

Proposed Permit Terms – Water Right Application Nos. 31165 and 31370
May 8, 2007

STATE WATER RESOURCES
CONTROL BOARD

07 MAY -8 PM 1:37
DIV. OF WATER RIGHTS
SACRAMENTO

1. The water appropriated under Application Nos. 31165 and 31370 shall be limited to the quantity which can be beneficially used. Such water shall not exceed:
 - a. 1,250 cubic feet per second by direct diversion,
 - b. 50,000 acre-feet per annum by storage from October 1 of each year to September 30 of the succeeding year,
 - c. 200,000 acre-feet per annum to be collected to underground storage at a maximum rate of 1,250 cubic feet per second from January 1 to December 31 of each year, and
 - d. 200,000 acre-feet per water year from October 1 to September 30.

Water appropriated under Application Nos. 31165 and 31370 shall only be diverted from the points of diversion listed in Table ___ for use within the Permittees' service areas.

2. Water appropriated under Application Nos. 31165 and 31370 shall not interfere with the exercise of valid senior water rights. Specifically, Permittees shall comply with the provisions of paragraph 3 of the Seven Oaks Accord and paragraph 5 of Exhibit A to the settlement agreement between Permittees and the San Bernardino Valley Water Conservation District. Inclusion in this permit of certain terms of the referenced agreements shall not be construed as disapproval of other provisions of those agreements or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit.
3. Permittees shall not divert water released by the U.S. Army Corps of Engineers and/or the Santa Ana River Mainstem Project Local Sponsors from Seven Oaks Reservoir for environmental mitigation purposes as required in the Multi-Species Habitat Management Plan developed pursuant to the December 19, 2002 Biological Opinion for the operation of Seven Oaks Dam for flood control purposes. Nothing in this paragraph shall prevent Permittees from diverting any water released from Seven Oaks Reservoir in excess of such environmental mitigation releases.