

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

**DIVISION OF WATER RIGHTS**

**PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 20975**

Application 30577 of CBS Development Corporation

2447 Pacific Coast Highway, Hermosa Beach, CA 90254

filed on October 9, 1996, 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>Unnamed Stream</u><br><br>_____<br>_____<br>_____<br>_____<br>_____ | Tributary to:<br><br><u>Picayune Creek thence</u><br><br><u>Coarsegold Creek thence</u><br><br><u>Fresno River thence</u><br><br><u>San Joaquin River</u><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 |
|---|---|---------|----------|-------|-------------------|
| By California Coordinate System, Zone 3, POD #1, North 265,000 feet and East, 2,237,800 feet, | NE $\frac{1}{4}$ of NW $\frac{1}{4}$                            | 21      | 8S       | 21E   | MD                |
| POD #2, North 264,350 feet and East 2,237,700 feet  | SE $\frac{1}{4}$ of NW $\frac{1}{4}$                            | 21      | 8S       | 21E   | MD                |
|   |   |         |          |       |                   |
|   |   |         |          |       |                   |
|   |   |         |          |       |                   |

County of Madera  
 SWRCB 14 (6-94)

| 3. Purpose of use:                       | 4. Place of use:                     | Section | Township | Range | Base and Meridian | Acres |
|--|--------------------------------------|---------|----------|-------|-------------------|-------|
| POD #1-Recreational                      | NE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 21      | 8S       | 21E   | MD                |       |
| POD #2-Fire Protection and Stockwatering | SE $\frac{1}{4}$ of NW $\frac{1}{4}$ | 21      | 8S       | 21E   | MD                |       |
|  |                                      |         |          |       |                   |       |
|  |                                      |         |          |       |                   |       |
|  |                                      |         |          |       |                   |       |

The place of use is shown on map dated December 20, 1996 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 176.9 acre-feet per annum to be collected from December 1 of each year to April 15 of the succeeding year as follows:  
153.1 acre-feet per annum in Reservoir 1: 23.8 acre-feet per annum in Reservoir 2.

(000005D)

6. 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)

7. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

8. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 2003.

(0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 2007.

(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. This permit does not authorize 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 1531 to 1544). The permittee should seek guidance from the Endangered Species Act agency on whether an incidental take permit is advisable for this activity and pursue obtaining such a permit as appropriate. (0000014)

15. After the initial filling of the storage reservoirs, permittee's right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000041)

16. This permit is subject to the continuing authority of the State of Water Resources Control Board to reduce the amount of water named in the permit upon a finding by the Board that the amount is in excess of that reasonably needed to be held in storage for the authorized use. No action will be taken by the Board without prior notice to the owner and an opportunity for hearing. (0000042)

17. Permittee, when required by the State Water Resources Control Board, 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, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issued notice that an outlet is required. Permittee shall furnish evidence, which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050044)

18. If the reservoir located at point of diversion #1 is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage of water under this Permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0000048)

19. The State Water Resources Control Board reserves jurisdiction over this permit to change the season of diversion to conform to later findings of the Board concerning availability of water and the protection of beneficial uses of water in the Sacramento-San Joaquin Delta and San Francisco Bay. Any action to change the authorized season of diversion will be taken only after notice to interested parties and opportunity for hearing. (0050080)

20. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the San Joaquin River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0050090)

21. No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project of the State Water Project.

- a. Inbasin entitlements are defined as all rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin or the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the State Water Resources Control Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as that water imported to the basin by the projects plus water released from Project storage which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

The State Water Resources Control Board shall notify permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators. (0050090)

22. No diversion is authorized by this permit under the following conditions:  
(1) when in order to maintain water quality in the San Joaquin River at Vernalis at a level of 500 Parts Per Million (PPM) Total Dissolved Solids (TDS), the Bureau of Reclamation is releasing stored water from New Melones Reservoir or is curtailing the collection of water to storage, or (2) during any time of low flows when TDS levels at Vernalis exceed 500 PPM. These restrictions shall not apply when, in the judgement of the State Water Resources Control Board, curtailment of diversion under this permit will not be effective in lowering the TDS at Vernalis, or when in the absence of permittee's diversion, hydraulic continuity would not exist between permittee's point of diversion and Vernalis. The Board shall notify permittee at any time curtailment of diversion is required under this term. (0050093)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

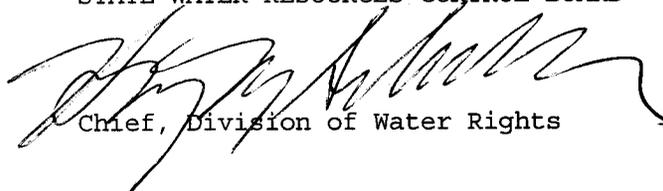
*Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.*

*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 20 1998**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights