

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 12848,
12849, and 12850 Issued on
Applications 11389, 15975 and 15976,

YOLO COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT,

Permittee,

and Permit 12349 Issued on
Application 12389,

LAKE COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT,

Permittee.

Order: WR 76-14

Sources: North Fork Cache
Creek, Cache
Creek, and Kelsey
Creek

Counties: Lake and Yolo

ORDER GRANTING EXTENSIONS OF TIME,
AMENDING PERMITS, AND REVOKING PERMIT

BY BOARD MEMBER ADAMS:

The time to commence construction work under Permit 12349 held by Lake County Flood Control and Water Conservation District (Lake County) having expired and the time to complete construction work under Permits 12848, 12849 and 12850 held by Yolo County Flood Control and Water Conservation District (Yolo County) having expired, petitions for extensions of time were filed by both districts. A public hearing was held before the State Water Resources Control Board (Board) on April 13, 1976, to determine whether extensions of time should be granted or the permits revoked. Permittees Lake County and Yolo County having appeared and presented evidence, the evidence having been duly considered, the Board finds as follows.

Permit 12349

1. The protests against extensions of time under Permit 12349 of Lake County were withdrawn prior to the hearing subject to revision of Permit Term 8, which as it now stands, makes Permit 12349 subject to the prior rights of Clear Lake Water Company to have certain levels of water maintained in Clear Lake. (Yolo County has succeeded to the interest of Clear Lake Water Company.) The proposed revised Term 8 similarly protects the prior rights of all the riparian owners on Clear Lake including those represented by the Clear Lake Water District and Yolo County. The proposed revised Term 8 was included in the permit that covers Lake County's proposed Scotts Creek project on another tributary to Clear Lake and should be substituted for the present Term 8 in Permit 12349.

2. Lake County has been proceeding with diligence in attempting to plan and finance its Kelseyville project covered by Permit 12349 since the permit was issued on July 5, 1960. The electorate in the zone of benefit recently approved a tax override to finance continuing study of the project (RT 45, 46). For the purpose of obtaining a PL-984 loan, the project is presently classified in "Category II" by the U. S. Bureau of Reclamation; which means that the project loan application is not being processed at the present time. However, Tudor Engineers, Lake County's engineering consultants, are confident that the project will be reclassified to "Category I" so that review of the loan application can resume (RT 48, 52).

Any extension of time granted under Permit 12349 should be on the condition that the Kelseyville project will be reclassified to "Category I" and will be actively considered for a PL-984 loan by December 1, 1977.

3. Water use in the Kelseyville project's zone of benefit is increasing, water developed by the Kelseyville Project can be beneficially used, and there has been a positive expression of support for the project from potential users (RT 72-74; Lake County's Exh. 6).

4. At the hearing Lake County requested further extension of time to March 1, 1979, to commence construction, to November 1, 1981, to complete construction and to May 1, 1982, to place water to beneficial use. The extensions of time should be granted except that the time requested to place water to beneficial use is not realistic and time should be extended to December 1, 1985, for that purpose. Further, Permit 12349 should be amended to include applicable standard permit terms adopted by the Board since it was issued.

Permit 12848, 12849, and 12850

5. At the time of the hearing, Yolo County submitted its Permit 12850 for revocation and requested that the authorized uses thereunder be included in the authorized uses under Permit 12849.

6. The protest to the requested extensions of time filed by Lake County has been withdrawn.

7. Yolo County's Indian Valley Reservoir covered by Permits 12848, 12849 and 12850 is expected to be completed this year and water from the reservoir is presently being used (RT 6, 15). Yolo County is no longer considering the construction of Wilson Valley, Blue Ridge and Esparto reservoirs. The elimination of those projects will reduce the water stored under Permits 12848 and 12849 from the presently authorized 1,480,000 annual acre feet (afa) to 300,000 afa with a total of 431,000 afa to be diverted by direct diversion and storage. As Permit 12848 covers 250,000 afa of storage, Permit 12849 should be reduced to 50,000 afa, thereby authorizing 300,000 afa of storage which is the capacity of Indian Valley Reservoir (RT 7).

8. Yolo County has requested that provision for other major storage facilities covered by the permits be deleted, that the date for completion of construction be extended to reflect the actual completion date, that the time allowed for placing water to beneficial use be extended from 1978 to 1980 due to construction delays. The requirement of diligence has been met and the requested time extensions should be granted.

9. Yolo County has requested the Board to eliminate the requirement of measuring evaporation from the water surface of Indian Valley Reservoir contained in Part (a) of Term 10 of the permits. Permittee is presently monitoring by means of a new gaging station on North Fork Cache Creek to measure inflow to Indian Valley Reservoir, a gage downstream from the reservoir, and

precipitation stations at Indian Valley Dam and in the upper watershed (RT 28, 29). The monitoring program now being carried on by the permittee appears adequate to supply the information needed and Part (a) of Term 10 should be amended accordingly.

From the foregoing findings it is concluded:

1. Permit 12349 should be amended as follows:

a. Permit Term 8 should be revised as

follows:

"This permit is subject to the prior rights of the riparian owners on Clear Lake, including those represented by Clear Lake Water District and the prior rights of Clear Lake Water Company now owned by the Yolo County Flood Control and Water Conservation District. Should the level of Clear Lake not reach an elevation of 7.56 feet above zero as measured on the Rumsey gage at Lakeport, California, during the period from October 1 of each year to May 15 of the succeeding year, permittee shall, either by releases down the natural channel of Kelsey Creek or otherwise (including releases from other reservoirs), deliver into Clear Lake (a) the amount of water, as measured at the point of entry into Clear Lake, which would have reached Clear Lake had there been no storage of water under this permit during such period or (b) such lesser amount which, if not stored by permittee during such period, would have caused the level of Clear Lake to reach 7.56 feet on the Rumsey gage at some time during such period. Such delivery of water into Clear Lake shall be commenced no later than May 15 and completed by May 31 unless a smaller rate of release is necessary to avoid flood damage. The amount of water to be delivered into Clear Lake under clause (a) above shall be the amount stored under this permit during such period of October 1 to May 15 of the same water year.

"Notwithstanding the requirements for the release of water by permittee set forth above, if any water is released from Clear Lake by Yolo County Flood Control and Water Conservation District during the period from October 1 of any year to

May 15 of the succeeding year and not used beneficially under its prior rights (i.e., "spill"), then permittee shall be entitled to retain in storage water of the current season in an amount equal to the amount of water of the current season which is impounded at the time of any such release, even though Clear Lake does not reach said level of 7.56 feet.

"The Board shall retain continuing jurisdiction, on petition of permittee and after notice and hearing, to determine the method of ascertaining the amount of water described in clause (a) or (b) above and, also, to modify appropriately the foregoing release provisions keyed to failure of the lake to reach 7.56 feet if it be established that arrangements have been effected under which -- without regard to the lake reaching said level of 7.56 feet -- the lake levels will be protected adequately against any substantial reduction thereof during the recreational season (May 15 to September 30) below those levels which would have been obtained in the absence of the project."

b. Time to commence construction work should be extended to March 1, 1979, time to complete construction work should be extended to November 1, 1981, and time to place the water to beneficial use should be extended to December 1, 1985.

c. Permittee shall submit evidence satisfactory to the Board that the U. S. Bureau of Reclamation has reclassified the Kelseyville project to Category I and that the project is being actively considered for a PL-984 loan by December 1, 1977. Should the permittee fail to do so, Permit 12349 shall be revoked.

d. To include applicable standard permit terms.

2. Permit 12850 should be revoked.

3. Permits 12848 and 12849 should be amended as

follows:

a. To authorize municipal use.

b. The point of diversion for Indian Valley Reservoir should be changed to "south 38° 14' 57" west 6,629.4 feet from NE corner of Section 4, T14N, R6W being within the SW¼ of SW¼ of said Section 4".

c. The total amount of water diverted directly and to storage should be limited to 431,000 acre-feet per annum.

d. The authorized storage pursuant to Permit 12849 should be reduced to 50,000 acre-feet per annum.

e. The permit should refer to the new gaging station "North Fork Cache Creek" at Hough Springs.

f. The reference to Wilson Valley, Esparto, and Blue Ridge Reservoirs should be eliminated.

g. The permits should contain standard terms adopted by the Board since issuance of the permits.

h. The time allowed to complete construction under Permits 12848 and 12849 should be extended to January 15, 1977; the time to place water to beneficial use under Permits 12848 and 12849 should be extended to December 1, 1980.

IT IS SO ORDERED.

Dated: December 16, 1976

/s/ JOHN E. BRYSON
John E. Bryson, Chairman

/s/ W. DON MAUGHAN
W. Don Maughan, Vice Chairman

/s/ W. W. ADAMS
W. W. Adams, Member

/s/ ROY E. DODSON
Roy E. Dodson, Member

/s/ JEAN AUER
Jean Auer, Member