diversion facilities as Permit 20751, gave points of diversion locations that are 45 feet and 8 feet, respectively, away from the locations listed in item 5, although satellite availability and nearby trees causing less-than-optimal reception is the probable reason for the differences. To reflect the actual precision of these point of diversion descriptions, Division staff recommends that for purposes of an amended permit to be issued pursuant to this order, the coordinates be rounded off to the nearest ten feet, as follows:

Well A: North 2,022,450 feet and East 6,155,530 feet
Well B: North 2,022,450 feet and East 6,155,610 feet
Both within SW¼ of SE¼ of Section 16, T10N, R14W, MDB&M.
7. On June 8, 2010, Permittee submitted a Petition for Change of Place of Use for Permit 20751. The petition proposes a net reduction in the place of use under Permit 20751 as shown on The Sea Ranch Water Company Place of Use Map dated September 9, 2010 and labeled Map No. 1008. Permittee provided notice of the petition to the Department of Fish and Game pursuant to California Code of Regulations, Title 23, section 795.
8. The State Water Board has determined that the petition does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. The State Water Board has also determined that good cause for such change has been shown.
9. Approval of the changes is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, title 14, section 15301 (existing facilities). This project involves negligible or no expansion of an existing use. Permittee seeks to adjust Permit 20751 to reflect current conditions. No change in volume, rate, timing or location of diversions or return flow will occur under the proposed change. No new or changed facilities are needed or proposed, and no direct or indirect effect on the environment will occur.
10. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346].) There is no evidence that approval of the change petition will have any adverse impacts on public trust resources.

11. The permit conditions relating to the continuing authority and water quality objectives of the State Water Board should be updated to conform to California Code of Regulations, title 23, section 780, subd. (a) and (b).
12. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the Permittee aware of possible obligations resulting from these acts.
13. There is the possibility that buried archeological deposits may be present and accidental discovery could occur. In compliance with CEQA, which states that a Lead Agency is required to make a provision for historical or unique archeological resources accidentally discovered during construction or operation of projects, a condition should be included in the permit requiring notification of the Deputy Director for Water Rights if project activities uncover any buried archeological materials.
14. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.
15. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.4) Resolution No. 2007-0057 authorizes the Deputy Director for Water Rights to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
16. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director to administer the duties required under the California Environmental Quality Act (CEQA). (Resolution No. 2007-0057, section 4.10.) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.

NOW, THEREFORE, IT IS ORDERED THAT THE CHANGE PETITION IS APPROVED AND PERMIT 20751 IS AMENDED AS FOLLOWS:

1. Term 2 shall be amended to read:

Point of Diversion to Offstream Storage:
Well A: By California Coordinate System of 1983, Zone 2, North 2,022,450 feet and East 6,155,530 feet, being within the SW¼ of the SE¼ of Section 16, T10N, R14W, MDB&M.

Well B: By California Coordinate System of 1983, Zone 2, North 2,022,450 feet and East 6,155,610 feet, being within the SW¼ of the SE¼ of Section 16, T10N, R14W, MDB&M.

Place of Offstream Storage: Pond No. 9, NE¼ of Projected Section 35, T11N, R15W, MDB&M.
2. Term 4 shall be amended to list the Permittee's total service area, in acres, for each section.
3. Terms 7 (time to complete construction) and 8 (time to complete beneficial uses) have been superceded by a single, combined permit term (see amended permit, term 8).
4. Term 14 (water conservation plan) has been updated to the correct version of the term.

5. Term 16 will be updated to read as follows:

If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048B)

6. Minimum bypass flow terms 18 and 19 of Permit 20751 will be replaced with standard permit term 204 and will read as follows:

For the protection of fish and wildlife, and other instream and public trust uses, Permittee shall bypass the total streamflow, at all points of diversion when the flow in the South Fork Gualala River is equal to or less than: (a) 5 cubic feet per second (cfs) from June 1 to November 30, (b) 25 cfs from December 1 to March 31, and (c) 10 cfs from April 1 to May 31, as measured at the United States Geological Survey Stream Gage No. 11467510 – South Fork Gualala River, California.

No diversion shall take place under this permit if the streamflow in South Fork Gualala River is, or would be reduced by the diversion, below the designated rate(s).

In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage in accordance with a plan, including timelines, satisfactory to the Deputy Director for Water Rights, as near as practicable to the present location of the United States Geological Survey Stream Gage No. 11467510 – South Fork Gualala River. A plan must be submitted within 15 days of the existing gage becoming non-operable. In the absence of timely installation of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 29466.

(0000204)

7. The continuing authority condition shall be updated to read as follows:

Pursuant to 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 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 State Water 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 requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water 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 State Water 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 State Water 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)

8. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the Permittee and an opportunity for hearing, the State Water 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 State Water 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)

9. The permit is amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any act authorized under this water right, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

10. The permit is amended to include the following archeological condition:

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Deputy Director for Water Rights.

(0000215)

11. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

12. All other conditions of Permit 20751 are still applicable.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL FOR:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: MAR 24 2011

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

AMENDED PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20751

Application 29466 of

The Sea Ranch Water Company
P.O. Box 16
The Sea Ranch, CA 95497

filed on **April 13, 1989**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:
South Fork Gualala River (Underflow)

Tributary to:
Gualala River

within the County of Sonoma.

2. Location of point of diversion

| By California Coordinate System of 1983 in Zone 2 | 40-acre subdivision of public land survey or projection thereof | Section (Projected)* | Township | Range | Base and Meridian |
|--|---|----------------------|------------|------------|-------------------|
| (1) Diversion to Offstream Storage North 2,022,450 feet and East 6,155,530 feet | SW¹/₄ of SE¹/₄ | 16 | 10N | 14W | MD |
| (2) Diversion to Offstream Storage North 2,022,450 feet and East 6,155,610 feet | SW¹/₄ of SE¹/₄ | 16 | 10N | 14W | MD |
| Offstream Storage Pond No. 9 | NE¹/₄ | 35 | 11N | 15W | MD |

| 3. Purpose of use | 4. Place of use | Section (Projected)* | Township | Range | Base and Meridian | Acres |
|-------------------|-----------------|-------------------------|------------|------------|----------------------|--------------|
| Municipal | | 07 | 10N | 14W | MD | 418 |
| | | 08 | 10N | 14W | MD | 18 |
| | | 16 | 10N | 14W | MD | 81 |
| | | 17 | 10N | 14W | MD | 484 |
| | | 18 | 10N | 14W | MD | 218 |
| | | 20 | 10N | 14W | MD | 312 |
| | | 21 | 10N | 14W | MD | 353 |
| | | 27 | 10N | 14W | MD | 51 |
| | | 28 | 10N | 14W | MD | 544 |
| | | 29 | 10N | 14W | MD | 26 |
| | | 33 | 10N | 14W | MD | 51 |
| | | 34 | 10N | 14W | MD | 42 |
| | | 01 | 10N | 15W | MD | 99 |
| | | 02 | 10N | 15W | MD | 394 |
| | | 03 | 10N | 15W | MD | 170 |
| | | 11 | 10N | 15W | MD | 13 |
| | | 12 | 10N | 15W | MD | 372 |
| | | 27 | 11N | 15W | MD | 9 |
| | | 34 | 11N | 15W | MD | 360 |
| | | 35 | 11N | 15W | MD | 204 |
| | | | | | Total | 4,219 |

The place of use is shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **225 acre-feet** per annum to be collected to storage from January 1 to December 31 of each year.
(0000005C)
6. The maximum rate of diversion to offstream storage shall not exceed **2.4 cubic feet per second**.
(0000005J)
7. The total quantity of water collected to storage under this permit and Permit 20801 (Application 30438) shall not exceed 300 acre-feet per annum.
(0000005L)
8. Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by **December 31, 2025**.

(0000009)

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

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029B)

10. Permittee shall install and maintain devices satisfactory to the State Water Board to measure the rate and quantity of water diverted into the reservoir from South Fork Gualala River (Underflow), and water released from or flowing out of the reservoir.

(0060046)

11. If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage under this permit shall not be commenced until the Department has approved the plans and specifications for the dam.

(0360048B)

12. For the protection of fish and wildlife, and other instream and public trust uses, Permittee shall bypass the total streamflow, at all points of diversion when the flow in the South Fork Gualala River is equal to or less than: (a) 5 cubic feet per second (cfs) from June 1 to November 30, (b) 25 cfs from December 1 to March 31, and (c) 10 cfs from April 1 to May 31, as measured at the United States Geological Survey Stream Gage No. 11467510 – South Fork Gualala River, California.

No diversion shall take place under this permit if the streamflow in South Fork Gualala River is, or would be reduced by the diversion, below the designated rate(s).

In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage in accordance with a plan, including timelines, satisfactory to the Deputy Director for Water Rights, as near as practicable to the present location of the United States Geological Survey Stream Gage No. 11467510 – South Fork Gualala River. A plan must be submitted within 15 days of the existing gage becoming non-operable. In the absence of timely installation of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 29466.

(0000204)

13. No water shall be used under this permit until permittee has filed a report of waste discharge with the Regional Water Quality Control Board, North Coast Region, pursuant to Water Code section 13260, and the Regional Water Quality Control Board or State Water 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 Water Quality Control Board or State Water Board are being met. No discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Water Quality Control Board or the State Water Board. A discharge to ground water without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Water Code section 13260:

- a. the Regional Water Quality Control Board issues a waiver pursuant to Water Code section 13269, or
- b. the Regional Water Quality Control 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 Water Code section 13260 for percolation to ground water of water resulting from the irrigation of crops. (0290101)

14. Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; old trails; and structure and feature remains such as building foundations and dumps. The Deputy Director for Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the find and recommend appropriate mitigation. Project related activities in the area of the find shall resume only after the completion of the recommended mitigation, as approved by the Deputy Director for Water Rights. (0000215)
15. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained. (000000J)
16. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation, which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050A)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by Permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to 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 State Water 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 State Water 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 State Water 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 State Water 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 State Water 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)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water 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 State Water 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)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the Department of Fish and Game.

(0000063)

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).

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY
JAMES W. KASSEL FOR:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: MAR 24 2011

STATE OF CALIFORNIA
 CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
 STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20751

Application 29466 of The Sea Ranch Water Company

P.O. Box 1, The Sea Ranch, CA 95497

filed on April 13, 1989, has been approved by the State Water Resources Control Board
 SUBJECT TO PRIOR 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: |
| <u>Gualala River</u> | <u>Gualala River thence</u> |
| <u>Subterranean Stream</u> | <u>Pacific Ocean</u> |
| _____ | _____ |
| _____ | _____ |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Projected Section | Township | Range | Base and Meridian |
|--|---|-------------------|----------|-------|-------------------|
| <u>Direct Diversion to Offstream Storage</u> N 382,000 and E 1,594,100 Coordinates of California Coordinate System Zone 2 | SW $\frac{1}{4}$ of SE $\frac{1}{4}$ | 16 | 10N | 14W | MD |
| <u>Offstream Storage</u> Pond No. 9 | NE $\frac{1}{4}$ | 35 | 11N | 15W | MD |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

County of Sonoma

| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|--------------------|--|---------|----------|-------|-------------------|-------|
| Municipal | Within the Company's service area as shown on a map on file with the State Water Resources Control Board | 34 | 11N | 15W | MD | |
| | | 35 | 11N | 15W | MD | |
| | | 36 | 11N | 15W | MD | |
| | | 1 | 10N | 15W | MD | |
| | | 2 | 10N | 15W | MD | |
| | | 3 | 10N | 15W | MD | |
| | | 12 | 10N | 15W | MD | |
| | | 6 | 10N | 14W | MD | |
| | | 7 | 10N | 14W | MD | |
| | | 8 | 10N | 14W | MD | |
| | | 16 | 10N | 14W | MD | |
| | | 17 | 10N | 14W | MD | |
| | | 18 | 10N | 14W | MD | |
| | | 20 | 10N | 14W | MD | |
| | | 21 | 10N | 14W | MD | |
| | | 22 | 10N | 14W | MD | |
| | | 27 | 10N | 14W | MD | |
| | | 28 | 10N | 14W | MD | |
| 29 | 10N | 14W | MD | | | |
| 33 | 10N | 14W | MD | | | |

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 225 acre-feet per annum to be collected from January 1 to December 31 of each year. (0000005)

The maximum rate of diversion to off stream storage shall not exceed 2.4 cubic feet per second. (000005J)

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 work shall be completed by December 31, 1997. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 2025. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a 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. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (000029B)

15. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into the reservoir from South Fork Gualala River Subterranean Stream, and water released from or flowing out of the reservoir. (0060046)

16. If the storage dam will be of such size as to be within the jurisdiction of the Department of Water Resources as to safety, construction under this permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0360048)

17. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

18. For the preservation of fish life, the permittee shall not divert water at the point of diversion when the flow is equal to or less than the following:

- a. 5 cfs from June 1 to November 30,
- b. 25 cfs from December 1 to March 31,
- c. 10 cfs from April 1 to May 31.

This term shall become effective on January 1, 1995. (0000060)

19. 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 bypass flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

20. No water shall be used under this permit until permittee has filed a report of waste discharge with the California Regional Water Quality Control Board, North 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 ground water of water resulting from the irrigation of crops. (0290101)

21. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained. (000J001)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

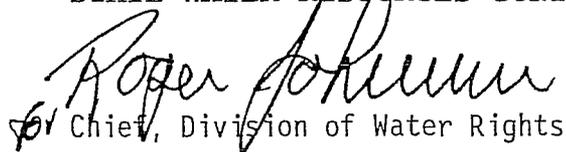
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

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: **JULY 29 1994**

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights