

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25878	)	
PACIFIC GAS AND ELECTRIC CO.	)	Decision: 1591
Applicant	)	Source: Benner Creek
	)	County: Plumas
DEPARTMENT OF FISH AND GAME	)	
Protestant	)	
	)	

Decision Approving Application 25878

By the Board:

Pacific Gas and Electric Company (PG&E) having filed Application 25878 for a permit to appropriate unappropriated water; a protest having been received; the applicant and protestant having stipulated to proceedings in lieu of hearing as provided for by Title 23, California Administrative Code, Section 737; a field investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the Board having considered all available information, finds as follows:

Substance of the Application

1. Application 25878 is for a permit to divert three cubic feet per second (cfs) from January 1 to December 31 from Benner Creek tributary to Butt Creek thence North Fork Feather River for generation of hydroelectric power. The point of diversion is within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 13, T26N, R7E, MDB&M.

Applicant's Project

2. The applicant proposes to construct a rock rubble dam about four feet high, located about 1,000 feet upstream from the confluence of Benner and Butt Creeks. The water is to be conveyed through a conduit to existing Butt Valley Reservoir. After regulation in Butt Valley Reservoir water is to be conveyed through a tunnel to Caribou Powerhouse #2 and released into North Fork Feather River. Benner Creek enters Butt Creek less than 100 feet below Butt Valley Dam.

Protest

3. The Department of Fish and Game (Fish and Game) protested Application 25878 on the basis of possible injury to the fishery and the riparian habitat of Benner Creek. After further evaluation, Fish and Game concluded that there is no fishery in Benner Creek but that the riparian habitat is important. Fish and Game set forth proposed terms to be included in any permit issued on Application 25878.

4. PG&E submitted a term as an alternative to the Fish and Game terms. The PG&E term would eliminate the need for measuring devices and observations to be sure that a certain bypass is taking place. The PG&E term would require an open 2.5-inch pipe to be placed through the dam 2.67 feet below the invert of the diversion pipe. Calculations indicate that this pipe would produce a flow of 0.27 cfs. An open pipe would automatically by-pass water and would eliminate the need for expensive monitoring equipment.

5. Fish and Game accepted the basic features of the term, but requested that the pipe be 3.5-inches in diameter. This would produce a bypass of 0.53 cfs. PG&E replied that a bypass of 0.5 cfs would make the project financially infeasible. After further discussion with Board staff, both parties agreed that an intermediate bypass flow requirement of approximately 0.37 cfs would be acceptable.

Availability of Unappropriated Water

6. The record indicates that Benner Creek sometimes dries up in September and October. A measurement by PG&E in September of 1979 showed the flow to be 0.08 cfs. The photographs taken during the field investigation in April 1980 show substantial flow in Benner Creek. The record indicates that there is sufficient flow in Benner Creek over and above the bypass flow that can be diverted for power generation as proposed in the application most of the time. The staff's Initial Study indicates that the reduced flow in Benner Creek caused by the proposed diversion is not expected to reduce fish and wildlife habitat substantially and that the critical fisheries of Butt Creek and Feather River are not expected to be adversely affected by the diversion from Benner Creek.

7. There is a gaging station on Butt Creek about 1½ miles below Butt Valley Dam. The record of that station indicates that Butt Creek carries a substantial flow year-round and the proposed diversion should not deplete the flow significantly. In September 1979 seepage through Butt Valley Dam produced flow of about one-third cubic foot per second 200 feet below the dam. At the same time flow at the gaging station on Butt Creek was 15 cubic feet per second.

Environmental Considerations

8. The Board has prepared a Negative Declaration in accordance with the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) and the State Guidelines, and the Board determines that there will be no significant effect on the environment as a result of the project.

Record in this Matter

9. The records, documents and information used in deciding this matter are: Application 25878 and all information on file therein; topographic maps published by the U.S. Geological Survey covering the area under

consideration; the USGS publication, Water Resources Data, California, Volume 4, Northern Central Valley Basins and the Great Basin from Honey Lake Basin to Oregon State Line.

Conclusions and Recommendations

10. From the foregoing, the Board concludes that water is available which can be used without causing injury to downstream users or the environment, and that Application 25878 should be approved and a permit issued subject to the conditions set forth in the order following:

ORDER

IT IS HEREBY ORDERED that Application 25878 be approved and a permit issued subject to vested rights. The permit shall contain all applicable standard permit terms (6, 10, 11, 12, and 13)\* in addition to the following conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed three cubic feet per second to be diverted from January 1 to December 31 of each year.
2. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.
3. Construction work shall be completed by December 1, 1986.
4. Complete application of the water to the authorized use shall be made by December 1, 1987.

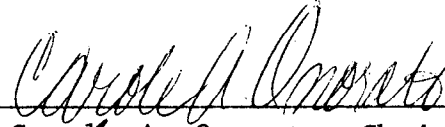
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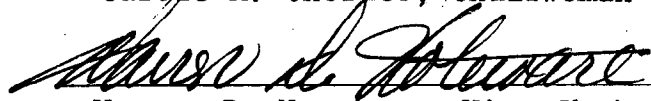
\*The Board keeps a list for standard permit terms, copies of these are available upon request.

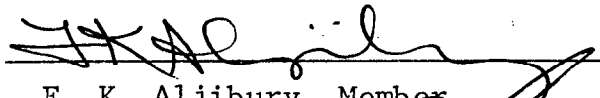
5. Water diverted under this permit is for nonconsumptive use and is to be released to North Fork Feather River within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 25, T26N, R7E, MDB&M below Caribou No. 2 Powerhouse.

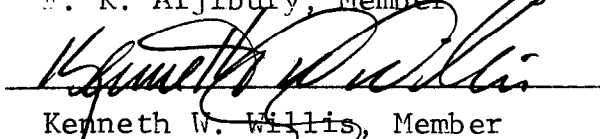
6. Permittee shall install and properly maintain an adequate water bypass system which provides flows to maintain riparian habitat downstream. For purposes of this permit, an adequate water bypass system shall be defined as a pipe 3-inches inside diameter centered 2.67 feet below the invert of the diversion pipe. Permittee shall keep the pipe open, free of debris and operating at all times. This permit and any license issued hereafter are subject to the continuing authority of the Board to modify the required water bypass system to ensure that the system continually bypasses a flow of 0.37 cfs or the entire flow of the stream, if less than 0.37 cfs.

Dated: June 16, 1983

  
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Carole A. Onorato, Chairwoman

  
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Warren D. Noteware, Vice Chairman

  
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F. K. Aljibury, Member

  
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Kenneth W. Willis, Member

