

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Treated Waste Water Petition WW-41

**ORDER APPROVING CHANGE IN PLACE OF USE AND PURPOSE OF USE FOR
TREATED WASTE WATER**

WHEREAS:

1. On December 12, 1996, the California Department of Corrections (California Men's Colony) filed treated waste water change petition WW-41 with the State Water Resources Control Board (SWRCB), pursuant to Sections 1210 and 1211 of the California Water Code.
2. Waste water petition WW-41 was filed to change the place of use and purpose of use of tertiary treated effluent from California Men's Colony's (CMC) waste water treatment plant.
3. CMC has historically discharged tertiary treated effluent from its waste water treatment plant to Chorro Creek, tributary to Morro Bay thence the Pacific Ocean in San Luis Obispo County, for wildlife habitat use, and reused treated effluent at the California State Polytechnic University's Chorro Valley Ranch for irrigation use (210 acres located within projected Sections 6, 7, T30S, R11E, and Section 12, T30S, R11E, MDB&M). In addition, pursuant to waste water petition WW-27, CMC reuses treated effluent at the El Chorro Regional Park Golf Course (aka, Dairy Creek Golf Course) for irrigation use. (80 acres located within projected Sections 6, 7, T30S, R11E, and Section 12, T30S, R11E, MDB&M).
4. The Morro Bay Golf Course, the proposed additional place of use under waste water petition WW-41, is controlled and operated by the County of San Luis Obispo (County) pursuant to a July 1, 1970 agreement between the State of California and the County.
5. The proposed use by the County of effluent discharged from CMC's waste water treatment plant in order to irrigate the Morro Bay Golf Course, is provided by a joint powers agreement between CMC and the County.
6. On August 13, 1997, Notice of Petition was distributed, and waste water petition WW-41 was protested by Ms. Amelia Gaorian and Mr. John Q. Hammons.

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7. On October 23, 1997, Ms. Gaorian's protest against waste water petition WW-41 was dismissed in accordance with the provisions of Section 750, Title 23 of the California Code of Regulations. In accordance with a Stipulation for resolution of protest between CMC and Mr. John Q. Hammons, dated November 4, 1997 and November 7, 1997, Mr. John Q. Hammons agreed to dismiss his protest against waste water petition WW-41.
8. The SWRCB has determined that good cause for the change has been shown.
9. The SWRCB has determined that the changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use of tertiary treated waste water discharged from CMC's waste water treatment plant shall be as follows, as shown on maps filed with the SWRCB:
 - a) Chorro Creek, tributary to Morro Bay thence the Pacific Ocean,
 - b) California State Polytechnic University's Chorro Valley Ranch (210 acres located within projected Sections 6, 7, T30S, R11E, and Section 12, T30S, R11E, MDB&M).
 - c) El Chorro Regional Park Golf Course (aka, Dairy Creek Golf Course) (80 acres located within projected Sections 6 and 7, T30S, R11E, and projected Section 12, T30S, R11E, MDB&M).
 - d) Morro Bay Golf Course (100 acres located with Section 31, T29N, R11E, and Section 6, T30N, R11E, MDB&M).
2. The purpose of use of tertiary treated waste water discharged from CMC's waste water treatment plant shall be: Irrigation, Recreation, Wildlife Habitat Enhancement, and Fish and Wildlife Enhancement.
3. The maximum quantity (180 afa) of tertiary treated effluent discharged into Chorro Creek from CMC's waste water treatment plant, upstream of where the County of San Luis Obispo will pump from wells located adjacent to Chorro Creek for irrigation use at Morro Bay Golf Course, shall be for the sole purpose of maintaining and enhancing fishery, wildlife, recreational and other instream uses in Chorro Creek, in accordance with the provisions of Section 1212 of the State Water Code.

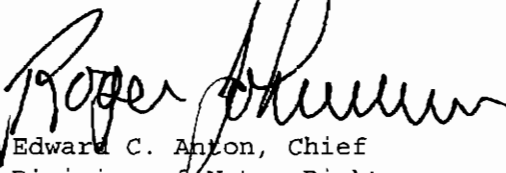
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4. The use of tertiary treated waste water discharged from CMC's waste water treatment plant pursuant to this Order, is subject to the terms and conditions of the fully executed Memorandum of Agreement between CMC and the Department of Fish and Game, dated December 17, 1996, related to the reuse of treated waste water to irrigate Morro Bay Golf Course pursuant to waste water petition WW-41.

5. The use of tertiary treated waste water discharged from CMC's waste water treatment plant pursuant to this Order, is subject to the terms and conditions of the Stipulation for resolution of protest between CMC and John Q. Hammons, dated November 4 1997 and November 7, 1997.

Dated: MARCH 4 1998


for Edward C. Anton, Chief
Division of Water Rights