

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24652)	
)	DECISION 1611
CITIZENS UTILITIES COMPANY OF CALIFORNIA,)	
)	SOURCES: Fall Creek, Bennett
Applicant,)	Creek, Bull Creek, and
)	Bull Spring
COUNTY OF SANTA CRUZ, ET AL.,)	
)	COUNTY: Santa Cruz
Protestants.)	

DECISION APPROVING APPLICATION 24652

BY THE BOARD:

Citizens Utilities Company of California (Citizens) having filed Application 24652 for a permit to appropriate water; protests having been received; the applicant and protestants having stipulated to proceedings in lieu of hearing as provided by Section 737 of Title 23, California Administrative Code; an investigation having been made by the State Water Resources Control Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds, as follows:

1.0 SUBSTANCE OF APPLICATION

Application 24652 was filed in 1974 and requests a permit to appropriate 1.7 cubic feet per second (cfs) by direct diversion year-round for municipal use within Citizens' service area. The service area covers the unincorporated community of Felton, located in Santa Cruz County. The points of diversion are within: (1) Fall Creek, SE1/4 of SE1/4 of Section 16; (2) Bennett Creek, NW1/4 of NW1/4 of Section 21;

(3) Bull Creek, SE1/4 of NW1/4 of Section 21; (4) Bull Spring, SW1/4 of NW1/4 of Section 21; all within T10S, R2W, MDB&M.¹ Bennett Creek is tributary to Fall Creek. Fall Creek and Bull Creek are tributaries of the San Lorenzo River.

2.0 PROJECT DESCRIPTION

Following a study by the County of Santa Cruz which predicted a continuous population growth pattern for the Felton area, Citizens filed Application 24652 to supplement its existing licensed Applications 5297, 5298, 8843, 8844 and 8845. These five licensed rights authorize a maximum combined diversion of 0.71 cfs from the same four points of diversion requested under this application. Citizens requested an additional 1.7 cfs in Application 24652 to meet the projected 1990 water demand within the Felton service area. The total annual diversion under Application 24652, together with that under Citizens' existing licensed applications, would not exceed 1,059 acre-feet (af).

The applicant's diversion system is in place and is a combination of gravity flow and pumping. This system consists of:

1. Fall Creek: A small dam across Fall Creek forms a pool from which pumps of 10 horsepower (hp) and 30 hp supply water to the distribution system. This part of the system supplies water to the portion of the service area that cannot be serviced by the gravity flow system. The total diversion capacity is about 0.85 cfs.

¹ All references to Township and Range refer to Mount Diablo Base and Meridian (MDB&M).

2. Bennett Creek: Water is diverted from Bennett Spring through a spring box into the gravity flow system.
3. Bull Creek: A large tank has been buried in the creek bed to tap the underflow from Bull Creek. This tank is connected to the gravity flow system.
4. Bull Spring: The flow from Bull Spring is diverted through a spring box into the gravity flow system.

3.0 PROTESTS

Five protests were filed against Application 24652. The protest by the Department of Fish and Game (Department) was dismissed when an agreement was reached on terms to mitigate the Department's concerns. (See Section 3.5 infra.) The bases of protest and terms of dismissal of the four outstanding protests are listed in the following sections.

3.1 City of Santa Cruz (City)

The City alleges that additional diversions from the San Lorenzo River stream system would reduce the flow during dry years thus injuring the City's prior downstream water rights. The City also alleges that additional diversions would adversely affect water quality in the river by reducing the amount of water available for dilution, presumably, of pollutants discharged into the river.

The City has a permitted right to divert up to 20 cfs from the San Lorenzo River at the Felton Diversion Weir within Section 22, T10S, R2W, for storage in Loch Lomond Reservoir. The Felton Diversion Weir is downstream from the mouth of Fall Creek and 600 feet upstream from

the United States Geological Survey (USGS) gaging station on the San Lorenzo River at Big Trees. In accordance with permit terms proposed by the Department, the City is required to bypass the following flows at the Felton Weir to protect fisheries within the river:

September 1 through September 30 10 cfs
October 1 through October 31 25 cfs
November 1 through May 31 20 cfs

The City also has a licensed water right to divert up to 12.2 cfs year-round for municipal and domestic purposes from a point on the San Lorenzo River within the city limits at Crossing Street in Section 12, T11S, R2W. This diversion point is downstream from the USGS gaging station at Big Trees.

Withdrawal of the City's protest was conditioned upon the following:

1. Citizens submits a satisfactory environmental impact report (EIR);
2. Citizens demonstrates that the proposed diversion will not have any adverse impact on fish, wildlife, riparian habitat, or water quality in the San Lorenzo River;
3. Citizens demonstrates that the proposed diversion will not adversely affect the City's prior water rights.

3.2 Save San Lorenzo River Association (Association)

The Association protested Application 24652 on the grounds that water rights should be granted based on present needs, not predicted demand 15 years in the future. The Association also contended that no further diversions should be granted until Santa Cruz County completed

a management plan for the San Lorenzo River watershed and determined the instream flows necessary to maintain beneficial uses in the watershed. The Association specified that its protest of Application 24652 could be dismissed when the water management plan for the San Lorenzo River was completed and implemented.

3.3 Santa Cruz County (County)

The County protested Application 24652 on the grounds that the proposed diversion would adversely impact fish and wildlife habitat and human uses in the San Lorenzo River watershed by depleting stream flow. The County requested that new significant water appropriations from the watershed not be approved until a management plan for the river system was completed.

The County initially proposed several conditions for dismissal of its protest. In December 1979 the County adopted the San Lorenzo River Watershed Management Plan. Based upon information which was developed during preparation of the plan, the County subsequently revised the conditions for dismissal of its protest. The revised conditions are:

1. The applicant must bypass 1.0 cfs past the Fall Creek point of diversion;
2. Other terms and conditions proposed by the Department (see Section 3.5 of this decision) not in conflict with 1. above must be included in the permit;
3. The applicant must secure all necessary County permits for the project.

California Sportfishing Protection Alliance (Alliance)

The Alliance's protest alleges that the proposed diversion would have an adverse impact on fish habitat and would diminish the public resource. The Alliance submitted the following terms and conditions for dismissal of its protest:

1. Applicant must prepare an EIR detailing effects of the project on the anadromous fishery of both Fall Creek and the San Lorenzo River.
2. Applicant must demonstrate, by presentations of natural flow data from each of the sources for an adequate period of years (wet and dry), that "excess" water is actually present, and that the proposed diversion will leave adequate water to support the anadromous fishery.
3. Applicant must determine the number of steelhead and salmon that would be affected in each of the sources and also the main San Lorenzo River.
4. Applicant must install and operate a gaging station immediately below the dam on Fall Creek.
5. No diversion will be allowed during the critical low flow months of June 1 - November 31.
6. Applicant must bypass at all times a flow of at least 6.0 cfs or the natural flow of the stream, whichever is less (to be measured at the gage discussed in (4) above).

7. Any permit granted will be for only part of the 1.7 cfs requested, and the applicant must reapply for the remainder at a later date when the full 1.7 cfs is actually needed.
8. Applicant will be required to pay for any stocking of yearling salmon and steelhead necessary to mitigate for losses caused by applicant's diversion.

3.5 Department of Fish and Game

The Department protested Application 24652 on the grounds that the proposed appropriation would adversely impact the highly productive silver salmon and steelhead fisheries of the San Lorenzo River system. The Department's protest was dismissed when the applicant agreed on September 23, 1980 to the inclusion of the following terms and conditions in any permit issued pursuant to Application 24652:

1. For the protection of fish and wildlife, permittee shall during the period: (a) April 1 through October 31 bypass a minimum of 0.5 cfs; (b) November 1 through March 31 bypass a minimum of 1.5 cfs past the Fall Creek point of diversion. The natural streamflow shall be bypassed whenever it is less than 1.5 cfs; provided, however, that during a dry year, the bypass requirement shall be reduced from 1.5 to 0.75 cfs. A dry year is defined on a monthly basis of cumulative runoff beginning October 1 of each season in the San Lorenzo River at the USGS gage at Big Trees. These runoff figures are based on approximately 50 percent of normal runoff as the dividing level between normal and dry year runoff and are as follows:

November 1 for the month of October	500 af
December 1 for October-November, inclusive	1,500 af
January 1 for October-December, inclusive	5,000 af
February 1 for October-January, inclusive	12,500 af
March 1 for October-February, inclusive	26,500 af

2. 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 flow required by these terms. Said measuring device shall be properly maintained.

3. In accordance with Sections 1601 and 6100 of the Fish and Game Code, no water shall be diverted under this permit until the Department has determined that measures necessary to protect fish life have been incorporated into the plans and construction of such diversions. The construction, operation, and maintenance costs of any facility required pursuant to this provision shall be borne by the permittee.

4. Permittee shall install and maintain a fish screen at each point of diversion pursuant to Section 6100 of the Fish and Game Code.

4.0 AVAILABILITY OF UNAPPROPRIATED WATER

In order to determine the quantity of water available for appropriation for this application, the flow required to remain in the San Lorenzo River system to satisfy any bypass requirements for fisheries and to satisfy the City's prior vested rights must be considered. The following discussion analyzes the effect of proposed bypass

requirements for Fall Creek on the availability of unappropriated water in the creek.

No continuous stream flow records are available for Fall Creek. The basin contains 4.25 square miles with an average annual rainfall of 50 inches. The North Santa Cruz County Water Master Plan Study (Water Master Plan), June 1985, calculated an estimated average annual flow in Fall Creek of 4710 af.

Table I below shows the estimated flows in Fall Creek during the low-flow months for an average year and the effect of the 1.0 cfs bypass requested by the County on applicant's existing and proposed diversions. These flows were estimated by correlation with the measured runoff at the USGS Big Trees Gaging Station on the San Lorenzo River. The estimated flows are comparable to those contained in the County's San Lorenzo River Watershed Management Plan for Fall Creek.

Table 1
ESTIMATED AVERAGE MONTHLY FLOWS IN FALL CREEK

Month	Fall Creek cfs	Less Existing Right of 0.71 cfs	Less Bypass 4/1 - 10/31 1.0 cfs, 11/1 - 3/31 1.5 cfs*	Deficiency with Application 24652
May	7.0	6.29	5.29	0
June	4.4	3.69	2.69	0
July	2.7	1.99	0.99	-0.71
August	2.2	1.49	0.49	-1.21
September	2.0	1.29	0.29	-1.41
October	2.3	1.59	0.59	-1.11
November	4.0	3.29	1.79	0
December	10.0	9.29	7.79	0

* This column shows the flows that would be available to satisfy the diversion of 1.7 cfs requested under Application 24652.

The flow during those months not listed is sufficient to allow the requested diversion.

Table 1 indicates that during the months of July through October applicant would be required to restrict diversion from Fall Creek to allow a bypass of 1.0² and 1.5 cfs³ unless a substantial portion of the demand could be supplied from Bull Creek and Bull Springs. Even if a bypass of 0.5 cfs⁴ for the period of April 1 through October 31, as requested by the Department, were used applicant would still be required to restrict diversion during the period of July through October in more than one-half of all years if the other sources could not be relied on.

The impact of Application 24652 on the City's prior vested rights to divert water from the San Lorenzo River, at the Felton Diversion Weir and at Crossing Street, must also be examined. As noted previously, the City's diversion from the Felton Diversion Weir is subject to specified bypass release requirements. To the extent that flows in the San Lorenzo River below the Felton Diversion Weir exceed these required bypass flows, the appropriation of water from Fall Creek will not interfere with the City's diversion at the Felton Diversion Weir.

The City also holds an existing right to divert 12.2 cfs on the San Lorenzo River at Crossing Street below the Big Trees Gaging Station (see Section 3.1, p. 3, supra.) The Big Trees gage is downstream of

² A year-round bypass of 1.0 cfs was recommended by the County. (See Section 3.3, p. 5, of this Decision, supra.)

³ A bypass of 1.5 cfs from November 1 through March 31 and of 0.5 cfs from April 1 through October 31 was recommended by the Department. (See Section 3.5, p. 7, of this Decision, supra.)

⁴ See fn. 3 supra.

the Felton weir. Table II shows the average flow in the river at the Big Trees Gaging Station for the period 1921 through 1979 for the months indicated. Also shown are the average monthly flows remaining in the San Lorenzo River after deducting the City's existing and applicant's proposed diversions.

Table 2
 AVERAGE MONTHLY FLOWS IN SAN LORENZO RIVER
 AT USGS BIG TREES GAGING STATION

Month	Big Trees cfs	Less City's 12.2 cfs	Less Citizen's Existing + Proposed 2.41 cfs
May	69	56.8	54.4
June	41	28.8	24.4
July	27	14.8	12.4
August	20	7.8	5.4
September	19	6.8	4.4
October	26	13.8	17.4
November	54	41.8	39.4

Table 2 indicates that during an average year there is sufficient flow in the San Lorenzo River to satisfy the City's rights and to allow the proposed diversion requested by applicant. During the drought years of 1976 and 1977, however, there was insufficient flow in the river to meet the City's existing rights during some months. Should similar drought conditions recur, the applicant would be unable to divert water from Fall Creek under Application 24652.

5.0 DISCUSSION

A field investigation was held on Application 24652 on September 15, 1980. Based on the field investigation and other information in the file, a Staff Analysis, dated February 5, 1985, was prepared and

mailed to all parties. The City, Alliance, Association, and Department did not respond to the recommendations in the Staff Analysis, and their protests were subsequently dismissed.

The County, by letter dated March 8, 1985, concurred in most of the recommendations of the Staff Analysis but recommended decreasing both the instantaneous and the total annual diversion requested under Application 24652, together with Citizens' existing licensed applications, to 1.75 cfs and 653 afa, respectively. The County's recommendations were based upon current land use and growth projections contained in the County's 1985 Water Master Plan.

The Water Master Plan was completed in June 1985, subsequent to both the filing of the County's initial and amended protests and to the field investigation conducted by the Board of Application 24652. The Water Master Plan was initiated by a task force comprised of nine water agencies in Santa Cruz County, excluding the Applicant. It contains information concerning present and projected water supply and demand requirements in the study area, and it is intended to serve as a planning document for the affected agencies.

The Water Master Plan included as a study area the Felton/Mount Hermon area, an area larger than but encompassing Citizens Utilities Company's Felton service area. The Water Master Plan compared the total water demand for the base year 1983 with the projected demand at the year 2000 and at "buildout". The total estimated demand for the Felton/Mount Hermon study area for these time periods was 561.9, 643.8 and 653 af, respectively.

In its application Citizens Utilities Company estimated the total water usage for 1975, 1980 and 1985 at 429, 579, and 783 af, respectively. Applicant's actual usage has been less -- 368.9 af in 1975 and 472 af in 1984.

Applicant's 1974 population was 4350. In Application 24652 Citizens projected its 1980 and 1990 populations at 6120 and 9964, respectively. According to the County, the actual 1980 census figures for the Felton area were approximately 4600, and the County's population projection for the area at ultimate buildout, based on current land use policies and growth trends, is less than 5000.

Applicant diverted 0.729 cfs in 1974. Its peak daily diversion rate in 1983 was 1.87 cfs, and its estimated peak daily demand in 1984 was 1.655 cfs. By contrast the County recommended an allowable diversion rate of 1.75 cfs for the Felton area, based upon a population density of 2.4 people per dwelling unit. Applicant's primary water usage in the Felton area occurs during the summer months; consequently, Citizens contends that use of a population density of 2.4 people per unit is inappropriate for that area.

Land use development in the Felton/Mount Hermon area is regulated by the County as a part of its planning function. If the county maintains its present posture for land use development, future use of water will be less than that applied for in Application 24652. If the County's growth estimates are borne out, permitted amounts authorized but unused will be reduced at the time of licensing (Water Code Section 1610).

On the other hand, should County projections of per capita water consumption, build out population and allowable development prove too low, Citizens may need the full amount requested in its application. The Board is concerned that, even with the moderate growth predicted by the County, Citizens will be unable to supply its service area under its water rights during the low-flow season of many years. Citizens is currently diverting water from Fall Creek without allowing a specific fish bypass flow. When a permit is issued on Application 24652, a bypass will be required at all times that diversions from all sources exceed 0.71 cfs, the amount allowed under prior licensed rights.

The Board will, therefore, include two permit terms to address its concern regarding the adequacy of Citizens' water supply. A term will be included requiring Citizens to consult with the Division of Water Rights and the Department of Water Resources to develop and implement a water conservation plan or actions. Secondly, a permit term will be included requiring Citizens to demonstrate that the permittee can provide a dependable supply of water to its users during the months of July through November. The term will prohibit total diversion of water under the permit and the five licenses above the current maximum rate of diversion, or 1.87 cfs, until this demonstration is made.

An additional concern to this Board is that sufficient instream flows be maintained to protect prior downstream rights and instream values. The bypass flows of 1.0 and 1.5 cfs requested by the County at the Fall Creek point of diversion appear adequate to safeguard instream fishery uses. Also, the bypass flows of 10 to 25 cfs at the Felton

Diversion Weir are the same bypass flows imposed on the City's permits for diversion at the Felton Weir just upstream from the Big Trees gage. These flow conditions appear adequate for instream uses in the San Lorenzo River.

6.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Board is lead agency for purposes of compliance with CEQA, Public Resources Code Sections 21000 et seq. Early in the protest process in 1975 the City, County, and Alliance requested that an EIR be prepared for the project. The Board prepared an Initial Study for Application 24652 in 1984 "to determine if the project may have a significant effect on the environment". 14 Cal.Admin.Code §15063(a). The Initial Study concluded that there was no substantial evidence that the proposed project, including applicable mitigation measures, could have a significant effect on the environment. Therefore, a Negative Declaration was prepared for the project. The Initial Study/Draft Negative Declaration was circulated to all interested and responsible parties and agencies in May 1984.

The Initial Study/Draft Negative Declaration contained proposed permit terms to mitigate any potential impacts of the project on fisheries and on water quality. With respect to fisheries, the Initial Study/Draft Negative Declaration recommended including the terms and conditions proposed by the Department with two modifications. The draft recommended increasing the bypass flow recommended by the Department for Fall Creek for the period from April 1 through October 31 from 0.5 cfs to 1.0 cfs. Also, the draft added a dry year bypass requirement of 0.5 cfs for the same period.

The 1.0 cfs bypass flow requirement for normal years was recommended by the County after completion of the San Lorenzo River Watershed Management Plan in 1979. As a part of preparation of the plan, the County conducted extensive fisheries studies on the San Lorenzo River system, including Fall Creek. The study noted the presence of excessive amounts of habitat-impairing silt in all tributaries of the San Lorenzo watershed, except Fall Creek, and characterized Fall Creek as having good spawning habitat and moderate nursery habitat for silver salmon and steelhead trout. Data developed by the County indicated that, while the 0.5 cfs bypass recommended by the Department could significantly impair the fisheries habitat on Fall Creek, a bypass of 1.0 cfs should adequately protect the fishery resource.

The Initial Study/Draft Negative Declaration also addressed the potential water quality impacts of the proposed application. The project's potential to impact water quality adversely was raised by both the City and the California Regional Water Quality Control Board, Central Coast Region (Regional Board). In 1982 the Regional Board amended the water quality control plan (basin plan) for the Central Coast basin to prohibit existing and new discharges from individual sewage disposal systems in the San Lorenzo Valley, including areas within Citizens' Felton service area. The prohibition was based upon findings that waste discharges from individual sewage disposal systems in the San Lorenzo Valley contribute to violation of basin plan water quality objectives for nitrates and coliform bacteria for the San Lorenzo River. The Felton area was identified as one of five major communities having individual system failure rates up to 50 percent.

In 1983 the State Board adopted Resolution No. 83-6, approving the basin plan amendment.

The Regional Board expressed concern that any additional unrestricted appropriations of water from the San Lorenzo River basin would increase bacterial contamination of Fall Creek as a result of increased waste discharges from individual sewage disposal systems, as well as reduce the flows in the creek otherwise available for dilution. Under Water Code Section 1258 the State Board is required to consider the applicable provision of a basin plan in acting upon applications to appropriate water. The Draft Negative Declaration accordingly proposed the inclusion of three permit terms to address the Regional Board's water quality concerns. The terms are: (1) Standard Permit Term 29B, mandating development of a water conservation program by the applicant; (2) Standard Permit Term 12, reserving jurisdiction to protect public trust uses and prevent waste and unreasonable use; and (3) a term authorizing Citizens to establish only those new water service connections that have been authorized by any required local permits demonstrating compliance with the basin plan. Inclusion of these terms as well as the proposed fishery terms should prevent the project from having any significant impact on the environment.

After formal circulation of the Initial Study/Draft Negative Declaration, only the City continued to request preparation of an EIR. The City expressed concern about the impact of the proposed diversion on the City's prior vested rights and on fishery mitigation measures proposed for the City's Zayante Dam and Reservoir project.

The first concern is discussed in Section 4.0. That section concludes that there will be insufficient water to satisfy all rights in some months of drier years. During those times applicant will have to restrict its diversions from Fall Creek.

The second concern is unsubstantiated since the proposed diversion is small compared to the total flow in the mainstem San Lorenzo River especially during the fish migration months of November through June (Table II).

The Board concludes that a Negative Declaration is the appropriate environmental document for Application 24652. Furthermore, having prepared a Negative Declaration in accordance with the California Environmental Quality Act, the Board determines that there will be no significant effect on the environment as a result of the project.

7.0 RECORD IN THIS MATTER

The records, documents, and other data relied upon in determining this matter are: the files on Application 24652; licensed Applications 5297, 5298, 8843, 8844 and 8845 and permitted Application 23710; the San Lorenzo River Watershed Management Plan, adopted December 1979; the Water Master Plan Final Report and Task E-4: Water Demand Model and Projections; topographic maps published by the USGS covering the area under consideration; United States Department of Commerce, National Oceanic and Atmospheric Administration, Climatological Data of California, for the period of published record; United States Department of the Interior, Geological Survey, "Water Resources Data"; California, Volume 4: Northern Central Valley Basins and the Great Basin from Honey Lake Basin to Oregon State Line, water year 1981 and

all appropriate predecessor publications; Water Quality Control Plan, Central Coast Basin 3 approved by the State Water Resources Control Board March 20, 1975, as amended; and the Initial Study/Draft Negative Declaration prepared by the State Water Resources Control Board.

8.0 CONCLUSION

The continued changes in land use development and population projections in this area generate an uncertainty regarding future domestic and municipal water needs. Future growth and eventual water demand is limited by the County through its planning and zoning jurisdiction. However, should growth exceed current projections, Citizens Utilities Company should be permitted to divert sufficient water to supply its service area, provided that Citizens can demonstrate that it can provide a dependable supply of water to its users during low flow months of the year and that sufficient instream flows are reserved to protect prior rights and instream values.

From the foregoing findings, the Board concludes that Application 24652 should be approved and that a permit should be issued subject to terms and conditions to mitigate impacts and to protect prior downstream water rights. These terms and conditions are set forth in the order following:

ORDER

IT IS HEREBY ORDERED that Application 24652 is approved and it is further ordered that a permit be issued to the applicant subject to vested rights. The

permit shall contain all applicable standard permit terms (6, 10, 11, 12, & 13)⁵ in addition to the following special terms:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 1.7 cubic feet per second to be diverted from January 1 through December 31 of each year. The maximum amount diverted under this permit together with that diverted under licensed Applications 5297, 5299, 8843, 8844, and 8845 shall not exceed 1,059 acre feet per annum.
2. Complete application of the water to the authorized uses shall be made by December 1, 2000.
3. For the protection of fish and wildlife, diversion under this permit shall be subject to the following bypass flows at the Fall Creek diversion:
(a) April 1 through October 31, 1.0 cubic foot per second and (b) November 1 through March 31, 1.5 cubic feet per second. The natural streamflow shall be bypassed whenever it is less than the required bypass flow. However, during a dry year, the bypass requirement shall be reduced to 0.75 cubic foot per second November 1 through March 31 and 0.5 cubic foot per second April 1 through October 31. A dry year is one in which cumulative monthly runoff in the San Lorenzo River at the U. S. Geological Survey gage at Big Trees is less than the amounts shown in the following schedule.

November 1 for the month of October	500 acre-feet
December 1 for October and November	1,500 acre-feet

⁵ The Board maintains a list of standard permit terms. Copies of these are obtainable upon request.

January 1 for October through December 5,000 acre-feet
February 1 for October through January 12,500 acre-feet
March 1 for October through February 26,500 acre-feet

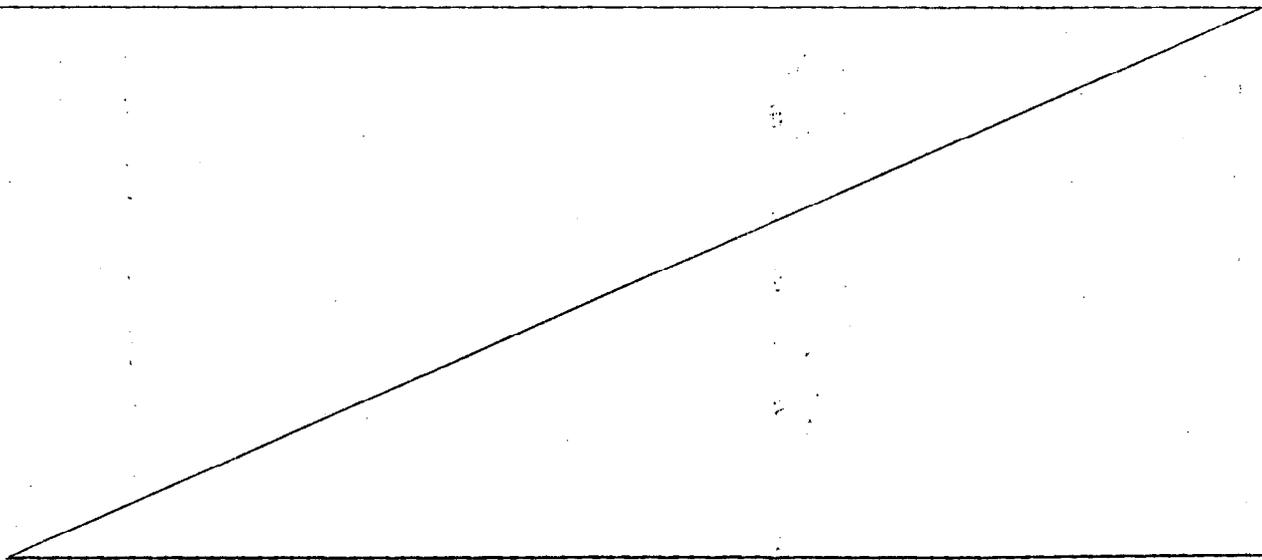
4. Permittee may divert water under this permit only when flow in the San Lorenzo River below the Felton Diversion Weir exceeds the following amounts:
 - a. September -- 10 cubic feet per second;
 - b. October -- 25 cubic feet per second;
 - c. November 1 through May 31 -- 20 cubic feet per second.
5. No water shall be diverted under this permit until permittee has installed a device on Fall Creek, satisfactory to the Chief, Division of Water Rights, of the State Water Resources Control Board, which is capable of measuring the flow required by the conditions of this permit. Said measuring device shall be properly maintained.
6. Permittee shall maintain a record of the stream and bypass flows on Fall Creek and make such records available to the Board upon reasonable request.
7. In accordance with Sections 1601 and 6100 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife have been incorporated into the diversion facilities. The construction, operation, and maintenance costs of any required facility is the responsibility of the permittee.
8. Permittee shall install and maintain a fish screen at any point of diversion past which salmon or steelhead are expected to migrate as determined

by the Department of Fish and Game and as required by Section 6100 of the Fish and Game Code.

9. Permittee shall establish only those new water service connections that have been authorized by any required local permits and which demonstrate compliance with the Central Coast Regional Water Quality Control Plan, as may be amended from time to time.

10. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.



11. Total diversion of water under this permit and licensed Applications 5297, 5298, 8843, 8844 and 8845 above a daily maximum of 1.87 cubic feet per second is prohibited until the permittee demonstrates, and the Chief, Division of Water Rights, concurs in writing that the permittee can provide a dependable supply of water to its users during the months of July through November.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 21, 1986.

AYE: W. Don Maughan, Chairman
Darlene E. Ruiz, Vice Chairwoman
Edwin H. Finster, Member

Eliseo M. Samaniego, Member
Danny Walsh, Member

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board

