

see Order 81-11  
& WR 84-7

see: D-869

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 10657, 10658, )  
and 10659 Issued on Applications 11199, )  
12578, and 12716, )  
UNITED STATES BUREAU OF RECLAMATION, )  
Permittee )

Order : WR 79-14  
Source : Putah Creek  
Counties: Yolo, Solano, and Napa

ORDER AMENDING DECISION 869  
AND PERMITS 10657, 10658, AND 10659

BY BOARD MEMBERS MAUGHAN AND MITCHELL:

On February 7, 1957, the State Water Rights Board, predecessor of the State Water Resources Control Board (Board), adopted Decision 869 approving Applications 11199, 12578, and 12716 of the United States Bureau of Reclamation (Bureau) and ordering that permits be issued subject to certain terms and conditions. Paragraphs 11, 12, and 13 of the order provided for releases of water into the channel of Putah Creek, for the Bureau to gather certain information and report to the Board, and that the Board, prior to the expiration of a 15-year trial period, may make further orders concerning proper releases of water from the Monticello Reservoir and past Putah Diversion Dam for downstream use and recharge of groundwater and concerning investigations, measurements, and studies to be made by the Bureau.

On March 2, 1959, the Bureau filed a petition to set aside Conditions 11, 12, and 13, along with the corresponding conditions incorporated in Permits 10657, 10658, and 10659, and replace them with a monthly schedule of releases past the Putah Diversion Dam. The Bureau's petition was the subject of a public hearing, and on April 16, 1970, the Board issued a decision and an order amending Decision 869. The amended decision adopted the proposed fixed monthly release schedule and extended the Board's reserved jurisdiction to December 31, 1974. The continuing jurisdiction was extended by three subsequent Board orders to June 30, 1979.

Exercising this continuing jurisdiction, the Board held a hearing on February 5, 1979 to determine if the fixed release schedule was adequate to provide water for prior surface water rights and recharge of groundwater to the extent that water would have been available for such purposes from unregulated flow.

The Putah Creek Riparian Owners and/or Water Users Association (Association) appeared at this hearing and presented testimony in support of their contention that the existing schedule provides insufficient flows for surface rights and groundwater recharge. The Association proposed a new release schedule which would correct alleged deficiencies in the current release schedule. Other parties presented additional testimony in favor of increased releases for fish and wildlife habitat.

The Bureau and the Solano County Flood Control and Water Conservation District, beneficiary of the Solano Project, also appeared and presented testimony in favor of maintaining the existing schedule with some minor exceptions.

Flows in excess of five cubic feet per second at the Davis Gage (Mile 7.2) are surplus to the needs within the Putah Creek watershed. To reduce the occurrence of surplus flows, the staff proposed that the Bureau be allowed to reduce releases at any time that flows exceeded five cubic feet per second at the Davis Gage (Mile 7.2). No objections to this proposal were made at the hearing.

The evidence taken at the hearing having been duly considered, the Board finds as follows:

1. Testimony and exhibits concerning changes in groundwater storage and the relation between Putah Creek flows and groundwater recharge are contradictory and inconclusive. The collection of additional data to monitor the effects of any release schedule will be inconclusive due to the effect of project spills.

2. Project spills contribute much more to maintaining groundwater recharge than do controlled releases.

3. Both the existing fixed release schedule developed by the Bureau and the proposed schedule developed by the Association are based on different assumptions which affect the respective release schedule. The Bureau's use of flow data during periods of project spill causes the minimum required flows to be underestimated while the Association's disregard of the unimpaired inflow to the project causes the Association's schedule to overestimate required dry season flows. Assumptions made by both the Bureau and the Association indicate that a new schedule using elements of both the Association proposal and the current fixed release schedule will best serve to supply water for groundwater recharge and prior surface diversion rights to the extent that water would have been available without the Solano Project.

4. Flow in excess of five cubic feet per second in Putah Creek at the Davis Gaging Station does not percolate to groundwater but flows into the Delta as surface water.

5. Solano Project yield is used to supply municipal needs in Vallejo, Fairfield, Suisun, and Vacaville. Shortages in deliveries to these municipalities could result in a hazard to public health. Should a prolonged drought occur, provision should be made to weigh the effects of reduced flows in Putah Creek against the possible health hazards which may occur in those municipalities who may be unable to supply necessary municipal needs from other sources.

6. Applications 11199, 12578, and 12716 were approved by the State Water Rights Board on February 28, 1957 and Permits 10657, 10658, and 10659 were issued shortly thereafter. The amendments to these permits set forth in this order

constitute an ongoing project in accordance with the provision of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the State Guidelines because the governmental approvals after April 5, 1973, do not involve a greater degree of responsibility or control over such permits than the governmental approvals received prior to that date.

NOW, THEREFORE, IT IS ORDERED, THAT:

Conditions 11 and 12 of Decision 869 and the correspondence conditions contained in Permits 10657, 10658, and 10659 are amended as follows:

11. Permittee shall release water into the Putah Creek channel from Monticello Reservoir and past the Putah Diversion Dam in accordance with the following schedule:

<u>Month</u>	<u>Required Release (cfs)</u>
Oct.	20
Nov.	50
Dec.	50
Jan.	35
Feb.	30
Mar.	30
Apr.	30
May	40
Jun.	40
Jul.	43
Aug.	34
Sept.	20

To the extent uncontrolled runoff to Putah Creek downstream from the Putah Diversion Dam is sufficient to sustain, in whole or in part, a flow of five cubic feet per second at the Davis Gage, the required release from storage may be reduced accordingly, provided, however, a live stream is maintained between Putah Diversion Dam and the gaging station Putah Creek near Davis (Mile 7.2) with a minimum flow of five cubic feet per second at the Davis Gage.

12. Permittee shall submit to the Board with its annual progress reports or at such other times as the Board may request: daily records of diversions to Putah South Canal and flows past the Putah Diversion Dam.

Permittee shall allow authorized representatives of the Board reasonable access to the project works and properties for the purpose of gathering information and data.

IT IS FURTHER ORDERED, THAT:

The following permit terms be added to Permits 10657, 10658, and 10659:

21. Should a prolonged drought create an emergency by threatening the water supply to municipalities dependent on the Solano Project, the Board may, upon petition by permittee and opportunity for hearing, modify the release schedule set forth above for the duration of such emergency.

22. Pursuant to California Water Code Sections 100 and 275, 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 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 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.

23. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharge.

Date: JUNE 21, 1979

We Concur:

/S/ W. DON MAUGHAN

W. Don Maughan, Chairman

/S/ L. L. MITCHELL

L. L. Mitchell, Member

/S/ WILLIAM J. MILLER

William J. Miller, Member

/S/ CARLA M. BARD

Carla M. Bard, Member

