

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permits 17840 (Application 26128)
and 17841 (Application 26129)

CALIFORNIA DEPARTMENT OF WATER RESOURCES

Permittee

Order: 80-6

Sources: Castaic and Piru
Creeks

County: Los Angeles

FINDINGS AND ORDER VALIDATING THE ISSUANCE
OF TEMPORARY PERMITS 17840 AND 17841

BY BOARD CHAIRWOMAN BARD:

The California Department of Water Resources having filed Applications 26128 and 26129 for temporary urgency permits to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having consulted with the California Department of Fish and Game; Board Chairwoman Bard having concluded from available information that the applicant was entitled to temporary permits to divert and use water subject to review and validation by the Board as provided by Water Code Section 1425; the Board finds as follows:

Substance of the Applications

1. Application 26128 requests a temporary permit to divert and use 150,000 acre-feet by onstream storage in existing Castaic Reservoir, to be collected from Castaic Creek between January 1, 1980, and July 1, 1980. The water is to be used for irrigation, domestic, municipal, industrial, recreational, fish and wildlife enhancement, and salinity control purposes. The point of diversion is located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16W, SBB&M.

2. Application 26129 requests a temporary permit to divert and use 100,000 acre-feet by onstream storage in existing Pyramid Lake and by

offstream storage in existing Castaic Reservoir, to be collected from Piru Creek between January 1, 1980, and July 1, 1980. The water is to be used for irrigation, domestic, municipal, industrial, recreational, fish and wild-life enhancement, salinity control, and incidental power purposes. The point of diversion is located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T6N, R18W, SBB&M.

Amendments to the Applications

3. On February 19, 1980, the quantity of water requested was reduced to 50,000 acre-feet under Application 26128 and to 5,000 acre-feet under Application 26129.

Permittee's Project

4. As operator of the State Water Project, permittee is authorized to convey water from Northern California through the California Aqueduct and store such water in Pyramid Lake and Castaic Reservoir for later use in Southern California. Permittee's existing rights to store water in Pyramid Lake and Castaic Reservoir extend only to water imported as part of the State Water Project. Except for short term storage of flood flows, permittee must release all natural inflow.

5. Permittee entered into an agreement dated October 24, 1978, with the County of Los Angeles, the Newhall Land and Farming Company, Newhall County Water District, and United Water Conservation District for storage and release of local flood waters originating in the watershed above Castaic Dam. The agreement provides that when the natural inflow to Castaic Reservoir exceeds 100 cubic feet per second (cfs), the total flow of Castaic Creek can be retained behind Castaic Dam if storage capability exists. It was agreed that the

first 100 cfs of flow that would have passed the location of Castaic Dam had the dam not been built would have entirely percolated into the alluvial materials in the stream channels prior to reaching the ocean. Any water stored under the agreement will be released downstream at the time and in the quantities requested by each of the other parties. On May 1 of each year, all water stored under the agreement that has not been released will become the property of the permittee to be used as part of the State Water Project. Any flood flows stored after May 1 will be released only if requested within 30 days. In order to retain water not released to the downstream parties, permittee must have an appropriative water right for storage of natural flow.

6. On May 3, 1979, permittee filed regular Application 25988 for onstream storage of 100,000 acre-feet per year in Pyramid Lake to be collected from Piru Creek between October 1 of each year and September 30 of the succeeding year. On August 2, 1979, permittee filed regular Application 26058 for onstream storage of 150,000 acre-feet per year in Castaic Reservoir to be collected from Castaic Creek between October 1 of each year and September 30 of the succeeding year. Since those applications have not yet been advertised, there is no possibility that a permit could be issued for storage during the current runoff season. As a result, the permittee filed the applications for the subject temporary permits under the provisions of Water Code Section 1425(b).

Permittee has a Need to Divert and Use Water Under Unforeseen Emergency Conditions

7. United Water Conservation District currently diverts water from the Santa Clara River, to which Castaic Creek is tributary, by means of an earth berm facility (Vern Freeman Diversion) located near the community

of Saticoy in Ventura County. Water diverted at that facility is percolated into the forebay (aka Montalvo Basin) of the Oxnard Plain Groundwater Basin. Due to overextraction, seawater intrusion threatens irreparable injury to the quality of the groundwater in the Oxnard Basin. The Board is currently conducting studies and coordinating with local agencies preparatory to possible court action under the provisions of Water Code Section 2100.

8. The existing Freeman Diversion facilities become inoperative because of damage during flood flows in the Santa Clara River. Diversion cannot resume until the river flow substantially subsides, allowing repair or reconstruction of the earth berms. Due to the higher than normal amount of rainfall and runoff in Southern California, the Freeman Diversion facilities washed out twice in January and again in mid-February. Under these conditions, more water could be available to United Water Conservation District for subsurface percolation if part of the flood waters were stored under the agreement with the permittee and released at a later time when the diversion facilities are operative. This management of the flow in Castaic Creek would increase percolation into the Oxnard Plain Groundwater Basin, thus tending to improve the groundwater quality. Since the Board considers the groundwater quality conditions in the Oxnard Plain to be in a threatened state, any lost opportunity to provide water for percolation into this basin contributes to a possible emergency. Despite the high amount of precipitation in Ventura County this winter, the Oxnard Plain Groundwater Basin is not full. There is capacity in the basin to accept water released by the permittee later in the season.

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9. State Water Project water normally reaching Pyramid Lake and Castaic Reservoir must be pumped several times while being conveyed from the Sacramento-San Joaquin Delta. Considerable energy is used by the permittee for this purpose. Any water stored under the subject temporary permits that becomes the property of the permittee after May 1 will take the place of water conveyed from Northern California. This opportunity to thus conserve pumping energy is seldom expected in the normal course of events and thereby constitutes unforeseen emergency conditions, within the meaning of Water Code Section 1425(d).

Existence of Unappropriated Water

10. Southern California has been experiencing an unusually wet winter since December 1979. Rainfall has been approximately twice normal. Flows in the Santa Clara River at the United States Geological Survey stream gage at Montalvo, about 4.5 miles from the Pacific Ocean, averaged about 500 cfs during January, 1980. A peak flow of approximately 60,000 cfs was measured at that location by the Ventura County Flood Control District on February 17, 1980. Average flow for a 33 year record is about 100 cfs. Water diverted under these temporary permits during such conditions would otherwise flow to the ocean. Because of the large quantity of runoff in the Santa Clara, water in excess of beneficial needs has been available.

11. Flow in Castaic Creek averages about 8 percent of that in the Santa Clara River at Montalvo. Substantial uncontrolled flow exists in other parts of the river watershed, especially from Sespe and Santa Paula Creeks in

Ventura County. Because of the high amount of rainfall so far this year, demand for irrigation diversions should be low. Therefore, on a short term basis, unappropriated water is available.

12. The intended use of water is beneficial.

Effect of the Diversions on Any Lawful User of Water and the Rights of Downstream Users

13. Water diverted under these temporary permits during large flood flows could not be diverted by any other downstream user.

14. The major downstream users of water in Los Angeles County are parties to the previously referenced agreement with the permittee. During low flow conditions, releases from Castaic Reservoir can be requested as needed by those parties, therefore, no downstream user in Los Angeles County should be adversely affected. United Water Conservation District holds licensed Application 12092A which authorizes a maximum diversion of 375 cfs from the Santa Clara River at the Freeman Diversion. United's license requires that sufficient water be bypassed to allow for prior rights and to provide for downstream subsurface percolation equivalent to that existing prior to authorization of United's diversion. United can request releases from Castaic Reservoir under the referenced agreement, thus providing more flow in many miles of the Santa Clara River than would otherwise occur at those times under natural conditions. This could result in a net increase in subsurface percolation through the riverbed than would have taken place if the water was not stored during the higher flow conditions. Therefore, users in Ventura County upstream of the Freeman Diversion should benefit by any low flow releases requested by United. The effect on users downstream of the Freeman Diversion will not be any different because of the temporary permits, since the water authorized for storage should be in excess of their needs.

Effect of the Proposed Diversion on Fish, Wildlife, and Other Instream Beneficial Uses

15. The California Department of Fish and Game stated that due to the temporary nature of this use, no significant adverse impacts would result.

16. Review of the Initial Study and Negative Declaration submitted by the permittee for regular Application 26058 on Castaic Creek indicates that those documents may be inadequate, because there may be long term significant effects on instream beneficial uses downstream of Castaic Dam as a result of storage of natural flow. However, in the current instance we find that there will be no significant effects because of the temporary nature of the diversion.

Findings Concerning the California Environmental Quality Act

16. This Board order authorizes diversion to storage, in existing facilities, of a relatively small amount of the total runoff to the Santa Clara River for a period of no more than 4½ months. Such activity constitutes only a minor alteration in the condition of land, water and vegetation; and is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Action by Chairwoman Bard

17. Staff explained the foregoing to Chairwoman Bard and recommended approval of the two temporary permits. Chairwoman Bard concurred and on February 21, 1980, authorized issuance of the temporary permits. On the same date, Temporary Permits 17840 and 17841 were issued.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Issuance of Temporary Permits 17840 and 17841 is validated.
2. Pursuant to Section 2713(c), Title 2, California Administrative Code, the Chief, Division of Water Rights, shall file a Notice of Exemption with the Secretary for the Resources Agency for each application.

Dated: MAR 20 1980

WE CONCUR:

ABSENT

Carla M. Bard, Chairwoman

ABSENT

William J. Miller, Vice-Chairman

L. L. Mitchell

L. L. Mitchell, Member

Jill B. Dunlap

Jill B. Dunlap, Member

F. K. Aljibury

F. K. Aljibury, Member