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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20866

Application 24239 of City of Morro Bay

595 Harbor Street, Morro Bay, CA 93442

filed on November 3, 1972, 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: Chorro Creek Subterranean Stream

Tributary to: Morro Bay 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
By California Coordinate System, Zone 5 Well No. 9 - North 688,080 feet and East 1,161,780 feet	NE¼ of SE¼	32	29S	11E	MD
Well No. 9A - North 688,410 feet and East 1,161,790 feet	NE¼ of SE¼	32	29S	11E	MD
Well No. 10 - North 688,160 feet and East 1,161,780 feet	NE¼ of SE¼	32	29S	11E	MD
Well No. 10A - North 688,450 feet and East 1,161,280 feet	NW¼ of SE¼	32	29S	11E	MD
Well No. 11A - North 685,779 feet and East 1,168,095 feet	NW¼ of NW¼	3	30S	11E	MD
Well No. 12 - North 687,900 feet and East 1,162,020 feet	NE¼ of SE¼	32	29S	11E	MD
Well No. 16 - North 688,400 feet and East 1,161,900 feet	NE¼ of SE¼	32	29S	11E	MD

County of San Luis Obispo

* projected fractional

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3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Municipal	Within the boundaries of the City of Morro Bay's service area					

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 0.851 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 390 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, 2001. (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. The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

13. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein. (000029A)

14. The total quantity of water diverted under this permit, together with that diverted under the permits issued pursuant to Applications 24245 and 27386, shall not exceed 1,142.5 acre-feet per year. (0000114)

15. For the protection of fish and wildlife habitat and other public trust resources in Chorro Creek and Morro Bay, beginning when deliveries are available from the State Water Project Permittee shall:

a. Cease all diversions from Well 11A (Romero well field), or from any wells constructed or operated as replacement wells for Well 11A, whenever surface flow measured in Chorro Creek downstream of the reach depleted by extractions of ground water from Well 11A, or other wells as described above, is less than 1.4 cubic feet per second; and

b. Cease all diversions from Wells 9, 9A, 10, 10A, 12, and 16 (Ashurst well field), or from any wells constructed or operated as replacement wells for the Ashurst well field, whenever surface flow measured in Chorro Creek downstream of the Ashurst well field is less than 1.4 cubic feet per second. (0350900)

16. Permittee may, at its option, seek a waiver of term 15b by conducting a study and providing the Chief, Division of Water Rights, with quantitative evidence that ground water extraction from the Ashurst well field does not deplete surface flow in Chorro Creek. The evidence shall be provided in a report which also specifies the reach of the creek and portion of the alluvial aquifer studied and a description and justification of the methodology used to measure stream depletion. The State Water Resources Control Board reserves jurisdiction over this permit to determine whether to waive term 15b. Any action to waive term 15b shall be taken only after notice to interested parties and opportunity for hearing. (0000999)

17. No later than January 1, 1997, Permittee shall install devices which are capable of continuous measurements of surface flow in Chorro Creek to document compliance with the minimum surface flow conditions of this Permit. One measuring device shall be installed in Chorro Creek downstream of the Romero well field at a location sufficient to detect the full depletion effects of Permittee's diversions from the Romero well field, but upstream of the depletion effects caused by nearby pumpers on surface flow in Chorro Creek. Another measuring device shall be installed in Chorro Creek downstream of the Ashurst well field at a location sufficient to detect the full depletion effects of Permittee's diversions from the Ashurst well field, but upstream of the depletion effects caused by nearby pumpers on surface flows in Chorro Creek. In the case of overlapping pumping effects between the City and a nearby pumper, a compromise location shall be selected. These measuring devices shall be continuously operated and properly maintained by Permittee. In the event that either of these devices is rendered inoperable due to relocation of the Chorro Creek stream channel, Permittee shall move the measuring device to a suitable location in the new stream channel within 60 days after surface flows are rediverted into the new stream channel. The measuring devices and their locations shall be approved by the Chief of the Division of Water Rights. A description and justification of the measuring devices and their locations shall be submitted for approval no later than July 1, 1996. (0060900)
(0490700)

18. By March 1 of each year, Permittee shall submit a report to the Chief, Division of Water Rights, documenting compliance with the minimum surface flow conditions of this Permit. The report shall contain:

a. A list of dates and times during the previous calendar year when water was pumped at each of Permittee's points of diversion under this Permit; and

b. For each of the dates and times listed in paragraph a. (above) the corresponding minimum surface flows measured in Chorro Creek at each of the surface flow measuring devices. (0060700) (0090700)

19. Permittee shall cease all diversions from the Romero well field, or from any wells constructed or operated as replacements for wells in the Romero well field, whenever instantaneous surface flow in Chorro Creek measured at the Canet Road stream gage is less than 0.85 cubic foot per second. This term shall be in effect until deliveries are available from the State Water Project. (0350900)

20. At such time as permittee is diverting water authorized under this permit and the water level in one or more of the wells operated on the Coastal San Luis Resource Conservation District property, the Roemer/Jones property, the Gary and Joyce Williams property, or their successors in interest, for valid riparian and/or pre-1914 appropriative uses of water from the Chorro Creek subterranean stream, reaches a depth which renders the well or wells unusable, permittee shall either:

a. Stop its diversion until conditions are such that the well or wells is/are again usable, or

b. Deliver water to the riparian/pre-1914 appropriative place of use served by the well or wells.

The riparian/pre-1914 appropriative diverter shall bear the estimated costs which would have been incurred to pump water from the affected well or wells. In the absence of an agreement between the permittee and the other parties relative to pumping costs, the costs shall be based on an average amount per acre-foot for pumping water from the affected well or wells during the month in question over the prior three years. Permittee shall pay the cost of installing and maintaining any water conveyance facilities needed to deliver water to the riparian/pre-1914 appropriative place of use.

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The State Water Resources Control Board reserves jurisdiction to modify this permit term based on findings that the methods of diversion and/or uses of water of the riparian and pre-1914 appropriative diverters identified in this term are wasteful or unreasonable pursuant to Article X, Section 2 of the California Constitution. Any modification of this term will occur only after notice to interested parties and opportunity for hearing. (0000600)
(0350900)
(0280800)

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: August 21, 1996

STATE WATER RESOURCES CONTROL BOARD

Roger Johnson

Chief, Division of Water Rights

WR 14-2 (6-94)