

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20902

Application 29905 of C & N Corporation

1 California Street, Suite 1910, San Francisco, CA 94111

filed on February 14, 1991, 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:

<p>1. Source:</p> <p><u>Unnamed Stream (aka Larsen Creek)</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Tributary to:</p> <p><u>San Geronimo Creek thence</u></p> <p>_____</p> <p><u>Lagunitas Creek thence</u></p> <p>_____</p> <p><u>Tomales Bay</u></p> <p>_____</p> <p>_____</p> <p>_____</p>
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
POINT OF DIVERSION NO. 1 North 560,600 feet and East 1,377,200 feet of	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	2N	7W	MD
POINT OF DIVERSION NO. 2 North 560,150 feet and East 1,376,800 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	2N	7W	MD

* projected

County of Marin

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Recreational						
Irrigation	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	18	2N	7W	MD	126
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	18	2N	7W	MD	
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	2N	7W	MD	
	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	18	2N	7W	MD	
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	2N	7W	MD	
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	2N	7W	MD	
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	17	2N	7W	MD	
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	2N	7W	MD	
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	17	2N	7W	MD	
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	17	2N	7W	MD	
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	17	2N	7W	MD	
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	17	2N	7W	MD	
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	2N	7W	MD	

* projected

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 a total of 20 acre-feet per annum to be collected from December 1 of each year to March 31 of the succeeding year as follows: 4 acre-feet per annum in Upper Reservoir (Point of Diversion No. 1), and 16 acre-feet per annum in Lake Reservoir (Point of Diversion No. 2). (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 be prosecuted with reasonable diligence and shall be completed by December 31, 1998. (0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2000. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

10. 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)

11. 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)

12. 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)

13. For the protection of fish and wildlife dependent upon the maintenance of the freshwater and riparian habitat in and along Larsen Creek's Marrietta Larsen Nature Preserve, the Permittee shall maintain a visible surface flow in Larsen Creek downstream of the reservoirs during the period of time that the permittee is diverting water to storage.

(0400500)

14. For the protection of the prior vested rights of Marin Municipal Water District, the Permittee shall bypass all flows at any time that the Marin Municipal Water District is required to make reservoir releases at Kent Lake to meet instream flow goals of Lagunitas Creek, as specified in State Water Resources Control Board Order 95-17.

(0160500)

15. Permittee shall install and maintain a bypass structure, satisfactory to the State Water Resources Control Board, to ensure that all natural flow is bypassed after the collection season. The Permittee shall submit, within six months of permit issuance, a proposed plan detailing the design, installation, and maintenance specifications of the required bypass facility, for review and approval by the Chief of the Division of Water Rights. (0050700)

16. Permittee shall install and properly maintain in the reservoirs a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs. Permittee shall record the staff gage reading on or about December 1 and March 31 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. (0070047)
(0100047)

17. Permittee shall allow a designated representative of Marin Municipal Water District, Evand Environmental Consultants, Marin Audobon Society, and Lagunitas School District reasonable access to the reservoirs for the purpose of verifying staff gage readings, determining water levels in the reservoir, and monitoring specified bypass requirements. (0480047)

18. To assure that the project authorized under this permit does not have an adverse impact on water quality in the Lagunitas Creek Basin, Permittee shall participate in the Watershed Protection Agreement Program administered by the Marin Municipal Water District. (0400500)

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: February 6, 1997

STATE WATER RESOURCES CONTROL BOARD

Roger Shuman
Chief, Division of Water Rights

Permit # 20902

6/1/99 assd to Evergreen Alliance Golf Ltd. c/o Drew Aspegren;