



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

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 28158

PERMIT 20387

LICENSE 13917

Right Holder: Cambria Community Services District
P.O. Box 65
Cambria, CA 93428-0065

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **June 8, 1984**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated October 19, 2017. This right supersedes any previously issued right on **Application 28158**. The right holder has made proof, to the satisfaction of the State Water Board, of the quantities of water put to beneficial use during the authorized development schedule.

Right holder is hereby granted a right to divert and use water as follows. No water shall be diverted or used under this water right unless right holder is in compliance with the terms and conditions herein:

1. Source of water: **Santa Rosa Creek Underflow**
tributary to: **Pacific Ocean**
within the County of **San Luis Obispo**

2. Location of points of diversion

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
Well SR1 (1) North 2,405,136 feet and East 5,644,286 feet	SW¼ of NW¼	26*			
Well SR3 (2) North 2,405,741 feet and East 5,645,624 feet	NW¼ of NW¼	26*	27S	8E	MD
Well SR4 (3) North 2,407,057 feet and East 5,648,418 feet	SE¼ of SE¼	23*			

3. Purpose of use	4. Place of use		
	Townships	Range	Base and Meridian
Municipal	27S & 28S	8E	MD
	Within the Cambria Community Services District as shown on map.		

The place of use is shown on map filed on February 4, 1976 with the State Water Board.

- The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **0.59 cubic foot per second** by direct diversion to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this right shall not exceed **218 acre-feet per year**. The maximum amount diverted under this right shall not exceed **155.3 acre-feet** from May 1 through October 31 of each year nor shall it exceed 218 acre-feet per calendar year.

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- The equivalent of such continuous flow allowance for any 30-day period may be diverted in a shorter time provided there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

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- No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan.

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- During the season specified in this license, the total amount and rate of water diverted and used under this license and the licensee's claimed existing right for the place of use specified in this license shall not exceed the amount and rate of diversion and use, respectively, specified in this license. If the licensee's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the amount and rate of diversion and use allowed under this license shall be the net of the face value of this license less the amounts of water available under the claimed existing right.

Licensee shall forfeit all rights under this license if the licensee transfers all or any part of the claimed existing right for the place of use covered by this license to another place of use without the prior approval of the State Water Board.

Licensee shall take and use water under the existing right claimed by the licensee only in accordance with law.

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9. For the protection of water quality from increased salinity due to sea water intrusion in the lower subbasin of Santa Rosa Creek and for the protection of instream resources, licensee shall:
- (a) Maintain monitoring wells WBE and WBW in the vicinity of well 21R3. If the well(s) need to be replaced, the location of the new well(s) shall be approved by the Deputy Director of the Division of Water Rights.
 - (b) Follow water sampling protocol, as approved by the Deputy Director of the Division of Water Rights and have the water samples analyzed for electrical conductivity and chloride content in a laboratory certified by the State of California.
 - (c) Measure the water level in monitoring wells WBE and WBW, or the equivalent, and cease diversions under this water right if the water level in the monitoring wells falls below 3.00 feet above mean sea level. The Deputy Director of the Division of Water Rights is authorized to adjust the water elevation requirement on the monitoring wells, if appropriate, based upon review of the hydrological analysis to be submitted by the licensee. Any such hydrologic analysis shall consider the depth of the bedrock in the monitoring well and shall determine the fresh water elevation needed to prevent seawater intrusion. Any action by the Deputy Director of the Division of Water Rights to lower the monitoring well water elevation requirements must be accompanied by a finding that the licensee as consulted with the California Department of Fish and Wildlife regarding the tidewater goby (*Eucyclogobius newberryi*) and that lowering the monitoring well water elevation requirement would be in compliance with applicable provisions of state and federal law.

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10. To prevent any significant ground deformation in the lower subbasin of Sant Rosa Creek from occurring due to diversions of water under this water right, licensee shall:
- (a) Adhere to the Ground Deformation Monitoring Plan approved by the Deputy Director of the Division of Water Rights on February 11, 1991.
 - (b) Monitor for vertical ground deformation on a weekly basis when the static water level in well SR1 or SR3 falls below 15 feet below mean sea level.
 - (c) Cease diversion under this water right when the vertical ground deformation exceeds the limit established in the approved ground deformation monitoring program.
 - (d) Prior to making any changes in the approved ground deformation program, licensee must get prior approval by the Deputy Director of the Division of Water Rights.

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11. This water right is specifically subject to the diversion of water from the lower subbasin wells of Lloyd and Faye Junge, Joyce Bretz and Tony Williams, Bruce Black, and Rancho Pacifica and their successors in interest under valid claim of riparian right.

At such time as licensee is diverting water authorized under this water right and the water level in the Junge, Bretz, Williams, Black, or Rancho Pacifica wells reaches a depth which renders the well unusable, licensee shall:

- (a) Deliver water from its point of diversion to the riparian place of use served by the well, or;

- (b) Take other action to provide an alternate supply of water as is mutually agreeable to the licensee and Junge, Bretz and Williams, Black, and Rancho Pacifica or their successors in interest.

Any water supplied for satisfaction of riparian rights shall not be considered as water appropriated under this water right.

In the event that licensee opts to deliver water to the riparian place of use of any of the above wells, the riparian diverter shall be liable for the estimated costs which the riparian would have incurred to pump water from the affected well. In the absence of an agreement between the parties relative to pumping costs, the costs shall be based on the average amount per acre-foot for pumping water from the affected well during the month in question over the prior three years. Licensee shall pay the cost of installing and maintaining any water conveyance facilities needed to deliver water to the riparian point of diversion or place of use.

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12. For the maintenance of riparian vegetation, fish and aquatic resources, licensee shall use the Santa Rosa Gaging Station operated by San Luis Obispo Flood Control (County Station 716) near the intersection of Santa Rosa Creek and Main Street to monitor stream flow in Santa Rosa Creek. Licensee shall limit diversion to:
- (a) A maximum of 2.0 acre-feet per day from November 1 through April 30 when the average daily flow at County Station 716 is between 3.5 and 11.0 cubic feet per second;
 - (b) A maximum of 1.4 acre-feet per day from November 1 through April 30 when the average daily flow at County Station 716 is less than 3.5 cubic feet per second.

If County Station 716 ceases operation or licensee can no longer obtain adequate data to determine average daily stream flow at this location, licensee is limited to a maximum daily diversion of 1.4 acre-feet per day between November 1 and April 30 under this water right.

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13. Right holder shall comply with the measuring and monitoring requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is a conflict or inconsistency between the requirements. Right holder shall comply with the measuring and monitoring requirements of chapter 2.8, title 23, California Code of Regulations.

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14. No water shall be diverted or used under this right for commercial and applicable personal medical use cannabis cultivation unless the water right holder is in compliance with all applicable conditions, including the numeric and narrative instream flow requirements, of the current version of the State Water Board's Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation, which is available online at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy.pdf

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THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.)

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B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) Civil liability may be imposed administratively by the State Water Board pursuant to Wat. Code, § 1055, or may be imposed by the superior court. The Attorney General, upon the request of the board, shall petition the superior court to impose, assess, and recover those sums. (Wat. Code, § 1846.)

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C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board.

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D. Right holder shall measure the amount of water beneficially used under this right using devices and/or methods satisfactory to the Deputy Director for Water Rights.

In order to demonstrate compliance with the beneficial use monitoring requirements of this right, right holder shall provide evidence that the devices and/or methods are functioning properly, in a manner satisfactory to the Deputy Director of Water Rights, within thirty days of first use of the device and/or method, with the reports required by chapter 2.7, title 23, California Code of Regulations, and whenever requested by the Division of Water Rights.

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E. Right holder shall comply with the reporting requirements as specified in the terms of this right or any reporting requirements by statute, order, policy, regulation, decision, judgment or probationary designation. The more stringent requirement shall control in each instance where there is conflict or inconsistency between the requirements.

Right holder shall comply with the reporting requirements of chapter 2.7, title 23, California Code of Regulations.

Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and beneficial use under this right.

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F. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right.

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G. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:

1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;
2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.

(0000011)

- H. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.

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- I. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.

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- J. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.

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No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.

If construction or rehabilitation work is required for the diversion works covered by this right, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.

Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.

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- K. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

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- L. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, 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 right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder 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 right 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 right holder 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.

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- M. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder 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.

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- N. This right does not authorize any act which results in the taking of a candidate, 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 & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

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This right is issued, and right holder takes it subject to the following provisions of the Water Code:

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).

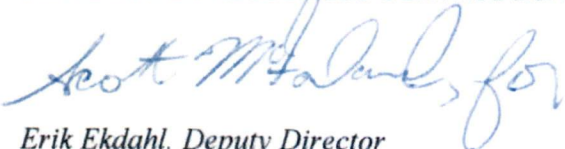
Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1629. Every licensee, if he accepts a license, 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 license 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 licensee 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 licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD



*Erik Ekdahl, Deputy Director
Division of Water Rights*

Dated: **MAR 14 2019**