

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11714 and 11715)
(Applications 16454 and 17291) of)
HUMBOLDT BAY MUNICIPAL WATER DISTRICT)
to Appropriate from Mad River in)
Trinity County)

Order: WR 77-13
Source: Mad River
County: Trinity

ORDER APPROVING PETITION
TO TEMPORARILY MODIFY PERMIT TERMS

BY THE BOARD:

The Humboldt Bay Municipal Water District (Permittee), having filed petition for permission to temporarily modify permit terms under the above-numbered permits, notice having been given as required by the Board, no protests having been received, the Board having considered all available information, finds as follows:

1. Permits 11714 and 11715 to appropriate water from Mad River were issued on March 16, 1959.
2. Permit 11714 allows diversion to storage of 100,000 acre-feet per annum (afa) in Ruth Reservoir behind Ruth Dam for the period October 1 through April 30. Permit 11715 allows diversion to storage of 20,000 afa in Ruth Reservoir for the period October 1 through April 30, and direct diversion of 200 cubic feet per second (cfs) at Essex Station, downstream, for the period January 1 through December 31. Stored water is also rediverted at Essex Station. All water diverted under Permits 11714 and 11715 is authorized for use within the boundaries of the Humboldt Bay Municipal Water District for municipal purposes.
3. Permits 11714 and 11715 established a minimum pool requirement of 2,000 acre-feet in Ruth Reservoir in response to requests by the Department

of Fish and Game. In addition, a minimum pool requirement of 8,000 acre-feet during the period June 1 through September 10 was established pursuant to a Memorandum of Understanding between the permittee and the County of Trinity for the purpose of ensuring that adequate water would be available during the summer months for recreational purposes in Ruth Reservoir. Both permits are subject to the provisions of this Memorandum of Understanding (Permit Term 9).

4. Permits 11714 and 11715 also established minimum flow terms in Mad River as follows (Permit Term 8):

- "a. *At all times by-pass or release minimum flow of five cubic feet per second into the natural stream bed of the Mad River immediately below Ruth Dam.*
- "b. *During the periods herein specified, by-pass or release into the natural stream bed of Mad River immediately below Essex Diversion Dam (point of rediversion) the following minimum flows or the natural flow of Mad River as regulated by diversions now in existence whichever is less:*

<i>October 1 through October 15</i>	<i>30 cfs</i>
<i>October 16 through October 31</i>	<i>50 cfs</i>
<i>November 1 through June 30</i>	<i>75 cfs</i>
<i>July 1 through July 31</i>	<i>50 cfs</i>
<i>August 1 through August 31</i>	<i>40 cfs</i>
<i>September 1 through September 30</i>	<i>30 cfs"</i>

5. Because of the severity of the drought, permittee met with representatives of the Department of Fish and Game, Crown Simpson Corporation, and Louisiana Pacific Corporation to discuss measures to assure adequate water to all users^{1/}. As a result of this meeting a Statement of Understanding was executed for allocation of the remaining water in Mad River for the duration of the 1977 drought. A copy of the Statement of Understanding is attached and incorporated herein as Appendix A. The Statement of Understanding adopted, among others, the following three management practices:

^{1/} Both Crown Simpson Corporation and Louisiana Pacific Corporation operate pulp mills which purchase water from permittee.

a. The Department of Fish and Game constructed a channel in Mad River from the point of redirection (Essex Station) downstream for approximately 3 miles in order that less water would be required to support fish life.

b. The District guarantees 7.5 million gallons per day (mgd) to domestic customers through 1977 and will supply 21 mgd to each pulp mill until adequate supplies are no longer available.

c. From late April until July 1 the Department of Fish and Game monitored the lower river and required the district to release only enough water to keep fish alive and migrating.

6. By letter dated May 5, 1977 the permittee notified the Board of its intent to draw down Ruth Reservoir below the 8,000 acre-foot minimum pool requirement. On May 20, 1977 the Board advised the permittee that its letter would be treated as a petition to temporarily modify permit terms which govern minimum flows in Mad River for the protection, propagation, and preservation of fish life below Ruth Dam and below the downstream point of redirection and which govern the minimum pool requirements in Ruth Reservoir. In that letter the Board also requested information concerning the extent of the drought emergency within the permittee's service area and the actions taken by the permittee to avoid or mitigate adverse impacts of the drought.

7. By letter dated June 2, 1977 the permittee responded in detail to the Board's inquiry. A copy of that letter is attached and incorporated herein as Appendix B. Among other things, the permittee guaranteed the cities it serves, principally Eureka and Arcata, a water supply equal to only 7.43 mgd, which is equivalent to a cutback in normal domestic usage of 50 percent in some cases. Furthermore, the pulp mills, which are operated by Crown Simpson Corporation and Louisiana Pacific Corporation and which are served water by the permittee, cutback normal water usage of 26-30 mgd to 19-21 mgd.

8. By telephone contact on September 30, 1977 the District indicated that conditions negated the necessity of drawing Ruth Reservoir below the 8,000 acre-foot level. Therefore, it will not be necessary to take action on that portion of the District's request.

9. The Cities of Eureka and Arcata possess various water right entitlements independent from the permittee. The City of Eureka holds water right Licenses 9527 and 9528 (Applications 7621 and 16452). Since the source of water for those licenses is Mad River, they do not relieve the adverse situation for the permittee. The City of Arcata has water right License 2776 (Application 9751) and water right Permit 11917 (Application 18132). No water has been used under License 2776 since 1963. The water supply sources for this license consist of several small creeks, which are undoubtedly experiencing very low flows this drought year. Since the water supply source for Permit 11917 is Mad River, that permit does not relieve the adverse situation for the permittee.

Findings Concerning the California Environmental Quality Act

10. The water year from October 1, 1975 to September 30, 1976 was the third driest year of record. As of September 15, 1977, the water year beginning October 1, 1976 was substantially below 1924 which was the driest year of record. The sequential occurrence of two such dry years is unprecedented and unexpected from the existing hydrological data.

11. The sudden and unexpected impact of the drought on the permittee's water supply constitutes an emergency as defined in Public Resources Code Section 21060.3 and the proposal to reduce the minimum flow requirements constitutes an action necessary to mitigate an emergency.

NOW THEREFORE IT IS ORDERED:

1. Permit Term 8 of Permits 11714 and 11715 is suspended until further order of the Board or until December 31, 1977, whichever comes first.

2. A new permit Term 10 shall be temporarily added to Permits 11714 and 11715 as follows:

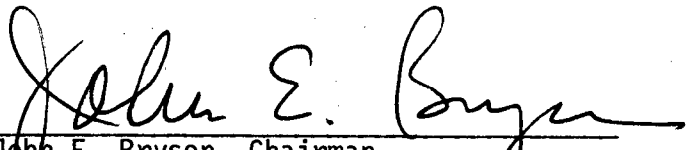
"This permit is subject to the Statement of Understanding entered into on April 19, 1977 between Humboldt Bay Municipal Water District, Louisiana Pacific Corporation, Crown Simpson Corporation, and the California Department of Fish and Game; provided, however, that this term shall remain in effect only until further order of the Board or until December 31, 1977, whichever comes first."

IT IS FURTHER ORDERED:

1. Pursuant to Section 2713(c), Title 23, California Administrative Code, the Executive Director, Water Rights and Administration, shall file a Notice of Exemption with the Secretary for the Resources Agency.

Dated: October 20, 1977


Attachments



John E. Bryson, Chairman



W. Don Maughan, Vice Chairman



W. W. Adams, Member

