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A017913

STATE WATER RESOURCES  
CONTROL BOARD

2015 JUL 31 AM 10:50

DIV OF WATER RIGHTS  
SACRAMENTO



City of Santa Cruz Water Department 212 Locust St. Santa Cruz, CA 95060 (831) 420-5200

July 30, 2015

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento CA 95812-2000

Attn: Barbara Evoy, Deputy Director for Water Rights  
Cc: Justine Herrig, Division of Water Rights

Subject: City of Santa Cruz - Petition for Extension of Temporary Urgency Change Order,  
License 9847 (Application 17913) Extension

Dear Ms. Evoy,

The State Water Board approved the City's Petition for Temporary Urgency Change Order on February 14, 2014. The Order allows a temporary day reduction in the downstream bypass/release from Newell Creek Reservoir from 1.0 cubic feet per second (cfs) to 0.2 cfs. The Order has been extended twice due to the ongoing extreme drought conditions. The Order is currently set to expire August 9, 2015. As of July 30, 2015, the impact of the Order has been to save approximately 275 million gallons of storage in the reservoir. The Order is proving to be a significant benefit to the City's ability to manage the very real water shortage emergency we are facing.

With this letter and accompanying petition application the City is requesting a 180 day extension of the reduced bypass/release of 0.2 cfs, to February 5, 2016. Also attached is proof of payment of petition filing fees of \$2,677 and \$850.00 (Attachment 1) and the CEQA Notice of Exemption (Attachment 2).

**Compliance with the Current Order**

The Order was conditioned with three requirements:

1. *Reduce water demand by 20% of normal water use by instituting water rationing and promoting conservation:*

The City of Santa Cruz has an internationally recognized water conservation program. The goal of the drought-related Stage 3 Water Shortage Emergency is to reduce system-wide water use by 25 percent. Use reduction has exceeded 30% during some months of the Order's term - well in excess of the 20% reduction required by the Order. All customers have been and will continue to be requested to voluntarily cut back water use by 20 percent and mandatory restrictions on outdoor water use remain in place. Utility bills continue to show residential rationing allotments in case they are needed again later in 2016. Per the terms of the current Order, the City has reported on the status of its water rationing on a monthly basis.

2. *Monitor the effects of the amended release or bypass amount on fisheries resources and take all necessary steps to avoid harm to fish in Newell Creek:*

Monitoring data and observations from February 2014 to date indicate that the reduced bypass flow has not changed passage conditions in critical riffles nor created any areas of hydrologic discontinuity.

3. *Submit a written report to the Deputy Director for Water Rights that summarizes all activities conducted during the term of the current Order to ensure compliance with the requirements of this Order, and the amount of water use reduction achieved.*

A summary report was submitted on February 13, 2015 for the previous Order renewal. The summary report for the current Order is due on September 15, 2015.

The above information confirms that the City is in compliance with the Order.

### **Urgent Need for Extension of the Order**

Newell Creek Reservoir is the City's only drought supply and is modestly sized. The City of Santa Cruz has an urgent need to extend the Order which suspended the bypass and release requirement on Loch Lomond Reservoir from 1 cfs to 0.2 cfs, in order to preserve the water remaining in storage so that there will be sufficient water to meet essential health and safety needs in the event of continuing drought. Over a period ten years, from 2003 to 2012, the average water level of the Reservoir has been 577 feet, as measured on April 1 of each year. This represents 98.95% of storage capacity, or 2.836 billion gallons. As of July 30, 2015 the reservoir was at approximately 566.80 feet or 80% of storage capacity/ 2.258 billion gallons and current inflow was approximately 0.1 cfs and steadily declining – 10 percent of the typical 1 cfs fish release. While December 2014 was characterized by above average precipitation, it was insufficient to provide sustained runoff after several successive dry years and the region remains in an "extreme drought" condition<sup>1</sup>. Current flow at the Big Trees USGS gage (which has the longest term record in the San Lorenzo watershed, and which Newell Creek is a tributary to) is significantly less than the 25th percentile flow at this time. As upstream flows inevitably recede further and evaporation and transpiration remove water from the reservoir, the gap between inflow and outflow will become greater. Therefore, the release of 1 cfs of stored water pursuant to the 1957 agreement would further deplete the City's only source of stored water for drought protection.

The City is 100% dependent upon local rainfall and runoff for its municipal water supply. The City holds additional permits for diversion from the San Lorenzo River and has pre-1914 water rights on coastal water sources. However, these sources are also severely constrained due to fishery protection considerations as well as the very low flows resulting from the successive years of low precipitation.

<sup>1</sup> <http://droughtmonitor.unl.edu/Home/RegionalDroughtMonitor.aspx?west>

Because of this critically dry weather pattern, the City has to rely increasingly on the water remaining in storage in Newell Creek Reservoir to meet its demands. This reservoir is the City's only stored water resource, and its only drought contingency water supply.

This Order, along with the success of the Water Shortage Emergency declaration, have been critical to helping the City achieve its storage goals thus far. However, without renewal of the Order reservoir storage may be inadequate to continue to meet essential health and safety needs as the drought continues through the rest of this dry season and possibly into the next water year.

### **Conclusion**

We appreciate the assistance of the SWRCB in approving the temporary Order, which is significantly improving our ability to mitigate one of the impacts of the serious water shortage condition we are facing. As the extreme drought persists, our local flowing sources have and will continue to decrease and reliance on storage will become increasingly important. Given the demonstrated benefit to public health and safety and lack of impact on instream conditions resulting from the Order we are requesting that the Order be extended for another 180 days, to February 5, 2016. We have provided notice of our request for this extension to NOAA and DFW and have been told that they are not opposed to it.

Please let us know if you have any questions or concerns. Again, we appreciate the opportunity to work in a collaborative manner to mitigate one of the impacts of this extreme drought.

Sincerely,



Digitally signed by Chris Berry  
DN: cn=Chris Berry, o=City of  
Santa Cruz, ou=Watershed,  
email=cberry@cityofsantacruz.com, c=US  
Date: 2015.07.30 11:17:10  
-07'00'

Chris Berry,  
Watershed Manager  
City of Santa Cruz Water Department

Cc: w/encl Rosemary Menard, Water Director  
w/encl Steve Leonard, Deputy Director  
w/encl Martha Lennihan

Attachment 1: Proof of fee payment  
Attachment 2: NOE  
Attachment 3: Petition

Please indicate County where your project is located here:

Santa Cruz

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

MJM/JH
A017913
STATE WATER RESOURCES CONTROL BOARD
2015 JUL 31 AM 11:18
DIVISION OF WATER RIGHTS SACRAMENTO

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application A017913 Permit 11618 License 9847 Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: No Change
Proposed:

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: No Change
Proposed:

Purpose of Use

Present: No Change
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for names, addresses, and phone numbers]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: No Change
Proposed:

REC'D 7-31-2015
CHECK #187558 CHECK #187561
\$850.00 \$2,677.00
GC

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:   
Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

Digitally signed by Chris Berry  
DN: cn=Chris Berry, o=City of Santa Cruz, ou=Watershed,  
email=cberry@cityofsantacruz.com, c=US  
Date: 2015.07.24 09:52:58 -0700'

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)