

# **Exhibit A**

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

**DIVISION OF WATER RIGHTS**

**AMENDED PERMIT FOR DIVERSION AND USE OF WATER**

**PERMIT 20952**

Application 29408 of

City of Thousand Oaks  
2100 Thousand Oaks Boulevard  
Thousand Oaks, CA 91362-2903

The Deputy Director for Water Rights finds that: (a) due diligence has been exercised; (b) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; (c) satisfactory progress will be made if an extension is granted; and (d) the requirements of the California Environmental Quality Act (CEQA) have been met or the project is exempt from CEQA. The amended permit is being issued in accordance with the redelegations of authority (Resolution No. 2007-0057.)

Additionally, the State Water Board has complied with its 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.)

Therefore, an amended permit on **Application 29408** filed on **February 2, 1989**, has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit.

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

1. Source of water

Source: <u>(1) Conejo Creek</u> <u>(2) North Fork Arroyo Conejo</u>	Tributary to: <u>Calleguas Creek thence</u> <u>Mugu Lagoon</u> <u>Conejo Creek</u>
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within the County of **Ventura**.

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
(1) North 1,899,728 feet and East 6,260,791 feet	SE ¼ of SE ¼	32	2N	20W	SB
(2) North 1,900,529 feet and East 6,281,991 feet	NE ¼ of SE ¼	36*			

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
<b>Fish and Wildlife Preservation and Enhancement</b>	<b>Confluence Wetland in SE ¼</b>	<b>36*</b>	<b>2N</b>	<b>20W</b>	<b>SB</b>	<b>6.7</b>
<b>Irrigation</b>	<b>Within the Camrosa Water District service area boundary within Township 1N, Range 20W; and Township 2N, Ranges 18W, 19W, and 20W; all within SBB&amp;M as shown on map.</b>					<b>4,500</b>
	<b>Within the Pleasant Valley County Water District service area boundary within Townships 1N and 2N, Range 21W, SBB&amp;M as shown on map.</b>					<b>10,500</b>
	<b>Total</b>					<b>15,000</b>

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

5. The water appropriated shall be limited to the quantity that can be beneficially used for irrigation and fish and wildlife preservation and enhancement within the Confluence Wetland, and shall not exceed **21.7 cubic feet per second**, up to a maximum of **15,683 acre-feet per annum**. Permittee may take water by direct diversion on a year-round basis. Permittee's maximum rate of diversion at any time shall not exceed the sum of the following:
  - a. The real-time rate of discharge from the Hill Canyon Waste Water Treatment Plant (adjusted to account for flow time between the point of discharge and the point of diversion), less 2 cubic feet per second to account for channel losses, less an additional 2 cubic feet per second to account for the dedication of treated waste water for maintenance and protection of fish and wildlife under Waste Water Change Petition WW-6; and,
  - b. An additional 4 cubic feet per second, by direct diversion from January 1 through December 31 of each year at all times that the minimum bypass flow at the point of diversion is 6 cubic feet per second or more (including the 2 cubic feet per second dedicated to fish and wildlife).  
(000005A)
  
6. Complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2025.  
(0000009)
  
7. Permittee shall provide water for delivery to the Camrosa Water District for subsequent use upon the parcels identified in water service agreements between Camrosa Water District and the Lambs, Goldbergs, and Fitzgeralds which are within the authorized place of use.  
(0000024)
  
8. 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)

9. For the protection of fish, wildlife, southwestern pond turtles, and riparian habitat and vegetation, the Permittee shall bypass the following amounts of water at the point of diversion on Conejo Creek:  
(a) 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife pursuant to Waste Water Change Petition WW-6, shall be bypassed at all times; (b) an additional 0.82 cubic feet per second shall be bypassed when the holder of License 12598 (Application 25247) is diverting water from Conejo Creek; and (c) a minimum flow of 6.0 cubic feet per second (including 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife) shall be bypassed at all times that Permittee diverts any water which is not attributable to the portion of treated waste water discharged from the Hill Canyon Waste Water Treatment Plant which is available for diversion after accounting for 2.0 cubic feet per second for channel losses and the 2.0 cubic feet per second dedicated to fish and wildlife.  
(0000060)
10. No water shall be diverted under this permit until Permittee has installed devices, satisfactory to the State Water Board, capable of measuring the bypass flows required by conditions of this permit. Said measuring devices shall be properly maintained.  
(0000062)
11. The Permittee shall comply with all provisions of the Southwestern Pond Turtle Mitigation Program dated October 8, 2001, filed with the State Water Board. The Permittee shall submit the results of the Monitoring and Reporting for the Southwestern Pond Turtle Mitigation Program to the Division of Water Rights with the Progress Report by Permittee and to the Department of Fish and Game.  
(0400500)
12. Permittee shall consult with the Division of Water Rights, develop, and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Board for approval within one year from the date of original permit issuance or such further time as, for good cause shown, may be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period. In evaluating the water conservation plan developed by Permittee, the Board will consider the extent to which water use throughout Permittee's place of use conforms to the 80 percent irrigation efficiency standard applicable to lands within the Fox Canyon Groundwater Management Area and the extent to which the City and District's receiving water under this permit are complying with widely accepted standards for efficient water management practices. All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.  
(0490500)
13. Permittee shall install and maintain devices satisfactory to the State Water Board to measure the instantaneous rate of diversion and cumulative quantity of water diverted under this permit. A record of such measurements shall be maintained by the Permittee for ten years from the date of collection, and made available to the Deputy Director for Water Rights upon request.  
(0000000R)
14. This permit is specifically subject to the prior right of Cal-Cel Marketing, Inc. under appropriation issued pursuant to Application 25247.  
(0000000T)
15. Permittee shall keep metered records of all water diverted under this permit and shall submit separate records documenting the quantity of: (1) treated wastewater and (2) other flows diverted under this right.  
(0090900)
16. Permittee shall submit, with the Progress Report by Permittee, the following information: (a) a listing of the dates of diversion; (b) quantity of water diverted; and, (c) daily streamgauge or other records documenting compliance with the bypass flow requirements of this permit.  
(0090900)

17. The quantity of water diverted under this permit shall be measured at the points of diversion from Conejo Creek and North Fork Arroyo Conejo. (0060900)
18. The point of discharge of treated waste water is the Hill Canyon Waste Water Treatment Plant by California Coordinate System, Zone 5, North 1,901,269 feet and East 6,282,991 feet located within the SE ¼ of the NE ¼ of projected Section 36, T2N, R20W, SBB&M. (0000999)
19. The "flow control and monitoring station" proposed in Application 29408 is not considered a part of the project authorized by this permit. (0000999)

**THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of 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 permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

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

(0000013)

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

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable 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 Department of Fish and Game and the permittee is filed with the Division. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division a copy of a waiver signed by the Department of Fish and Game.

(0000063)

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

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

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

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

STATE WATER RESOURCES CONTROL BOARD

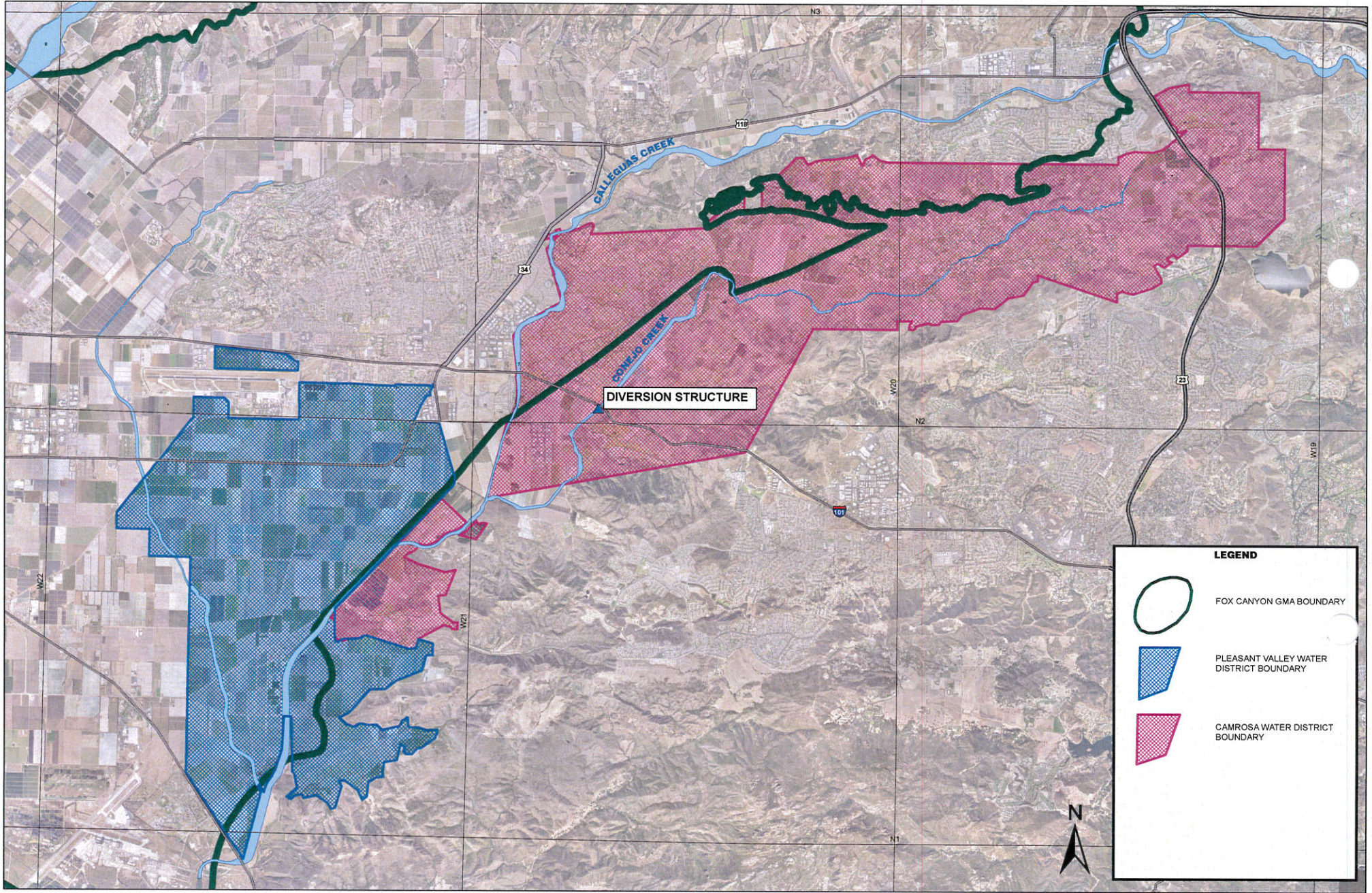
**ORIGINAL SIGNED BY:  
JAMES W. KASSEL FOR**

*Barbara Evoy, Deputy Director  
Division of Water Rights*

**Dated: May 18 2012**

# **Exhibit B**





# **Exhibit C**

# Flow of Water

