

P20905

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 30497 Permit 20905 License       

**ORDER APPROVING ISSUANCE OF SEPARATE PERMITS, ADDING  
ENDANGERED OR THREATENED SPECIES TERM, AND REVOCATION OF  
ORIGINAL PERMIT**

**WHEREAS:**

1. Permit 20905 was issued to Clint and Margaret Eastwood on March 5, 1997.
2. By Notice of Assignment dated December 10, 1997, the Big Sur Land Trust was assigned 28.14 acre-feet per annum (afa) of water pursuant to Permit 20905, with the remaining 167.76 afa retained by Clint and Margaret Eastwood. The Big Sur Land Trust was deeded 49.09 acres of the original place of use under Permit 20905, with the remaining 54.9 acres retained by Clint and Margaret Eastwood.
3. The staff of the State Water Resources Control Board (SWRCB) has reviewed the Notice of Assignment, and the SWRCB has determined that good cause for issuance of separate permits based on the Notice of Assignment has been shown.
4. Fish and wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Permit 20905 be replaced by Permits 20905A and 20905B.
2. Superseded Permit 20905 is hereby revoked upon the issuance of Permits 20905A issued to Big Sur Land Trust and Permit 20905B issued to Clint and Margaret Eastwood.
3. Separate permits be issued as follows:
 

A. Permit:	20905A (Application 30497A)
Owner:	Big Sur Land Trust
Source:	Carmel River (subterranean stream) tributary to Pacific Ocean

Use: Irrigation  
 Direct Diversion: 0.47 cubic feet per second (cfs)  
 Maximum  
 Amount: 28.14 acre-feet per annum (afa)  
 Season: January 1 to December 31  
 Point(s) of  
 Diversion: California Coordinate System, Zone 4  
 1. North 450,550 feet and East 1,148,450 feet  
 2. North 450,028 feet and East 1,146,250 feet

Place of Use: All in MDB&M  
 SW ½ of Section 18, T16S, R1E 27.1 acres  
 NW ¼ of NW ¼ of Section 19, T16S, R1E 11 acres  
 NE ¼ of NE ¼ of Section 24, T16S, R1W 11 acres  
 Total 49.1 acres

B. Permit: 20905B (Application 30497B)

Owner: Margaret and Clint Eastwood  
 Source: Carmel River (subterranean stream) tributary to Pacific Ocean

Use: Irrigation  
 Direct Diversion: 0.53 cfs  
 Maximum  
 Amount: 167.76 afa  
 Season: January 1 to December 31

Point(s) of  
 Diversion: California Coordinate System, Zone 4  
 1. North 450,550 feet and East 1,148,450 feet  
 2. North 450,028 feet and East 1,146,250 feet

Place of Use: All in MDB&M  
 SW ½ of Section 18, T16S, R1E 12.9 acres  
 SE ¼ of SE ¼ of Section 13, T16S, R1W 30 acres  
 SW ¼ of SE ¼ of Section 13, T16S, R1W 11 acres  
 NW ¼ of NE ¼ of Section 24, T16S, R1W 1 acre  
 Total 54.9 acres

3. The deletion of existing paragraph 13 of Permit 20905 from Permits 20905A and 20905B.

4. The deletion of existing paragraph 20 of Permit 20905 from Permit 20905A. Existing paragraph 20 of Permit 20905 shall be included in Permit 20905B.

5. Permits 20905A and 20905B shall contain a new condition that reads as follows:

This permit/license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 5131 to 1544). If a "take" will result from any act authorized under this water right, the

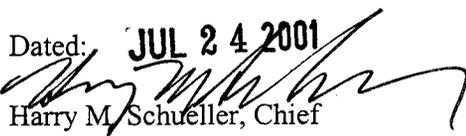
permittee/licensee shall obtain an incidental take permit prior to construction or operation. Permittee/licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.  
(0000014)

6. Permits 20905A and 20905B shall contain a new condition that reads as follows:

The records of water use under Permits 20905A and 20905B shall be separately kept and separately reported with the Progress Report by Permittee for each permit.  
(0090700)

7. Permits 20905A and 20905B shall contain all other terms and conditions presently in Permit 20905 or updated terms to reflect for compliance with the SWRCB's policy.

Dated: **JUL 24 2001**

  
Harry M. Schueller, Chief  
Division of Water Rights

ORD-APP-SPLIT (5/99)

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

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

PERMIT 20905

Application 30497 of Margaret Eastwood Trust

c/o Clint and Margaret Eastwood, 7145 Carmel Valley Road, Carmel, CA 93923

filed on December 4, 1995, 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:<br><br><u>Carmel River (subterranean stream)</u><br><br>_____<br><br>_____<br><br>_____<br><br>_____<br><br>_____ | Tributary to:<br><br><u>Pacific Ocean</u><br><br>_____<br><br>_____<br><br>_____<br><br>_____<br><br>_____ |
|--|--|

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>POINT OF DIVERSION NO. 1</u> North 450,550 feet and East 1,148,450 feet	SE¼ of SW¼	18	16S	1E	MD
<u>POINT OF DIVERSION NO. 2</u> North 450,028 feet and East 1,146,250 feet	SE¼ of SE¼	13	16S	1W	MD

County of Monterey

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Irrigation	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	18	16S	1E	MD	30
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	18	16S	1E	MD	10
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	13	16S	1W	MD	30
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	13	16S	1W	MD	11
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	19	16S	1E	MD	11
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	24	16S	1W	MD	11
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	24	16S	1W	MD	1
					TOTAL	104

\* 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 1 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 195.9 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, 2006. (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

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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. Permittee shall remain subject to all lawful Ordinances of the Monterey Peninsula Water Management District (District). (0000999)

13. The average rate of diversion, maximum rate of diversion, and total quantity of water diverted under the permit shall average 0.95 cfs, not to exceed 1.25 cfs, for a total of not to exceed 195.9 afa, respectively. (0060900)

14. Upon 48 hours advance notice by California Department of Fish and Game (DFG), permittee shall minimize or cease, if required, agricultural pumping for a single period not to exceed 48 hours in any 30 day period to assist DFG, to mitigate adverse flow conditions to benefit the public trust fish and wildlife resources of the Carmel River. (0350900)

15. The permittee shall be subject to the rationing requirements of the District, in frequency and percentage no greater than required of consumers in the California-American Water Company (Cal-Am) water distribution system in times of water supply shortage caused by drought. (0410800)

16. If the Department of Fish and Game determines that irrigation of the riparian corridor is necessary and irrigation is not performed by the District, Cal-Am, or the County of Monterey the permittee shall be responsible for this irrigation and maintenance. DFG shall inform the permittee of the section of the riparian corridor located on the permittee's property which requires irrigation. (0400500)

17. During the season specified in this permit, the total quantity and rate of water diverted and used under this permit and under permittee's claimed existing right for the place of use specified in the permit shall not exceed the quantity and rate of diversion and use specified in this permit. To the extent that the permittee claims

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riparian, overlying, pre-1914 appropriative or other rights to use the water covered by this permit, the permittee shall not be entitled to water in excess of the amount authorized in this permit. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void if the permittee and/or others divert more water under the permit and other claimed rights than is authorized on the face of the permit; however, the priority shall not be voided for the diversion of de minimis amounts which can reasonably be attributed to operational uncertainties.

Insofar as the permittee complies with the condition, this permit is senior to the permit issued to the Monterey Peninsula Water Management District pursuant to Application 27614.

Permittee shall forfeit all rights under the permit if permittee transfers all or any portion of the claimed existing right for the place of use covered by the permit to another place of use without the prior approval of the SWRCB. (0000021)

18. The protestants to approval of Application 30497 shall be included in the mailing list for the notice of any Change Petitions which are filed for Application 30497 or any permit issued pursuant to Application 30497. The permittee shall request that the State Water Resources Control Board not take final action upon any Change Petition sooner than six-months after the date of notice of the Change Petition." (0000999)

19. Any permit issued pursuant to Application 30497 is senior to Permit 20808 (Application 27614) of the Monterey Peninsula Water Management District, provided that the water diverted under Application 30497 is used only on lands located within the Carmel River watershed and the other provisions of Condition 10 of Decision 1632 are complied with. Any priority obtained for a permit by virtue of Condition 10 of Decision 1632 shall be void for the amount of water under this permit which is used on lands outside of the Carmel River watershed. (0420999)

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20. Permittee shall make available to the California-American Water Company a site and/or easements, located at the easterly end of the property shown on the map filed with Application 30497, for the purposes of installing, maintaining, and operating a well for the diversion of water as well as a site or a location for a treatment plant. Permittee shall also grant California-American reasonable access to the site for the installation, maintaining, and operating a well for the diversion of water as well as a site or a location for a treatment plant. Permittee shall also grant California American reasonable access to the site for the installation, maintaining, and operating of the facility. Permittee shall not object to pumping by California American for discharge into the Carmel River for delivery to the lagoon. Any pumping by California American shall, however, be pursuant to its own water rights, and shall not reduce the amount of water granted to permittee under this permit or interfere with the exercise of permittee's rights under this permit. (0480999)

*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: March 5, 1997

STATE WATER RESOURCES CONTROL BOARD

*Roger Shuman*  
161 Chief, Division of Water Rights