

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11043)
and 11044, Issued on Applications)
13225 and 13226,)
MONTEREY COUNTY FLOOD CONTROL)
AND WATER CONSERVATION DISTRICT,)
Permittee)

ORDER: WR 82- 13
SOURCE: Salinas River
COUNTY: Monterey

ORDER GRANTING EXTENSION OF TIME

BY VICE CHAIRMAN MITCHELL:

A hearing having been held pursuant to Section 1410 of the Water Code before the State Water Resources Control Board on August 11, 1982, for the purpose of allowing Monterey County Flood Control and Water Conservation District to show cause why Permits 11043 and 11044 should not be revoked; permittee having appeared at the hearing; the Department of Fish and Game having appeared as an interested party; evidence having been presented and received and having been duly considered, the Board finds as follows:

1. On November 20, 1957, Permits 11043 and 11044 were issued to Monterey County Flood Control and Water Conservation District pursuant to Applications 13225 and 13226. The permits currently authorize appropriation of 400 cubic feet per second (cfs)* from January 1 to December 31 at two points of diversion on the Salinas River in Monterey County for municipal, irrigation and domestic use.

2. The time authorized in said permits for application of water to beneficial use expired on December 1, 1979, after four extensions of time. A petition for an additional extension was filed on August 17, 1981.

*Total amount to be diverted under either or both permits.

3. The project originally envisioned by the permittee has changed significantly since issuance of the permits.

4. Board Order WR 76-12 provided for extension of the time to commence construction to December 1, 1979. It also provides that:

"2. Construction shall not commence until further order of the Board upon a hearing and a showing by the permittee that the use of all practicable alternative water supplies, including the use of reclaimed wastewater, have been adequately considered and that permittee has made all reasonable effort to coordinate its water supply decisions with local water pollution control agencies...."

The order is silent regarding timing of the hearing, the studies to be conducted and who was to institute the hearing process.

5. Permittee has been diligent in pursuit of the conditions of Order WR 76-12 in that:

(a) Permittee has investigated reasonable alternative supplies of water including well fields, other dams, the State Water Project, the Corps of Engineers' groundwater studies, and the Arroyo Seco Dam project;

(b) Permittee is cooperating in the investigation of the use of reclaimed wastewater as a source of supply for the Castroville Irrigation Project through membership on a task force coordinating the Monterey Wastewater Reclamation Study. This study will not be completed until 1985. The extended time for completion of this study is beyond the control of permittee.

6. Permittee has adopted a plan for the Arroyo Seco Dam project which includes the Castroville and Eastside Irrigation Projects as integral parts of the main project.

7. It is in the public interest to grant an extension of time in this case because the canal projects will be a useful part of an overall Monterey County water plan and no other agency is known which can make any reasonable use of the water at this time.

8. The Arroyo Seco Dam feasibility study Final Report is relevant to the issues of this hearing and should be admitted into evidence.

9. Since a permittee is no longer required to file a separate application for municipal, domestic, and irrigation uses, it is proper to combine the two permits into one.

10. A portion of the schedule set forth by the permittee should be adopted so that future diligence or the lack thereof may be determined.

NOW THEREFORE IT IS ORDERED:

1. That Permits 11043 and 11044 shall be combined as Permit 11043.

2. The permit shall include all applicable standard permit terms including 8, 10, 11, 12 and 13.*

3. Based upon permittee's Arroyo Seco Project implementation Schedule, permittee shall:

(a) Form assessment district by January 1, 1984.

(b) File final P. L. 984 loan applications by June 30, 1984.

(c) Commence both Castroville and Eastside Canal project construction by January 1, 1987.

(d) Construction work on Castroville and Eastside projects shall be completed by December 1, 1988.

(e) Complete application of the water to the authorized use shall be made by December 1, 2008.

(4) This permit shall stand revoked and of no further effect if permittee fails to meet any of the dates in Paragraph 3 of this Order, unless:

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

(a) Permittee petitions the Board for an extension of time prior to the date in question, and

(b) The Board finds good cause for a time extension.

4. The Arroyo Seco Feasibility Study Final Report is admitted into evidence in the hearing in this matter.

6. In addition, the Board specifically reserves jurisdiction to impose further terms and conditions on Permit No. 11043 (which combines Permits Nos. 11043 and 11044) requiring permittee to use reclaimed wastewater to satisfy all or some of its water needs should the public interest so require.

7. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue.

8. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program or actions. A progress report on development of the program shall be

submitted to the Board within six months. The program or proposed actions shall be presented to the Board for approval within one year from the date of this Order or such further time as may, for good cause shown, be allowed by the Board.

Dated: November 18, 1982


L. L. Mitchell, Vice Chairman


Carole A. Onorato, Chairwoman


Jill D. Golis, Member


F. K. Atjibury, Member


Warren D. Noteware, Member

418
4/15

