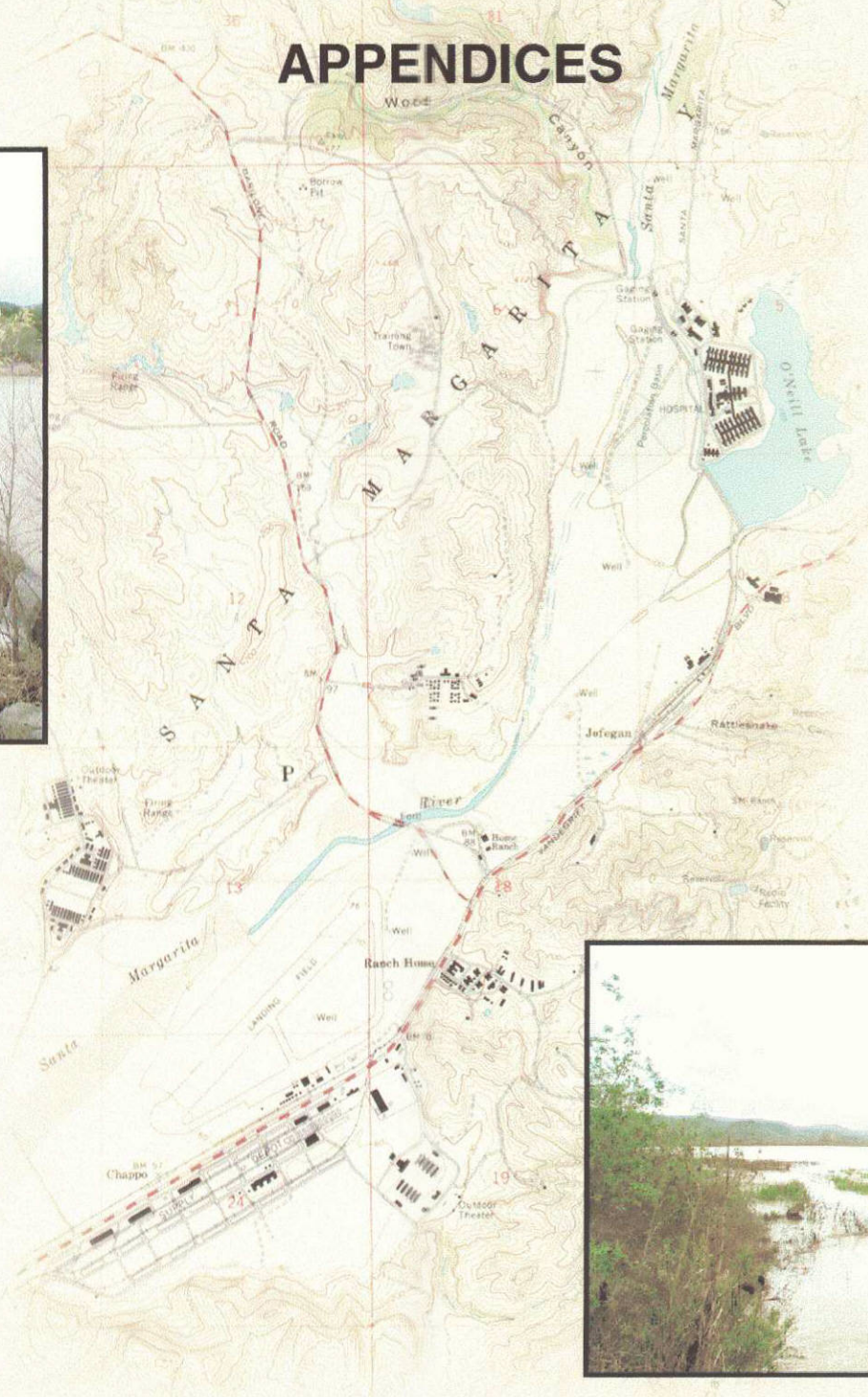
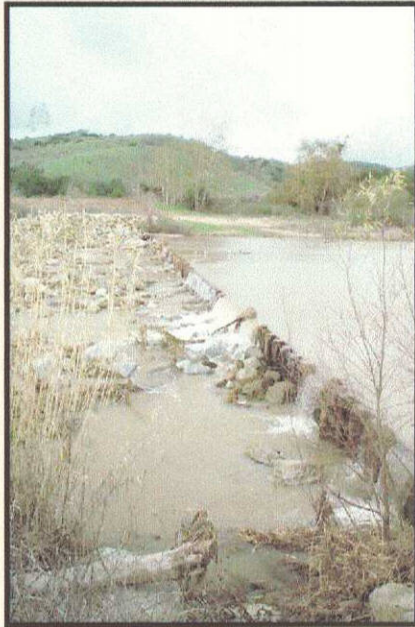


Santa Margarita River Recharge and Recovery Enhancement Program

Permit 15000 Feasibility Study for Marine Corps Base Camp Pendleton

APPENDICES



March 23, 2001



STETSON
ENGINEERS INC.

Stetson Engineers Inc.



North State Resources Inc.

APPENDIX A
LEGAL DOCUMENTS

STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS
 AMENDED

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 15000

Application 21471B of United States Bureau of Reclamation

P. O. Box 427, Boulder City, Nevada 89005

filed on September 23, 1963, 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:

Tributary to:

Santa Margarita River

Pacific Ocean

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
De Luz Dam to be located on the main channel of the Santa Margarita River a short distance below the confluence of De Luz Creek with that stream in	NW ¹ / ₄ of NW ¹ / ₄	32	9S	4W	SB

County of San Diego

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Military						
Municipal						
Domestic	within Camp Pendleton Naval Enclave					
Irrigation	within Camp Pendleton Naval Enclave					5600

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

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 165,000 acre-feet per annum to be collected from January 1 to December 31 of each year.
6. The amount authorized for appropriation may be reduced in the license if investigation warrants.
7. Construction work shall be completed by December 31, 1990.
8. Complete application of the water to the authorized use shall be made by December 31, 1996.
9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.
10. 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.
11. 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 Resources Control 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 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) to 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. The continuing authority of the 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 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.
12. 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.

19. The State Water Resources Control Board reserves jurisdiction over this permit to impose further conditions in the public interest pursuant to Water Code Sections 1243, 1243.5, 1253, and 1257, and pursuant to the Board's public trust authority to include measures necessary to mitigate significant environmental impacts of the project. All such conditions and measures shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. Action by the Board will be taken only after notice to interested parties and an opportunity for hearing.

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

Section 1300. 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 1301. 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 1302. 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: APRIL 17 1985

STATE WATER RESOURCES CONTROL BOARD

Raymond Walsh

Chief, Division of Water Rights

THIS IS YOUR COPY OF THE LICENSE.
A COPY IS BEING RECORDED WITH THE COUNTY RECORDER.

JUN 30 1975

CODE	INIT	DATE
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STATE OF CALIFORNIA,
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 21471A

PERMIT 15000

LICENSE 10494

THIS IS TO CERTIFY, That

UNITED STATES DEPARTMENT OF THE NAVY
BASE NATURAL RESOURCES SECTION, MARINE CORPS BASE,
CAMP PENDLETON, CALIFORNIA 92055

HAS made proof as of APRIL 3, 1974 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
SANTA MARGARITA RIVER IN SAN DIEGO COUNTY

tributary to **PACIFIC OCEAN**

for the purpose of **MILITARY, DOMESTIC, MUNICIPAL AND IRRIGATION USES**
under Permit **15000** of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from **SEPTEMBER 23, 1963** and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed **FOUR THOUSAND (4,000) ACRE-FEET PER ANNUM** COLLECTED TO
UNDERGROUND STORAGE VIA OFFSTREAM PERCOLATION BASINS AND NATURAL CHANNEL OF
THE SANTA MARGARITA RIVER FROM OCTOBER 1 OF EACH YEAR TO JUNE 30 OF THE
SUCCEEDING YEAR AND SUBSEQUENTLY EXTRACTED AND PLACED TO BENEFICIAL USE. THE
AMOUNT OF GROUND WATER REPLENISHMENT ALLOWED UNDER THIS RIGHT INCLUDES AN IN-
DETERMINATE AMOUNT OF NATURAL PERCOLATION.

THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

DUE SOUTH 2,050 FEET FROM NW CORNER OF SECTION 5, T10S, R4W, SBB&M, BEING
WITHIN SW1/4 OF NW1/4 OF SAID SECTION 5, THENCE VARIOUS PERCOLATION AREAS
DOWNSTREAM TO A POINT WHICH IS LOCATED NORTH 800 FEET AND EAST 100 FEET FROM
SW CORNER OF SECTION 2, T11S, R5W, SBB&M, BEING WITHIN SW1/4 OF SW1/4 OF SAID
SECTION 2.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

IRRIGATION OF 670 ACRES NET WITHIN A GROSS AREA OF 850 ACRES WITHIN SECTIONS
4, 5, 8, 9, AND 10, T11S, R5W, SBB&M AND SECTION 33, T10S, R5W, SBB&M; MILITARY,
DOMESTIC, AND MUNICIPAL USES WITHIN THE CAMP PENDLETON NAVAL ENCLAVE WITHIN T8S,
R5W, 6W, AND 7W; T9S AND 10S, R4W, 5W, 6W, AND 7W; T11S, R4W AND 5W, SBB&M, AS
SHOWN ON MAP FILED WITH STATE WATER RESOURCES CONTROL BOARD.

LICENSEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL
BOARD REASONABLE ACCESS CONSISTENT WITH NATIONAL SECURITY TO PROJECT WORKS TO
DETERMINE COMPLIANCE WITH THE TERMS OF THIS LICENSE.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with respect to maintaining a constant flow of water which is meeting the reasonable water requirements of licensees with and without the project on the same. It is necessary for the Board to implement such programs as (1) measuring and reclaiming the water allocated, (2) restricting diversions as to obtain agricultural, industrial, domestic or other uses, (3) imposing a riparian loss from water surface, (4) controlling phreatophyte growth and (5) installing, maintaining and operating a flow water measuring device to measure certain flows with the quantity limitations of this license and to determine whether water is in excess of 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 appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

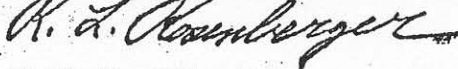
The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

- Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.
- Section 1626. All licenses shall be under the terms and conditions 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 1628. Every license 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 license is issued takes the license subject to the conditions therein expressed.
- 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 therefor 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.

Dated: JUN 27 1975

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights