

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER WR 2001- 09 DWR

IN THE MATTER OF PERMIT 16478 (APPLICATION 5630)
TEMPORARY URGENCY CHANGE IN THE POINT OF DIVERSION
AND REDIVERSION UNDER THE
DEPARTMENT OF WATER RESOURCES
PERMIT 16478

SOURCE: Sacramento San Joaquin Delta

COUNTY: Contra Costa

ORDER APPROVING TEMPORARY URGENCY CHANGE IN THE
POINT OF DIVERSION AND REDIVERSION

1.0 SUBSTANCE OF PETITION

On June 8, 2001, the Department of Water Resources (DWR) petitioned the SWRCB's Division of Water Rights (Division) for a temporary urgency change pursuant to Water Code section 1435. The petition requests the addition of a point of diversion and rediversion to be located at the U.S. Bureau of Reclamation's (Bureau) Tracy Pumping Plant. Approval of the requested additional point of diversion and rediversion will allow DWR to utilize the Central Valley Project's Tracy Pumping Plant, to the extent capacity is available, to continue to divert water from the Delta during the period of time that the California Aqueduct is out of service for repairs.

2.0 BACKGROUND

Permit 16478 was issued to DWR on September 26, 1972, pursuant to Application 5630. Permit 16478 authorizes direct diversion of 1,400 cubic feet per second (cfs) and diversion to storage of 380,000 acre-feet of water at Lake Oroville and direct diversion of 1,400 cfs from the Delta at Italian Slough from January 1 through December 31 of each year.

A major leak in the California Aqueduct upstream of Bethany Reservoir has been identified, and that stretch of the canal will have to be taken out of service for repairs during the period from June 12, 2001 to July 31, 2001. As a result, DWR will pump little or no water at Banks Pumping Plant until the repairs are complete. DWR has petitioned to add a point of diversion and rediversion at the Bureau's Tracy Pumping Plant to utilize any available excess pumping capacity of the facility to continue to divert water from the Delta during the period of time that the California Aqueduct is out of service for repairs. DWR states that there will be no net increase in southern Delta exports and no net increase in pumping at the Tracy Pumping Plant. DWR states that its proposed operation will conform to the following criteria of the Response

Plan for Joint Point of Diversion and approved by the Chief, Division of Water Rights on October 6, 2000.

- All three temporary southern Delta barriers are in full operation.
- The Head of Old River barrier will not be in operation.
- Use of joint point will not impair the capability of any southern Delta channel upstream of the barriers to fully fill during flood tides.
- Total SWP Delta export over the proposed period will not increase.
- Measured water levels within the South Delta Water Agency service area are deemed adequate, and
- Forecasted water levels must be above 0.0 feet mean sea level at the locations identified in the Response Plan.

Additionally, DWR has stated that the proposed change will not impact the position of X2¹ or change conditions in the Delta relative to water right permits of Contra Costa Water District. Computer modeling runs will be used to forecast the adequacy of water levels in the southern Delta, assess any harm, and terminate diversions if harm is discovered. Further, the proposed change is subject to term 2.a. on page 155-156 of SWRCB Decision 1641.

3.0 ENVIRONMENTAL CONSIDERATIONS

SWRCB staff has reviewed the proposed temporary change and find that it is exempt from the California Environmental Quality Act (CEQA) in accordance with California Code of Regulations, title 14, section 15061 (b)(3). Because the Tracy Pumping Plant is normally operated at full capacity, approving this petition will not result in any more water being diverted from the Delta than would occur absent the action. CEQA applies only to those projects that have a potential for causing a significant impact on the environment. In this case, the environmental condition that would occur if the petition were granted is indistinguishable from the base condition. Therefore, the project is exempt from CEQA.

4.0 SWRCB'S DELEGATION OF AUTHORITY

Resolution 99-031, section 3.2.22 delegates to the Chief of the Division of Water Rights, the authority to approve temporary urgency changes pursuant to Water Code section 1435 provided the necessary findings can be made.

5.0 CONCLUSIONS

The SWRCB has adequate information in its files to make the evaluation required by Water Code section 1435.

I conclude that, based on the available information:

1. The permittee has an urgent need to make the proposed change;
2. The proposed change will not operate to the injury of any other lawful user of water;

¹ X2 is the most downstream location of either the maximum daily average or the 14 day running average of the 2.64 mmhos/cm isohaline.

3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and,
4. The proposed change is in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petition filed by the Department of Water Resources on June 8, 2001 for temporary urgency change in the point of diversion and rediversion under Permit 16478 (Application 5630) is approved.

This order shall not result in the creation of a vested right even of a temporary nature, shall be subject at all times to modification or revocation at the discretion of the SWRCB, and shall automatically expire 180 days after the date of its issuance unless it is revoked earlier.

All existing terms and conditions of Permit 16478 remain in effect, including term 2.a. in SWRCB Decision 1641 at pages 155-156, except as temporarily amended by the following provisions:

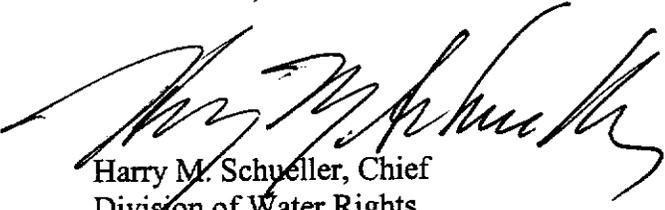
1. Permit 16478 is temporarily amended to add a new point of diversion and rediversion, described as follows:

Tracy Pumping Plant, located within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Projected Section 31, T1S, R4E, MDB&M.

2. No water shall be diverted under this order unless Permittee complies with the following conditions of the Response Plan for Joint Point of Diversion approved by the Chief, Division of Water Rights on October 6, 2000:

- All three temporary southern Delta barriers are in full operation.
- The Head of Old River barrier will not be in operation.
- Use of joint point will not impair the capability of any southern Delta channel upstream of the barriers to fully fill during flood tides.
- Total SWP Delta export over the proposed period will not increase.
- Measured water levels within the South Delta Water Agency service area are deemed adequate, and
- Forecasted water levels must be above 0.0 feet mean sea level at the locations identified in the Response Plan.

3. I reserve jurisdiction to supervise the temporary urgency change under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.


Harry M. Schueller, Chief
Division of Water Rights

Dated: 6/12/01