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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 21089

Application **30532** of

Monterey County Water Resources Agency
P.O. Box 960
Salinas, CA 93902

filed on **April 23, 1996**, has been approved by the State Water Resources Control Board (State Water Board or 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 of water

Source:
Nacimiento River

Tributary to:
Salinas River thence
Pacific Ocean

within the County of **San Luis Obispo.**

2. Location of point of diversion (1) Nacimiento Dam and point of re-diversion (2) Salinas River Diversion Facility

By California Coordinate System NAD 83	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
(1) North 2,475,554 feet and East 5,705,620 feet (Zone 5)	**NE¼ of NW¼**	**15**	**25S**	**10E**	**MD**
(2) North 2,152,792 feet and East 5,755,485 feet (Zone 4)	**SW¼ of SE¼**	**16**	**14S**	**2E**	**MD**

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Municipal, Domestic, Industrial, Irrigation, and Recreational	**Within boundaries of Monterey County Water Resources Agency (MCWRA) Zone 2* and Zone 2C****					
Municipal, Domestic, Industrial, Irrigation, and Recreational	**7,500 acres within San Luis Obispo County Flood Control and Water Conservation District*****					

* MCWRA Zone 2 comprises 200,000 acres net within a gross area of approximately 240,000 acres, excluding all lands annexed to Zone 2 after November 4, 1965, as shown on a map dated June 13, 1997.
** MCWRA Zone 2C comprises approximately 421,435 acres as shown on a map dated August 14, 2008.
*** The places of use within San Luis Obispo County Flood Control and Water Conservation District consist of a net area of 500 acres of irrigated agriculture and a net area of 7,000 acres of urban and suburban lands within a gross area of 1,040,590 acres as shown on a map dated June 8, 1967.

5. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 27,900 acre-feet per annum to be collected from October 1 of each year to July 1 of the succeeding year.

(0000005C)

6. The total quantity of water collected to storage under this permit and License 7543 (Application 16124) shall not exceed 377,900 acre-feet per annum.

(0000005L)

7. The capacity of the reservoir covered under this permit (Application 30532) shall not exceed 377,900 acre-feet (af).

(0000005N)

8. 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.

(0000005I)

9. Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2021.

(0000009)

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

(0000006)

11. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Board for approval within one year from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water

conservation program may be required by the Board at any time within this period. All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(00000029B)

12. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, Permittee shall, at its expense, have the subject map(s) updated or replaced with equivalent as-built maps(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and section 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.

(0000030)

13. Permittee shall install devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the flows required by the conditions of this permit. Said measuring devices shall be properly maintained.

(0060062BP)

SPECIAL TERMS

FLOW PRESCRIPTIONS FOR HABITAT MAINTENANCE

Criteria for Determining Water-Year Type

For purposes of applying the flow prescriptions, water-year types are defined based on indexing the record of unimpaired mean annual flows at the United States Geological Survey (USGS) streamflow gage No. 11152000 (Arroyo Seco near Soledad). The mean annual flows were ranked in descending order to obtain exceedance probability based on percentile. The percentiles (or exceedance probability) for each year type are described below:

Water-year type	Percentile range (exceedance probability)
Wet	0% to and including 25%
Wet-Normal	over 25% to and including 41.7%
Normal-Normal	over 41.7% to and including 58.3%
Dry-Normal	over 58.3% to and including 75%
Dry	over 75% to and including 100%

The initial values for determining water-year types are listed below. These values may be updated in accordance with the percentile ranges (exceedance probability) listed above to incorporate the most recent data. At least the most recent 100 years of data must be included in the calculation. Mean daily flows shall be used to calculate the mean annual flow of the water-year starting October 1 of each year and ending September 30 of the succeeding year. If Permittee intends to use updated flow rates, the new rates must be declared in writing to the State Water Board by January 1 of the first year they will be utilized. Any revised flow rates shall remain in effect until updated with more recent data.

Water-year type	Mean Daily Flow Rate at USGS Gage 11152000 (Arroyo Seco near Soledad) on March 15 or April 1
Wet	250 cubic feet per second (cfs) or higher
Wet-Normal	152 cfs or higher but less than 250 cfs
Normal-Normal	104 cfs or higher but less than 152 cfs
Dry-Normal	66 cfs or higher but less than 104 cfs
Dry	less than 66 cfs

(0140400)

Flow Prescription for Adult Steelhead Upstream Migration

From February 1 to and including March 31, during all water-year types, and when the criteria below are met, Permittee shall maintain a mean daily flow (MDF) of 260 cfs at USGS gage No. 11152300 (Salinas River near Chualar), using reservoir releases when necessary to augment natural flow. This requirement is triggered when all four of the criteria below are met simultaneously.

Trigger Criteria for Adult Steelhead Upstream Migration Flow

1. Combined storage of Naciemiento and San Antonio Reservoirs is greater than 220,000 af.
2. An MDF at USGS gage No. 11152000 (Arroyo Seco near Soledad) greater than or equal to 340 cfs.
3. An MDF at USGS gage No. 11152050 (Arroyo Seco below Reliz Creek) greater than or equal to 173 cfs.
4. Hydraulic continuity in the Salinas River exists to the Pacific Ocean.

During wet or dry water-years, and once all the criteria are met, the 260 cfs MDF requirement remains effective through March 31 unless condition 4 above ceases to exist.

For any of the three normal water-year types, from January 1 to and including March 31, the 260 cfs MDF requirement must be maintained such that on a 10-year average the number of upstream passage days (days with at least 260 cfs MDF at USGS gage No. 11152300 (Salinas River near Chualar)) listed below will be achieved within a 10% variance. For example, the average number of passage days for all of the dry-normal water-years within a 10-year period must be at least 14 (16 days average minus variance of 2). At least 5 consecutive days with flow of at least 260 cfs MDF must occur for a flow period to credit towards the total for each water-year. The water-year type for the purpose of determining the number of passage days must be determined on March 15 or April 1 using the Criteria for Determining Water-Year Type listed above.

Water-year type	Upstream Fish Passage Days from January 1 to March 31
Wet-Normal	Average 73 days with variance of 7 days.
Normal-Normal	Average 47 days with variance of 5 days.
Dry-Normal	Average 16 days with variance of 2 days.

(0140400)

Flow Prescription for Downstream Migration of Smolting Steelhead

Permittee shall provide a single block-flow release (as described in Block-Flow Release Criteria below) from Nacimiento Reservoir and San Antonio Reservoir (under License 12624) to facilitate downstream migration of steelhead in the Salinas River in accordance with the event triggers described in the flow chart in Figure 1 below.

Block-Flow Release Criteria

A block-flow release consists of the natural flow in the Salinas River augmented by releases from Nacimiento and San Antonio Dams to achieve the specified MDF for the specific number of consecutive days directed below.

Days 1 through 5: Maintain an MDF of at least 700 cfs at USGS gage No. 11151700 (Salinas River at Soledad).

Day 6 and beyond: Maintain an MDF of at least 300 cfs at USGS gage No. 11152500 (Salinas River at Spreckels).

The number of days the block-flow release must be maintained at the MDF of 300 cfs beyond Day 6 is determined by when Day 1 occurs. If Day 1 occurs between March 15 and April 1, then block-flow release must continue to April 20. If Day 1 occurs between April 2 and May 31, then block-flow release must continue for 15 more days (Day 6 through Day 20).

Starting after completion of the block-flow release, if the MDF at USGS gage No. 11152050 (Arroyo Seco below Reliz Creek) is greater than 1 cfs, maintain Salinas River surface flow to the ocean through 10 days after flow at USGS gage No. 11152050 (Arroyo Seco below Reliz Creek) initially drops below an MDF of 1 cfs.

(0140400)

Flow Prescription for Downstream Migration of Juvenile and Post Spawn Adult Steelhead

To protect fishery resources when block-flow releases have not yet been initiated, follow the flow prescription described in the flow chart in Figure 2 below. From March 15 through May 31, continue to monitor for the initiation of block-flow release. If the conditions to initiate block-flow release occur, suspend the process in Figure 2 and follow the process in Figure 1.

(0140400)

Flow Prescription for Spawning and Rearing Habitat in the Nacimiento River

Permittee shall augment flow in the Nacimiento River by releasing 60 cfs MDF from Nacimiento Reservoir beginning the 8th day after the first adult steelhead passage day occurs on the Salinas River after January 1 of each water-year. The first passage day is the first day in a period of 5 consecutive days with mean daily flow of 260 cfs or higher at USGS gage No. 11152300 (Salinas River near Chualar). The release of 60 cfs MDF will continue at least through May 31. After May 31, Permittee will continue to release 60 cfs MDF for the remainder of the calendar year as long as the water surface elevation of Nacimiento Reservoir is above 687.8 feet mean sea level.

(0140400)

Flow Prescription at the End of the Irrigation Season

Prior to lowering of the Salinas River Diversion Facility (SRDF), the SRDF impoundment will be filled to its storage capacity, and water will be allowed to pass from the impoundment to the lagoon at a rate of 2 cfs (mean daily flow measured at the SRDF) until the impoundment is emptied. The rate may be increased if necessary to empty the impoundment in time to perform facility maintenance before river flows prevent maintenance work.

(0140400)

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Figure 1 – Criteria to trigger block-flow release for downstream migration of smolting steelhead.

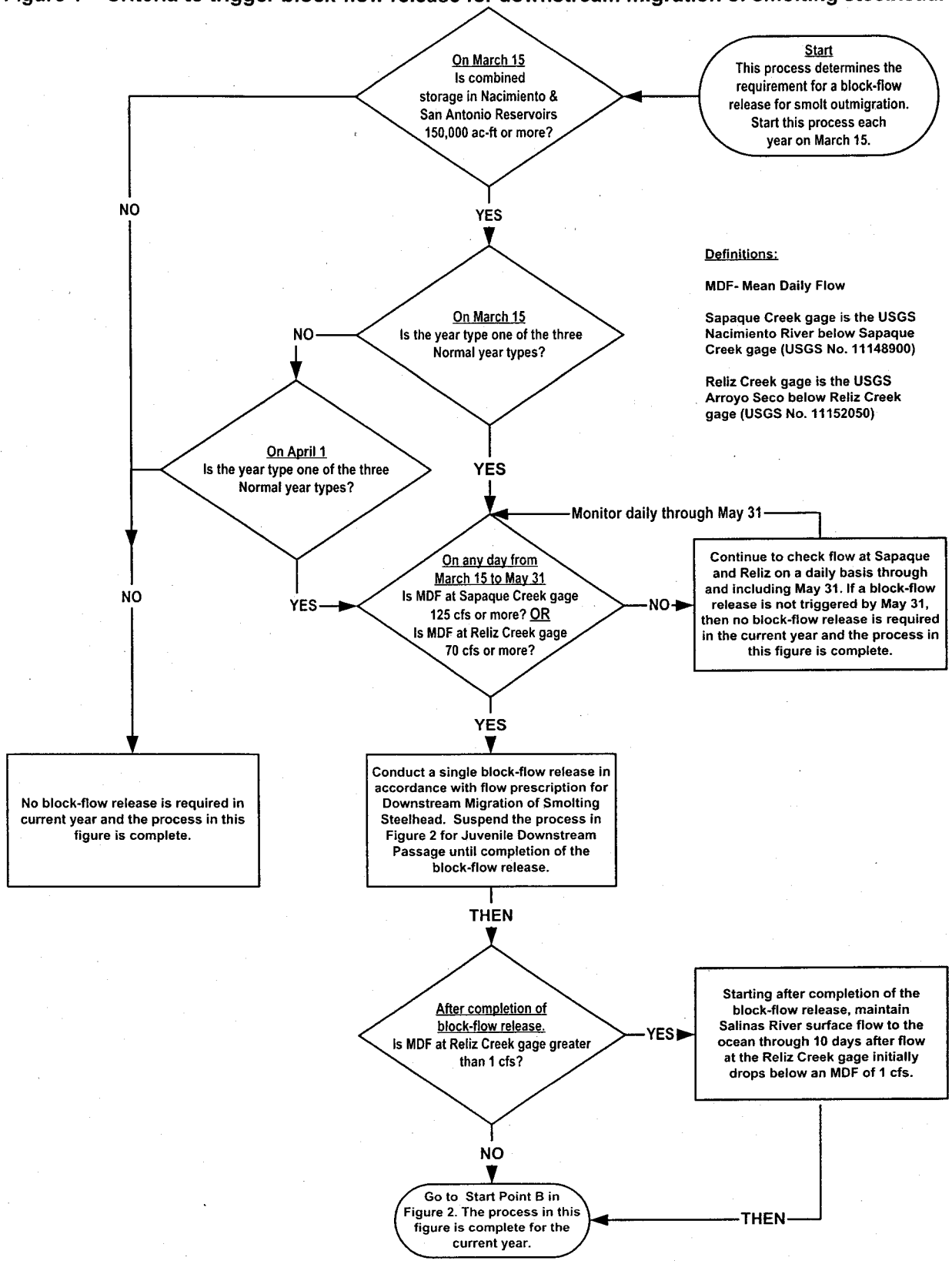
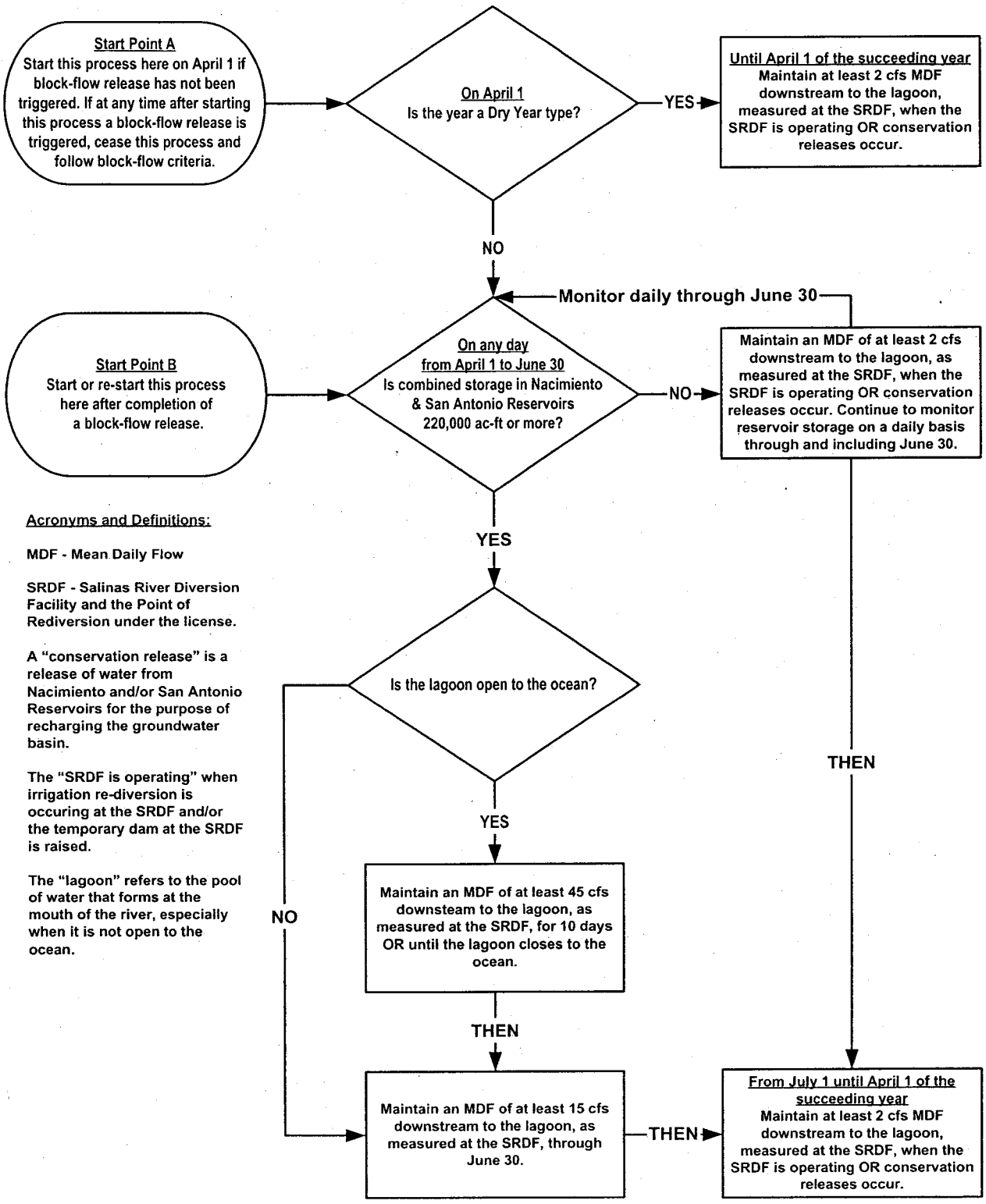


Figure 2 – Flow prescription to enhance downstream migration for juvenile steelhead when block-flow release has not been triggered.



Acronyms and Definitions:

MDF - Mean Daily Flow

SRDF - Salinas River Diversion Facility and the Point of Rediversion under the license.

A "conservation release" is a release of water from Nacimiento and/or San Antonio Reservoirs for the purpose of recharging the groundwater basin.

The "SRDF is operating" when irrigation re-diversion is occuring at the SRDF and/or the temporary dam at the SRDF is raised.

The "lagoon" refers to the pool of water that forms at the mouth of the river, especially when it is not open to the ocean.

General Requirements for Flow Prescriptions

The above mentioned flow criteria are dependent on real-time flow measurements from USGS stream gages subject to intermittent telemetry interruptions. To ensure compliance during such interruptions Permittee will use its ALERT system data supplemented with field observations by its own staff and/or USGS field personnel as required.

(0140400)

In the event that any gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage, satisfactory to the Chief, Division of Water Rights, as near as practicable to the present location of the current USGS gage. In the absence of such equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under this permit.

(0000204)

MCWRA shall consult with the Department of Fish and Game and National Marine Fisheries Service to develop a plan to monitor bass spawning at Nacimiento and San Antonio Reservoirs. The plan shall include measures regarding bass habitat management, as well as rate and duration of water releases from the reservoirs. MCWRA shall post annually on its website the monitoring plan, as well as an evaluation of the plan's effectiveness by the Department of Fish and Game. This information shall remain posted for at least five years.

(0140500)

MCWRA shall develop a riparian restoration plan for construction impacts at the SRDF site and submit for review and approval to California Department of Fish and Game and United States Fish and Wildlife Service. No restoration work shall commence until approvals are obtained and copies submitted to the Chief, Division of Water Rights.

(0140500)

Nothing in this permit shall be construed as authorizing any diversions contrary to the provisions of the following biological opinions, either as written as of the date of this permit or as they may be amended:

1) *Biological Opinion on Issuance of Department of the Army Permits to the Monterey County Water Resource Agency for Construction of a Surface Water Diversion Structure in the Salinas River, Near the City of Salinas (Corps File Number 24976S) and for Breaching of the Salinas River Lagoon (Corps File Number 16798S) in Monterey County, California.* United States Fish and Wildlife Service, July 24, 2007 (1-8-06-F-54).
2) *Biological Opinion.* National Marine Fisheries Service, June 20, 2007.

(0140500)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

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

(0000006)

B. Progress reports shall be submitted promptly by Permittee when requested by the State Water Board until a license is issued.

(0000010)

C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

D. 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 State Water 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 State Water 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 State Water 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 State Water 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 State Water 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)

E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to Permittee and an opportunity for hearing, the State Water 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 State Water 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)

F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

G. Permittee shall maintain records of the amount of water diverted and used to enable State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

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 therefore 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).

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel
for *Victoria A. Whitney, Chief*
Division of Water Rights

Dated: SEP 0 5 2008

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

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 21089

Application **30532** of **Monterey County Water Resources Agency**
P.O. Box 960
Salinas, CA 93902

filed on **April 23, 1996**, has been approved by the State Water Resources Control Board (SWRCB) 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 of water

Source
Nacimiento River

Tributary to
Salinas River thence
Pacific Ocean

within the County of **San Luis Obispo**

2. Location of point of diversion

By California Coordinate System in Zone: **5**	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
North 834,000 feet and East 1,444,260 feet	**SE ¼ of NW ¼**	**15**	**25S**	**10E**	**MD**

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Domestic, Industrial, Municipal, Irrigation, and Recreational	**Within Boundaries of Monterey County Water Resources Agency, Zone 2***					
Domestic, Industrial, Municipal, Irrigation, and Recreational	**7,500 Acres within San Luis Obispo County Flood Control and Water Conservation District****					

* Consisting of 200,000 acres net within a gross area of approximately 240,000 acres comprising Zone 2 of MCWRA, excluding all lands annexed to Zone 2 after November 4, 1965. Zone 2 is shown on a map dated June 13, 1997 on file with the SWRCB.

** The places of use for San Luis Obispo County Flood Control and Water Conservation District consist of a net area of 500 acres of irrigated agriculture and a net area of 7,000 acres of urban and suburban lands within a gross area of 1,040,590 acres shown on a map dated June 8, 1967 on file with the SWRCB.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 27,900 acre-feet per annum to be collected from October 1 of each year to July 1 of the succeeding year.

(0000005C)

6. The total quantity of water collected to storage under this permit and License 7543 (Application 16124) shall not exceed 377,900 acre-feet per annum

(0000005L)

7. The capacity of the reservoir covered under this permit (Application 30532) shall not exceed 377,900 acre-feet.

(0000005N)

8. 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.

(0000005I)

9. Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2021.

(0000009)

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

(0000006)

11. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one yar from the date of this permit or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.

(0000029B)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

B. Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.

(0000010)

C. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

D. 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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 SWRCB 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)

E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB 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 SWRCB 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)

F. This permit 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 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior

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 23, 2001

STATE WATER RESOURCES CONTROL BOARD

Harry M. Schueller, Chief
Division of Water Rights