

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional)	ORDER: WR 8% 24
Temporary Urgency Change Order)	
On Permits (Applications) 12727)	SOURCE: Old River
(9368), 12860 (15764), 16597)	Stanislaus River
(14858A) and 16600 (19304))	
The U. S. BUREAU OF RECLAMATION,)	COUNTY: Contra Costa
Permittee)	Calaveras
	Tuolumne

ORDER AMENDING AND VALIDATING ISSUANCE OF
CONDITIONAL TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION, POINT OF REDIVERSION,
PLACE OF USE AND PURPOSE OF USE

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a Temporary Urgency Change in point of diversion, point of rediversion, place of use and purpose of use 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 7, 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. As amended on October 7, 1988 the petition requests the Board to make the

following temporary changes to Bureau Permits 12727, 12860, 16597 and 16600, for 180 days from the date of the order authorizing the change:

(A) Add the State Water Project (SWP) Harvey O. Banks Pumping Plant (SWP Banks) as a point of diversion under Central Valley Project (CVP) Delta Permits 12727 and 12860.

(B) Add fish and wildlife enhancement as a purpose of use to CVP Delta Permits 12727 and 12860.

(C) Add SWP Banks as a point of rediversion under New Melones Reservoir storage Permits 16597 and 16600.

(D) Add Grasslands Water District (Grasslands) and the San Luis Unit of the CVP to the place of use under New Melones Reservoir storage Permits 16597 and 16600.

The total quantity of water diverted or rediverted under this temporary urgency change shall not exceed 45,000 acre-feet (af) and shall be no greater than:

(A) 25,000 af for delivery to Grasslands for waterfowl habitat; plus

(B) 20,000 af of exchange water for salmon outmigration from the San Joaquin River.

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. Two letters of support and one objecting to granting of the Bureau Temporary Urgency Change petition were received. The Environmental Defense Fund (EDF) and California Waterfowl Association (CWA) supported the temporary urgency changes. Stockton East Water District (SEWD) objected.
4. Board staff met with EDF, SEWD, DWR, DFG and the Bureau on October 26, 1988 to discuss the objector's concerns and the proponents' responses. SEWD's representative explained at the October 26, 1988 meeting that the concern is that a water supply be maintained in New Melones Reservoir for future years and that no more water should be used for fish than is necessary.
5. The EDF supports the New Melones/Grasslands/San Joaquin River proposal as an "innovative approach to increasing water availability for fish and wildlife purposes ... [which] could serve as a beginning for a much larger effort to protect and restore the State's aquatic environments." However, during the meeting on October 26, 1988 EDF expressed concern about additional pumping in April. The Bureau representative stated they would not need to divert New Melones Reservoir releases at the Delta after March 31, 1939 and would have no objection to Condition 5 of the October 7, 1988 order being so amended. To further eliminate concern about the timing

of diversions under this order, Condition 5 of the October 7, 1988 order will be amended to strike the reference to the possibility of modification allowing diversion past March 31, 1989.

6. The CWA letter states that CWA strongly supports this request and hopes the Board will act favorably on it in the near future.
7. The SEWD objection asks that any permit (change order) granted for temporary use of 45,000 af of New **Melones** Reservoir releases for fish and wildlife in the Grasslands and the San Joaquin River be conditioned to require the 45,000 af be counted as part of the 98,000 af annual fish flow of Board Decision 1422.
8. With respect to the SEWD objection the Board finds:

(A) DFG has contracted with the Bureau to release up to 45,000 af of additional water from New **Melones** Reservoir in October, November and December to increase flows in the Stanislaus River below Goodwin Dam by 400 cfs (over currently required minimum fish flow requirements) to improve salmon spawning conditions this fall. The contract with DFG for use of water in the Stanislaus River requires no water right changes and does not require Board approval. Additionally, because of an unusually large salmon run expected this fall, the additional flow is needed to provide adequate spawning habitat for the salmon returning to the Stanislaus River. The Bureau has adequate water in storage in New **Melones** Reservoir to sell water to DFG this fall without impacting next year's service to SEWD.

(B) The Bureau petition requested Board authorization to divert the New Melones Reservoir releases as follows:

(1) 25,000 af for use in Grasslands for waterfowl habitat use this fall, and

(2) 20,000 af to storage in San Luis Reservoir to offset releases through the Volta Wasteway to the San Joaquin River in April 1989.

The Bureau petition also states that the Bureau is willing to release the additional New Melones Reservoir water only if the Board authorizes use of SWP Banks to pump 45,000 af of water to San Luis Reservoir. The October 7, 1988 conditional Order authorizes SWP Banks pumping of the additional 45,000 af.

(C) The 45,000 af of water contracted for by DFG this fall is clearly in addition to the 98,000 af per annum required by Condition 2 of Board Decision 14122. Therefore the 45,000 af cannot be counted as a part of the 98,000 af required for preservation and enhancement of fish and wildlife under Decision 1422.

(D) We appreciate SEWD's concern that water not be used wastefully or unreasonably, and that the carry-over supply should be maintained. However, it appears that there will be no adverse effect on SEWD's future water supply as a result of approval of this petition.

Further, the petitioned rediversion of 45,000 af of water from New Melones Reservoir will allow important reasonable and beneficial use of water. Thus, under the petition, water from New Melones Reservoir will be used and reused beneficially.

Action by Board Chairman Maughan

7. 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 7, 1988 allowing a temporary change in point of diversion, point of rediversion, place of use and purpose of use for up to 45,000 af of water under Permits 12727, 12860, 16597 and 16600 subject to several specified conditions. We concur in and incorporate herein by reference the findings set forth in the Order issued on October 7, 1988.

ORDER

IT IS HEREBY ORDERED THAT:

1. Issuance of the October 7, 1988 order by Board Chairman Maughan allowing a Conditional Temporary Urgency Change in the point of diversion, point of rediversion, place of use and purpose of use under Permits 12727, 12860, 16597 and 16600 is validated subject to the terms and conditions specified in the Order except as amended below.

2. Condition 5 of the October 7, 1988 order is amended to read:

5. Diversion or redirection of water at SWP Banks under this order is authorized beginning October 7, 1988 and may continue 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 the 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

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