

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

**DIVISION OF WATER RIGHTS**

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In the Matter of Permit 20387 (Application 28158)

**Cambria Community Services District**

**ORDER APPROVING PETITION FOR  
TEMPORARY URGENCY CHANGE**

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SOURCES: Santa Rosa Creek tributary to the Pacific Ocean

COUNTIES: San Luis Obispo

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BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**1.0 SUBSTANCE OF PETITION**

On July 25, 2014, pursuant to Water Code section 1435, Cambria Community Services District (right holder) filed a Petition for Temporary Urgency Change for Permit 20387 (Application 28158) with the State Water Resources Control Board (State Water Board). Permit 20387 currently requires the right holder to cease diversion when the level of its monitoring well falls below a limit of 3 feet above mean sea level. The right holder requests authorization from the State Water Board to temporarily reduce the limit to 2 feet.

**2.0 BACKGROUND**

**2.1 Water Rights**

The State Water Board issued Permit 20387 to the right holder on November 7, 1989. The permit authorizes the right holder to divert water at a rate of 2.67 cubic feet per second (cfs) from three subterranean wells (SR-1, SR-2, and SR-3) on Santa Rosa Creek. The authorized season of diversion is from January 1 to December 31 of each year and the total amount diverted may not exceed either (1) 260 acre-feet (af) during the period of May 1 through October 31 of each year or (2) 518 af in each calendar year. On July 8, 2009, the State Water Board approved a petition to add a new well (SR-4) as an additional point of diversion.

For the protection of water quality from increased salinity due to seawater intrusion in the lower sub basin of Santa Rosa Creek, and for protection of instream resources, Permit 20387 required the right holder to construct and operate a monitoring well suitable for water quality sampling and water level monitoring. The monitoring well is located approximately 1,000 feet upstream of the mouth of the Santa Rosa Creek lagoon. The right holder is required to cease diversion under Permit 20387 if the water level in the monitoring well falls below the limit of 3 feet.

Currently, of Permit 20387's four wells, only the SR-4 well is fully operational. The right holder is rehabilitating the SR-1 and SR-3 wells, which will allow the right holder to access deeper water not available to the SR-4 well. Refurbishment of the SR-3 well is being funded in part by a grant from the California Department of Public Health (CDPH) under Proposition 50. The right holder has no active plans to rehabilitate the SR-2 well. The right holder is upgrading an existing iron and manganese removal facility, which will permanently serve wells SR-3 and SR-1. The SR-4 well has its own dedicated iron and manganese removal plant, which is currently in operation.

Although not subject to this Order, the right holder also holds Permit 17287 (Application 25002) for the diversion of up to 2.5 cfs of water from three wells in San Simeon Creek for municipal use from January 1 to December 31. The total amount diverted may not exceed either (1) 572 af between July 1 and November 20 of each year or (2) 1,230 af in each calendar year. However, the right holder is currently unable to divert water from San Simeon Creek. Beginning July 21, 2014, the right holder initiated a tracer study required for the right holder's emergency water supply project described in section 2.2 below. The right holder is projecting that the study will be completed, and the San Simeon wells will be available again for water supply, no earlier than September 26, 2014.

Permits 20387 and 17827 authorize diversion of water for municipal use within the boundaries of the right holder's service area. The service area includes approximately 6,200 full-time residents, over 200 commercial accounts, and a large influx of seasonal tourists, who frequent the City of Cambria's restaurants, hotels, beach front, and the nearby Hearst Castle State Park. The right holder relies solely upon the two permits for water supply, relying primarily on Permit 17827 (San Simeon Creek) and typically only using Permit 20387 (Santa Rosa Creek) to augment supplies from San Simeon Creek during the dry season and as a backup supply. The right holder does not have adequate water storage capacity to provide water in the event that water is not available from both of the creeks.

## **2.2 Drought Conditions and Responses**

The State of California is in the midst of an unprecedented drought. The Cambria area is on the central coast of California, which is under the most severe drought ranking issued by the National Drought Mitigation Center, "Exceptional Drought."

Cambria is an isolated community along the coast and its water supply relies solely upon the subterranean streamflow of two coastal streams, Santa Rosa and San Simeon Creeks. These creeks and their underlying basins need seasonal rainfall to recharge each year. The most recent water year brought only 80% of the minimum amount needed to recharge these basins. The relatively narrow and thin sedimentary layers underlying the creeks can become depleted rapidly during late summer to late fall as the flow ceases from upper springs within higher elevations in each watershed.

Observations conducted by the right holder during the summer and fall of 2013 indicated that the Santa Rosa Creek monitoring well reached the limit of 3 feet during the middle of August, causing the right holder to cease diversion of water from Santa Rosa Creek. At that time, the right holder was able to rely solely upon the San Simeon Creek wells to supply its water needs. However, the right holder recognized that conservation was necessary to reduce the likelihood of water shortages. Therefore, by resolution dated September 20, 2013, the right holder's Board of Directors approved enhanced water conservation measures and restrictions on the use of potable water. The enhanced measures and restrictions were revised by resolution dated October 24, 2013.

By proclamations dated January 17, 2014 and April 25, 2014, the Governor declared a state of emergency in California due to the ongoing extraordinary drought. The April 25, 2014 proclamation included the following directives:

- a. Directive 12. The California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies that the Department of Public

Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.

- b. Directive 14. For the protection of health, safety, and the environment, CAL FIRE, the Office of Emergency Services, the Department of Water Resources, and the Department of Public Health, where appropriate, may enter into contracts and arrangements for the procurement of materials, goods, and services necessary to quickly mitigate the effects of the drought.

In addition to the state drought declaration, the San Luis Obispo County Board of Supervisors proclaimed a local emergency due to the ongoing severe drought conditions on March 11, 2014.

In response to the drought emergency proclamations, several federal, state and local agencies have coordinated to resolve the water supply needs of vulnerable communities, including the right holder. CDPH and the Office of Emergency Services (OES) have been actively working with the right holder along with other government agencies to facilitate the right holder's efforts to upgrade its current system and construct the emergency backup project on San Simeon Creek mentioned below.

On January 30, 2014, the right holder's Board of Directors adopted Resolution No. 04-2014 declaring a Stage 3 water shortage condition and implementing a Stage 3 water conservation program with enhanced water conservation measures and restrictions on the use of potable water. The right holder's Board of Directors found that, based upon the existing water supply conditions and extreme drought, the demands and requirements of water consumers could not be satisfied without depleting the water supply of the right holder to the extent that there would be insufficient water for human consumption, sanitation and fire protection. Under the Stage 3 water conservation program, the right holder is restricting water use by assigning monthly maximum allotments and limiting outdoor use of potable water. Residential water use is limited to no more than 50 gallons per person per day, all commercial use is reduced by 20%, and penalties are assessed for noncompliance with these restrictions. These measures place the right holder's operations within the Governor's request in the January 17, 2014 proclamation to reduce water consumption by 20%.

In response to Resolution No. 04-2014, the right holder initiated a proposal to construct and operate an emergency water supply project on San Simeon Creek. The right holder has expended a considerable effort in exploring various supply alternatives, including an extensive series of publicly facilitated workshops in 2012 that were completed as provided by the Water Resources Development Act and funded through the U.S. Army Corps of Engineers. This workshop effort found that a brackish water supply alternative on the right holder's San Simeon Creek would be the most technically feasible alternative. In compliance with recommendations of a December 26, 2013 notification from the CDPH, and in response to the drought emergency, the right holder modified and updated the most technically feasible alternative. The current emergency water supply project is self-contained on the right holder's property, reuses as much of the existing infrastructure as possible, pre-fabricates major equipment in shipping containers, and uses special piping that is laid on the ground surface as opposed to being trenched underground.

On May 22, 2014, the right holder initiated construction of the emergency project. The right holder has applied to the CDPH for a 3.75 million dollar grant pursuant to Proposition 84. Proposition 84 provides funding for safe drinking water supplies, including emergency and urgent funding, infrastructure improvements, and groundwater quality.

The project is anticipated to be in operation by late October 2014 and will pump water from a brackish well for treatment by means of a reverse osmosis process. The brackish subsurface water will consist of a combination of creek underflow, treated wastewater effluent that has percolated through the ground, and a mixture of freshwater and saltwater from a lower saltwater wedge. Once treated, the water will be pumped by means of an injection well to recharge the underlying basin to make available up to 250 af of additional water for the right holder's San Simeon Creek wells. The right holder has been working to develop the proposal and obtain the necessary approvals from various regulatory agencies.

On July 21, 2014, the right holder initiated a 67-day tracer study which will run until approximately September 26, 2014. The results of the study will be used to satisfy state health standards for indirect potable reuse of recycled water, which require that advance treated water take at least 60 days to travel underground before reaching the right holder's potable wells within its San Simeon Creek well field. To avoid delaying this test and possibly biasing its results, the right holder will not divert water for municipal use from its San Simeon Creek wells for the duration of the test. In the interim, the right holder will need to rely solely upon its Santa Rosa Creek wells.

### **3.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The State Water Board has reviewed the information submitted by the right holder and finds that the proposed change is consistent with a temporary suspension of and multiple exemptions under the California Environmental Quality Act (CEQA).

The Governor's January 17, 2014 and April 25, 2014 proclamations included directives that suspended the environmental review required by the CEQA to allow certain directives to take place as quickly as possible. The proposed change is consistent with Directives 12 and 14 of the Governor's April 25, 2014 proclamation, listed below:

- a. Directive 12. The California Department of Public Health, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies that the Department of Public Health has identified as vulnerable to acute drinking water shortages in implementing solutions to those water shortages.
- b. Directive 14. For the protection of health, safety, and the environment, CAL FIRE, the Office of Emergency Services, the Department of Water Resources, and the Department of Public Health, where appropriate, may enter into contracts and arrangements for the procurement of materials, goods, and services necessary to quickly mitigate the effects of the drought.

The proposed change is exempt from the CEQA because it is an emergency project that is being carried out consistent with a "state of emergency" as proclaimed in the Governor's January 17, 2014 and April 25, 2014 proclamations. The proposed change is consistent with the statutory exemption criteria for an emergency project. (Public Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, § 15269, subd. (a) & (c).) The basis for claiming the exemption is that the surface and groundwater supplies within the Santa Rosa and San Simeon Creek Basins are at serious risk due to the effects of the current drought on over drafting and seawater intrusion, and the proposed change will provide urgently needed supplies until additional sources of water are developed. The proposed change is also consistent with a categorical exemption for existing facilities. (Cal. Code Regs., tit. 23, § 15301.)

The State Water Board will issue a Notice of Exemption for the proposed change.

### **4.0 PUBLIC NOTICE OF THE PETITION**

The State Water Board issued public notice of the right holder's petition on August 14, 2014. (Wat. Code, § 1438.) The right holder is required to publish the notice in a newspaper having a general circulation and published within the county wherein the points of diversion lie. The State Water Board delivered the notice to the right holder, posted the notice of this Order and accompanying materials on its website, and distributed the notice of this Order through an electronic notification system and by mail to agencies, interested parties and known downstream diverters.

## 5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the water right may file a Petition for Temporary Urgency Change with the State Water Board. The State Water Board's regulations set forth the filing and other procedural requirements applicable to a Petition for Temporary Urgency Change. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a Petition for Temporary Urgency Change, the State Water Board must make the following findings (Wat. Code, § 1435, subd. (b).):

- a. The right holder has an urgent need to make the proposed change;
- b. The proposed change may be made without injury to any other lawful user of water;
- c. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
- d. The proposed change is in the public interest.

A discussion of each finding and the information necessary to support each finding is provided below.

### 5.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an "urgent need" means "the existence of circumstances from which the board may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented . . . ."

Recent well production totals show a significant drop in the right holder's production of water to supply its service area. Compared to 2013 production, the right holder's May 2014 production totals were down 44%. Similarly, for June 2014, well production was down 44%. As noted previously, the decrease was driven by a combination of lack of supply and the aggressive conservation measures imposed by the right holder. Despite the right holder's conservation efforts, it is unclear whether the springs that provide underflow to Santa Rosa and San Simeon Creeks during the dry season will cease earlier than normal due to the current extreme drought conditions. If the subsurface flow from the springs is reduced, this could lead to water supply shortages, seawater intrusion, pumps losing suction, and potential land subsidence. The right holder does not have adequate water storage capacity to provide water in the event that water is not available from the two creeks.

It was in light of this uncertainty, and in anticipation of future water shortages due to drought conditions, that the right holder initiated planning and development for the emergency water supply project on San Simeon Creek. As discussed in section 2.2, the right holder is required to conduct a 67-day tracer test during which the right holder cannot divert water from its San Simeon Creek wells. The tracer test began on July 21, 2014. With the San Simeon Creek wells unavailable, the right holder must rely solely on the Santa Rosa Creek wells, which are subject to the requirement to cease diversion when the monitoring well reaches the limit of 3 feet.

The right holder has considered numerous alternatives to the emergency water supply project. The Cambria community is remotely located along Highway 1, and has no interconnecting pipelines with other water purveyors. The closest water purveyor is the San Simeon Community Services District to the north,

which is similarly struggling to meet its water supply obligations. The long term supply option of connecting a 12 mile long pipe to the Whale Rock reservoir to the south could not be completed in a timely fashion and is also prohibitively expensive. Another, shorter term alternative considered by the right holder was the possible use of local agricultural wells. However, past experience with the severe level of drought caused serious concern over such an approach, since the local agricultural wells are also suffering from the same exceptional drought conditions as the right holder. For example, one local rancher that was providing a source of non-potable irrigation water had his wells run dry in February 2013. In view of this past history, more confidence existed within the right holder's service area by following through with the rehabilitation of its older Santa Rosa facilities, while also fast-tracking the completion of its emergency water supply project on the right holder's San Simeon Creek Road property.

The proposed change to Permit 20387 will directly benefit the right holder by providing additional water from the Santa Rosa Creek wells that is urgently needed because of the drought. Without the additional water supplies made available by the proposed change, the right holder will be forced to either (1) reduce or stop municipal water deliveries or (2) cancel the emergency project well test that is currently underway. Reduction or cessation of water deliveries would likely result in significant health and economic impacts to the community. Cancellation of the well test would delay the emergency project and likely result in additional hardship for the community, including potential reduction or cessation of water deliveries, should the drought continue through the end of 2014. Without completion of the emergency water supply project, emergency measures would likely be required, which could include activating the National Guard to assist current commercial haulers in trucking water into the community.

During the summer and fall period of 2013, the Santa Rosa monitoring well fell to its limit of 3 feet. At that time, the right holder was able to rely on its San Simeon wells for additional supplies. Since the tracer study for the emergency water supply project has commenced, the right holder cannot access replacement supplies from the San Simeon wells as it did previously. The need for timely completion of the San Simeon emergency backup project is a significant factor underlying the right holder's request for the proposed change to Permit 20387. Otherwise, the Cambria community is at risk of running out of water for supplying essential health and safety needs.

## **5.2 No Injury to Any Other Lawful User of Water**

Permit 20387 is subject to prior water rights, which includes all valid claims of riparian right downstream of the right holder's wells. Permit 20387 is further specifically subject to the diversion of water from the lower sub basin wells of Lloyd and Faye Junge, Joyce Bretz, Tony Williams, Bruce Black, and Rancho Pacifica and their successors in interest under valid claim of riparian right. The permit provides that, should the water level in these wells reach a depth which renders them unusable, the right holder is required to either (1) deliver water from its point of diversion to the riparian place of use served by the well or (2) provide an alternate supply. The proposed change will broaden this term to protect all diverters under a valid riparian right who are downstream of the right holder's authorized points of diversion.

## **5.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses**

Permit 20387 requires the right holder to monitor water quality and water levels at a monitoring well and cease diversions if the water level in the monitoring well falls below a limit of 3 feet. The purpose of this provision, in part, is to protect instream resources from increased salinity due to seawater intrusion. One of the instream resources that this term is intended to protect is the federally endangered tidewater goby (*Eucyclogobius newberryi*). Steelhead trout (*Oncorhynchus mykiss*), are also known to be present in Santa Rosa Creek.

The proposed decrease in the monitoring well level at which diversions must cease may reduce the rate of water exchange at the downstream pools in Santa Rosa Creek and the Santa Rosa Creek lagoon that support tidewater goby, steelhead and other aquatic species. For this reason, the right holder has committed to conduct monitoring, in coordination with the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service

(NMFS) to avoid harm to tidewater goby, steelhead or other instream resources in Santa Rosa Creek and the Santa Rosa Creek lagoon. Should stranding of tidewater goby or steelhead trout occur during the period of this order, the right holder must consult with CDFW, USFWS and NMFS and may be required to conduct rescue operations or other actions. The monitoring program will ensure that the right holder is able to take appropriate action, where necessary, to prevent or reduce any adverse effects to tidewater goby, steelhead or other instream resources in Santa Rosa Creek.

#### **5.4 The Proposed Change is in the Public Interest**

The Governor's January 17, 2014 and April 25, 2014 Drought State of Emergency Proclamations call on Californians to reduce water use. The right holder has imposed comprehensive water conservation requirements upon its customers, which have significantly reduced consumption during the drought. Scarce supplies and stringent conservation measures have been reflected in the right holder's May and June monthly production amounts, which have decreased as much as 44% over last year. The right holder has committed to continue water conservation during the term of this Order.

The proposed change to Permit 20387 will serve the public interest in several ways. First, it will provide temporary drought relief to the right holder in the form of additional water supplies. Second, it will support the right holder's efforts to complete tests necessary for the construction of its emergency project, which is projected to provide significant relief to the right holder by reducing the likelihood of water shortages during the current drought and any future droughts. The emergency project is expected to maintain adequate groundwater levels, prevent seawater intrusion and avoid potential land subsidence while also allowing the right holder to meet essential public health and safety, sanitation and fire protection needs.

Absent approval of the proposed change, the right holder will be forced to either (1) reduce or stop municipal water deliveries or (2) cancel the emergency project well test that is currently underway. Because there are no other feasible water supply alternatives, should the current drought continue, the right holder may be forced to rely on State or federal emergency funding to provide municipal water to the local community, which is not in the public interest.

#### **6.0 STATE WATER BOARD AUTHORITY**

Resolution 2012-0029 delegates to the Deputy Director for Water Rights the authority to act on temporary urgency change petitions, and the Deputy Director for Water Rights has redelegated the authority.

#### **7.0 CONCLUSIONS**

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435, subdivision (b).

Based on the available information, the State Water Board finds that:

1. The right holder has an urgent need to make the proposed change;
2. The proposed change will not operate to the injury of any other lawful user of water;
3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The proposed change is in the public interest.

## ORDER

**NOW, THEREFORE, IT IS ORDERED THAT:** the petition by the right holder for temporary urgency change in Permit 20387 is approved and effective until 180 days from the date of this Order.

All existing terms and conditions of Permit 20387 remain in effect, except as temporarily amended by the following terms:

1. Term 10(d) of Permit 20387 dated July 8, 2009, is amended as follows:

Cease diversions under this permit if the water level in the monitoring well falls below 2.00 feet above mean sea level.

2. The temporary change authorized by this Order is not effective unless the right holder maintains a program to reduce water demand by a minimum of 20% of its baseline water demand consistent with Exhibit "A" of the right holder's Board of Directors Resolution No. 04-2014 dated January 30, 2014.

The right holder shall submit to the Deputy Director for Water Rights a written report within 15 days of the end of each month (monthly status update) that provides a summary of compliance with this term. The monthly status update shall, at a minimum, include a description of the right holder's actions to date to comply with the requirements of this term and the results of such actions, including but not limited to the amount of water demand reduction relative to baseline water demand. The data submitted for the amount of water demand reduction shall include both monthly and aggregate annual to date information and shall be compared to baseline water demand. When the monthly status update reflects that the right holder is not achieving the minimum water demand reduction the right holder shall also include additional actions the right holder has adopted and/or implemented to meet the demand reduction and identify the date when such additional actions will be fully implemented as part of the monthly status update.

Failure to achieve demand reduction may result in modification of this Order to limit the extent of the approved action at the discretion of the Deputy Director for Water Rights.

3. The right holder shall monitor the effects of the reduction in the monitoring well level on fisheries resources, and shall take all necessary steps to avoid harm to tidewater goby (*Eucyclogobius newberryi*), steelhead trout (*Oncorhynchus mykiss*), and other special status species in Santa Rosa Creek and the Santa Rosa Creek lagoon. The right holder shall conduct surveys along Santa Rosa Creek and in the Santa Rosa Creek lagoon during the period this Order to (1) identify areas where hydrologic continuity does not exist and stranding of tidewater goby or steelhead may occur and; (2) conduct depth surveys at the lagoon and critical pools. In the event that hydrologic continuity is interrupted or critical pool depths fall below 3 feet, the right holder shall, in consultation with the California Department of Fish and Wildlife, National Marine Fisheries Service and the U.S. Fish and Wildlife Service, take all reasonable steps to avoid harm to tidewater goby, steelhead and other aquatic resources in such pools, including but not limited to the initiation of rescue operations.
4. By September 2, 2014, the right holder shall submit to the Deputy Director for Water Rights a plan for compliance with this term that describes the survey methods, frequency of surveys, planned efforts to coordinate with the California Department of Fish and Wildlife, National Marine Fisheries Service and the U.S. Fish and Wildlife Service, and a list of reasonable steps the right holder may take to avoid harm to tidewater goby, steelhead and other aquatic species in Santa Rosa Creek.



5. The right holder shall immediately contact the State Water Board, California Department of Fish and Wildlife, National Marine Fisheries Service and the U.S. Fish and Wildlife Service if tidewater goby (*Eucyclogobius newberryi*), steelhead trout (*Oncorhynchus mykiss*), or any other special status species are found stranded or dead during the effective period of this Order.
6. Should the level in the wells of diverters of water under valid claim of riparian right located downstream of any of the right holder's authorized points of diversion reach a depth which renders them unusable, the right holder shall either (1) deliver water from its point of diversion to the riparian place of use served by the well or (2) provide an alternate supply. Any water supplied for satisfaction of riparian rights shall not be considered as water appropriated under this permit.

On or about the beginning of each month, the right holder shall contact the following riparian diverters to confirm that their riparian wells are still usable: Taylor Family Trust, Charles Molinari, Gary Black, Bruce Black and Clyde Warren.

7. By March 1, 2015, the right holder shall submit to the Deputy Director for Water Rights a written report that summarizes all activities conducted, and the results of such activities, to ensure compliance with the requirements of this Order. At a minimum, the right holder shall include the following activities: monitoring well levels, water demand reduction efforts, monitoring of instream resources in Santa Rosa Creek and the Santa Rosa Creek lagoon, communication with downstream riparian diverters, and an update on the status of the San Simeon Creek emergency water supply project.
8. The right holder shall immediately notify the State Water Board if any significant change in flow conditions in Santa Rosa Creek occurs that warrants reconsideration of this Order.
9. The Deputy Director for Water Rights may rescind this Order upon a finding that the right holder's tracer study in San Simeon Creek is complete and the San Simeon Creek wells under Permit 17287 are available for the diversion of water to supply the right holder's place of use.
10. This Order does not authorize any act that results in the taking of a candidate, 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 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 set seq.). If a "take" will result from any act authorized under this Order, the right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. The right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency change authorized under this Order.
11. The State Water Board reserves jurisdiction to supervise the temporary urgency change under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Barbara Evoy, Deputy Director  
Division of Water Rights*

Dated: AUG 21 2014