

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 20808A

Application 27614A of

Monterey Peninsula Water Management District and
California American Water
c/o Monterey Peninsula Water Management District.
P.O. Box 85
Monterey, CA 93942-0085

filed on **December 16, 1982**, has been approved by the State Water Resources Control Board (State Water Board, Board or SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittees are hereby authorized to divert and use water as follows:

1. Source of water

Source:
(1) Carmel River
(5-32) Carmel River Subterranean Stream

Tributary to:
Pacific Ocean
Pacific Ocean

within the County of **Monterey**.

2. Location of points of diversion, points of injection and points of recovery.

Points of Diversion to Offstream Storage (By California Coordinate System of 1983-Zone 4).	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
(1) San Clemente Dam: North 2,053,010 feet and East 5,765,040 feet	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	17S	2E	MD
(5) Canada Well: North 2,092,010 feet and East 5,715,190 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	17	16S	1E	MD
(6) San Carlos Well: North 2,091,660 feet and East 5,717,990 feet	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	17	16S	1E	MD
(7) Cypress Well: North 2,087,610 feet and East 5,724,640 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	22	16S	1E	MD
(8) Pearce Well: North 2,087,360 feet and East 5,726,140 feet	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	22	16S	1E	MD
(9) Schulte Well: North 2,087,410 feet and East 5,729,240 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	23	16S	1E	MD

(10) Manor #2 Well: North 2,086,460 feet and East 5,731,340 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	23	16S	1E	MD
(11) Begonia #2 Well: North 2,085,510 feet and East 5,734,740 feet	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	16S	1E	MD
(12) Berwick #7 Well: North 2,084,460 feet and East 5,735,290 feet	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	16S	1E	MD
(13) Berwick #8 Well: North 2,084,510 feet and East 5,736,090 feet	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	16S	1E	MD
(15) Scarlett #8 Well: North 2,084,510 feet and East 5,740,590 feet	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	19	16S	2E	MD
(17) Los Laureles #5 Well: North 2,080,310 feet and East 5,748,590 feet	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	29	16S	2E	MD
(18) Los Laureles #6 Well: North 2,079,510 feet and East 5,749,440 feet	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	29	16S	2E	MD
(19) West Garzas #4 Well: North 2,075,260 feet and East 5,752,190 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	33	16S	2E	MD
(20) Garzas Creek #3 Well: North 2,073,610 feet and East 5,753,040 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	33	16S	2E	MD
(21) Panetta #2 Well: North 2,072,110 feet and East 5,754,740 feet	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	3	17S	2E	MD
(22) Panetta #1 Well: North 2,071,960 feet and East 5,754,640 feet	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	3	17S	2E	MD
(23) Robles #3 Well: North 2,067,110 feet and East 5,759,490 feet	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	10	17S	2E	MD
(24) Russell #4 Well: North 2,061,810 feet and East 5,764,040 feet	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	14	17S	2E	MD
(25) Russell #2 Well: North 2,061,410 feet and East 5,764,040 feet	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	14	17S	2E	MD
(26) A Well: North 2,091,070 feet and East 5,706,020 feet	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	13	16S	1W	MD
(27) B Well: North 2,091,970 feet and East 5,709,420 feet	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	18	16S	1E	MD
(28) C Well: North 2,087,220 feet and East 5,724,470 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	22	16S	1E	MD
(29) D Well: North 2,087,370 feet and East 5,729,270 feet	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	23	16S	1E	MD

(30) E Well: North 2,084,920 feet and East 5,737,320 feet	SW ¼ of SE ¼	24	16S	1E	MD
(31) F Well: North 2,072,120 feet and East 5,754,670 feet	NW ¼ of NW ¼	3	17S	2E	MD
(32) G Well: North 2,070,270 feet and East 5,755,270 feet	SW ¼ of NW ¼	3	17S	2E	MD

Points of Injection and Recovery (By California Coordinate System of 1983-Zone 4)	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
ASR-1 Injection & Recovery Well North 2,120,840 feet and East 5,734,970 feet	NE¼ of NE¼	23	15S	1E	MD
ASR-2 Injection & Recovery Well North 2,121,080 feet and East 5,735,250 feet	SE¼ of SE¼	14	15S	1E	MD

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Municipal	Within the boundaries of Monterey Peninsula Water Management District					110,000

The points of diversion and place of use are shown on maps dated September 12, 2003 and 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 **two thousand four hundred and twenty-six (2,426) acre-feet per annum** to be collected to underground storage in Seaside Groundwater Basin at a maximum instantaneous rate of **six and seven tenths (6.7) cubic feet per second** from **December 1** of each year to **May 31** of the succeeding year.

(0000005H)

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

(0000006)

7. Permittees' rights under this permit are junior to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian, overlying, and pre- and post-1914 appropriative claims of right which have a priority which is superior to the priority of Application 27614A.

(050T001)

8. Complete application of the water to the authorized use shall be made by December 1, 2020.

(0000009)

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

(0000010)

10. Permittees 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)

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 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 Permittees without unreasonable draft on the source. Permittees 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 Permittees 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)

12. 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 Permittees 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)

13. 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 Permittees shall obtain authorization for an incidental take prior to construction or operation of the project. Permittees shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

14. Permittees 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)

15. This permit shall not be construed as conferring upon the Permittees right of access to the points of diversion.

(0000022)

16. Permittees shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Board their Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(0000029A)

17. 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, Permittees shall, at their 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 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 Chief, Division of Water Rights.

(0000030)

18. Permittees shall (1) install devices to measure the instantaneous rate and cumulative quantity of water diverted from the Carmel River and placed into underground storage and (2) install devices to measure the cumulative quantity of Carmel River water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Board. All measuring devices shall be properly maintained.

(0060900) (0080900)

19. Permittees shall install, calibrate and maintain continuous flow measurement devices, satisfactory to the State Water Board, at the following locations in the Carmel River:

- a. Carmel River at the Highway 1 Bridge (River Mile (RM) 1.1)
- b. USGS Carmel River Near Carmel Gage (USGS 11143250; RM 3.2), maintained by USGS
- c. Carmel River at Sleepy Hollow Weir (RM 17.6)

If any measuring device is rendered inoperative for any reason, all diversions under this permit shall cease until such time as the device is restored to service.

In the event that the streamflow gage maintained by USGS is no longer available for streamflow measurements, Permittees (or successors-in-interest) are 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 USGS near Carmel Gage. In the absence of such equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is diverted by Permittees (or successors-in-interest) under any permit or license issued pursuant to Application 27614A.

(0060062BP) (0000204)

20. Within six months of the issuance of this permit, the Permittees shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
- A description of the gages and monitoring devices that have been or will be installed to measure streamflow and diversion to underground storage.
 - A time schedule for the installation of these facilities.
 - A description of the frequency of data collection and the methods for recording diversions, bypass flows and storage levels.
 - An operation and maintenance plan that will be used to maintain gages and monitoring devices in good condition.

The Permittees shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the Permittees for ten years from the date of collection and made available to the Chief of the Division of Water Rights upon request. Any non-compliance with the terms of the permit shall be reported by the Permittees promptly to the Chief of the Division of Water Rights.

(0000070)

21. The priority of this permit shall be junior to any permit issued on the applications set forth in Table 13 of Decision 1632 or for the persons named in Table 13 of Decision 1632 for an amount of water not to exceed the quantity set forth in the column titled "Quantity Reserved by SWRCB For Future Appropriations", or as modified in accordance with the procedures set forth in Decision 1632, Permit Condition 10.

(0500800)

22. Permittees shall implement the Riparian Corridor Management Program outlined in the Monterey Peninsula Water Management District's November 1990 Water Allocation Mitigation Program until Application 27614A is licensed. Survey data and analysis of results shall be submitted annually to the California Department of Fish and Game for review and comment.

(0490500)

23. For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows, as agreed upon by the Permittees and the California Department of Fish and Game and National Marine Fisheries Service and stated in the document entitled, "Proposed Changes to Current Permit Conditions". Minimum mean daily instream flows are specified in Table A, required Ramp-Down flows are specified in Table B, and water year types for use with Tables A and B are specified in Table C. No water shall be diverted under this permit if the instream flows determined using Tables A, B and C are or would be reduced by such diversion below the designated rates. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Chief, Division of Water Rights, California Department of Fish and Game and National Marine Fisheries Service containing the following information:

- Dates during the previous period of December 1 to May 31 of the succeeding year when water was diverted under this permit; and
- Mean daily flows recorded at the three monitoring locations specified in Condition 20 during the same period.

Water year types defined in Table C, Carmel River Water Supply Index, may be amended from time to time to include the most recent available hydrologic data. For the purpose of amending water year types in Table C, Permittees shall submit to the Chief, Division of Water Rights, a request to approve revisions to criteria to define normal or better, below normal, dry and critically dry year types.

(0400500)

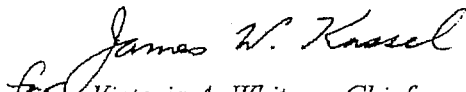
This permit is issued and Permittees take it subject to the following provisions of the Water Code:

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

for 
Victoria A. Whitney, Chief
Division of Water Rights

Date: **NOV 30 2007**

TABLE A		
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS (see Condition 23)		
Fall December 1- December 15	Winter December 16-April 15	Spring April 16-May 31
<p><u>All Water Year Types</u>¹</p> <p>May divert with minimum bypass of 40 cfs at the Highway 1 gage.</p>	<p><u>Normal or Better and Below Normal Water Years</u>¹</p> <p>For Normal or Better and Below Normal Water Years, an Attraction Day is defined as: Estimated unimpaired flow² at the Highway 1 gage of 200 cfs or greater.</p> <p>Prior to First Attraction Day: Continue December 1-15 bypass flows.</p> <p>During Attraction Day(s): Bypass sufficient flow to maintain 200 cfs at the Highway 1 gage.</p> <p>Following Attraction Day(s): Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass 90 cfs throughout the reach³ between the Sleepy Hollow Weir gage and the USGS Near Carmel gage, and 60 cfs throughout the reach³ between the USGS Near Carmel gage and the Highway 1 gage.</p> <hr/> <p><u>Dry and Critically Dry Water Years</u>¹</p> <p>For Dry and Critically Dry Water Years, an Attraction Day is defined as: Estimated unimpaired flow² at the Highway 1 gage of 200 cfs or greater in January, 100 cfs or greater in February, and 75 cfs or greater in March.</p> <p>Prior to First Attraction Day: Continue December 1-15 bypass flows.</p> <p>During Attraction Day(s): Bypass sufficient flow to maintain 150 cfs at the Highway 1 gage.</p> <p>Following Attraction Day(s): Ramp down bypass flows as indicated on Table B. Following the ramp-down period, bypass the same as for wet, normal, and below normal water years.</p>	<p><u>All Water Year Types</u>¹</p> <p>Bypass 80 cfs throughout the reach³ between Sleepy Hollow Weir gage and the Highway 1 gage.</p>

¹ Water Year types are as specified in Table C.

² For purposes of Table A, "estimated unimpaired flow" shall be defined as the measured mean daily flow at the specified gage plus the mean daily diversion by California American Water from the Carmel River and underlying alluvial aquifer upstream of that gage during the preceding five days.

³ Maintaining the specified flow at both the upper and lower gage associated with the specified reach is sufficient evidence that the rate is maintained throughout the entire reach. In the case of bypass flow required throughout the reach between the Sleepy Hollow Weir and Highway 1 gages from April 16 to May 31, the required bypass flow must also be maintained at the USGS near Carmel gage.

Source: Table A is based on Table 9 in Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters, National Marine Fisheries Service, Southwest Region – Santa Rosa Field Office, June 3, 2002, page 32.

TABLE B				
Carmel River Bypass Flows - "Ramp-Down" Flows				
Minimum Mean Daily Instream Flows Following an Attraction Day or Days (All Values in Cubic Feet Per Second)				
Between MPWMD Sleepy Hollow Gage and USGS Near Carmel Gage			Between USGS Near Carmel Gage and MPWMD Highway 1 Gage	
Days	Normal or Better and Below Normal Water Years	Dry and Critically Dry Water Years	Normal or Better and Below Normal Water Years	Dry and Critically Dry Water Years
0	200	150	200	150
1	175	125	175	125
2	150	100	150	100
3	125	90	125	80
4	90	90	100	60
5	90	90	80	60
6	90	90	60	60

Source: *Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects Using Carmel River Waters*, National Marine Fisheries Service, Southwest Region - Santa Rosa Field Office, June 3, 2002, page 15.

Note: "Day 0" refers to an Attraction Day or Days. "Day 1" refers to the first day after an Attraction Day or Days. See Table A for the definition of an Attraction Day.

TABLE C				
Carmel River Water Supply Index				
Cumulative Unimpaired Carmel River Flow at the Sleepy Hollow Weir Site in Acre-Feet				
Water Year Type				
Period	Normal or Better	Below Normal	Dry	Critically-Dry
Oct	> 300	300 - 100	99 - 1	0
Oct - Nov	> 1,000	1,000 - 500	499 - 300	< 300
Oct - Dec	> 4,000	4,000 - 1,700	1,699 - 1,200	< 1,200
Oct - Jan	> 11,700	11,700 - 5,700	5,699 - 3,200	< 3,200
Oct - Feb	> 28,800	28,800 - 11,800	11,799 - 7,300	< 7,300
Oct - Mar	> 40,600	40,600 - 21,300	21,299 - 10,700	< 10,700
Oct - Apr	> 47,600	47,600 - 24,300	24,299 - 13,200	< 13,200
Oct - May	> 49,500	49,500 - 26,000	25,999 - 13,900	< 13,900
Oct - Jun	> 49,900	49,900 - 26,800	26,799 - 14,600	< 14,600
Oct - Jul	> 50,000	50,000 - 27,200	27,199 - 14,700	< 14,700
Oct - Aug	> 50,300	50,300 - 27,300	27,299 - 14,800	< 14,800
Oct - Sep	> 50,700	50,700 - 27,400	27,399 - 14,900	< 14,900
Expected Unimpaired Carmel River Flow at the Sleepy Hollow Weir Site in Acre-Feet				
Assuming 75% Reliability				
Water Year Type				
Period	Normal or Better	Below Normal	Dry	Critically-Dry
Nov - Sep	50,400	34,000	25,000	21,000
Dec - Sep	43,000	27,000	17,500	14,900
Jan - Sep	36,000	22,300	12,200	10,000
Feb - Sep	29,000	17,300	9,000	7,000
Mar - Sep	21,500	11,275	6,000	3,400
Apr - Sep	13,000	5,850	3,250	1,575
May - Sep	5,000	2,500	1,425	800
Jun - Sep	2,000	900	625	400
Jul - Sep	600	300	300	300
Aug - Sep	200	200	200	200
Sep	100	100	100	100

Notes:

1. "Cumulative" and "Expected" water year types are derived from the daily unimpaired flow record at the Sleepy Hollow Weir site simulated by the Monterey Peninsula Water Management District for Water Years 1902 through 1996.
2. Water Year types are based on selected exceedance frequencies. "Normal or Better" refers to flows that are equaled or exceeded 50% of the time. "Below Normal" refers to flows that are exceeded between 50% and 75% of the time. "Dry" refers to flows that are exceeded between 75% and 87.5% of the time. "Critically Dry" refers to flows that are exceeded 87.5% of the time.
3. The Water Supply Index shall incorporate a daily timestep so that it can be updated on a daily basis.

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

DIVISION OF WATER RIGHTS

In the Matter of Permits 7130B, 20808B and 20808C (Applications 11674B, 27614B and 27614C)
**Monterey Peninsula Water Management District and
California American Water Company**

**ORDER APPROVING CHANGE IN POINT OF DIVERSION AND
REDIVERSION AND SPLITTING PERMIT,
CONFIRMING WITHDRAWAL OF CHANGE PETITION AND
VOLUNTARY REVOCATION OF PERMIT**

SOURCE: CARMEL RIVER AND CARMEL RIVER SUBTERRANEAN STREAM
COUNTY: MONTEREY

WHEREAS:

A. Permit 20808:

1. Permit 20808 was issued to Monterey Peninsula Water Management District (MPWMD or Permittee) on October 25, 1995, pursuant to Application 27614 for the New Los Padres Reservoir Project.
2. On November 30, 2007, the permit was split. Permit 20808 was revoked and Permits 20808A and 20808B were issued. Amended Permit 20808A was issued for Phase 1 of the Aquifer Storage and Recovery Project (ASR). California American Water (Cal Am) was added to Permit 20808A as co-Permittee. Permit 20808B was essentially the same as original Permit 20808, except the quantity assigned to Permit 20808A was deducted from the original permitted quantity.

B. Permit 7130B:

3. Permit 7130B (Application 11674B) is held by MPWMD. The permit authorizes storage in New Los Padres Reservoir. The reservoir has not been built. On January 19, 2011, MPWMD confirmed that it has abandoned Permit 7130B. This order revokes Permit 7130B.

C. 2002 Change Petition on Permit 20808:

4. On April 19, 2002, Permittee petitioned to change Permit 20808 to allow up to 7,909 acre-feet per annum (afa) to be directly diverted from the Carmel River and Carmel River subterranean stream. When the permit was split, the petition was assigned to Permit 20808B. On January 19, 2011, Permittee confirmed that it is withdrawing the petition concurrent with approval of the July 3, 2008 petition for change of Permit 20808B (see below). This order approves the 2008 change petition, which is described below. In accordance with the Permittee's request, this order confirms that the 2002 petition is withdrawn.

D. 2008 Change Petition on Permit 20808B:

5. On July 3, 2008, Permittees filed a petition to change Permit 20808B by changing a point of redirection to a point of diversion and adding offstream points of injection and recovery to facilitate ASR Phase 2. The Permittees requested that the permit be split, assigning a portion of the water right to the ASR Phase 2 project.
6. Public notice of the change was issued on January 15, 2009. The petition was protested by National Marine Fisheries Service (NMFS), Cal Am and the Carmel River Steelhead Association (CRSA). A late protest filed by California Salmon and Steelhead Association was not accepted. The protest issues have been resolved. NMFS and CRSA informed the Division that their protests could be considered dismissed. The protests are hereby dismissed. Cal Am withdrew its protest.

Protest resolution resulted in the addition of special terms to the permit that require the Permittees to reduce, to the maximum extent possible, the diversion of water from the Carmel River sources during the low flow season when water is recovered from the groundwater aquifer

7. The State Water Board has determined that the petition for change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water. The State Water Board has also determined that good cause for such change has been shown.
8. MPWMD issued a Notice of Exemption (NOE) based on an Existing Facilities Exemption, pursuant to Title 14, California Code of Regulations, section 15301, Class 1.
 - a. The project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
 - b. The project involves diversion of 2,900 af to groundwater storage. No new facilities will be constructed beyond those existing prior to the start of the Lead Agency's environmental review and the project does not involve an expansion in use beyond that which existed at the time the Lead Agency began its environmental review.

The State Water Board is a responsible agency for purposes of considering whether to approve the change petition that will allow Permittees to proceed with the proposed project. As a responsible agency, the State Water Board must consider the environmental documentation prepared by the lead agency, and any other relevant evidence in the record, and reach its own conclusions on whether and how to approve the project involved. (Cal. Code Regs., tit. 14, § 15096, subd. (a).) The State Water Board has considered the NOE in deciding whether to approve the petition.

In addition to any obligation the State Water Board may have under CEQA, the Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346], 658 P.2d 709.) There is no evidence that approval of the change petition will cause significant adverse impacts on public trust resources.

9. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights (Deputy Director) pursuant to Resolution No. 2007-0057. (Resolution No. 2007-0057, section 4.2.4) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
10. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director to administer the duties required under the California Environmental Quality Act (CEQA). (Resolution No. 2007-0057, section 4.10.) Resolution No. 2007-0057 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
11. Two changes were made to the Phase 2 ASR Project; these changes were not part of the Phase I ASR Project. The bypass flow criteria for Permit 20808C was revised by NMFS and additional offstream injection facilities will be used to inject water into the ground. (November 24, 2010 NMFS protest dismissal letter to the Division and June 8, 2011 email from MPWMD to the Division.)

NOW, THEREFORE, IT IS ORDERED THAT:

1. Amended Permit 20808B issued November 30, 2007 (2007 Amended Permit 20808B) is revoked and Amended Permits 20808B (2011 Amended Permit 20808B) and 20808C are issued. The permits are attached.

2011 Amended Permit 20808B:

2. Condition 5 from 2007 Amended Permit 20808B is replaced with the following term:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **forty-two (42) cubic feet per second** by direct diversion and **eighteen thousand six hundred seventy-four (18,674) acre-feet per annum** by storage to be diverted from **January 1 to December 31 of each year**, with the exception that no water may be diverted pursuant to this permit, either by direct diversion or diversion to storage, outside the diversion season of November 1 of each year to June 30 of the succeeding year, until the New Los Padres Project authorized by this permit becomes fully operational.

In addition to the seasonal restriction stated above, direct diversion and diversion to storage shall be allowed year-round only during the periods of time water is physically available over and above fish flow requirements.

The total amount of water to be taken from the source under this permit shall not exceed **23,674 acre-feet per water year of October 1 to September 30.**

The total quantity of water originating in the Carmel River diverted to beneficial use by the California-American Water Company and the Monterey Peninsula Water Management District (including direct diversion and rediversion of previously stored water, but not including diversions to storage) for municipal, domestic, industrial and irrigation purposes of use, including rights established by License 11866, Permit 7130B, Permit 20808A, Permit 20808B, Permit 20808C, Application 30215 and any permit or license issued pursuant thereto, pre-1914 appropriative

rights and riparian rights, shall not exceed (a) 16,000 acre-feet per annum or (b) such lesser amount identified in the Supplemental EIR on the Carmel River Dam as the annual beneficial use requirements associated with total project yield or the California-American Water Company production limit. The limit above may be modified upon further order of the State Water Board.

(000005E)

3. All other conditions of the 2007 Amended Permit 20808B shall be included in 2011 Amended Permit 20808B.

Permit 20808C:

4. Permit 20808C shall contain the following conditions:

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **two thousand nine hundred (2,900)** acre-feet per annum to be collected to underground storage in Seaside Groundwater Basin at a maximum instantaneous rate of **eight (8.0) cubic feet per second** from December 1 of each year to May 31 of the succeeding year.

(000005H)

Permittees' rights under this permit are junior to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian, overlying, and pre- and post-1914 appropriative claims of right which have a priority which is superior to the priority of Application 27614C.

(050T001)

Complete application of the water to the authorized use shall be made by December 1, 2020.

(0000009)

This permit shall not be construed as conferring upon the permittees right of access to the points of diversion.

(0000022)

Cal-Am shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(0000029A)

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, permittees shall, at their 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 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)

Permittees shall (1) install devices to measure the instantaneous rate and cumulative quantity of water diverted from the Carmel River and placed into underground storage and (2) install devices to measure the cumulative quantity of Carmel River water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Board. All measuring devices shall be properly maintained.

(0060900) (0080900)

Permittees shall calibrate and maintain, a continuous flow measurement device, satisfactory to the State Water Board, at Carmel River at Highway 1 Bridge (River Mile 1.1)

If any measuring device is rendered inoperative for any reason, all diversions under this permit shall cease until such time as the device is restored to service.

These requirements shall remain in force as long as water is diverted by permittees (or successors-in-interest) under any permit or license issued pursuant to Application 27614C.

(0060062BP) (0000204)

Within six months of the issuance of this permit, the permittees 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 gages and monitoring devices that will be installed or have been installed to measure stream flow and diversion to underground storage.
- b. A time schedule for installation of these facilities.
- c. A description of the frequency of data collection and the methods for recording diversions, bypass flows and storage levels.
- d. An operation and maintenance plan that will be used to maintain gages and monitoring devices in good condition.

The permittees shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the permittees 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 permittees promptly to the Deputy Director for Water Rights.

(0000070)

The priority of this permit shall be junior to any permit issued on the applications set forth in Table 13 of Decision 1632 or for the persons named in Table 13 of Decision 1632 for an amount of water not to exceed the quantity set forth in the column titled "*Quantity Reserved by SWRCB for Future Appropriations,*" or as modified in accordance with the procedures set forth in Decision 1632, Permit Condition 10.

(0500800)

Permittees shall implement the Riparian Corridor Management Program outlined in the MPWMD's November 1990 Water Allocation Mitigation Program until Application 27614C is

licensed. Survey data and analysis of results shall be submitted annually to DFG for review and comment.

(0490500)

For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows as specified in Table A, Minimum Mean Daily Instream Flow Requirements. No water shall be diverted under this permit if the instream flows would be reduced by such diversion below the minimum mean daily flows specified in Table A. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Deputy Director for Water Rights, DFG and NMFS containing the following information:

- a. Dates during the previous period of December 1 to May 31 of the succeeding year when water was diverted under this permit; and
- b. Mean daily flows recorded at the monitoring location specified in Condition 19 during the same period.

TABLE A	
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS	
December 1-April 15	April 16-May 31
<p>Prior to Carmel River lagoon opening to the ocean ¹: May divert with minimum bypass of 40 cfs at the Carmel River at Highway 1 Bridge gage.</p> <p>Following Carmel River lagoon opening to the ocean: May divert with minimum bypass of 120 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 80 cfs at the Carmel River at Highway 1 Bridge gage.</p>

¹ On December 1, if water in the lagoon is flowing to the ocean, the lagoon shall be deemed to be open to the ocean. If on December 1 water in the lagoon is not flowing to the ocean, the lagoon shall be deemed to be open to the ocean when the lagoon level drops rapidly from a stable elevation to a lower elevation as evidenced by the water surface elevation gage located at the Carmel Area Wastewater District effluent pipeline across the south arm of the lagoon. This elevation gage is operated by Monterey Peninsula Water Management District.

(0400500)

Until the project authorized by this permit becomes fully operational, permittees shall continue to negotiate with DFG to maintain, insofar as possible, a minimum 5 cubic feet per second bypass flow below San Clemente Dam as measured at the Sleepy Hollow weir.

(0400500)

To prevent stranding of spring and fall steelhead juveniles and smolts during critically dry conditions, permittees shall continue to implement Fisheries Mitigation Measure 3 as outlined in the MPWMD's November 1990 Water Allocation Mitigation Program ("Rescue juveniles downstream of Robles del Rio in summer").

(0400500)

Permittees shall, in consultation with DFG, conduct studies to determine the effectiveness of fish rescue operations specified in the MPWMD's November 1990 Water Allocation Mitigation Program. The results shall be submitted to the Deputy Director for Water Rights, for review and approval.

(0400500)

Permittees shall implement the Lagoon Mitigation Program outlined in the MPWMD's November 1990 Water Allocation Mitigation Program. Annual reports shall be submitted to the Department of Parks and Recreation, DFG, and the Deputy Director for Water Rights for review.

(0400500)

Permittees shall maintain in good working order all riparian irrigation systems owned or operated by permittees under the MPWMD's November 1990 Water Allocation Mitigation Program for use as needed during dry and critically dry water years.

(0400500)

Recovery of Stored Water: Not later than June 1 of each year, the amount of water to be recovered from groundwater storage during that year's June 1 through November 30 period shall be determined by permittees, in consultation with DFG and NMFS, using the following procedures.

- a. The maximum amount for recovery each year (pumping of water previously diverted from the Carmel River and injected in the Seaside Groundwater Basin) was determined to be 1,500 acre-feet, using the logic developed for the computer simulation made by MPWMD's Carmel Valley Simulation (CVSIM) model. In any year, an alternative recovery amount may be agreed upon by permittees, DFG, and NMFS. The selected recovery amount shall be deemed the "Determined Recovery Amount."
- b. To the maximum extent operationally feasible, during each recovery season, permittees shall use their best efforts to recover the Determined Recovery Amount.
- c. Each year at the end of the injection season, the amount of water injected into the Seaside Basin during the current injection season shall be calculated. If this amount equals or exceeds the Determined Recovery Amount, then the Determined Recovery Amount shall be recovered. Any water injected during the current injection season that is in excess of the Determined Recovery Amount shall be added to "Carryover Storage."
- d. If the total amount of water injected during the current injection season is less than the Determined Recovery Amount, and the Carryover Storage from previous injection seasons is sufficient to make up the difference, then the Determined Recovery Amount shall be recovered. In this case, water from Carryover Storage shall be produced to supplement water injected during the current injection season to meet the Determined Recovery Amount. Any water that is produced from Carryover Storage to meet the Determined Recovery Amount shall be subtracted from Carryover Storage.

- e. If the total amount of water injected during the current injection season is less than the Determined Recovery Amount, and the Carryover Storage from previous injection seasons is insufficient to make up the difference, then the Determined Recovery Amount cannot be met. Instead, the amount of water recovered that year will be the total amount injected during the current injection season plus the total amount of Carryover Storage, if any, from previous injection seasons.
- f. Following the above decisions, if the amount of water stored by injection in the Seaside Groundwater Basin exceeds 7,200 acre-feet on June 1, the amount in excess of 7,200 acre-feet shall be added to the amount available for recovery that year.
- g. The actual amount of water produced from storage for recovery each year shall be uniformly distributed over the recovery season, unless modified and agreed upon by permittees, DFG, and NMFS.
- h. The water produced by permittees from the Aquifer Storage and Recovery (ASR) wells will be used to offset production from the Carmel River that would otherwise occur during the low-flow season. In any year that ASR water is recovered and delivered to the California American Water Company (Cal-Am) distribution system, Cal-Am shall, to the maximum extent operationally feasible, reduce water diversion from its Carmel River sources. The amount of ASR water that is recovered each year shall be subtracted from Cal-Am's total annual diversion allowance from its Carmel River sources in excess of Cal-Am's recognized rights. This condition shall sunset when the Deputy Director of Water Rights concurs in writing that Cal-Am has obtained a permanent supply of water that has been substituted for water diverted in excess of Cal-Am's recognized rights pursuant to Condition No. 11 of Order WR 2009-0060.
- i. The following procedures will be implemented to facilitate cooperative compliance monitoring of the reductions in dry season (June-November) diversions from the Carmel River Aquifer that will be offset by utilizing water recovered from the ASR wells:
 - 1) Cal-Am will provide copies by e-mail of its weekly "Carmel Valley & Seaside Production Report" to one designated contact each for DFG and NMFS.
 - 2) This e-mail report will show daily values in acre-feet of the water produced from each source, vs. daily targets. These daily targets are derived from the monthly production targets developed as part of the Cal-Am/MPWMD Quarterly Water Budget process.
 - 3) If the amount of water produced differs significantly from daily targets for more than two weeks, the designated DFG or NMFS contact can choose to call for the four parties to meet and confer on ongoing Cal-Am operations during the first five business days of the succeeding month.

In any case, these production numbers are and will continue to be reviewed as part of the Cal-Am/MPWMD Quarterly Water Budget process, which includes two regularly scheduled quarterly meetings during the dry season between permittees, DFG, and NMFS. DFG's and NMFS' ability to call for a monthly meeting to review Cal-Am's patterns of production for compliance with the intended offset of Carmel River Aquifer diversions by production from the ASR wells, will be in addition to the regularly-scheduled Quarterly Water Budget Meetings.

(0080900)

5. Permit 7130B is hereby revoked.
6. The 2002 petition for change to directly divert 7,909 afa is withdrawn.

STATE WATER RESOURCES CONTROL BOARD

for James W. Kasal
Barbara Evoy, Deputy Director
Division of Water Rights

Dated: **NOV 30 2011**

Attachments

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

DIVISION OF WATER RIGHTS

AMENDED PERMIT FOR DIVERSION AND USE OF WATER

APPLICATION 27614C

PERMIT 20808C

of: Monterey Peninsula Water Management District and
California American Water
c/o Monterey Peninsula Water Management District
P.O. Box 85
Monterey, CA 93942-0085

The amended permit is being issued in accordance with the redelegations of authority (Resolution No. 2007-0057.) Therefore, an amended permit on **Application 27614C** filed on **December 16, 1982** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit

Permittees are hereby authorized to divert and use water as follows:

1. Source of water

Source:	Tributary to:
(1) Carmel River	Pacific Ocean
(5-32) Carmel River Subterranean Stream	Pacific Ocean

within the County of **Monterey**.

2. Location of points of diversion, points of injection and points of recovery.

Points of Diversion to Offstream Storage (By California Coordinate System of 1983-Zone 4)	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
(1) San Clemente Dam: North 2,053,010 feet and East 5,765,040 feet	NW¼ of SW¼	24	17S	2E	MD
(5) Canada Well: North 2,092,010 feet and East 5,715,190 feet	NE¼ of SW¼	17	16S	1E	MD
(6) San Carlos Well: North 2,091,660 feet and East 5,717,990 feet	NE¼ of SE¼	17	16S	1E	MD
(7) Cypress Well: North 2,087,610 feet and East 5,724,640 feet	SW¼ of NW¼	22	16S	1E	MD

(8) Pearce Well: North 2,087,360 feet and East 5,726,140 feet	SE¼ of NW¼	22	16S	1E	MD
(9) Schulte Well: North 2,087,410 feet and East 5,729,240 feet	SW¼ of NW¼	23	16S	1E	MD
(10) Manor #2 Well: North 2,086,460 feet and East 5,731,340 feet	NE¼ of SW¼	23	16S	1E	MD
(11) Begonia #2 Well: North 2,085,510 feet and East 5,734,740 feet	NW¼ of SW¼	24	16S	1E	MD
(12) Berwick #7 Well: North 2,084,460 feet and East 5,735,290 feet	SW¼ of SW¼	24	16S	1E	MD
(13) Berwick #8 Well: North 2,084,510 feet and East 5,736,090 feet	SE¼ of SW¼	24	16S	1E	MD
(15) Scarlett #8 Well: North 2,084,510 feet and East 5,740,590 feet	SW¼ of SW¼	19	16S	2E	MD
(17) Los Laureles #5 Well: North 2,080,310 feet and East 5,748,590 feet	NW¼ of SE¼	29	16S	2E	MD
(18) Los Laureles #6 Well: North 2,079,510 feet and East 5,749,440 feet	SE¼ of SE¼	29	16S	2E	MD
(19) West Garzas #4 Well: North 2,075,260 feet and East 5,752,190 feet	NE¼ of SW¼	33	16S	2E	MD
(20) Garzas Creek #3: North 2,073,610 feet and East 5,753,040 feet	SW¼ of SE¼	33	16S	2E	MD
(21) Panetta #2 Well: North 2,072,110 feet and East 5,754,740 feet	NW¼ of NW¼	3	17S	2E	MD
(22) Panetta #1 Well: North 2,071,960 feet and East 5,754,640 feet	NW¼ of NW¼	3	17S	2E	MD
(17) Robles #3 Well: North 2,067,110 feet and East 5,759,490 feet	NE¼ of NE¼	10	17S	2E	MD
(24) Russell #4 Well: North 2,061,810 feet and East 5,764,040 feet	SW¼ of SE¼	14	17S	2E	MD
(25) Russell #2 Well: North 2,061,410 feet and East 5,764,040 feet	SE¼ of SE¼	14	17S	2E	MD
(26) A Well: North 2,091,070 feet and East 5,706,020 feet	SE ¼ of SE ¼	13	16S	1W	MD

(27) B Well: North 2,091,970 feet and East 5,709,420 feet	NE ¼ of SW ¼	18	16S	1E	MD
(28) C Well: North 2,087,220 feet and East 5,724,470 feet	SW ¼ of NW ¼	22	16S	1E	MD
(29) D Well: North 2,087,370 feet and East 5,7729,270 feet	SW ¼ of NW ¼	23	16S	1E	MD
(30) E Well: North 2,084,920 feet and East 5,737,320 feet	SW ¼ of SE ¼	24	16S	1E	MD
(31) F Well: North 2,072,120 feet and East 5,754,670 feet	NW ¼ of NW ¼	3	17S	2E	MD
(32) G Well: North 2,070,270 feet and East 5,755,270 feet	SW ¼ of NW ¼	3	17S	2E	MD

Points of Injection and Recovery (By California Coordinate System of 1983-Zone 4)	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
Seaside Middle School #1 Injection & Recovery Well North 2,122,180 feet and East 5,735,150 feet	SE¼ of SE¼	13	15S	1E	MD
Seaside Middle School #2 Injection & Recovery Well North 2,122,530 feet and East 5,735,250 feet	SE¼ of SE¼	13	15S	1E	MD
ASR-1 Injection & Recovery Well North 2,120,840 feet and East 5,734,970 feet	NE¼ of NE¼	23	15S	1E	MD
ASR-2 Injection & Recovery Well North 2,121,080 feet and East 5,735,250 feet	SE¼ of SE¼	14	15S	1E	MC

3. Purpose of use	4. Place of use	Section (Projected)	Township	Range	Base and Meridian	Acres
Municipal	Within the boundaries of Monterey Peninsula Water Management District					110,000

The points of diversion and place of use are shown on maps dated June 2008 and filed with the State Water Board.

The following acronyms are used in this permit:

Monterey Peninsula Water Management District – MPWMD or Permittee
National Marine Fisheries Service – NMFS
California Department of Fish and Game – DFG
California American Water – Cal-Am

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **two thousand nine hundred (2,900) acre-feet per annum** to be collected to underground storage in Seaside Groundwater Basin at a maximum instantaneous rate of **eight (8.0) cubic feet per second** from December 1 of each year to May 31 of the succeeding year.
(000005H)
6. Permittees' rights under this permit are junior to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian, overlying, and pre- and post-1914 appropriative claims of right which have a priority which is superior to the priority of Application 27614C.
(050T001)
7. Complete application of the water to the authorized use shall be made by December 1, 2020.
(0000009)
8. This permit shall not be construed as conferring upon the permittees right of access to the points of diversion.
(0000022)
9. Cal-Am shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.
(0000029A)
10. 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, permittees shall, at their 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 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)
11. Permittees shall (1) install devices to measure the instantaneous rate and cumulative quantity of water diverted from the Carmel River and placed into underground storage and (2) install devices to measure the cumulative quantity of Carmel River water recovered from underground storage and placed to beneficial use. All measuring devices and the method of determining the quantity of water recovered from underground storage shall be approved by the State Water Board. All measuring devices shall be properly maintained.
(0060900) (0080900)

12. Permittees shall calibrate and maintain, a continuous flow measurement device, satisfactory to the State Water Board, at Carmel River at Highway 1 Bridge (River Mile 1.1)

If any measuring device is rendered inoperative for any reason, all diversions under this permit shall cease until such time as the device is restored to service.

These requirements shall remain in force as long as water is diverted by permittees (or successors-in-interest) under any permit or license issued pursuant to Application 27614C.

(0060062BP) (0000204)

13. Within six months of the issuance of this permit, the permittees 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 gages and monitoring devices that will be installed or have been installed to measure stream flow and diversion to underground storage.
 - b. A time schedule for installation of these facilities.
 - c. A description of the frequency of data collection and the methods for recording diversions, bypass flows and storage levels.
 - d. An operation and maintenance plan that will be used to maintain gages and monitoring devices in good condition.

The permittees shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the permittees 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 permittees promptly to the Deputy Director for Water Rights.

(0000070)

14. The priority of this permit shall be junior to any permit issued on the applications set forth in Table 13 of Decision 1632 or for the persons named in Table 13 of Decision 1632 for an amount of water not to exceed the quantity set forth in the column titled "*Quantity Reserved by SWRCB for Future Appropriations,*" or as modified in accordance with the procedures set forth in Decision 1632, Permit Condition 10.

(0500800)

15. Permittees shall implement the Riparian Corridor Management Program outlined in the MPWMD's November 1990 Water Allocation Mitigation Program until Application 27614C is licensed. Survey data and analysis of results shall be submitted annually to DFG for review and comment.

(0490500)

16. For the protection of fisheries, wildlife, and other instream uses in the Carmel River, diversions under this permit shall be subject to maintenance of minimum mean daily instream flows as specified in Table A, Minimum Mean Daily Instream Flow Requirements. No water shall be diverted under this permit if the instream flows would be reduced by such diversion below the minimum mean daily flows specified in Table A. To ensure compliance with these conditions, by September 30 of each year, Permittees shall file a report with the Deputy Director for Water Rights, DFG and NMFS containing the following information:

- a. Dates during the previous period of December 1 to May 31 of the succeeding year when water was diverted under this permit; and
- b. Mean daily flows recorded at the Carmel River at Highway 1 Bridge gage.

TABLE A	
MINIMUM MEAN DAILY INSTREAM FLOW REQUIREMENTS	
December 1-April 15	April 16-May 31
<p>Prior to Carmel River lagoon opening to the ocean ¹: May divert with minimum bypass of 40 cfs at the Carmel River at Highway 1 Bridge gage.</p> <p>Following Carmel River lagoon opening to the ocean: May divert with minimum bypass of 120 cfs at the Carmel River at Highway 1 Bridge gage.</p>	<p>May divert with minimum bypass of 80 cfs at the Carmel River at Highway 1 Bridge gage.</p>

¹ On December 1, if water in the lagoon is flowing to the ocean, the lagoon shall be deemed to be open to the ocean. If on December 1 water in the lagoon is not flowing to the ocean, the lagoon shall be deemed to be open to the ocean when the lagoon level drops rapidly from a stable elevation to a lower elevation as evidenced by the water surface elevation gage located at the Carmel Area Wastewater District effluent pipeline across the south arm of the lagoon. This elevation gage is operated by Monterey Peninsula Water Management District.

(0400500)

17. Until the project authorized by this permit becomes fully operational, permittees shall continue to negotiate with DFG to maintain, insofar as possible, a minimum 5 cubic feet per second bypass flow below San Clemente Dam as measured at the Sleepy Hollow weir.

(0400500)

18. To prevent stranding of spring and fall steelhead juveniles and smolts during critically dry conditions, permittees shall continue to implement Fisheries Mitigation Measure 3 as outlined in the MPWMD's November 1990 Water Allocation Mitigation Program ("Rescue juveniles downstream of Robles del Rio in summer").

(0400500)

19. Permittees shall, in consultation with DFG, conduct studies to determine the effectiveness of fish rescue operations specified in the MPWMD's November 1990 Water Allocation Mitigation Program. The results shall be submitted to the Deputy Director for Water Rights, for review and approval.

(0400500)

20. Permittees shall implement the Lagoon Mitigation Program outlined in the MPWMD's November 1990 Water Allocation Mitigation Program. Annual reports shall be submitted to the Department of Parks and Recreation, DFG, and the Deputy Director for Water Rights for review.

(0400500)

21. Permittees shall maintain in good working order all riparian irrigation systems owned or operated by permittees under the MPWMD's November 1990 Water Allocation Mitigation Program for use as needed during dry and critically dry water years.

(0400500)

22. Recovery of Stored Water: Not later than June 1 of each year, the amount of water to be recovered from groundwater storage during that year's June 1 through November 30 period shall be determined by permittees, in consultation with DFG and NMFS, using the following procedures.
- a. The maximum amount for recovery each year (pumping of water previously diverted from the Carmel River and injected in the Seaside Groundwater Basin) was determined to be 1,500 acre-feet, using the logic developed for the computer simulation made by MPWMD's Carmel Valley Simulation (CVSIM) model. In any year, an alternative recovery amount may be agreed upon by permittees, DFG, and NMFS. The selected recovery amount shall be deemed the "Determined Recovery Amount."
 - b. To the maximum extent operationally feasible, during each recovery season, permittees shall use their best efforts to recover the Determined Recovery Amount.
 - c. Each year at the end of the injection season, the amount of water injected into the Seaside Basin during the current injection season shall be calculated. If this amount equals or exceeds the Determined Recovery Amount, then the Determined Recovery Amount shall be recovered. Any water injected during the current injection season that is in excess of the Determined Recovery Amount shall be added to "Carryover Storage."
 - d. If the total amount of water injected during the current injection season is less than the Determined Recovery Amount, and the Carryover Storage from previous injection seasons is sufficient to make up the difference, then the Determined Recovery Amount shall be recovered. In this case, water from Carryover Storage shall be produced to supplement water injected during the current injection season to meet the Determined Recovery Amount. Any water that is produced from Carryover Storage to meet the Determined Recovery Amount shall be subtracted from Carryover Storage.
 - e. If the total amount of water injected during the current injection season is less than the Determined Recovery Amount, and the Carryover Storage from previous injection seasons is insufficient to make up the difference, then the Determined Recovery Amount cannot be met. Instead, the amount of water recovered that year will be the total amount injected during the current injection season plus the total amount of Carryover Storage, if any, from previous injection seasons.
 - f. Following the above decisions, if the amount of water stored by injection in the Seaside Groundwater Basin exceeds 7,200 acre-feet on June 1, the amount in excess of 7,200 acre-feet shall be added to the amount available for recovery that year.
 - g. The actual amount of water produced from storage for recovery each year shall be uniformly distributed over the recovery season, unless modified and agreed upon by permittees, DFG, and NMFS.
 - h. The water produced by permittees from the Aquifer Storage and Recovery (ASR) wells will be used to offset production from the Carmel River that would otherwise occur during the low-flow season. In any year that ASR water is recovered and delivered to the California American Water Company (Cal-Am) distribution system, Cal-Am shall, to the maximum extent operationally feasible, reduce water diversion from its Carmel River sources. The amount of ASR water that is recovered each year shall be subtracted from Cal-Am's total annual diversion allowance from its Carmel River sources in excess of Cal-Am's recognized rights. This condition shall sunset when the Deputy Director of Water Rights concurs in writing that Cal-Am has obtained a permanent supply of water that has been substituted for water diverted in excess of Cal-Am's recognized rights pursuant to Condition No. 11 of Order WR 2009-0060.

- i. The following procedures will be implemented to facilitate cooperative compliance monitoring of the reductions in dry season (June-November) diversions from the Carmel River Aquifer that will be offset by utilizing water recovered from the ASR wells:
- 1) Cal-Am will provide copies by e-mail of its weekly "Carmel Valley & Seaside Production Report" to one designated contact each for DFG and NMFS.
 - 2) This e-mail report will show daily values in acre-feet of the water produced from each source, vs. daily targets. These daily targets are derived from the monthly production targets developed as part of the Cal-Am/MPWMD Quarterly Water Budget process.
 - 3) If the amount of water produced differs significantly from daily targets for more than two weeks, the designated DFG or NMFS contact can choose to call for the four parties to meet and confer on ongoing Cal-Am operations during the first five business days of the succeeding month.

In any case, these production numbers are and will continue to be reviewed as part of the Cal-Am/MPWMD Quarterly Water Budget process, which includes two regularly scheduled quarterly meetings during the dry season between permittees, DFG, and NMFS. DFG's and NMFS' ability to call for a monthly meeting to review Cal-Am's patterns of production for compliance with the intended offset of Carmel River Aquifer diversions by production from the ASR wells, will be in addition to the regularly-scheduled Quarterly Water Budget Meetings.

(0080900)

ALL PERMITS ISSUED BY THE STATE WATER 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 permittees when requested by the State Water Board until a license is issued. (0000010)
- C. Permittees 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 permittees without unreasonable draft on the source. Permittees 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 permittees 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 permittees 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 permittees shall obtain authorization for an incidental take prior to construction or operation of the project. Permittees shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittees 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 permittees is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittees. If a stream or lake agreement is not necessary for this permitted project, the permittees shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

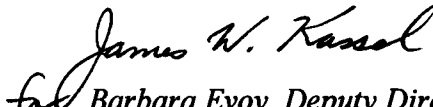
This permit is issued and permittees take it subject to the following provisions of the Water Code:

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


Barbara Evoy, Deputy Director
Division of Water Rights

Dated: NOV 30 2011