

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25988 and 26058)	DECISION: 1586
DEPARTMENT OF WATER RESOURCES)	SOURCES: Piru Creek
Applicant)	Castaic Creek and
And Application 26434)	Santa Clara River
UNITED WATER CONSERVATION DISTRICT)	COUNTIES: Los Angeles and
Applicant)	Ventura
DEPARTMENT OF FISH AND GAME ET AL)	
Protestants)	

DECISION APPROVING APPLICATIONS 25988, 26058 AND 26434

BY BOARD VICE CHAIRMAN MITCHELL
AND BOARD MEMBER GOLIS:

The Department of Water Resources (Department) having filed Applications 25988 and 26058 for permits to appropriate unappropriated water; United Water Conservation District (United) having filed Application 26434 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held on July 15, 1981 and September 21, 1981; applicants and protestants having appeared and presented evidence; the evidence having been duly considered; the Board finds as follows:

Substance of Application 25988

1. Application 25988 of the Department is for a permit to appropriate 55,000 acre-feet per annum (afa) from Piru Creek for storage in existing Pyramid Reservoir. The storage season is year-round. Water is to be used for irrigation, industrial, domestic, municipal, recreation, fish and wildlife enhancement and salinity control. The place of use is within the Southern California service area of the State Water Project including Ventura County.

The Department currently stores imported State Water Project (SWP) water in Pyramid Reservoir. Application 25988 was filed for the purpose of collecting local runoff from Piru Creek.

Substance of Application 26058

2. Application 26058 of the Department is for a permit to appropriate 85,000 afa from Castaic Creek for storage in existing Castaic Reservoir. The storage season is year-round. Uses of the water are the same as under Application 25988. The Department currently stores imported SWP water in Castaic Reservoir. Application 26058 was filed for the purpose of collecting local runoff from Castaic Creek.

Substance of Application 26434

3. Application 26434 of United is for a permit to divert 10,000 afa at a rate of 37 cubic feet per second (cfs) for direct use on the Oxnard Plain, and to divert 30,000 afa to underground storage. The season is year-round. The water is to be used for irrigation, domestic, municipal, industrial, and salinity control. United currently diverts water at the Saticoy Diversion under licensed Application 12092A. The purpose of Application 26434 is to increase the quantity allowed at that diversion.

Applicants' Projects

4. When storage capacity exists in Pyramid and Castaic Reservoirs, the Department proposes to collect natural runoff which is in excess of downstream rights and the recharge capacity of the groundwater basin. Historically, such excess runoff flows into the ocean. The Department, Newhall

Land and Farming Company (Newhall), United, the County of Los Angeles, and Newhall County Water District entered into an agreement on October 24, 1978. The agreement provides that recharge and prior rights are completely satisfied when the flow at Castaic Dam reaches 100 cfs and provides that all flows entering Castaic Reservoir up to 100 cfs are to be bypassed. When natural flow at Castaic Dam exceeds 100 cfs, the entire flow entering the reservoir may be stored since downstream tributary flow will be sufficient to satisfy existing uses. The parties have further agreed that 25 percent of the stored natural flow would have percolated to groundwater storage without Castaic Dam and 75 percent would have flowed into the ocean. The agreement provides that United and Newhall together may call upon the Department to release all this stored runoff in Castaic Reservoir at any specified rate prior to May 1 of each year. The first 25 percent of released water will be paid for at a low unit price and releases above 25 percent will be at a much higher price. All stored water remaining in storage in Castaic Reservoir on May 1 may be retained for use by the Department in its Southern California service area. The agreement contains various other provisions which need not be described here. This agreement is to terminate 50 years from the date of agreement, and can be terminated within 90 days at the request of any party to the agreement. This method of operation will be mutually beneficial to the downstream water users and to the Department.

5. Under Application 26434 United proposes to construct a permanent Vern Freeman Diversion Dam a short distance upstream from the existing Saticoy Diversion Dam which washes out during high runoff in the Santa Clara River. The new dam will be capable of diverting more water into the existing Saticoy spreading basins for groundwater recharge than is diverted under the license issued to United on Application 12092A. It will also supply water to the proposed Pumping Trough Pipeline. The Board has approved a State Assistance Program grant for construction of the Pumping Trough Pipeline. Fish bypass facilities will be incorporated into the new Vern Freeman Diversion Dam.

The project schedule indicates a construction period of March 1, 1984 to December 1, 1984 for the Vern Freeman Diversion Dam.

Protests

6. The Department of Fish and Game (Fish and Game) protested all three applications on the basis of adverse effects on fish and wildlife habitats in the stream system. Regarding the Department's applications, Fish and Game's specific concerns are the quantity and timing of releases for aquatic life, while its concern with United's proposed increased diversion at the Vern Freeman Diversion Dam is mainly the potential to prevent or hinder migration of steelhead. Newhall protested the Department's Application 26058 on the basis of alleged prior rights claims. Newhall requests that any permit issued be made subject to the terms of the 1978 agreement (See Paragraph 4). The issuance of a permit with the conditions requested by Newhall is not an indication that the Board recognizes the validity of Newhall's claimed rights or the claimed rights of the other water users who are party to the 1978 agreement. Other protests were also settled by agreements negotiated between the applicants and the protestants. Those agreements are discussed in the next section of this decision.

Agreements

7. In addition to the October 24, 1978 agreement, four agreements or stipulations were entered into in 1981 by the various agencies involved in these applications. In addition to reasserting the terms of the 1978 agreement the agreement includes a new provision calling for a fishery study. The 1981 agreements provide for dismissal of the protests and are listed below.

- 1) Between the Department and Fish and Game, dated September 18, 1981 (Department Exhibit 4).

- 2) Between the Department and Newhall, dated September 21, 1981
(Department Exhibit 5).
- 3) Between the Department and United dated September 18, 1981
(Department Exhibit 6).
- 4) Between United and Fish and Game, dated September 21, 1981
(United Exhibit 10).

8. The agreement between the Department and Fish and Game sets forth proposed conditions to be included in the Department's permits. The proposed conditions require the Department to fund a study to be undertaken by Fish and Game. The study is to evaluate the steelhead resource potential and determine stream flow requirements to develop that potential and to support the resource. The agreement includes details regarding the amount of money to be expended, the time period, quantities of water to be released for the study and other details. The agreement states that at the conclusion of the study the Department and Fish and Game will attempt to agree on permanent conditions for the permits. If they can't agree, each is to submit its own proposed conditions and the Board is to decide what conditions are appropriate.

9. The agreement between the Department and Newhall also sets forth proposed conditions to be included in any permit issued pursuant to the Department's Application 26058 (Castaic). One condition is that the Department will abide by the terms of the 1978 agreement. Other proposed conditions set forth the quantities of water to be made available for the fish study. Newhall agrees that 75 percent of the water stored in Castaic Reservoir under rights pursuant to application 26058 may be used for the fish study.

10. The September 18, 1981 agreement between the Department and United confirms the 1978 Agreement and sets forth how United will participate in the fishery study. The September agreement provides that 75 percent of the water stored in Castaic Reservoir under rights pursuant to Application 26058 and all of the water stored in Pyramid Reservoir under rights pursuant to

Application 25988 is available for fish study purposes. However, total fish study water is limited to 12,000 acre-feet in 1982-83 and 7,000 acre-feet per year thereafter until the study is concluded. The 1981 agreement also provides that United will act as the watermaster during the study.

11. The agreement between United and Fish and Game also discusses United's participation in the proposed fish study. The agreement sets forth the requirements for passing water for the study through United's facilities and requires that United not obstruct the upstream passage of fish at the Vern Freeman diversion dam. Other details of the agreement relate to United's diversion structure and fish screening facilities. The agreement states that after the study is concluded, if United and Fish and Game do not agree on permanent conditions each will submit its proposed conditions and the Board is to determine what final conditions are appropriate.

12. In commenting on the Department's draft environmental document, the U. S. Forest Service expressed concern that approval of Application 26058 would appropriate all of the remaining water in Castaic Creek and would preclude future upstream developments in the Angeles National Forest to enhance recreational uses and to improve range and wildlife habitat. In its response the Department stated it would not oppose use of 500 to 1,000 afa above Castaic Dam for such use on national forest lands. These uses will be protected by an appropriate condition pursuant to finding paragraph 15.

Availability of Unappropriated Water

13. Records of flow are available for Piru Creek beginning in 1956, for Castaic Creek beginning in 1958 and for Santa Clara River beginning in 1950. A review of the records shows that there are years when runoff is in excess of all uses and in excess of the recharge capacity of the underlying groundwater basin. This excess runoff may be appropriated provided instream

uses are protected. For exercise of existing rights the Department and United have or will have facilities that can be used for the purposes of the projects under these applications. For that reason, the projects are feasible even though water may be available for appropriation infrequently. The agencies will be capable of using whatever water is available up to the capacity of their projects.

Limitation On Export Of Water From Santa Clara River Basin

14. On November 19, 1981, the Board adopted Resolution No. 81-100. In this resolution the Board, acting under Water Code Section 2100, found the rights to the use of groundwater in the Oxnard Plain Basin must be adjudicated to prevent irreparable damage to the quality of the groundwater due to overdraft resulting in seawater intrusion. The Santa Clara River is the principal natural source of water supplying the Oxnard Plain and vicinity. The Board takes official notice that the record leading to the adoption of Board Resolution No. 81-100 indicates water naturally available in the Santa Clara River is insufficient to offset pumping demands on the groundwater basin.

15. The applications filed by the Department seek to appropriate water for uses both inside and outside the Santa Clara River Basin. The agreement to supply water to local users may be terminated after 90 days notice by any party. In Order WR 82-5 it was declared that, as a matter of policy, the Board should not favor applications to export water from the Santa Clara River Basin because the basin is water deficient. That declaration is an application of statutory policies protecting areas in which water originates (Water Code Section 11460). We conclude therefore, that any permits issued to the Department should be subject to rights initiated by applications for beneficial use of water within the Santa Clara River basin and the Oxnard Plain regardless of the date of filing of said applications.

Environmental Considerations

16. The Department has prepared Negative Declarations for Applications 25988 and 26058 in accordance with the California Environmental Quality Act (Public Resources Code Section 2100, et seq.) and the State Guidelines. The documents state that the proposed projects will not have nor cause any significant adverse effects on the environment. The Board in this decision has adopted conditions to require implementation of measures identified in the environmental documents. The Board has reviewed and considered the information contained in the environmental documents and the Staff Analysis of Record prior to the approval of these projects.

17. United has prepared an Environmental Impact Report (EIR) and a supplemental Environmental Impact Report (SEIR) for Application 26434 in accordance with the California Environmental Quality Act (Public Resources Code, Section 2100, et seq.) and the State Guidelines. The EIR and SEIR have identified possible adverse impacts on archeological resources, on biological habitats in the Santa Clara River and on steelhead migration at the Vern Freeman Diversion Dam. United has altered the project to mitigate or avoid the identified significant environmental effects. The Board in this decision has adopted conditions to mitigate the significant impacts on the steelhead and archeological resources. The Board has reviewed and considered the information contained in the EIR and SEIR and the Staff Analysis of Record prior to the approval of this project.

Discussion

18. The fishery study will show whether the projects are beneficial and feasible, whether a steelhead fishery resource exists and what mitigation

measures will be required of United and what enhancement measures will be required of the Department to develop that resource. Until the study is completed and the parties submit their proposed conditions, the Board will not be in a position to develop permanent permit conditions. For that reason, jurisdiction will be reserved to allow future consideration of appropriate conditions when the necessary information is available.

Conclusions

19. From the foregoing findings, the Board concludes that unappropriated water is available, that the applicants have or will have facilities which can make beneficial use of the water and that the applications should be approved and permits issued subject to the conditions in the order following. It is also concluded that the fishery study proposed in the agreements is necessary in order to provide the basis for permanent permit conditions.

ORDER

IT IS HEREBY ORDERED that Applications 25988, 26058, and 26434 be approved and permits be issued to the applicants subject to vested rights. The permits shall contain all applicable standard permit terms and other conditions, all as listed below:

Application 25988

1. Standard permit terms 5i, 6, 10, 11, 12, and 13.*

*The Board maintains a list of standard terms. Copies may be obtained upon request.

2. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 55,000 acre-feet per annum to be collected from January 1 to December 31 of each year.

3. Complete application of the water to the authorized use shall be made within 10 years from the date that final conditions are ordered by the Board.

4. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation program for the place of use to be served under this permit which complies with the Board's Water Conservation Planning Guidelines. A progress report on development of the program shall be submitted to the Board within 6 months. The program shall be presented to the Board for approval within fourteen months from the date of this decision or such further time as may, for good cause shown, be allowed by the Board.

5. Permittee shall fund a study to be performed by the Department of Fish and Game of the steelhead resource potential and flow requirements necessary for the transport of adult and juvenile steelhead to and from spawning and rearing areas of Sespe Creek and the lower Santa Clara River and the flow characteristics of Piru Creek below Pyramid Reservoir, Castaic Creek below Castaic Reservoir and the Santa Clara River below Castaic Creek. The purpose of this study will be to gather data and make recommendations as to feasible alternatives for the improvement and perpetuation of a steelhead resource in Sespe Creek and the lower Santa Clara River which may reasonably be undertaken using water appropriated pursuant to this permit and the permit for Castaic Reservoir.

6. Permittee shall obligate an amount not to exceed a total of \$120,000 for the Department of Fish and Game study regardless of the length of time necessary to complete the study. The amount of each year's expenditure shall be determined by the Department of Fish and Game. Permittee and the Department of Fish and Game anticipate that the study will be completed by

December 31, 1984. However, if sufficient water to conduct the study is unavailable completion of the study may be extended to as late as December 31, 1987, without Board approval. The period of the study may be extended further upon a finding by the Board that such extension is necessary to accomplish the purposes of the study. Such extension by the Board shall not increase the monetary liability of Permittee beyond a total of \$120,000.

7. To aid in the conduct of the Department of Fish and Game study, Permittee shall release, through the watermaster, at the request of the Department of Fish and Game, 75 percent of the stored natural inflow appropriated pursuant to the permit for Castaic Reservoir and 100 percent of the stored natural inflow appropriated pursuant to this permit up to a combined maximum from both reservoirs of 12,000 acre-feet annually in water year 1982-83 and a combined maximum from both reservoirs of 7,000 acre-feet annually thereafter until the completion of the study.

8. Only the stored natural inflow originating in the Piru Creek watershed and stored by Permittee in Pyramid Reservoir shall be released from Pyramid Reservoir for the study. Water will not be available for such release during water years in which no water in excess of prior rights is appropriated pursuant to this permit or the permit for Castaic Reservoir or after May 1 of any water year. A water year extends from October 1 of a calendar year through September 30 of the next calendar year. In each water year Permittee shall notify the Department of and Fish and Game as soon as natural inflow is available for the study. The Department of Fish and Game will request releases through United Water Conservation District who will act as watermaster for the period of the study. Permittee shall notify United Water Conservation District upon the actual release of water for the study. Permittee shall make releases for the study within 24 hours after receipt of a request from United Water Conservation District.

9. Permittee shall immediately notify United Water Conservation District and the Department of Fish and Game of any emergency conditions which require the temporary delay or reduction of releases. Emergency conditions shall consist of an electro-mechanical breakdown of Permittee's facilities or a substantial danger of personal injury or property damage downstream of Permittee's facilities. Such notification shall be followed by notice in writing to United Water Conservation District and the Department of Fish and Game stating the reason for the delay or reduction and stating when the release request will be satisfied. If a release request is not satisfied within 24 hours of initial notification by Permittee of a delay or reduction and the Department of Fish and Game disagrees as to the existence of emergency conditions, representatives of Permittee and the Department of Fish and Game shall meet and confer within 48 hours to resolve the disagreement. If agreement cannot be reached, the Director of Water Resources and Director of Fish and Game shall meet and confer to resolve the disagreement.

10. Any and all releases requested by the Department of Fish and Game for the purposes of the study shall be exclusive and independent of release of storage requested by any other party. The quantity of flow released by Permittee shall be measured at the release point. At the conclusion of the study, Permittee and the Department of Fish and Game will attempt to agree mutually on permanent steelhead resource improvement and perpetuation conditions to be added to this permit by the Board pursuant to its reserved jurisdiction. Such agreement or, if agreement cannot be reached, terms proposed separately by Permittee and the Department of Fish and Game shall be presented to the Board along with a report of the findings and recommendations of the study and any other relevant information. The Board reserves jurisdiction to consider the appropriate permanent conditions, if any, to be added to this permit.

11. Appropriation of water under this permit shall be subject to rights initiated by applications for beneficial use of water within the Santa Clara River basin and the Oxnard Plain regardless of the date of filing of said applications.

12. The State Water Resources Control Board reserves jurisdiction over this permit to impose, with opportunity for hearing, any appropriate conditions concerning flushing flows after the Department of Fish and Game has determined that such flows are necessary.

13. All study plans, results, and recommendations pertaining to the fishery studies produced by Permittee and the Department of Fish and Game shall, immediately following compilation, be submitted to the Board.

14. Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows, required by the conditions of this permit. Said measuring device shall be properly maintained.

Application 26058

1. Standard permit terms 5i, 6, 10, 11, 12, and 13,.

2. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 85,000 acre-feet per annum to be collected from January 1 to December 31 of each year.

3. Complete application of the water to the authorized use shall be made within 10 years from the date the final conditions are ordered by the Board.

4. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation program for the place of use to be served under this permit which complies with the Board's Water Conservation

Planning Guidelines. A progress report on development of the program shall be submitted to the Board within 6 months. The program or proposed actions shall be presented to the Board for approval within fourteen months from the date of this decision or such further time as may, for good cause shown, be allowed by the Board.

5. Permittee shall fund a study to be performed by the Department of Fish and Game of the steelhead resource potential and flow requirements necessary for the transport of adult and juvenile steelhead to and from spawning and rearing areas of Sespe Creek, and the lower Santa Clara River and the flow characteristics of Piru Creek below Pyramid Reservoir, Castaic Creek below Castaic Reservoir and the Santa Clara River below Castaic Creek. The purpose of this study will be to gather data and make recommendations as to feasible alternatives for the improvement and perpetuation of a steelhead resource in Sespe Creek and the lower Santa Clara River which may reasonably be undertaken using water appropriated pursuant to this permit and the permit for Pyramid Reservoir.

6. Permittee shall obligate an amount not to exceed a total of \$120,000 for the Department of Fish and Game study regardless of the length of time necessary to complete the study. The amount of each year's expenditure shall be determined by the Department of Fish and Game. Permittee and the Department of Fish and Game anticipate that the study will be completed by December 31, 1984. However, if sufficient water to conduct the study is unavailable completion of the study may be extended to as late as December 31, 1987, without Board approval. The period of the study may be extended further upon a finding by the Board that such extension is necessary to accomplish the purposes of the study. Such extension by the Board shall not increase the monetary liability of Permittee beyond a total of \$120,000.

7. To aid in the conduct of the Department of Fish and Game study, Permittee shall release at the request of the Department of Fish and Game, through the watermaster, 75 percent of the stored natural inflow appropriated pursuant to this permit for Castaic Reservoir and 100 percent of the stored natural inflow appropriated pursuant to the permit for Pyramid Reservoir up to a combined maximum from both reservoirs of 12,000 acre-feet annually in water year 1982-83 and a combined maximum from both reservoirs of 7,000 acre-feet annually thereafter until the completion of the study.

8. Only the stored natural inflow originating in the Castaic Creek watershed and stored by Permittee in Castaic Reservoir shall be released from Castaic Reservoir. Water will not be available for such release during water years in which no water in excess of prior rights is appropriated pursuant to this permit or the permit for Pyramid Reservoir or after May 1 of any water year. A water year extends from October 1 of a calendar year through September 30 of the next calendar year. In each water year Permittee shall notify the Department of Fish and Game as soon as natural inflow is available for the study. The Department of Fish and Game will request releases through United Water Conservation District who will act as watermaster for the period of the study. Permittee shall notify United Water Conservation District upon the actual release of water for the study. Permittee shall make releases for the study within 24 hours after receipt of a request from United Water Conservation District.

9. Permittee shall immediately notify United Water Conservation District and the Department of Fish and Game of any emergency conditions which require the temporary delay or reduction of releases. Emergency conditions shall consist of an electro-mechanical breakdown of Permittee's facilities or a substantial danger of personal injury or property damage downstream of Permittee's facilities. Such notification shall be followed by notice in writing to United Water Conservation District and the Department of

Fish and Game stating the reason for the delay or reduction and stating when the release request will be satisfied. If a release request is not satisfied within 24 hours of initial notification by Permittee of a delay or reduction and the Department of Fish and Game disagrees as to the existence of emergency conditions, representatives of Permittee and Fish and Game shall meet and confer within 48 hours to resolve the disagreement. If agreement cannot be reached the Director of Water Resources and the Director of Fish and Game shall meet and confer to resolve the disagreement.

10. Any and all releases requested by the Department of Fish and Game for the purposes of the study shall be exclusive and independent of release of storage requested by any other party. The quantity of flow released by Permittee shall be measured at the release point. At the conclusion of the study, Permittee and the Department of Fish and Game will attempt to agree mutually on permanent steelhead resource improvement and perpetuation conditions to be added to this permit by the Board pursuant to its reserved jurisdiction. Such agreement or, if agreement cannot be reached, terms proposed separately by Permittee and the Department of Fish and Game shall be presented to the Board along with a report of the findings and recommendations of the study and any other relevant information. The Board reserves jurisdiction to consider the appropriate permanent conditions, if any, to be added to this permit.

11. Permittee shall recognize and provide for the contract rights of the County of Los Angeles, Newhall Land and Farming Company, Newhall County Water District, and United Water Conservation District which are the subject of an agreement between these parties and Permittee dated October 24, 1978. Each party shall retain all rights and obligations which it has under this agreement including any which may hereafter be agreed upon by the parties by amendment.

12. During the period of the Department of Fish and Game fishery study the downstream water users shall be entitled to 25 percent of the natural inflow stored in Castaic Reservoir under the October 24, 1978, agreement. The other 75 percent of the natural inflow stored in Castaic Reservoir to which the downstream water users would otherwise be entitled upon request under that agreement shall be available to fulfill the needs of the fishery study.

13. Appropriation of water under this permit shall be subject to rights initiated by applications for beneficial use of water within the Santa Clara River basin and the Oxnard Plain regardless of the date of filing of said applications.

14. Any natural inflow remaining in the reservoir after fulfilling the needs of the fishery study shall be available to downstream water users in accordance with the October 24, 1978 agreement.

15. All study plans, results, and recommendations pertaining to the fishery studies produced by Permittee and the Department of Fish and Game shall, immediately following compilation, be submitted to the Board.

16. Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

Application 26434

1. Standard permit terms 6, 10, 11, 12, and 13.
2. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 37 cubic feet per second by direct diversion and 30,000 acre-feet by underground storage from January 1 to December 31 of each year. The total amount of water to be taken from the

source shall not exceed 40,000 acre-feet per water year of October 1 to September 30. Permittee shall record separately water diverted pursuant to contract with the Department of Water Resources under Applications 25988 and 26058, water diverted under its prior rights and water diverted under this permit.

3. Construction work shall begin within two years from the date of this permit.

4. Construction work shall be completed within four years from the date of this permit.

5. Complete application of the water to the authorized use shall be made within 10 years from the date of this permit.

6. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program which complies with the Board's Water Conservation Planning Guidelines. A progress report on development of the program shall be submitted to the Board within six months. The program shall be presented to the Board for approval within eighteen months from the date of this order or such further time as may, for good cause shown, be allowed by the Board. This condition will be satisfied by the adoption and implementation within their jurisdiction, to the satisfaction of the Board, of the plan being prepared by Ventura County pursuant to the State Assistance Program grant to Ventura County and permittee, executed May 7, 1982.

7. Permittee shall cooperate with the Department of Water Resources and the Department of Fish and Game during the steelhead resource potential and flow requirements study to be conducted by the Department of Fish and Game. The Department of Fish and Game will request releases of water through Permittee who will act as the watermaster for the period of the study. Permittee shall notify the Department of Water Resources within four working hours after receiving the request. The study will be completed between December 31, 1984 and December 31, 1987, depending upon the availability of water. The period

of the study may be extended upon a finding by the Board that such extension is necessary to accomplish the purposes of the study.

8. Permittee shall pass through and not divert from any of its facilities (Piru/Saticoy) during the period of the study any water released by the Department of Water Resources for purposes of the study which reaches Permittee's Saticoy or Vern Freeman Facility. During the period of study, Permittee shall not obstruct the ability of fish to swim upstream, other than by Permittee's present mode of operation which is to construct a yearly structure which will not impede upstream fish migration when flows in the river channel exceed approximately 1,500 cfs. Permittee shall notify the Department of Fish and Game of its yearly operation plans. If any facilities are constructed during the progress of the study, other than the above referenced temporary facility which washes out when flow exceeds approximately 1,500 cfs, said facilities shall include a permanent functional fishway to allow the passage of upstream migrating fish.

9. Permittee agrees to allow the Department of Fish and Game, during the period of study, to install and maintain netting devices at the Saticoy or Vern Freeman facility for the purpose of capturing downstream migrant fish. The Department of Fish and Game will be responsible for the transport of the captured migrant fish back to the main river channel. If, during the period of the study, Permittee substantially changes the present mode of diversion of water at Saticoy, Permittee will be responsible for installing and maintaining appropriate fish screen and fish diversion as approved by the Department of Fish and Game at or near the point of diversion and obstruction of free flow of water in the river channel.

10. At the conclusion of the steelhead resources and flow requirement study, if the results indicate that there is a steelhead resource, Permittee

and the Department of Fish and Game will attempt to agree mutually upon permanent steelhead resource protection conditions to be added to this permit by the Board pursuant to its reserved jurisdiction. Such agreement or, if an agreement cannot be reached, terms proposed separately by Permittee and the Department of Fish and Game shall be presented to the Board along with a report of the findings and recommendation of the study and any other relevant information. The Board reserves jurisdiction to consider the appropriate permanent conditions, if any, to be added to this permit.

11. If any items of cultural, historical, or archeological value are discovered during construction of the project, the Chief of the Division of Water Rights shall be notified and construction shall be halted until appropriate mitigation measures can be determined.

12. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction Permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, Los Angeles Region, by the State Water Resources Control Board. Failure of Permittee to comply with this term will subject the permit to revocation, after opportunity for hearing.

13. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained.

Dated: November 18, 1982

WE CONCUR:



L. L. Mitchell, Vice-Chairman



Carole A. Onorato, Chairwoman



Bill D. Golis, Member



F. K. Aljibury, Member

ABSENT

Warren D. Noteware, Member

