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STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED **PERMIT** 11043

Application 13225 of Monterey County Flood Control and Water Conservation District

P. O. Box 930, Salinas, California 93901

filed on July 11, 1949, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: Salinas River — Tributary to: Pacific Ocean

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Eastside Canal Intake : South 10° East, 3,600 feet from NW corner of Projected Section 36	NW¼ of SW¼	36	17S	6E	MD
Castroville Canal Intake : South 63° West, 1,600 feet from NE corner of Projected Section 23	NW¼ of NE¼	23	15S	3E	MD

County of Monterey

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Municipal	Within portions of Zone 2 of the Monterey County Flood Control and Water Conservation District.					
Irrigation	86,500 net acres within a gross of 107,000 acres within portions of Zone 2 of the Monterey County Flood Control and Water Conservation District as shown on maps on file with the State Water Resources Control Board.					

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

WRCB 14 (11-78)

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 400 cubic feet per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 168,538 acre-feet per year. 0000005

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. 0000006

7. Construction of both the Castroville and Eastside Canal projects shall commence by January 1, 1987. 0000007

8. Construction work on Castroville and Eastside projects shall be completed by December 1, 1988. 0000008

9. Complete application of the water to the authorized use shall be made by December 1, 2008. 0000009

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. 0000010

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. 0000011

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. 0000012

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. 0000013

14. Based upon permittee's Arroyo Seco Project implementation schedule, permittee shall:
    (a) Form assessment district by January 1, 1984
    (b) File final P. L. 984 loan applications by June 30, 1984 0320300

15. This permit shall stand revoked and of no further effect if permittee fails to meet any of the dates specified unless:
    (a) Permittee petitions the Board for an extension of time prior to the date in question, and
    (b) The Board finds good cause for a time extension 0010300

16. The Board specifically reserves jurisdiction to impose further terms and conditions on this permit requiring permittee to use reclaimed wastewater to satisfy all or some of its water needs should the public interest so require. 0006600

17. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. 0000025

18. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. 0000029

19. Any right which may be consummated under this application and permit is subject to the prior right for municipal use only which the City of Paso Robles may consummate under Application 17123. 0000112

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

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

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 8 1983

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights

P11043

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11043 and 11044, Issued on Applications 13225 and 13226, MONTEREY COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, Permittee	ORDER: WR 82-13 SOURCE: Salinas River COUNTY: Monterey

ORDER GRANTING EXTENSION OF TIME

BY VICE CHAIRMAN MITCHELL:

A hearing having been held pursuant to Section 1410 of the Water Code before the State Water Resources Control Board on August 11, 1982, for the purpose of allowing Monterey County Flood Control and Water Conservation District to show cause why Permits 11043 and 11044 should not be revoked; permittee having appeared at the hearing; the Department of Fish and Game having appeared as an interested party; evidence having been presented and received and having been duly considered, the Board finds as follows:

1. On November 20, 1957, Permits 11043 and 11044 were issued to Monterey County Flood Control and Water Conservation District pursuant to Applications 13225 and 13226. The permits currently authorize appropriation of 400 cubic feet per second (cfs)* from January 1 to December 31 at two points of diversion on the Salinas River in Monterey County for municipal, irrigation and domestic use.

2. The time authorized in said permits for application of water to beneficial use expired on December 1, 1979, after four extensions of time. A petition for an additional extension was filed on August 17, 1981.

*Total amount to be diverted under either or both permits.

3. The project originally envisioned by the permittee has changed significantly since issuance of the permits.

4. Board Order WR 76-12 provided for extension of the time to commence construction to December 1, 1979. It also provides that:

> "2. Construction shall not commence until further order of the Board upon a hearing and a showing by the permittee that the use of all practicable alternative water supplies, including the use of reclaimed wastewater, have been adequately considered and that permittee has made all reasonable effort to coordinate its water supply decisions with local water pollution control agencies...."

The order is silent regarding timing of the hearing, the studies to be conducted and who was to institute the hearing process.

5. Permittee has been diligent in pursuit of the conditions of Order WR 76-12 in that:

(a) Permittee has investigated reasonable alternative supplies of water including well fields, other dams, the State Water Project, the Corps of Engineers' groundwater studies, and the Arroyo Seco Dam project;

(b) Permittee is cooperating in the investigation of the use of reclaimed wastewater as a source of supply for the Castroville Irrigation Project through membership on a task force coordinating the Monterey Wastewater Reclamation Study. This study will not be completed until 1985. The extended time for completion of this study is beyond the control of permittee.

6. Permittee has adopted a plan for the Arroyo Seco Dam project which includes the Castroville and Eastside Irrigation Projects as integral parts of the main project.

7. It is in the public interest to grant an extension of time in this case because the canal projects will be a useful part of an overall Monterey County water plan and no other agency is known which can make any reasonable use of the water at this time.

8. The Arroyo Seco Dam feasibility study Final Report is relevant to the issues of this hearing and should be admitted into evidence.

9. Since a permittee is no longer required to file a separate application for municipal, domestic, and irrigation uses, it is proper to combine the two permits into one.

10. A portion of the schedule set forth by the permittee should be adopted so that future diligence or the lack thereof may be determined.

NOW THEREFORE IT IS ORDERED:

1. That Permits 11043 and 11044 shall be combined as Permit 11043.

2. The permit shall include all applicable standard permit terms including 8, 10, 11, 12 and 13.*

3. Based upon permittee's Arroyo Seco Project implementation Schedule, permitee shall:

(a) Form assessment district by January 1, 1984.

(b) File final P. L. 984 loan applications by June 30, 1984.

(c) Commence both Castroville and Eastside Canal project construction by January 1, 1987.

(d) Construction work on Castroville and Eastside projects shall be completed by December 1, 1988.

(e) Complete application of the water to the authorized use shall be made by December 1, 2008.

(4) This permit shall stand revoked and of no further effect if permittee fails to meet any of the dates in Paragraph 3 of this Order, unless:

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* The Board maintains a list of standard permit terms. Copies of these may be obtained upon request.

(a) Permittee petitions the Board for an extension of time prior to the date in question, and

(b) The Board finds good cause for a time extension.

4. The Arroyo Seco Feasibility Study Final Report is admitted into evidence in the hearing in this matter.

6. In addition, the Board specifically reserves jurisdiction to impose further terms and conditions on Permit No. 11043 (which combines Permits Nos. 11043 and 11044) requiring permittee to use reclaimed wastewater to satisfy all or some of its water needs should the public interest so require.

7. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

8. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be

submitted to the Board within six months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this Order or such further time as may, for good cause shown, be allowed by the Board.

Dated: November 18, 1982

L. L. Mitchell, Vice Chairman

Carole A. Onorato, Chairwoman

Jill D. Golis, Member

F. K. Aljibury, Member

Warren D. Noteware, Member