

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 20952 (Application 29408)

**City of Thousand Oaks**

**ORDER APPROVING PETITION FOR  
TEMPORARY URGENCY CHANGE**

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SOURCES: Conejo Creek tributary to Calleguas Creek thence Mugu Lagoon

COUNTIES: Ventura

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BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

**1.0 SUBSTANCE OF PETITION**

The City of Thousand Oaks (right holder) requests that the State Water Resources Control Board (State Water Board) approve a Petition for Temporary Urgency Change for Permit 20952 (Application 29408) pursuant to Water Code section 1435. The right holder diverts a combination of treated wastewater and natural flows from Conejo Creek subject to a minimum bypass flow. The petition filed by the right holder proposes to temporarily reduce the minimum bypass flow.

**2.0 BACKGROUND**

**2.1 Water Right Permit 20952**

Right holder owns and operates Hill Canyon Waste Water Treatment Plant that discharges tertiary treated waste water to Conejo Creek. Right holder filed Water Right Application 29408 on February 2, 1989 and Waste Water Change Petition 6 on November 30, 1989. In September 1997, the State Water Board issued Water Right Decision 1638, thereby approving, in part, Water Right Application 29408 and Waste Water Change Petition 6. The State Water Board issued Permit 20952 pursuant to Application 29408 on February 6, 1998.

Permit 20952 authorizes the diversion of up to 21.7 cubic feet per second (cfs) for a maximum of 15,683 acre-feet per year. The season of diversion is year-round, and the purposes of use are Fish and Wildlife Preservation and Enhancement within a Confluence Wetland, and Irrigation within the Camrosa Water District and the Pleasant Valley County Water District service areas.

Term 5 of Permit 20952 provides the following:

*The water appropriated shall be limited to the quantity that can be beneficially used for irrigation and fish and wildlife preservation and enhancement within the Confluence Wetland, and shall not exceed 21.7 cubic feet per second, up to a maximum of 15,683 acre-feet per annum. Permittee may take water by direct diversion on a year-round basis. Permittee's maximum rate of diversion at any time shall not exceed the sum of the following:*

- a. *The real-time rate of discharge from the Hill Canyon Waste Water Treatment Plant (adjusted to account for flow time between the point of discharge and the point of diversion), less 2 cubic feet per second to account for channel losses, less an additional 2 cubic feet per second to account for the dedication of treated waste water for maintenance and protection of fish and wildlife under Waste Water Change Petition WW-6; and,*
- b. *An additional 4 cubic feet per second, by direct diversion from January 1 through December 31 of each year at all times that the minimum bypass flow at the point of diversion is 6 cubic feet per second or more (including the 2 cubic feet per second dedicated to fish and wildlife).*

Term 9 of Permit 20952 provides the following:

*For the protection of fish, wildlife, southwestern pond turtles, and riparian habitat and vegetation, the Permittee shall bypass the following amounts of water at the point of diversion on Conejo Creek: (a) 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife pursuant to Waste Water Change Petition WW-6, shall be bypassed at all times; (b) an additional 0.82 cubic feet per second shall be bypassed when the holder of License 12598 (Application 25247) is diverting water from Conejo Creek; and (c) a minimum flow of 6.0 cubic feet per second (including 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife) shall be bypassed at all times that Permittee diverts any water which is not attributable to the portion of treated waste water discharged from the Hill Canyon Waste Water Treatment Plant which is available for diversion after accounting for 2.0 cubic feet per second for channel losses and the 2.0 cubic feet per second dedicated to fish and wildlife.*

Under an agreement between the right holder, the Camrosa Water District (Camrosa), and the Pleasant Valley County Water District (Pleasant Valley), Camrosa diverts water under Permit 20952 at Point of Diversion 1 and provides the diverted water to customers within the service areas of Camrosa and Pleasant Valley for beneficial use.

Pleasant Valley receives water primarily by withdrawing groundwater from the Pleasant Valley Basin, which is managed by the Fox Canyon Groundwater Management Agency (Fox Canyon). Because of water quality concerns in the Pleasant Valley Basin, alternative surface water supplies have been developed and Pleasant Valley has received water from Conejo Creek and the Santa Clara River. Water is delivered from Conejo Creek through diversions under Permit 20952. Water is delivered from the Santa Clara River through the Pleasant Valley Pipeline by the United Water and Conservation District (United).

Pleasant Valleys' distribution system operates by using an earthen regulatory reservoir. Water from the Pleasant Valley Basin and Conejo Creek enter the distribution system at two different locations. Depending on demand, either may be delivered directly to customers via turnouts or flow into the reservoir. Water from the Santa Clara River is piped directly to the reservoir where it is routed into the distribution system as needed for delivery to customer turnouts.

When available, Pleasant Valley uses water from Conejo Creek and the Santa Clara River in lieu of groundwater it would otherwise pump from the Pleasant Valley Basin in Western Ventura County. The use of the alternative surface water supplies has reduced groundwater pumping by Pleasant Valley, which has had a favorable effect on groundwater elevation in the Pleasant Valley Basin.

Term 12 of Permit 20952 provides that diversion and use of water is subject to the implementation of a water conservation plan or actions to achieve, in part, an 80 percent irrigation efficiency standard that is consistent with one of two methods used by Fox Canyon to set individual allocations for groundwater

extractions. The State Water Board approved Agricultural Water Management Plans prepared by Camrosa and Pleasant Valley consistent with this requirement.

Conejo Creek supports a population of western pond turtles (*Emys marmorata*). The 1996 Final Subsequent Environmental Impact Report (1996 FSEIR) prepared for Application 29408 recognized that the issuance of Permit 20952 would reduce flows in Conejo Creek, and thereby may affect emergent freshwater marsh habitat important to western pond turtles. As mitigation, the right holder recommended a 2 cfs minimum flow requirement at Point of Diversion 1 to protect downstream riparian habitat and wildlife. The right holder anticipated that the 2 cfs would remain in Conejo Creek until reaching Camarillo's Waste Water Treatment Plant discharge to Conejo Creek. The 1996 FSEIR considered the 2 cfs as improving conditions in and around Camarillo's Waste Water Treatment Plant discharge, an important location because of the large concentration of western pond turtles.

The State Water Board ultimately required a minimum bypass flow of 6 cfs at Point of Diversion 1. The State Water Board, however, left the door open for the right holder to propose a lower minimum flow requirement upon a showing that the right holder had developed a habitat improvement program that would fully compensate for loss of turtle habitat at lower flows.

With the issuance of Permit 20952, right holder was required to conduct monitoring of western pond turtle. To date, the right holder's pond turtle habitat improvement program has provided for no net loss of habitat or western pond turtles. The 2005 Annual Report for the Southern Pacific Pond Turtle Mitigation Program concluded that "no substantial change in habitat conditions (below the diversion) has occurred due to the operation of the diversion during the past four years and that it did not appear that the water diversion was having an adverse impact on the western pond turtles downstream of the diversion on Conejo Creek. Western pond turtles are doing well at the right holder's off-site mitigation area.

## **2.2 2014 Drought Conditions and Responses**

The State of California is in the midst of an unprecedented drought.

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. In response to the Governor's proclamations, several federal, state and local agencies coordinated to resolve the water supply needs of vulnerable communities, including the right holder.

Camrosa operates the diversion facility on Conejo Creek under Permit 20952 and delivers water for irrigation of the Camrosa and Pleasant Valley service areas. Since water diversion began from Conejo Creek, Camrosa has typically delivered about 5,000 acre-feet of Conejo Creek water to Pleasant Valley. In 2013, Camrosa delivered about 60% of that amount. In 2014, if the current delivery trend continues without approval of the proposed change, Camrosa may only deliver about 40% of the normal amount. This trend is entirely drought driven. With less natural and return flow in Conejo Creek, Camrosa is not able to divert as much water under Permit 20952.

Under normal conditions, United typically delivers about 10,000 acre-feet of water each year from the Santa Clara River watershed to Pleasant Valley through the Pleasant Valley Pipeline. However, since the Pleasant Valley Pipeline is not reliable during droughts, United may not be able to deliver any water to Pleasant Valley because of drought conditions in the Santa Clara River watershed. In 2014, Pleasant Valley has yet to receive any water through the Pleasant Valley Pipeline. Moreover, given the severe drought conditions, it is unlikely that Pleasant Valley will receive any water from United this year and will need to pump groundwater, absent an alternative.

With reduced water deliveries from alternative surface supplies, Pleasant Valley would normally pump groundwater to make up for the shortfall. However, on April 11, 2014, Fox Canyon adopted an ordinance that requires all groundwater producers to reduce groundwater pumping by 20% over the next year.

Local groundwater supply and quality problems are particularly acute in 2014 because of the severely dry conditions, and Fox Canyon's action was intended to extend the availability of existing groundwater supplies in the midst of the drought. Pleasant Valley is subject to this ordinance and therefore is required to reduce groundwater pumping. Additionally, effective July 1, 2014, Pleasant Valley is required to report to Fox Canyon the amount of water that is pumped from the Pleasant Valley Basin, the amount of water they deliver to their customers, and the crop types of those customers. Fox Canyon prescribes water use efficiency standards for certain crops, and if the customer does not meet the efficiency standard they are assessed a surcharge of \$1,250 per acre-foot of use above the efficiency standard.

Pleasant Valley has taken steps to reduce water use. Since 2009, Pleasant Valley's monthly average water use has declined by approximately 11% when compared with pre-drought years with similar precipitation. In response to the current drought, Pleasant Valley has taken steps to further reduce water use via a mandatory water rationing program. During non-drought conditions, Pleasant Valley's customers typically received about 3 cfs of water. When the current drought began, Pleasant Valley implemented a 1.5 cfs limit. As the drought has continued, Pleasant Valley recently passed a rationing ordinance that restricts water deliveries to 1 cfs. Pleasant Valley completely prohibits pumping one day each week for 12 hours, and progressive enforcement measures are instituted for violations. The 1 cfs pumping restriction alone will reduce water use by Pleasant Valley's customers during the drought by 66%, which is well in excess of the 20% reduction in use that the Governor requested in the January 17, 2014 drought proclamation.

In order to demonstrate that Pleasant Valley's water use would still be below 80% of normal use even if Pleasant Valley relaxed its rationing requirement to allow for delivery of the Conejo Creek water requested by this Petition for Temporary Urgency Change, Pleasant Valley shall be required to develop a Water Demand Reduction Plan. The Water Demand Reduction Plan may include a pumping rate limit on Pleasant Valley customers to a maximum of 2.4 cfs, which likely will be sufficient to enable Pleasant Valley to operate within the Governor's request to reduce water consumption by 20%.

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

Pursuant to the California Environmental Quality Act (CEQA), right holder filed a Notice of Exemption on May 1, 2014. Right holder has determined that the change is exempt from the CEQA because it is an emergency project, it is carried out consistent with a state of emergency proclaimed by the Governor on January 17, 2014, it is consistent with the statutory exemption criteria for an emergency project, and it is consistent with a categorical exemption for existing facilities. (Pub. Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, §§ 15269, subd. (a) & (c), 15301.) Petitioner's basis for claiming the exemptions is that the right holder must act immediately to mitigate and prevent damage to surface and groundwater supplies within the Pleasant Valley Basin.

The State Water Board has reviewed the information submitted by the right holder and has made its own independent finding that the change is consistent with multiple exemptions under the CEQA. 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 by the Governor on January 17, 2014, and expanded upon in an April 25, 2014 proclamation, it is consistent with the statutory exemption criteria for an emergency project, and it is consistent with a categorical exemption for existing facilities. (Pub. Resources Code, § 21080, subd. (b)(3), (4); Cal. Code Regs., tit. 14, §§ 15269, subd. (a) & (c), 15301.) The basis for claiming the exemption is that the surface and groundwater supplies within the Pleasant Valley Basin are at serious risk due to the effects of the current drought on over drafting and seawater intrusion, and the project will provide an alternative source of water to reduce groundwater pumping. 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 will issue and deliver to the right holder as soon as practicable a notice of this Order. (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 will post the notice of this Order and accompanying materials on its website, and will distribute the notice of this Order through an electronic notification system. The State Water Board may issue a temporary urgency change order in advance of the required notice. (*Id.*)

#### **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.)

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 . . . ."

The proposed change will help Pleasant Valley make up for the loss of water from traditional surface water and groundwater sources, all of which are in jeopardy due to the current drought conditions, as described in Section 2.2 above. Pleasant Valley may not receive any water from the Santa Clara River watershed through the Pleasant Valley Pipeline in 2014. Pleasant Valley also is projected to receive significantly less water from Conejo Creek than what would normally be available during non-drought years. Pleasant Valley is also required to reduce groundwater pumping by 20%.

The proposed change to Permit 20952 will directly benefit Pleasant Valley by providing it surface water that it urgently needs because of the drought. Without the additional surface water supplies made available by the proposed change, Pleasant Valley will be forced to reduce irrigation water deliveries, which likely will result in significant economic impacts due to the loss of crops already planted or the inability to plant new crops.

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

Permit 20952 is subject to the prior right under License 12598. As such, Permit 20952 requires the right holder to bypass 0.82 cfs when the holder of License 12598 is diverting water from Conejo Creek. The right holder is not requesting any change in this permit condition. If the State Water Board grants the right holder's petition, the right holder will still be required to bypass 0.82 cfs for the holder of License 12598.

In Decision 1638, the State Water Board concluded that riparian water users are protected by the fact that the 4 cfs that the right holder is authorized to divert, in addition to the available waste water, is water that is attributable to return flows from imported water. Riparian water users cannot claim a right to imported supplies, and therefore they cannot be injured by the right holder's diversion of return flows.

Absent a change to the bypass flow condition for the holder of License 12598, and with the right holder's 4 cfs diversion constituting water that is attributable to return flows, the proposed change will not injure any other legal user of water.

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

The proposed decrease in minimum bypass flow will reduce the rate of water exchange at downstream pool features that support western pond turtles. While morphology of pool features is influenced by a number of factors, the reduced rate of water exchange is not expected to change the extent of the pool features downstream of the Point of Diversion or their value to western pond turtles. However, due to the uncertainty surrounding the effects of the reduced rate of water exchange, it is appropriate to conduct monitoring to identify and evaluate any effects of the reduced rate of water exchange on western pond turtles or their habitat. Monitoring will also ensure that the right holder is able to react accordingly to reduce or prevent any negative effects.

The right holder commissioned a survey of western pond turtles in Conejo Creek in April 2014. The April 2014 survey was conducted using the same techniques that were used to evaluate the effects of Permit 20952. As a result of the April 2014 survey and consultation with staff from the California Department of Fish and Wildlife (CDFW), right holder has developed a Pond Turtle Monitoring Plan dated June 17, 2014. The right holder will conduct periodic surveys of reaches in Conejo Creek that may be affected by the change and evaluate the condition of western pond turtles and their habitat in those reaches.

Although a steelhead trout was observed in Conejo Creek in April 2013, it is doubtful that Conejo Creek can support a run of steelhead trout. CDFW staff have noted that the potential for steelhead trout to successfully spawn and develop young is extremely low. However, the right holder will perform visual inspections of Conejo Creek for the presence of steelhead when it conducts western pond turtle surveys and will immediately confer with CDFW should a steelhead be observed.

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

The Governor's Drought State of Emergency Proclamation calls on Californians to reduce water use. Also, the Legislature has articulated a strong public policy in favor of using reclaimed water to satisfy beneficial uses. (Wat. Code, § 461.) The State Water Board has further stated in Decision 1638 that "reclaimed water should be especially encouraged in areas where it can help reduce ground water pumping and overdraft." The petition, by providing for additional water reuse, responds to the Governor's call to reduce water use. The proposed temporary change will further the policy of using reclaimed water to satisfy irrigation beneficial uses. The petition will also help reduce pumping in an over drafted groundwater basin and thereby improve groundwater quality. Right holder will also only implement the changes authorized by this Order when implementing restrictions on water use that are designed to be responsive to the Governor's 2014 drought declaration and executive actions. As such, right holder's petition for temporary urgency change will advance the broad public interests articulated by the Governor, Legislature and the State Water Board and will help to put the water resources of the state to beneficial use to the fullest extent possible.

## 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.

I conclude that, based on the available evidence:

1. Right holder has an urgent need to make the proposed change;
2. The change will not operate to the injury of any other lawful user of water;
3. The change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The 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 20952 is approved and effective until 180 days from the date of this Order.

All existing terms and conditions of Permit 20952 remain in effect, except as temporarily amended by the following terms:

1. Term 5 of Permit 20952 is amended as follows:

The water appropriated shall be limited to the quantity that can be beneficially used for irrigation and fish and wildlife preservation and enhancement within the Confluence Wetland, and shall not exceed 21.7 cubic feet per second, up to a maximum of 15,683 acre-feet per annum. Permittee may take water by direct diversion on a year-round basis. Permittee's maximum rate of diversion at any time shall not exceed the sum of the following:

- a. The real-time rate of discharge from the Hill Canyon Waste Water Treatment Plant (adjusted to account for flow time between the point of discharge and the point of diversion), less 2 cubic feet per second to account for channel losses, less an additional 2 cubic feet per second to account for the dedication of treated waste water for maintenance and protection of fish and wildlife under Waste Water Change Petition WW-6; and,
- b. An additional 4 cubic feet per second, by direct diversion from January 1 through December 31 of each year at all times that the minimum bypass flow at the point of diversion is 2 cubic feet per second or more (including the 2 cubic feet per second dedicated to fish and wildlife).

2. Term 9 of Permit 20952 is amended as follows:

For the protection of fish, wildlife, southwestern pond turtles, and riparian habitat and vegetation, the Permittee shall bypass the following amounts of water at the point of diversion on Conejo Creek: (a) 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife pursuant to Waste Water Change Petition WW-6, shall be bypassed at all times; (b) an additional 0.82 cubic feet per second shall be bypassed when the holder of License 12598 (Application 25247) is diverting water from Conejo Creek; and (c) a minimum flow of 2.0 cubic feet per second (including 2.0 cubic feet per second of treated waste water dedicated to fish and wildlife) shall be bypassed at all times that Permittee diverts any water which is not attributable to the portion of treated waste water discharged from the Hill Canyon Waste Water Treatment Plant which is available for diversion after accounting for 2.0 cubic feet per second for channel losses and the 2.0 cubic feet per second dedicated to fish and wildlife.

3. Right holder shall monitor the effects of the amended bypass flow on western pond turtles and their habitat in accordance with the Monitoring Plan dated June 17, 2014. Right holder shall immediately notify the State Water Board and the CDFW and take all reasonable steps to avoid harm to western pond turtles or other aquatic resources in Conejo Creek, including but not limited to an increase in the bypass flow at Point of Diversion 1, should any of the following occur:
- a. Habitat Suitability Index (HSI) results from each survey decrease 25% or more from the HSI results in the April 2014 survey;
  - b. Water depths in Reach 4A and 4C drop below 1.5 feet;
  - c. Survey results indicate evidence of increased predation on western pond turtle; and,
  - d. Steelhead trout (*Oncorhynchus mykiss*) or trout like species are observed at any of the survey reaches.

Right holder shall submit a summary of the results of each survey to the State Water Board and the CDFW within seven days of the date of the survey. Right holder shall conduct an assessment and immediately notify the CDFW and the State Water Board in the event of any interruptions in hydraulic continuity, or the development of extensive dry gaps in Conejo Creek.

4. No water shall be diverted and used under this right within the Pleasant Valley service area unless Pleasant Valley customers are limited to an instantaneous pumping limit of 2.4 cubic feet per second or less.
5. The temporary changes authorized by this Order are not effective unless, by August 15, 2014, the right holder is operating in accordance with a Water Demand Reduction Plan (Plan) satisfactory to the Deputy Director for Water Rights. The Plan shall be designed to ensure that Pleasant Valley implements actions to meet a water demand reduction of a minimum of 20% of their baseline water demand. The Plan shall define baseline water demand as appropriate for Pleasant Valley based on considerations such as weather, economy, wholesale supplier allocations or other relevant information. For the purpose of compliance with this term, if the Plan does not define baseline water demand, it is assumed to be the average water demand for 2013.

The Plan shall include, at a minimum, the following components:

- a. Baseline water demand for Pleasant Valley;
- b. Existing actions and additional actions planned by Pleasant Valley to reduce water use in order to meet the water demand reduction required by this term, including a description of how such actions can be expected to meet the demand reduction. The Plan shall also



identify additional actions to be implemented, in the event that Pleasant Valley does not attain the amount of water use demand reduction relative to baseline water demand;

Additional actions to be considered include, but are not limited to, those associated with on farm conservation, such as irrigation scheduling, tailwater recovery systems, and irrigation system improvements, and irrigation district system improvements, such as canal lining, canal structure improvements, and remote measurement, monitoring and control. Right holder shall determine if implementation of such actions may increase conservation of water supply. Right holder will either implement actions or provide documentation as to why such action is not reasonable for the right holders' situation;

- c. A description of the efforts of the right holder to coordinate with Pleasant Valley to ensure that Pleasant Valley takes appropriate action to reduce water demand, and a description of such actions by Pleasant Valley;
- d. A detailed schedule with planned completion dates for key events.

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 Pleasant Valley is not achieving the minimum water demand reduction of this term, the right holder shall also include additional actions that Pleasant Valley 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.

6. Right holder shall record the rate of water diverted from Conejo Creek and the rate of water supplied to Pleasant Valley in order to be able to demonstrate that any additional water made available for diversion at Point of Diversion 1 as a result of this Order is only used for irrigation within the Pleasant Valley service area boundary.
7. By February 1, 2015, the right holder shall submit to the Deputy Director for Water Rights a written report that summarizes all activities conducted to ensure compliance with the requirements of this Order. The report shall, at a minimum, include the following:
  - a. The results of the surveys required in the Monitoring Plan; and,
  - b. A description of the right holder's efforts to comply with the requirements of this Order.
8. Right holder shall immediately notify the State Water Board if any significant change in flow conditions in Conejo Creek occurs that warrants reconsideration of this Order.
9. 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. Right holder shall be responsible

for meeting all requirements of the applicable Endangered Species Act for the temporary urgency change authorized under this Order.

10. 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: JUL 21 2014