

Darcy

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional)
Temporary Urgency Change Order)
On Permits 12721, 11967, 12722,)
12723, 12727, 11315, 11316,)
11968, 11969, 12860, 11971,)
11973, 12364 and 13776)
(Applications 5626, 5628, 9363,)
9364, 9368, 13370, 13371, 15374,)
15375, 15764, 16767, 17374, 17376)
and 18115))
U.S. BUREAU OF RECLAMATION,)
Permittee)

Order: WR 87- 12
Source: Old River
County: Contra Costa

ORDER VALIDATING CONDITIONAL
TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION

BY THE BOARD:

The U.S. Bureau of Reclamation (Bureau) having filed a petition for a conditional temporary urgency change in point of diversion and rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the U.S. Fish and Wildlife Service, the Department of Fish and Game and the Department of Water Resources (DWR); Chairman W. Don Maughan having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a conditional temporary urgency change order on October 20, 1987, subject to review and validation by the Board as provided by Water Code Section 1435(d); the Board finds as follows:

Substance of the Proposed Change

1. The Bureau filed a petition with the State Water Resources Control Board (Board) on October 14, 1987 to add the Harvey O. Banks Pumping plant (Banks Plant) operated by the Department of Water Resources (DWR) as a temporary point of diversion and rediversion in the Bureau permits specified in Table 1 below to pump the amount of water foregone by changes in operation of the Central Valley Project requested by the Department of Fish and Game (DFG):

TABLE 1
WATER RIGHT PERMITS COVERED BY
THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
9368	12727**
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860*
16767	11971
17374	11973**
17376	12364
18115	13776

* This permit allows diversion of water to storage in San Luis Reservoir.

**These permits allow direct diversion of water only and cannot be used to place water into storage as requested in this petition.

The October 14, 1987 petition requests that, in addition to the existing point of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the Clifton Court Forebay Intake of the State Water Project, Harvey O. Banks Pumping Plant (Banks Plant) at the following location:

California Coordinates, Zone 3, North 486,035; East 1,695,057; being within the NW{ of SE{ of projected Section 20, T1S, R4E, MDB&M.

2. The petition for a temporary urgency change requests that diversion and rediversion at the Banks Plant be authorized to pump the amount of water not to exceed 80,000 acre-feet (ac-ft), not exported because of certain changes in operation during October and November, 1987 requested by Department of Fish and Game (DFG).

Temporary Urgency Need

3. The Bureau's dry year contingency schedule of releases below Keswick Dam showed substantial reductions in flows of the Sacramento River later this fall to conserve reservoir storage. The scheduled reductions could have resulted in the stranding of spawning salmon and dewatering of a significant number of salmon spawning beds and spawned eggs by early November if no mitigation actions were taken.
4. On October 14, 1987, DFG requested the Bureau to reduce flow immediately in the Sacramento River below Keswick Dam from about 6,000 cubic feet per second (cfs) to about 4,500 cfs with an increase in the proportion of releases of cooler Trinity River water at Keswick Dam to improve and

maintain more stable minimum flows favorable to spawning conditions in the Sacramento River during the period October 15, through about November 30, 1987. The Bureau complied with this request immediately. The result of compliance is a reduction in the total quantity of water the Bureau can divert or redivert through the Delta at its diversion facilities near Tracy without a temporary permit change.

5. The DFG also requested curtailment of diversion at the Bureau's Tracy Pumping Plant for improved passage of outmigrating yearling salmon from the DFG Merced River spawning channel between October 24, 1987 and November 3, 1987.
6. The Bureau expects to have insufficient capacity available through the Tracy Pumping Plant later this water year to make up for the flow reductions requested by DFG (about 80,000 ac-ft), if runoff this year is normal or above.
7. The requested modification of flows below Keswick Dam and curtailment of pumping at Tracy for Merced River yearly salmon passage will reduce the amount of stored water being transferred by the Bureau from storage north of the Delta to San Luis Reservoir south of the Delta.

Notice and Response

8. Notice of the petition for temporary urgency change was provided by publication in the Contra Costa Times October 26, 1987 and by mail to interested parties. The Board received a written objection from Contra Costa County Water Agency (Contra Costa) on November 12, 1987, two days after the objection period ended.

9. Contra Costa pointed out that the current water year may be classified as "dry" and alleged that redirection of CVP storage releases out of the Delta may jeopardize the ability of the CVP to maintain adequate salinity control in the Delta later in the water year. The order approving a temporary urgency change allows either diversion or redirection of an amount by which diversions at the Bureau Tracy Pumping Plant are reduced during the period of October 15 through November 30 pursuant to the DFG request. The Bureau has advised that as of October 12, 1987, the amount allowed under the accounting procedure in Term 4 of the October 20, 1987 order will be about 8,500 acre-feet. The reduced amounts of the replacement pumping and the option to use direct diversion for replacement over a three-month period of time makes it apparent that the deferral of pumping will, in fact, enhance the Bureau's capacity to meet Delta salinity standards in 1988.
10. Contra Costa also expressed concern that the petition is an "end run" around the EIR requirement for the earlier 80,000 acre-foot trial transfer and that there could be environmental or other impacts that are not addressed in the petition filed by the Bureau. The present action is not an "end run" around applicable CEQA requirements because the proposed trial transfers would allow additional exports from the Delta in a given water year, whereas the present action would allow no such increase. Approval of the present temporary urgency change would simply authorize a shift in monthly export amounts in an environmentally beneficial manner. Board

staff has reviewed the potential impacts of the proposed action and on October 21, 1987 filed a Notice of Exemption pursuant to Section 15307 of the State EIR Guidelines.

Other Findings by the Board

11. The proposed action is an urgent measure that will reduce adverse temperature effects on salmon spawning due to unusually dry conditions and will result in improved habitat conditions in the Sacramento River below Keswick Dam by maintaining moderate flows until after the spawned salmon eggs hatch and emerge as fry.
12. Having considered the objection of Contra Costa, the Board concludes it does not raise issues requiring a hearing, nor does it present any evidence to indicate that the proposed change would cause injury to any lawful user of water or have unreasonable effects upon wildlife or other instream beneficial uses.
13. The proposed reductions in pumping at the Tracy Plant will have a secondary benefit in facilitating the outmigration of yearling salmon scheduled for release from the DFG Merced River Spawning Channel on October 19, 1987. Pumping at the Tracy Plant will be curtailed October 24 through November 3 to create more favorable conditions in the Southern Delta for passage of the yearling salmon.
14. The Chief of the Division of Water Rights is authorized to file a Notice of Exemption pursuant to Section 15307 of the State EIR Guidelines.
15. Permits 12727 and 11973 (Applications 9368 and 17374) allow direct diversion of water only and cannot be used to place water into storage.

16. The permittee has a temporary urgent need to add the proposed point of diversion and rediversion at DWR's Banks Pumping Plant to replace water which would normally be transferred between October 15 and about November 30 from reservoirs north of the Delta to storage in San Luis Reservoir for subsequent delivery to water users under existing contracts.
17. DWR staff has informed Board staff that DWR is willing to wheel the replacement water for the Bureau through the Banks Plant and the California Aqueduct to storage in San Luis Reservoir.
18. The Bureau submitted an accounting procedure pursuant to Term 4 of the October 20, 1987 order and the Board finds that the procedure is satisfactory.
19. The temporary urgency change validated by this order does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water and does not unreasonably affect fish, wildlife or other instream beneficial uses. The temporary urgency change validated by this order is in the public interest and will further the constitutional policy to maximize the beneficial use of water.

Action by Board Chairman Maughan

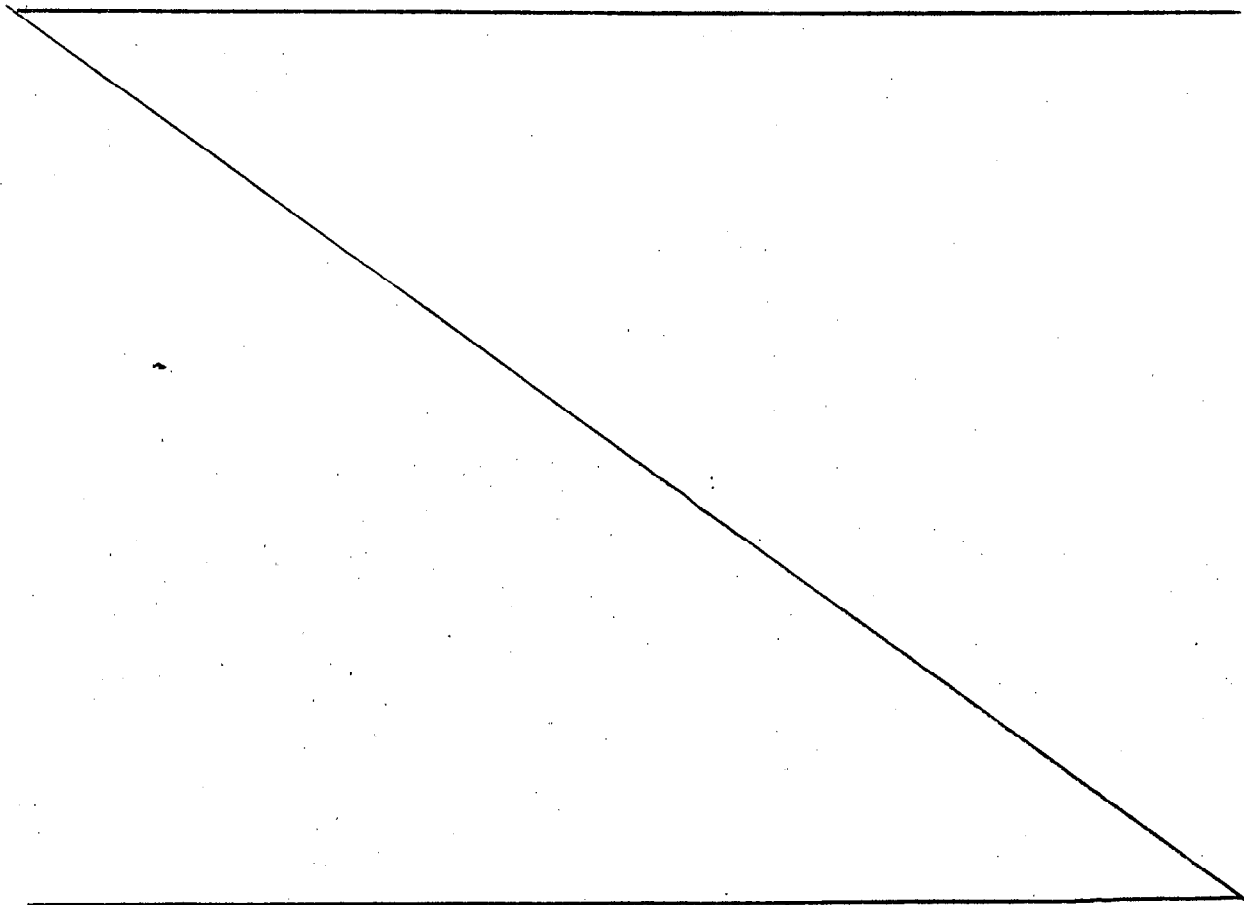
20. In accordance with the authorization in Water Code Section 1435(d), the Board adopted Resolution 84-2 delegating authority to individual Board members to approve temporary changes on projects where no detrimental effects are anticipated.
21. In accordance with the delegation of authority in Resolution 84-2, Board Chairman Maughan issued a conditional temporary urgency change order on

October 20, 1987 allowing a temporary change in the point of diversion at Clifton Court Forebay under Permit 12860 subject to several specified conditions.

ORDER

IT IS HEREBY ORDERED THAT:

1. The issuance of the October 20, 1987 order by Board Chairman Maughan allowing a conditional Temporary Urgency Change in point of diversion and point of rediversion under Permit 12721 and 10 others is validated subject to the terms and conditions specified in the order except as corrected below.



2. Condition 1. b) of the order is corrected to read as follows:

Rediversion of releases of stored water to storage in San Luis Reservoir under Permits 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 11971, 12364, and 13776 (Applications 5626, 5628, 9363, 9364, 13370, 13371, 15374, 15375, 16767, 17376 and 18115).

CERTIFICATION


The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of State Water Resources Control Board held on November 17, 1987.

Aye: W. Don Maughan
Darlene E. Ruiz
Edwin H. Finster
Danny Walsh
Eliseo M. Samaniego

No: None

Absent: None

Abstain: None


Maureen Marche
Administrative Assistant to the Board

