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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20853

Application 28444 of Sky L'Onda Mutual Water Company

Star Route, Box 2 Woodside, CA 94062

filed on May 2, 1985, 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: La Honda Creek

Tributary to: San Gregorio Creek 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 200 feet and East 180 feet from SW corner of NW¼ of NE¼ of Section 26	NW¼ of NE¼	26	6S	4W	MD

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3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Domestic	Sky L'Onda Mutual Water Company Service Area Boundary within Sections 25, 26, and 36		6S	4W	MD	

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 0.3 cubic foot per second to be diverted from November 1 to December 15 of each year. The maximum amount diverted under this permit shall not exceed 26.7 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 31, 2005. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a 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. Rights under this permit are, and shall be, specifically subject to existing rights determined by the San Gregorio Creek Adjudication, San Mateo County Superior Court, No. 355792 insofar as said adjudicated rights are maintained. (0000023)

13. Prior to making any diversions, permittee shall install and maintain meters, satisfactory to the State Water Resources Control Board, to measure the instantaneous rate of diversion and the total amount of water diverted under this permit. A record of such measurements shall be maintained by the permittee, and made available to interested parties upon reasonable request. (0060900)

Said meters shall be conveniently located so as to be accessible for reading by the State Water Resources Control Board or its designated representative. (0090800)

14. For the protection of fish and wildlife, permittee shall be subject to the following minimum flows at the U.S.G.S. San Gregorio Creek gage located at the Old Coast Highway crossing during the period:

(a) from November 1 through November 30; 2 cubic feet per second or the entire streamflow, whichever is less.

(b) from December 1 through December 15; 10 cubic feet per second, except the entire creek flow shall be bypassed for 5 consecutive days after a Pacific storm causes streamflow to rise above 50 cubic feet per second. (0140060)

15. For the protection of fish and wildlife, permittee shall bypass, at the point of diversion, a minimum of 0.5 cubic foot per second during the authorized diversion season. (0140060)

16. 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 Condition 15 of this permit. The cost of construction and maintenance of said measuring device shall be the responsibility of the permittee. (0060062)

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, permittee shall not substantially change the bed, channel or bank of any stream or lake designated by the California Department of Fish and Game until permittee has entered into a stream or lake alternation agreement with the Department and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

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18. This permit is specifically subject to any legally held prior rights of Stanley and Linda Fischman.
(000T001)

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 2 1996

STATE WATER RESOURCES CONTROL BOARD

David R Beringer

for Chief, Division of Water Rights

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