WHEREAS:

1. Peninsula Open Space Trust (Permittee) is the water right holder of water right Permit 18123.

2. Permit 18123 was issued to Half Moon Bay Properties on December 1, 1980, and authorizes the collection of 20 acre-feet per year to be collected in an offstream reservoir from December 1 to March 31 of the succeeding year at a rate of diversion not to exceed 1 cfs. The time to complete construction and make full beneficial use of water under Permit 18123 elapsed on December 1, 1983, and December 1, 1984, respectively.

3. A Petition for an Extension of Time was issued by Order dated August 3, 1984 extending the completion date of the construction and to make full beneficial use of water under Permit 18123 to December 31, 1986, and December 31, 1987, respectively.

4. Permit 18123 was subsequently assigned to Corado Inc. on December 4, 1987.

5. Permit 18123 was subsequently assigned to Fuji – McKinley Properties on October 18, 1988.

6. A second Petition for an Extension of Time was issued by Order dated April 4, 1991 extending the completion date of the construction and to make full beneficial use of water under Permit 18123 to December 31, 1992, and December 31, 1993, respectively.

7. Permit 18123 was subsequently assigned to Excelsior Management Corporation on December 23, 1994.

8. A second Petition for an Extension of Time was issued by Order dated December 30, 1996 extending the completion date of the construction and to make full beneficial use of water under Permit 18123 to December 31, 2005, and December 31, 2006, respectively.

9. On August 15, 2003, the Division of Water Rights (Division) received correspondence from Peninsula Open Space Trust in which they requested to be assigned as the new owners of Permit 18123.

10. On July 8, 2011, the Division received correspondence in which the Permittee requested revocation of Permit 18123.

11. Division staff’s analysis of records indicates that the proposed construction of the 20 acre-feet offstream reservoir has not commenced.

THEREFORE:

It is ordered that the State Water Board hereby revoke Permit 18123, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: KDM for

Barbara Evoy, Deputy Director
Division of Water Rights

Date: December 30, 2011
STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER

Application 25468  Permit 18123  License

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 18123 was issued to Half Moon Bay Properties, Inc. on December 1, 1980 pursuant to Application 25468.

2. Permit 18123 was subsequently assigned to Excelsior Management Corporation.

3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.

4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 31, 2005

2. Condition 9 of the permit be amended to read:

   COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE December 31, 2006

Dated: DECEMBER 30, 1996

[Signature]
Edward C. Anton, Chief
Division of Water Rights
ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. Permit 18123 was issued to Half Moon Bay Properties, Inc. on December 1, 1980 pursuant to Application 25468.

2. Permit 18123 was subsequently assigned to Fujio-McKinley Properties, Inc.

3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).

4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 31, 1992 (0000008)

2. Condition 9 of the permit be amended to read:

   COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE December 31, 1993 (0000009)

3. Condition 12 of the permit be amended to read:

   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) 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.

Dated:  04 1991

Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights
ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.

2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

   CONSTRUCTION WORK SHALL COMMENCE ON OR BEFORE December 1, 1985

   CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE December 1, 1986

   COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE December 1, 1987

2. Paragraph 12 of this permit is deleted. A new Paragraph 12 is added as follows:

   Pursuant to California Water Code Sections 100 and 275, and the 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, 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 minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.
Permittee may be required to implement such programs as (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 evapotranspiration 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 takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

Dated: AUGUST 3 1984

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights
STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS  

PERMIT FOR DIVERSION AND USE OF WATER  

PERMIT 18123  

Application 25468 of HALF MOON BAY PROPERTIES, INC.  
P. O. BOX 38, HALF MOON BAY, CALIFORNIA 94019  

filed on AUGUST 17, 1977, 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:  
   (b) DENNISTON CREEK  
   (c) UNNAMED STREAM  
   (d)  
   (e)  
   (f)  

   Tributary to:  
   PACIFIC OCEAN  
   DENNISTON CREEK  

2. Location of point of diversion:  
   | DIVERSION TO OFFSTREAM STORAGE  
   | (b) NORTH 380,100 AND EAST 1,424,350,  
   | CALIFORNIA COORDINATE SYSTEM, ZONE 3  
   | SW1/4 OF NE1/4 2 5S 6W MD  
   |  
   | STORAGE AND REDIVERSION  
   | (c) NORTH 380,100 AND EAST 1,424,150,  
   | CALIFORNIA COORDINATE SYSTEM, ZONE 3  
   | SE1/4 OF NW1/4 2 5S 6W MD  
   |  
   | County of SAN MATEO  

3. Purpose of use:  
   | FIRE PROTECTION  
   | RECREATIONAL  
   | STOCKWATERING  
   | RESERVOIR C IN  
   | NE1/4 OR NW1/4 2 5S 6W MD  
   | IRRIGATION  
   | NE1/4 OR SW1/4 2 5S 6W MD  
   | SE1/4 OR NW1/4 2 5S 6W MD  
   | NW1/4 OR SE1/4 2 5S 6W MD  
   | NE1/4 2 5S 6W MD 22  
   | TOTAL 30  

The place of use is shown on map filed with the State Water Resources Control Board.
17. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, San Francisco Bay Region, or by the State Water Resources Control Board.

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

Section 1390. 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 1391. 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 1392. Every permittee, if he acquires 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 any public authority of the servitude 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 the division (of the Water Code) or in respect to any valuation for purpose 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 permittees, or the possession of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 1 1980

STATE WATER RESOURCES CONTROL BOARD

CHIEF, DIVISION OF WATER RIGHTS