

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24116 }  
VENTURA COUNTY FLOOD CONTROL DISTRICT) }  
Applicants }  
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Order: WR 79- 33  
Source: Santa Paula Creek  
C o u n t y Ventura

ORDER REQUIRING PREPARATION OF  
FINAL ENVIRONMENTAL DOCUMENTS

BY THE BOARD:

The Ventura County Flood Control District (District) has filed Application 29116 to divert water for storage from Santa Paula Creek for recreational purposes. The District is the lead agency for preparation of environmental documents for the project. Notice of Application 24116 was issued and protests received. A hearing was held by the Board on May 10, 1973. At the hearing, the District submitted the U. S. Army Corps of Engineers' (Corps) Environmental Impact Statement with its supplement to the Board. In 1974, a successful lawsuit was filed against the Corps over inadequacies in the Environmental Impact Statement (EIS). Construction of the project was enjoined in 1975. In August, 1979, a Corps engineer stated that progress towards completion of the EIS is not proceeding. The Board having considered all the foregoing, finds as follows:

Substance of Application

1. The Ventura County Flood Control District filed Application 24116 on July 12, 1972, for a permit to appropriate 300 acre-feet per annum (afa). The stored water is to be collected from October 1 to May 31, for recreational purposes from Santa Paula Creek.
2. Notice of Application 24116 was issued September 26, 1972. Four protests were received from local property owners.

3. A hearing was held by the Board on May 10, 1973, and the District submitted the Corps' EIS and its draft supplemental EIS into evidence.

4. A lawsuit was filed against the Corps in 1974 challenging the adequacy of the EIS. After an "advisory hearing" before a Federal judge, the Corps was asked to voluntarily stop construction. The Corps stopped construction. In 1975, the project was formally enjoined from construction until an EIS is completed which discusses all alternatives.

5. A telephone communication in August, 1979, with a Corps engineer revealed that progress toward completion of the EIS is not proceeding.

6. The Board cannot act on Application 24116 until a final environmental document is completed.

7. An applicant for unappropriated water is required to proceed diligently towards completion of the proposed project. The Board may grant reasonable extensions of time for this purpose.

#### ORDER

#### THEREFORE IT IS ORDERED:

1. The Ventura County Flood Control District shall complete and file with the Division of Water Rights a final Environmental Impact Report under the following time schedule:

(a) Submit a Notice of Preparation of an Environmental Impact Report within three months of the date of this order.

(b) Submit a final Environmental Impact Report within fifteen months of the date of this order.

2. If the Federal Environmental Impact Statement is completed in compliance with both Federal and State laws and regulations, the Federal Environmental Impact Statement may be submitted in lieu of the Environmental Impact Report.

If the appropriate conditions above are not met, Application 24116 will be cancelled without further action by the Board.

Dated: December 20, 1979

/S/ CARLA M. BARD  
Carla M. Bard, Chairwoman

/S/ WILLIAM J. MILLER  
William J. Miller, Vice-Chairman

/S/ L. L. MITCHELL  
L. L. Mitchell, Member