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

# DIVISION OF WATER RIGHTS

# PERMIT FOR DIVERSION AND USE OF WATER

## PERMIT 20787

Application 30243 of Olivenhain Municipal Water District

1966 Olivenhain Road, Encinitas, CA 92024

filed on April 12, 1993, 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 | Escondido Creek thence |
| | San Elijo Lagoon thence |
| | Pacific Ocean |
| | |
| | |

| 2. Location of point of diversion: | 40-acre subdivision of public land survey or projection thereof | Section | Township | Range | Base and Meridian |
|---|---|---|---|---|---|
| North 1,580 feet and West 980 feet from SE corner of Section 1 | NE¼ of SE¼ | 1 | 13S | 3W | SB |
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| 3. Purpose of use: | 4. Place of use: | Section | Township | Range | Base and Meridian | Acres |
|---|---|---|---|---|---|---|
| Recreational | Mt. Israel Reservoir, within E½ | 1 | 13S | 3W | SB | |
| | W½ | 6 | 13S | 2W | SB | |
| Municipal | Within the boundaries of the Olivenhain Municipal Water District as shown on a map on file with the State Water Resources Control Board. | | | | | |
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The place of use is shown on map on file 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 150 acre-feet per annum to be collected from January 1 to December 31 of each year. (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 work shall be completed by December 31, 1998. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 2003. (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. Prior to commencement of construction of the reservoir and associated water delivery pipeline, Permittee shall prepare and submit for approval to the Chief, Division of Water Rights, a wildlife habitat mitigation and management plan to ensure full mitigation and/or compensation for the significant impacts of the project on coastal sage brush wildlife habitat in the project area. The mitigation and management plan shall be developed in consultation with and receive prior approval by the United States Fish and Wildlife Service and shall include at least the following elements:

a. Identification of the land parcel(s) of existing coastal sage brush habitat, totalling 52 acres or more, to be purchased by Permittee and managed as the sage brush wildlife habitat mitigation and management parcel.

b. Description of the specific wildlife habitat management goals and objectives for managing the parcel in order to enhance the existing habitat sufficiently to compensate for the expected net loss of about 14.6 acres of sage brush wildlife habitat due to construction and operation of the reservoir and associated pipeline.

c. Description of activities required to achieve the specified goals and objectives.

d. Identification of a monitoring program to determine whether the goals and objectives have been achieved, and if not, additional activities required.

e. Identification of parties who will be responsible for paying for and/or carrying out the various activities.

f. Description of how the mitigation and management plan will be operated consistent with the San Diego County Multiple Habitat Conservation Program (MHCP).

g. Estimated budget and time schedule for carrying out the plan.

Following approval by the Chief, Division of Water Rights, Permittee shall implement the approved plan. (0400500) (0490700) (0450500)

15. 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. (0050043)

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)

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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. 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:* MAY 10 1995

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

for Chief, Division of Water Rights

WR 14-2 (6-94)