

Location of Percolation Ponds

By California Coordinate System of 1983 in Zone 5	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Pond #1: North 1,994,206 feet and East 6,197,976 feet	SE ¼ of SW ¼	32	5N	22W	SB
Pond #2: North 1,994,171 feet and East 6,197,892 feet	SE ¼ of SW ¼	32	5N	22W	SB
Pond #3: North 1,994,163 feet and East 6,197,824 feet	SE ¼ of SW ¼	32	5N	22W	SB
Pond #4: North 1,994,109 feet and East 6,197,755 feet	SE ¼ of SW ¼	32	5N	22W	SB

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Irrigation, Municipal, Domestic and Industrial	Within the Ojai Basin Groundwater Management Agency service area boundary within Sections 35 and 36, T5N, R23W, SBB&M; Sections 1, 2, 11, 12, 13, and 14, T4N, R23W, SBB&M; Sections 31, 32, 33, and 34, T5N, R22W, SBB&M; and within Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 17, and 18, T4N, R22W, SBB&M as shown on map.					

The place of use is shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **914 acre-feet per annum** to be collected to underground storage at a maximum rate of **25 cubic feet per second** from **November 1** of each year to **May 31** of the succeeding year. (000005H)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2027. (0000009)
7. This permit shall not be construed as conferring upon the Permittee right of access to the point of diversion. (0000022)
8. Permittee shall comply with the following provisions which are derived from the agreement between Permittee and the City of Ventura executed on July 22, 2011 and filed with the State Water Board:
 - a. Diversion under this permit shall not occur until the Permittee enters into an Operations Agreement, acceptable to the City of Ventura, to assure non-interference with the City's senior water rights. The Operations Agreement shall include terms to ensure that project diversions cease when surface flow in the Ventura River, measured at the Casitas Vista Road gage (i.e., USGS gage 11118500 Ventura River near Ventura, CA) is less than 50 cubic feet per second. In addition, the Operations Agreement shall include the following terms: (1) City approval of any modification of bypass flow requirements; (2) collaboration with the City on preparation of a bypass flow compliance plan to be submitted to the State Water Board; and (3) preparation and submittal of an annual report to the City on cumulative annual project diversions and compliance with the bypass flow requirements by September 1 of each year.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

9. Permittee shall comply with the following provisions which are derived from the agreement between Permittee and the National Marine Fisheries Service (NMFS) executed on November 29th, 2011 and NMFS recommendation letters of February 16, 2011, and August 23, 2011, filed with the State Water Board:
 - a. To ensure that diversion under this permit will not adversely affect fish passage in San Antonio Creek and the Ventura River, Permittee shall: (1) monitor discharge in San Antonio Creek as measured at the Point of Compliance (Grand Avenue Bridge downstream weir gage); (2) monitor/report discharge in San Antonio Creek at County Gage #605 during project diversions. In order to validate the modeled stage/discharge relationship between the Point of Diversion (POD) and the Point of Compliance (POC), and before any water is diverted under this permit, Permittee shall monitor streamflow at both locations during two qualifying storm events. Any monitoring results shall be provided to NMFS for review.
 - b. A qualifying storm event is defined as any event where sufficient streamflow exists in San Antonio creek such that passive diversion of water would occur at the Project POD. At a minimum, the monitoring results shall include 15-minute interval measurements of discharge and stage height at both the POD and POC, corresponding water surface elevation (feet above mean sea level) at the POD. Upon review of the monitoring data from the two qualifying storm events, NMFS will provide any recommendations as necessary within 30-days to ensure that the diversion is not adversely affecting steelhead.
 - c. To ensure consistency with the minimum bypass flows contained in this permit, Permittee shall prepare a Flow Bypass Compliance Plan that incorporates a motor-controlled gate valve on the 24-inch diversion intake pipeline that would be triggered to open/close automatically via radio telemetry from a datalogger installed at the POC stream gage. The POC stream gage data and gate position information shall be linked to the Permittee's existing stream gage database to allow for automatic tracking and efficient data collection for reporting. The Permittee shall collaborate with NMFS on the development of the NMFS-agreeable plan, utilizing adaptive management to ensure that the San Antonio Creek Spreading Ground diversion activities do not reduce stream depth to less than 1-foot (i.e., 21 cubic feet per second) at the POC. Discharge data should be made readily available (real-time web access) and daily comparisons should be made by the Permittee during the diversion season to guide operations accordingly to meet compliance bypass flows. If minor in-season modifications cannot be made to the intake structure, diversions would need to cease until dry channel conditions exist during the in-stream work period (i.e., June 30 – November 30) to implement the necessary changes.
 - d. To ensure that diversion under this permit will not negatively impact steelhead habitat or their habitat in San Antonio Creek, the Permittee shall prepare and submit an annual report to NMFS on the frequency, duration and magnitude of Project annual diversions, and demonstrated compliance with the Flow Bypass Compliance Plan requirements no later than September 1 of each year. The report shall be attached to the annual electronic diversion reporting to the Division of Water Rights.
 - e. Any crossing proposed on the low-flow portion of San Antonio Creek for the purpose of site access during construction and long-term project maintenance shall allow for adequate flow depths and velocities for fish passage. Such crossing shall include:
 - i. an absence of any type of rock or concrete armored structure (i.e., apron) upstream or downstream of the road crossing,

- ii. a plan that ensures any future road maintenance activity will not create a fish passage problem (e.g., grading or casting of boulders downstream in the stream channel, or creation of sediment berms either upstream or downstream of the road),
- iii. photo-monitoring of the road crossing site prior to construction, and before and after photos of each maintenance event for the life of the project, and
- iv. a commitment from the District that if for any unforeseen reason the road crossing does not meet NMFS fish passage criteria that the District will be required to expeditiously correct the passage problem at their own expense.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

10. To ensure that diversion under this permit will not adversely affect fish passage at a critical point in San Antonio Creek, the Permittee shall comply with the following provisions which are derived from an agreement between Permittee and the Department of Fish and Game based upon a February 29, 2012 letter from the Department of Fish and Game on file with the State Water Board:
 - a. The Permittee shall install a temporary stream gage in San Antonio Creek on the upstream side of the Highway 150 bridge to monitor streamflow. The Permittee shall measure discharge, depth, width of channel, width of wetted channel, and velocity during six storm events. Some of the storm events measured should have flow depths above 1.0 feet for 10-percent continuous and 25-percent total stream width, and some storm events measured should have flow depths at or below the 0.6-foot depth criteria for fish passage, in order to allow the Department of Fish and Game to interpolate the specific discharge that meets the minimum depth-width criteria using the Oregon method. In the event that there is split flow in San Antonio Creek at Highway 150, the Permittee shall measure discharge, width of channel, depth, and velocity in each channel.
 - b. The Permittee shall submit the monitoring data collected from the temporary stream gage in San Antonio Creek at Highway 150 to the Department of Fish and Game for their review and consideration. The Permittee shall submit data collected from the first storm event as soon as possible after the event to ensure that the data collected is sufficient in form and content. For the subsequent storm events (monitoring events 2 through 6), the Permittee shall submit all of the data collected as one package within 30 days of the sixth storm event. All monitoring data shall be submitted to the Department of Fish and Game. The monitoring data shall also be attached to the electronic diversion reporting to the Division of Water Rights.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.

(0000024)

11. 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 his expense, have the subject map(s) updated or replaced with equivalent as-built map(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 sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

12. No water shall be diverted under this permit unless the following conditions are met:
 - a. flow in San Antonio Creek is at or above 21 cubic feet per second, as measured at the POC (Grand Avenue Bridge downstream weir gage); and,
 - b. flow in the Ventura River is at or above 50 cubic feet per second, as measured at the United States Geological Survey Stream Gage No. 11118500 – Ventura River near Ventura, California. In the event that said monitoring device is no longer available for streamflow measurements, Permittee shall within 15 days submit a plan to install an equivalent monitoring device as near as practicable to the location of the current monitoring device.

(0140060)
(0000204)
13. No water shall be diverted under this permit until Permittee has installed a device, satisfactory to the State Water Board, which is capable of measuring the bypass flow at the POC required by the conditions of this permit. Said measuring device shall be properly maintained.

(0060062A)
14. Within six months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Deputy Director for Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
 - a. A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.
 - b. A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.
 - c. A time schedule for the installation of these facilities.
 - d. A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
 - e. An operation and maintenance plan that will be used to maintain all facilities in good condition.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan. The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request. Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Deputy Director for Water Rights. Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

(0000070)
15. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction, Permittee shall file a report pursuant to Water Code section 13260 and shall comply with all waste discharge requirements imposed by the California Regional Water Quality Control Board, Central Coast Region, or by the State Water Board.

(0000100)
16. Prior to diversion of water under this permit, Permittee shall: (1) install devices to measure the instantaneous rate of diversion and the quantities of water placed into underground storage; and, (2) install devices to measure or provide documentation of the method to be used to determine the quantity of water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water placed into and recovered from

underground storage shall be approved by the State Water Board prior to diversion of water under this permit. All measuring devices shall be properly maintained.

(0080117)

17. Permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.

(0000203)

18. No debris, soil, silt, cement that has not set, oil, or other such foreign substance will be allowed to enter into or be placed where it may be washed by rainfall runoff into the waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.

(0000208)

19. No water shall be diverted under this permit until Permittee has constructed a fish screen or has proposed and constructed an alternative. Any alternative must comply with the Department of Fish and Game criteria and NMFS fry-sized screening criteria and receive their written approval. Permittee shall submit a copy of the Department of Fish and Game's written approval of the plans and design calculations to the Division of Water Rights within 30 days from the date of the approval. Construction, operation, and maintenance of any required facility are the responsibility of the Permittee. The cleaning system and protocol must be clearly described in the operations and maintenance plan and shall be effective, reliable and satisfactory to NMFS. If the fish screen or any alternative is rendered inoperative for any reason, the Permittee shall notify the Deputy Director for Water Rights and the Department of Fish and Game immediately and shall restore the equipment to service as soon as possible.

(0000213M)

THIS PERMIT IS ALSO 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 the 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 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 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 the 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 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).

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY JWK FOR:

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: May 31, 2012