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**EXHIBIT 20-J**

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permits 20831 and 20832 (Applications 30067 and 30068)

Roy Kaufman

**ORDER APPROVING CHANGES IN PLACE OF USE  
AND POINT OF DIVERSION  
AND AMENDING THE PERMITS**

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**SOURCE:** Carmel River (subterranean stream)

**COUNTY:** Monterey

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**WHEREAS:**

1. (a) Permit 20831 was issued to Roy Kaufman on March 29, 1996, pursuant to Application 30067.  
  
(b) Permit 20832 was issued to Leonard and Emily Williams Trust on March 29, 1996, pursuant to Application 30068 and subsequently assigned to Roy Kaufman on February 25, 2002.
2. Petitions to change the point of diversion and place of use were filed with the State Water Resources Control Board (SWRCB) for both permits on February 27, 2001, and the SWRCB has determined that good cause for such changes has been shown. Public notice of the changes was issued on November 30, 2001, and protest issues related to steelhead and red-legged frog have been resolved through development of permit conditions for inclusion in this order approving the petitions.
3. The SWRCB has determined that the petitions for change in point of diversion and place of use do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. There is the possibility that buried archeological deposits may be present and accidental discovery could occur. In compliance with the California Environmental Quality Act, which states that a Lead Agency is required to make a provision for historical or unique archeological resources accidentally discovered during construction or operation of projects, a condition should be included in the permit requiring notification of the Chief of the Division of Water Rights if project activities uncover any buried archeological materials.
5. The SWRCB is the Lead Agency under the California Environmental Quality Act (CEQA), Public Resources Code 21000 et seq. The Division of Water Rights, under delegated authority from the SWRCB, prepared a Negative Declaration for the Change Petitions on the date of issuance of this order.

**NOW, THEREFORE, IT IS ORDERED THAT PERMITS 20831 AND 20832 ARE AMENDED TO READ AS FOLLOWS:**

1. Condition 2 of Permits 20831 and 20832 is amended to include the following additional point of diversion: By California Coordinate System of 1927, Zone 4, North 447,067.31 feet and East 1,163,916.62 feet being within the SW ¼ of NW ¼ of section 22, Township 16S, Range 1 E, MDB&M.
2. Condition 4 of Permits 20831 and 20832 is amended to allow use within the expanded place of use shown on the petition map received by the Division on March 2, 2001. Condition 4 is further amended as follows:

Water diverted under this permit shall only be used on those lots, or portions of lots, located within the Carmel River watershed as delineated on the map marked attachment A of the petitions to change the place of use and add a point of diversion to Permits 20831 and 20832 dated February 27, 2001, and received by the Division on March 2, 2001.

3. Condition 5 of Permit 20831 is hereby superceded and replaced with the following new condition 5:
  - (a) The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a 30-day average diversion rate of 0.5 cubic feet per second (cfs) to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 118.44 acre-feet annually (afa).
  - (b) Once the Chief of the Division of Water Rights certifies that an acceptable water supply project has been constructed which produces water to offset the 10,780<sup>3</sup> afa California American Water Company (Cal-Am) deficit identified in Water Rights Order 95-10, the average rate of diversion and total amount authorized for diversion under this permit shall increase proportionally to the percentage of the 10,780 afa deficit which is eliminated by an additional water supply project. Once the additional water project has reached a production of 2,882 afa (26.7% of the 10,780 afa deficit), the average rate of diversion and the total quantity of water diverted shall increase to a final maximum of 0.63 cfs and 150 afa, respectively.

4. Condition 14 (5) of Permit 20831 is written as follows:

The permittee shall irrigate and maintain the riparian corridor on permittee's property abutting the Carmel River if the Monterey Peninsula Water Management District and Cal-Am fail to perform this obligation.

Condition 14(5) is hereby amended to include the following additional requirement:

Any water appropriated for the maintenance of riparian vegetation shall be separately metered and added to the permit's interim limit of 118.44 afa contained in conditions 5 and 17, but shall not exceed the maximum diversion amount identified in the permit.

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<sup>3</sup> Water Rights Order 95-10 identifies a deficit of 10,730 afa. By agreement of the Permittee, Department of Fish and Game and National Marine Fisheries Service, the deficit is 10,780 afa for purposes of this permit condition.

5. Condition 15 of Permit 20831 is hereby superceded and replaced by the following new condition 15:

- (a) The equivalent of the authorized continuous flow allowance for any 30-day period may be diverted in a shorter time, up to a maximum instantaneous rate of 0.8 cfs, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.
- (b) Once an additional water supply project acceptable to the Chief of the Division of Water Rights is constructed and produces water to offset the 10,780<sup>1</sup> afa Cal-Am deficit identified in Water Rights Order 95-10, the average rate of diversion and total amount authorized for diversion under this permit shall increase proportionally to the percentage of the 10,780 afa deficit which is eliminated by an additional water supply project. Once the additional water project has reached a production of 2,882 afa (26.7% of the 10,780 afa deficit), the average rate of diversion and the total quantity of water diverted shall increase to a final maximum of 0.63 cfs and 150 afa, respectively.

6. Condition 17 of Permits 20831 and 20832 is hereby superceded and replaced by the following new condition 17:

- (a) The average rate of diversion, maximum rate of diversion, and total quantity of water diverted under Permits 20831 and 20832 combined shall not exceed 0.5 cfs, 0.8 cfs and 118.44 afa, respectively.
- (b) Once an additional water supply project acceptable to the Chief of the Division of Water Rights is constructed and produces water to offset the 10,780<sup>1</sup> afa Cal-Am deficit identified in Water Rights Order 95-10, the maximum instantaneous rate of diversion shall be increased in proportion to the percentage of the 10,780 afa deficit that is eliminated by the additional water supply project. Once the additional water project has reached a production of 2,882 afa, the authorized instantaneous rate of diversion shall increase to a final maximum of 1.0 cfs.

7. Permits 20831 and 20832 are amended to include the following archeological condition:

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.

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8. All other conditions of Permits 20831 and 20832 are still applicable.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Edward C. Anton*  
*Division Chief*

Dated: **MAY - 2 2003**  
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