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

# DIVISION OF WATER RIGHTS

# PERMIT FOR DIVERSION AND USE OF WATER

## PERMIT 20759

Application 29255 of Consolidated Farms, Inc.

2790 Junipero Serra Boulevard, Daly City, CA 94015

filed on June 1, 1988, 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: |
|---|---|
| Unnamed Stream | Coyote Creek thence |
| | San Gregorio Creek thence |
| | Pacific Ocean |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Projected Section | Township | Range | Base and Meridian |
|---|---|---|---|---|---|
| By California Coordinate System, Zone 3<br>North 316,500 feet and<br>East 1,461,750 feet | SW¼ of NW¼ | 1 | 7S | 5W | MD |
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| 3. Purpose of use: | 4. Place of use: | Projected Section | Township | Range | Base and Meridian | Acres |
|---|---|---|---|---|---|---|
| Stockwatering | Reservoir A within SW¼ OF NW¼ | 1 | 7S | 5W | MD | |
| Irrigation | NW¼ OF NW¼ | 1 | 7S | 5W | MD | 5 |
| | NE¼ OF NW¼ | 1 | 7S | 5W | MD | 2 |
| | SW¼ OF NW¼ | 1 | 7S | 5W | MD | 25 |
| | SE¼ OF NW¼ | 1 | 7S | 5W | 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 25 acre-feet per annum to be collected from December 1 of each year to April 30 of the succeeding year. (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. (000005I)

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, 1998. (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. Rights under this permit are, and shall be, specifically subject to existing rights determined by the San Gregorio Creek Adjudication, Superior Court, San Mateo County, No. 355792 insofar as said adjudicated rights are maintained. (0000023)

15. Before storing water under this permit in the reservoir, permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

16. Permittee shall install and properly maintain in the reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir.

Permittee shall record the staff gage readings on or about October 1, December 1 and April 30 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year.

Permittee shall allow Walter W. Bridge, or a designated representative, and all successors in interest, reasonable access to the reservoir for the purpose of verifying staff gage readings and determining water levels in the reservoir. (0070047) (0100047)

17. Permittee shall construct the dam for the reservoir designated in this permit with a non-erodible spillway. (0400500)

18. In accordance with Section 1601, 1603 and/or Section 6100 of the Fish and Game Code, no work shall be started on the storage and diversion works, no modifications of the unnamed stream channel shall take place, and no water shall be diverted until permittee has entered into appropriate stream alteration agreements with the Department of Fish and Game and/or the Department has determined that measures to protect fish and wildlife have been incorporated into the plans for construction of such diversion works and related project facilities. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee. (0000063)

19. For the protection of fisheries, wildlife, and other instream and public trust uses in the San Gregorio Creek Stream System, diversion under this permit shall be subject to maintenance of a minimum flow of 10 cubic feet per second in San Gregorio Creek, as measured at the USGS gage at the Old Coast Highway crossing, except that the entire streamflow of San Gregorio Creek shall be allowed to flow undiminished to the ocean for five consecutive days after a Pacific storm causes streamflow in San Gregorio Creek to rise above 50 cubic feet per second. (0140060)

20. To assure that permittee bypasses all reservoir inflow to maintain the required flows in San Gregorio Creek, permittee shall install flow measuring devices satisfactory to the State Water Resources Control Board which are capable of measuring the inflow to and outflow from the reservoir authorized under this permit. Said measuring devices shall be properly maintained. (0060062)

21. For the protection of habitat for the Red-legged frog and the endangered San Francisco garter snake and to allow for the growth of riparian vegetation, permittee shall: (a) establish and maintain, undisturbed, a 150-foot wide strip of natural upland vegetation around the water storage reservoir; (b) obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office and the California Department of Fish and Game prior to any reservoir dredging operations; (c) refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations; and (d) restrict cattle and domestic stock access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs. (0600500)
(0450500)

22. To insure proper implementation of Condition 21 of this permit, permittee shall prior to construction of the reservoir submit to the Chief, Division of Water Rights: (a) a written plan of construction approved by the California Department of Fish and Game and the U.S. Fish and Wildlife Service and (b) a written plan for monitoring the project after completion. This monitoring should include a written report and photographs which will be submitted to the Division Chief approximately two years after completion of the project. (0490700)
(0450700)

23. Prior to construction of the reservoir designated in this permit, permittee shall have the reservoir site assessed for its existing riparian and/or wetland habitat values by a biologist acceptable to the California Department of Fish and Game. Permittee shall submit to the California Department of Fish and Game for approval a detailed mitigation plan which will replace riparian and/or wetland habitat values which will be lost as a result of constructing the reservoir. Permittee shall submit a copy of the approved mitigation plan to the State Water Resources Control Board. Permittee shall implement the requirements of the plan within one year of the date construction of the reservoir is complete. (0400500)
(0450700)

24. To prevent adverse impacts on downstream fish and wildlife habitat due to stream sedimentation, no work shall be started on site grading or construction of diversion facilities and no water shall be diverted under this permit until permittee has submitted to the Chief, Division of Water Rights, an erosion control plan for the project which either is part of a grading permit issued by San Mateo County or has received written approval by the U.S. Department of Agriculture Soil Conservation Service. Thereafter, the approved erosion control plan shall be implemented by permittee during construction and operation of the project. (0400500)
(0450500)

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25. Construction of the storage dam shall not begin until the County Engineer, the United States Soil Conservation Service, or a civil engineer registered by the State of California has approved the plans and specifications for the dam. Construction of the dam shall be under the direction of said approving party. (0520999)

26. If any cultural resources are discovered during any phase of project activities subsequent to the issuance of this permit, all work in the immediate vicinity of the find shall halt until a qualified archeologist has contacted a State Water Resources Control Board archeologist and the significance of the resource has been evaluated. Any mitigation measures that may be deemed necessary must have the approval of the Chief, Division of Water Rights and shall be implemented by a qualified archeologist representing the permittee prior to the resumption of construction activities. (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:* OCTOBER 11 1994

STATE WATER RESOURCES CONTROL BOARD

Roger Ramirez

for Chief, Division of Water Rights

WR 14-2 (6-94)