

Category:

Special Situation

Title:

Groundwater Recharge Temporary Permit

When Used:

For underground storage temporary permits for groundwater recharge issued under Wat. Code, section 1425 et seq. The purpose of Term V is to provide a compilation of terms to be included in the applicable temporary permit. Additional terms and conditions are to be included as warranted based on the specifics of the project, including geographic location.

Background/Justification:

General Water Rights Administration (Wat. Code, section 348, subd. (b)(2), 1058, 1425 et seq.)

TERM V

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

- A. This temporary permit is subject to Water Code, division 2, part 2, chapter 6.5, section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the State Water Board. This temporary permit is considered a temporary authorization to divert and use water and it does not have a priority date or any priority over appropriative water rights. The Deputy Director for Water Rights has the discretion to determine the priority of diversions amongst this temporary permit and other active temporary permits.

(Term Code 0510850V)

- B. The State Water Board reserves jurisdiction to supervise diversion and use of water under this temporary permit, and to coordinate or modify terms and conditions, for the protection of lawful users of water, instream beneficial uses, and the public interest as future conditions may warrant. Permittee must cease diversions at the direction of the Deputy Director for Water Rights upon a finding that the diversion threatens to injure downstream senior right holders; threatens fish, wildlife, or other instream beneficial uses; or creates a threat to human health and safety.

(Term Code 0480600V)

- C. Issuance of this temporary permit shall not be construed as indicating State Water Board approval of water right permits requested under other applications.

(Term Code 0510999V)

D. This temporary permit 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 and 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 temporary permit, Temporary Permittee shall obtain any required 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 temporary permit.

(Term Code 0000014V)

E. No water shall be diverted or used under this temporary permit unless Permittee has obtained and is in compliance with all necessary permits or other approvals required by other agencies.

(Term Code 0000203V)

F. Water available for diversion under this right is subject to diversions solely for flood control purposes made by, or at the direction of, a local or state agency with authority over flood control or flood response.

(Term Code 0350800V)

G. Prior to diversion of water under this temporary permit, Permittee shall submit and receive approval of from the Deputy Director for Water Rights a plan describing the measurement and accounting of water diverted to underground storage, incidental direct diversion, and water extracted from underground storage for beneficial use. If water diverted to underground storage will be extracted by entities other than the Permittee, the plan shall set forth how the Permittee will quantify extraction and use, and determine that the extractions are from water stored by the Permittee and not based on other claims of right. The plan shall be implemented as approved by the Deputy Director.

If Permittee intends to store water diverted under this temporary permit for more than 180 days, Permittee must submit a plan to the Deputy Director for Water Rights prior to the expiration of this temporary permit detailing how Permittee will calculate the expected losses of the stored amount over time, including timelines for any field or modeling investigations that will be conducted.

(Term Code 0008999V)

H. Permittee 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 documentation of compliance with the terms and conditions of this temporary permit.

(Term Code 0000010V)

I. Permittee shall submit a report of temporary permit to the State Water Board within 60 days after the expiration of this temporary permit. The report shall describe the total quantity of water diverted under this temporary permit, and any other amounts diverted from the authorized points of diversion under other bases of right during the reporting period.

(Term Code 0100500V)

- J. No water shall be diverted under this temporary permit unless the Permittee monitors and records the rate of diversion, the quantity of water diverted to underground storage, *\$If applicable:* the quantity of incidental direct diversion\$, and the total amount of water placed to beneficial use under this temporary permit. Permittee shall use a measuring device or other method satisfactory to the Deputy Director for Water Rights. The device or method shall be capable of quantifying the hourly rate and volume of diversion and shall be properly maintained.

Permittee shall maintain a daily record of the volume of water diverted and the maximum daily rate of water diverted. If Permittee is using any of the points of diversion under other rights, the record of diversion shall be separately quantified. Permittee shall also record the total quantity of water placed to beneficial use. A copy of the records shall be submitted with the report required in term 0100500V or whenever requested by the Division of Water Rights.

The issuance of this permit does not affect the applicability of measuring and monitoring requirements of California Code of Regulations, title 23, division 3, chapters 2.7 and 2.8. If there is any conflict or inconsistency between conditions in this right for measurement, monitoring, and reporting of water use, and applicable regulations, the more stringent requirement or requirements shall control in each instance.

(Term Code 0109999V)

- K. *\$This term is included for Renewals Only\$* For the purposes of payment of fees associated with the amount of water actually diverted under this renewed temporary permit, Permittee shall submit additional fees pursuant to California Code of Regulations, title 23, section 1062, subdivision (a)(1)(E), within 30 days of the expiration of this permit. The fees shall be accompanied by a report of the amount actually diverted.

(Term Code: 9999999V)