

TYPE OR PRINT
IN BLACK INK
(For instructions, see
booklet: "How to File an
Application to
Appropriate Water in
California")



California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
www.waterboards.ca.gov/waterrights

STATE WATER RESOURCES
CONTROL BOARD
2014 JAN -9 10:10:04
DIV OF WATER RIGHTS
SACRAMENTO

APPLICATION NO. TO 32231

APPLICATION TO APPROPRIATE WATER
(TEMPORARY PERMIT APPLICATION PER SECTION 1425)

1. APPLICANT/AGENT

| | APPLICANT | ASSIGNED AGENT (if any) |
|-------------------|--------------------------------|-------------------------|
| Name | Santa Margarita Water District | |
| | Don Bunts | |
| Mailing Address | P.O. Box 7005 | |
| City, State & Zip | Mission Viejo, CA 92690-7005 | |
| Telephone | (949) 459-6602 | |
| Fax | (949) 459-6463 | |
| E-mail | donb@smwd.com | |

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner
- Limited Partnership*
- Corporation
- Limited Liability Company (LLC)
- Business Trust
- Joint Venture
- General Partnership*
- Husband/Wife Co-Ownership
- Other Public Agency (CA Water Distr)

*Please identify the names, addresses and phone numbers of all partners.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

For continuation, see Attachment No. 1 & 2

R'cvd
\$ 6,425⁰⁰
CHK # 336168
1/9/14
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4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

| a. PURPOSE OF USE (irrigation, domestic, etc.) | DIRECT DIVERSION | | | | STORAGE | | |
|---|---|---------------------|------------------------------|---------------------------|---------------------|------------------------------|---------------------------|
| | AMOUNT | | SEASON OF DIVERSION | | AMOUNT | SEASON OF COLLECTION | |
| | Rate (cfs or gpd)* | Acre-feet per annum | Beginning date (month & day) | Ending date (month & day) | Acre-feet per annum | Beginning date (month & day) | Ending date (month & day) |
| Irrigation | 2.0 cfs | 400 afa | Jan 1 | Dec 31 | 400 afa | Sept 1 | June 30 |
| | (Amount will vary depend on availability) | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | Total afa | 400 | | Total afa | 400 | | |

See Attachment No. 3 * If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

- b. Total combined amount taken by direct diversion and storage during any one year will be 800 (max) acre-feet.
- c. Reservoir storage is: onstream offstream underground (If underground storage, attach Underground Storage Form.)
- d. County in which diversion is located: Orange County in which water will be used: Orange

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

- a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):
 - POD / PORD # 1 Gobernadora Creek tributary to San Juan Creek thence _____
 - POD / PORD # 2 Gobernadora Creek tributary to San Juan Creek thence _____
 - POD / PORD # 3 Gobernadora Creek tributary to San Juan Creek thence _____
 - POD / PORD # _____ tributary to _____ thence _____

If needed, attach additional pages, check box below and label attachment

See Attachment No. 4

b. State Planar and Public Land Survey Coordinate Description:

| POD/PORD # | CALIFORNIA COORDINATES (NAD 83) | ZONE | POINT IS WITHIN (40-acre subdivision) | SECTION | TOWNSHIP | RANGE | BASE AND MERIDIAN |
|------------|---------------------------------|------|---------------------------------------|---------|----------|-------|-------------------|
| 1 | 6,154,349 2,149,544 | 6 | ¼ of ¼ | 14 | 7S | 7W | San Bernardino |
| 2 | 6,153,863 2,149,905 | 6 | ¼ of ¼ | 14 | 7S | 7W | San Bernardino |
| 3 | 6,153,882 2,149,373 | 6 | ¼ of ¼ | 14 | 7S | 7W | San Bernardino |
| | | | ¼ of ¼ | | | | |

If needed, attach additional pages, check box below and label attachment

See Attachment No. _____

- c. Name of the post office most often used by those living near the proposed point(s) of diversion: Rancho Santa Margarita

6. WATER AVAILABILITY

- a. Have you attached a water availability analysis for this project? YES NO
 If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.

See Attachment No. 5

- b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?
 YES NO
- c. In an average year, does the stream dry up at any point downstream of your project? YES NO
 If YES, during which months? Jan Feb Mar Apr May Jun Jul Aug Sep Oct
 Nov Dec
- d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment
 Foreign imported water from Metropolitan Water Districts of Southern California, recycled water.

See Attachment No.

7. PLACE OF USE

a.

| USE IS WITHIN (40-acre subdivision) | SECTION* | TOWNSHIP | RANGE | BASE & MERIDIAN | IF IRRIGATED | |
|--|----------|----------|-------|--------------------|--------------|---|
| | | | | | Acres | Presently cultivated? |
| 1/4 of 1/4 | | | | | | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| 1/4 of 1/4 | | | | | | <input type="checkbox"/> YES <input type="checkbox"/> NO |
| Total Acres: | | | | | | |

*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. 6 Please provide the Assessor's Parcel Number(s) for the place of use:

8. PROJECT SCHEDULE

Project is: proposed, partially complete or complete (Year completed - _____).

Extent of completion: Construction on the Gobernadora Multipurpose Basin has begun. Emergency temporary water rights needed by January 17, 2014 to continue to qualify for grant funding.

Estimated amount of time in years it will take for construction to be completed: 1/6 year
 Construction scheduled to be completed by March 2014.

Estimated amount of time in years it will take for water to be put to full beneficial use: 1/6 year
 Operation is anticipated to begin in March 2014.

Basis for determination of amount of water needed: _____

- i. MINING: Name of the claim: _____ Patented Unpatented
 Nature of the mine: _____ Mineral(s) to be mined: _____
 Type of milling or processing: _____
 After use, the water will be discharged into _____ (watercourse)
 in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B. & M.
- j. POWER: Total head to be utilized: _____ feet
 Maximum flow through the penstock: _____ cfs Maximum theoretical horsepower capable of
 being generated by the works (cfs x fall ÷ 8.8): _____
 Electrical capacity (hp x 0.746 x efficiency): _____ kilowatts at: _____ % efficiency
 After use, the water will be discharged into _____ (watercourse)
 in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B&M. FERC No.: _____
- k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and
 habitat type that will be preserved or enhanced: Gobernadora Environmental Restoration Area
- l. OTHER: Describe use: _____
 Basis for determination of amount of water needed: _____

10. DIVERSION AND DISTRIBUTION METHOD

- a. Diversion will be by gravity by means of: Inflatable rubber dam over side weir.
 (dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from: Collection well at end of wetlands treatment process after initial diversion.
 (sump, offset well, channel, reservoir, etc)
 Pump discharge rate: 2.0 cfs or gpd Horsepower: 35
 Pump Efficiency: 75%

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

| CONDUIT (pipe or channel) | MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not) | CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet) | LENGTH (feet) | TOTAL LIFT OR FALL | | CAPACITY (cfs, gpd or gpm) |
|---------------------------------|--|---|------------------|-----------------------|--------|----------------------------------|
| | | | | feet | + or - | |
| Pipe | HDPE | 14" | 2,250 | 40 | + | 900 gpm |
| | | | | | | |
| | | | | | | |

See Attachment No. 7

d. Storage reservoirs: (For underground storage, complete and attach underground storage form)

| RESERVOIR NAME OR NUMBER | DAM | | | | RESERVOIR | | |
|-----------------------------------|---|--------------------------|------------------|---|---|-------------------------|-------------------------------------|
| | Vertical height from downstream toe of slope to spillway level (feet) | Construction material | Length (feet) | Freeboard: dam height above spillway crest (feet) | Surface area when full (acres) | Capacity (acre-feet) | Maximum water depth (feet) |
| Portola | 52.0 | Earthen | 1,350 | 10.0 | 20.3 | 550 | 36.0 |
| | | | | | | | |
| | | | | | | | |

See Attachment No. _____

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

| RESERVOIR NAME OR NUMBER | OUTLET PIPE | | | | |
|-----------------------------------|-----------------------|-------------------|--|---|---|
| | Diameter in inches | Length in feet | Fall: Vertical distance between entrance and exit of outlet pipe in feet | Head: Vertical distance from spillway to entrance of outlet pipe in feet | Dead Storage: Storage below entrance of outlet pipe in acre-feet |
| Portola | 24 | 301 | 7.47 | 36 | 50 |
| | | | | | |
| | | | | | |

See Attachment No. ____

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be 2.0 cfs. Diversion to offstream storage will be made by:
 Pumping Gravity

11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.
 SMWD employs an extensive water conservation program that includes outreach, education, monitoring and customer assistance. SMWD participates in turf replacement programs and strongly encourages the use of drought tolerant, California friendly landscaping. This diversion project is intended to reduce the demands on imported water by reusing irrigation return flows attributable to imported water purchased and utilized by the District in the Coto de Caza community.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? Weir Meter Periodic sampling Other (describe)

12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?
 YES NO
 If NO, I do do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:
 Rancho Mission Viejo, 28811 Ortega Hwy, San Juan Capistrano, CA 92693
 CZ Master Association c/o Keystone Pacific Property Mgmt, Inc. 29883 Santa Margarita Pkwy, Rancho Santa Margarita, CA 92688 - Coto de Caza Golf & Racquet Club, 25291 Vista del Verde, Coto de Caza, CA 92679

See Attachment No. ____

13. EXISTING WATER RIGHTS AND RELATED FILINGS

a. Do you claim an existing right for the use of all or part of the water sought by this application?
 YES NO
 If YES, please specify: Riparian Pre-1914 Registration Permit License
 Percolating groundwater Adjudicated Other (specify) Capture and reuse of irrigation return flows from foreign/imported water

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.
 Imported water is purchased from The Metropolitan Water Districts of Southern California.

See Attachment No. ____

c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.

None

See Attachment No. ____

14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? Yes No If yes, please explain: This project will reduce the amount of imported water purchased from MWD.

15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage. See the instruction booklet for more information.

See Attachment No. 8

ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

16. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____
Department: _____ Telephone: (_____) _____
County Zoning Designation: _____

Are any county permits required for your project? YES NO If YES, check appropriate box below:

- Grading permit
- Use permit
- Watercourse
- Obstruction permit
- Change of zoning
- General plan change
- Other (explain): _____

b. Have you obtained any of the required permits described above? YES NO
If YES, provide a complete copy of each permit obtained.

See Attachment No. ____

17. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission U.S. Forest Service U.S. Bureau of Land Management U.S. Corps of Engineers U.S. Natural Res. Conservation Service Calif. Dept. of Fish and Game State Lands Commission Calif. Dept. of Water Resources (Div. of Safety of Dams) Calif. Coastal Commission State Reclamation Board Other (specify) Regional Water Quality Control Board, U.S. Fish and Wildlife Service.

b. For each agency from which a permit is required, provide the following information:

| AGENCY | PERMIT TYPE | PERSON(S) CONTACTED | CONTACT DATE | TELEPHONE NO. |
|-----------------|-------------|---------------------|------------------|----------------|
| U.S. Army Corps | 404 | Jason Lambert | 8/19/13, 9/13/13 | (213) 452-3361 |
| Calif. D.F.W. | Sect 1602 | Kevin Hupf | 8/19/13, 9/3/13 | (858) 467-4223 |
| RWQCB | 401 | Darren Bradford | 8/19/13, 9/10/13 | (858) 637-7137 |

See Attachment No. 9

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? YES NO

If YES, explain:

See Attachment No.

b. Have you contacted the California Department of Fish and Game concerning your project?

YES NO If YES, name, telephone number and date of contact:

California Department of Fish and Wildlife - Section 1602 Master Streambed Alteration Agreement Sub-Notification Agreement, Kevin Hupf, (858) 467-4223, Formal submittal on 8/19/13 with telecon 9/3/13.

18. ENVIRONMENTAL DOCUMENT

a. Has any California public agency prepared an environmental document for your project?

YES NO

b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

This has been provided on 5 CD's

c. If NO, check the appropriate box and explain below, if necessary:

The applicant is a California public agency and will be preparing the environmental document.*

I expect that the State Water Board will be preparing the environmental document.**

I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency: _____

See Attachment No.

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.

19. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. ____

- b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used? _____

See Attachment No. ____

20. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area?

YES NO If YES, explain:

See Section 18 above and the provided CD's.

See Attachment No. ____

21. ENVIRONMENTAL SETTING

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.
- See Attachment No. 10

SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

Signature of Applicant

Chief Engineer

Title or Relationship

1/8/14

Date

Signature of Co-Applicant (if any)

Title or Relationship

Date

Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.

"APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- Answer each question completely.
- Number, label and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet.
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation.
- Include two complete sets of color photographs of the project site.
- Enclose a check for the required fee, payable to the Division of Water Rights.
- Enclose an \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game.
- Sign and date the application.

Send the original and one copy of the entire application to:

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000