

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional	)	ORDER:	WR 88- 23
Temporary Urgency Change Order)		
On Permits (Applications) 11315	)	SOURCES:	American River
(13370), 11316 (13371), 11967 (5628),	)		Trinity River
11968 (15374), 11969 (15375), 11971	)		Clear Creek
(16767), 11973 (17374), 12364 (17376)	)		Sacramento River
12721 (5626), 12722 (9363), 12723 (9364)	)		The Delta
12727 (9368), and 12860 (15764)	)	COUNTIES:	Trinity, Shasta
U. S. BUREAU OF RECLAMATION,	)		Sacramento,
Permittee	)		Contra Costa
)		

ORDER AMENDING AND VALIDATING ISSUANCE OF CONDITIONAL
TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION AND POINT OF REDIVERSION

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a Conditional Temporary Urgency Change in point of diversion and rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the U. S. Fish and Wildlife Service, the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); Board Chairman W. Don Maughan having concluded from available information that the Bureau qualifies for a Temporary Urgency Change and having issued a Conditional Temporary Urgency Change Order on October 17, 1988, subject to review and validation by the Board as provided by Water Code Section 1435 (d); The Board finds as follows

Substance of the Proposed Change

1. On September 30, 1988 the Bureau filed a petition with the Board to add the State Water Project's Harvey O. Banks Pumping Plant (SWP Banks), operated by DWR as an additional temporary point of diversion and rediversion, for a 180 day period. The petition requests authorization for pumping of Bureau entitlement water, under 13 Central Valley Project (CVP) permits, through SWP Banks to accommodate the following drought related urgency requests:

(A) To increase the supply of CVP water to the Kern National Wildlife Refuge this fall from 7,500 acre-feet (approved September 7, 1988 by the Board Order WR 88-18) to 8,200 acre-feet.

(B) To supply 800 acre-feet of CVP water to Semitronic Water Storage District this fall for waterfowl areas located within the District.

(C) To replace curtailments at the Tracy Pumping plant CVP (Tracy) caused by reduced releases from Shasta Reservoir requested by the DFG. The reduction of release at Shasta Reservoir is for the purpose of enhancing temperature conditions for salmon eggs and juvenile salmon in the upper Sacramento River below Keswick Dam. The reduction in releases from Shasta Reservoir and possible curtailments at CVP Tracy during October, November and December 1988 are estimated to be up to an additional 125,000 acre-feet more than the 30,000 acre-feet approved in Board order WR 88-18.

Notice and Responses

2. On October 7, 1988 a Notice of the petition for Temporary Urgency Change was provided by publication and mail to interested parties. The period for submitting objections ended October 21, 1988.
3. Objections to granting the Bureau Temporary Urgency Change petition were received from the Environmental Defense Fund (EDF) and from Stockton East Water District (SEWD). Board staff met with EDF, SEWD, DWR, DFG and the Bureau on October 26, 1988 to discuss the objectors' concerns.
4. The EDF objection raises three areas of concern, absent certain assurances. Each concern is paraphrased below, followed by findings on each.

(A) Trinity River: EDF is concerned that approval of the petition will result in increased diversions from the Trinity Basin and reduced flows in the Trinity River. EDF asserts that no further reductions should be permitted.

The petition states that the Bureau is already **planning** to operate the Trinity River diversion and conveyance facilities at full capacity this fall. The plan under the petition would be to continue the current Trinity River diversion rates but reduce the Shasta Reservoir releases in the fall and then make up the reduced Shasta Reservoir releases with pumping at SWP Banks before April 1, 1989.

Minimum flows in the Trinity River are controlled by various permit conditions and the January 14, 1981 Trinity River Fishery Mitigation Agreement. The flow regime change requested by DFC which prompted the Bureau petition would not reduce those minimum flow requirements; nor does the October 17, 1988 Order authorize a reduction. Consequently the Trinity River will not be adversely affected by approval of the petition.

- (B) Increased Diversions: EDF is concerned that the continuing actions approved by Board Order WR 88-18 together with approval of the September 30, 1988 Bureau petitioned actions may affect the availability of CVP and SWP pumping capacity. EDF asks that the Board require an accounting from the Bureau which will show that the total quantity of export pumping at the Delta plants does not increase (except for associated evaporative losses).

Conditions 4 and 5 in the October 17, 1988 Conditional Order requires the Bureau to develop and file a revised accounting procedure (with updated operation study) acceptable to the Chief of the Division of Water Rights. The consolidated accounting procedure will itemize and totalize the daily pumping at the CVP Tracy and SWP Ranks. The accounting procedure will be used to check the times and amounts of pumping under the various categories of the orders and will be used specifically to measure compliance with Condition 5(c) of the October 17, 1988 Order.

(C) Timing of Diversions: EDF also expressed concern about increased releases from Lake Oroville this fall being pumped at CVP Tracy with DWR making up its deferred SWP Banks pumping prior to September 1989. EDF alleges that, to facilitate May and June 1989 pumping at SWP Banks, DFG would agree to relieve DWR of its 2,000 cubic feet per second (cfs) pumping limit during May and June 1989 under the January 5, 1987 DWR/DFG letter agreement. EDF's concern is that relaxation of the agreement would allow pumping during May and June at 3,000 cfs, which is the maximum diversion allowed under Board Decision 1485. They allege the relaxation would in essence shift Delta pumping from the fall to May and June when they believe adverse direct pumping effects are more severe and when the need for Delta outflow is more critical. EDF claims this shift in timing of diversions would result in an environmental trade-off between the immediate benefits of reducing warm-water Shasta Reservoir releases and the future costs of increasing Delta pumping in May and June of 1989.

The shift of releases from Shasta Reservoir to Lake Oroville alleged by EDF and any change in diversion rates in May and June is not addressed in the petition; nor is it affected by the October 17, 1988 Order, which terminates March 31, 1989. Our review indicates that shifts in pumping authorized herein from October, November and December to January, February and March will result in no significant effects and will have no effect on diversions during May and June because all diversions under this temporary change will have been completed by

March 31, 1989. To further eliminate concern about the timing of diversions under this Order, Condition 3 of the ~~October~~ 17, 1989 Order will be amended to strike the reference to the possibility of an extension past April 1, 1.989.

5. The SEWD objection asks that any permit (change order) granted for curtailment of releases of up to 125,000 ~~acre-feet~~ from Shasta and subsequent increased pumping from the Delta be conditioned to provide that no water from New **Melones** be used to make up the 125,000 acre-feet.

Condition 4 in Permits 16597 and 16600 restricts the place of use under the Bureau's New **Melones** storage permits to the Counties of Stanislaus, Calaveras, Tuolumne and San Joaquin. The October 17, 1988 Order does not authorize a change of place of use under Permits 16597 and 16600. The consolidated accounting procedure discussed in finding 4(B) above will also assure that no water is released from New **Melones** to make up the 125,000 acre-foot curtailment.

Action by Board Chairman Maughan

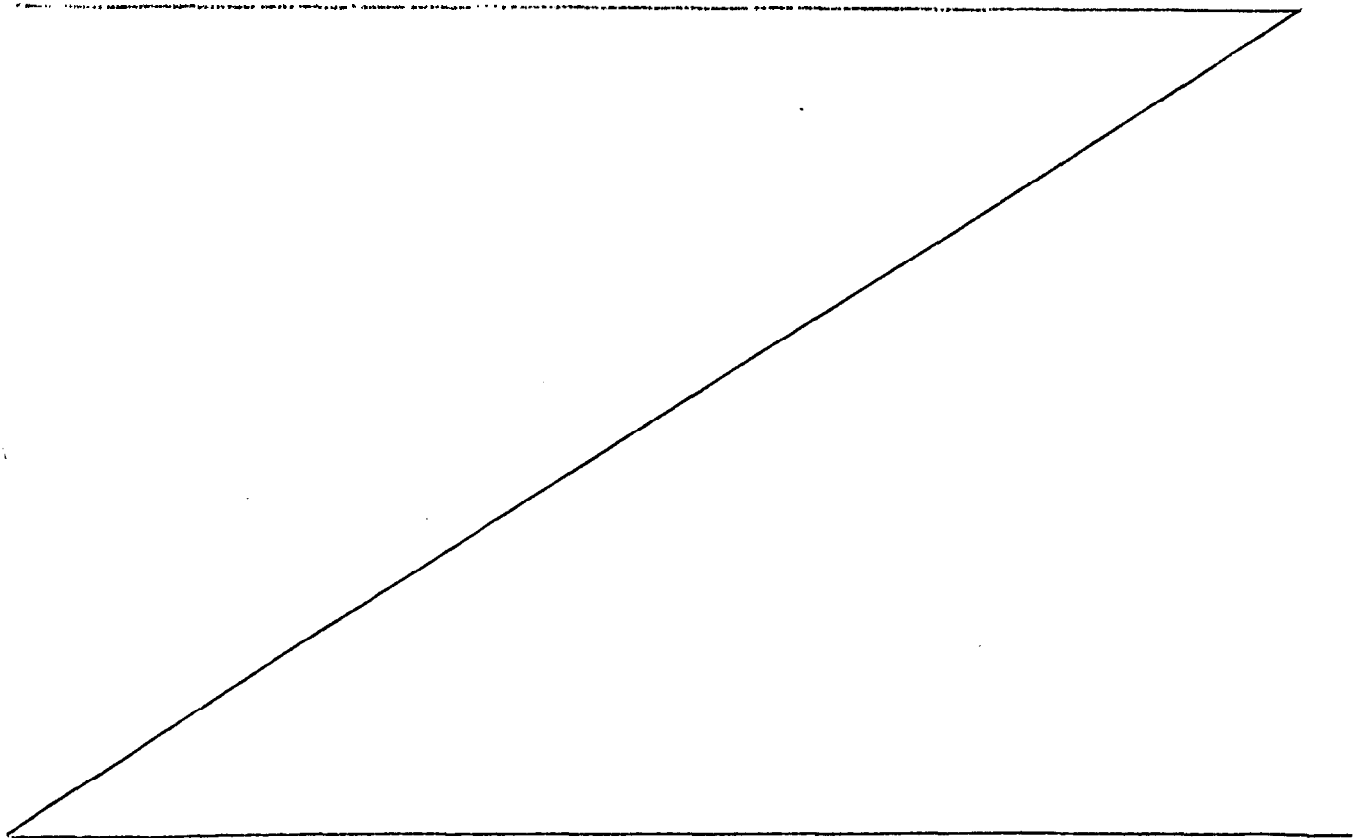
6. In accordance with the delegation of authority in Water Code ~~Section~~ 1435 (d), and the Board's adoption of Resolution 84-2, Board Chairman Maughan made findings and issued a Conditional Temporary Urgency Change Order on October 17, 1988 allowing a temporary change in point of diversion and point of rediversion of up to 126,500 acre-feet of water under the 13 Permits listed above. ~~subject~~ to several ~~specified~~ conditions. We concur

in and incorporate herein by reference the findings set forth in the Order issued on October 17, 1988.

ORDER

IT IS HEREBY ORDERED THAT:

1. Issuance of the October 17, 1988 order by Board Chairman Maughan allowing a Conditional Temporary Urgency Change in the point of diversion and point of rediversion under Permits 11315, 11316, 11967, 11968, 11969, 11971, 11973, 12364, 12721, 12722, 12723, 12727 and 12860 is validated subject to the terms and conditions specified in the Order except as amended below.



2. Condition 3 of the October 17, 1988 order is amended to read:

3. Diversion or rediversion of water at SWP Banks under this Order is authorized beginning October 17, 1988 and continuing through March 31, 1989. This authorization shall be of no further force or effect on April 1, 1989.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on November 2, 1988.

AYE: W. Don Maughan
Darlene E. Ruiz
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: Edwin H. Finster

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board