

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
WR ORDER 2001-21 DWR

IN THE MATTER OF PERMIT 20387 (APPLICATION 28158)
ORDER APPROVING TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION

SOURCES: Santa Rosa Creek

COUNTY: San Luis Obispo

ORDER APPROVING TEMPORARY URGENCY CHANGE
IN THE PLACE OF USE

1.0 INTRODUCTION

On October 13, 2000, the Cambria Community Services District (CCSD) filed a petition requesting approval of a Temporary Urgency Change with the State Water Resources Control Board (SWRCB), pursuant to Water Code section 1435, et seq. The petition requests the temporary addition of an offset well as a point of diversion under Permit 20387.

2.0 SUBSTANCE OF THE PETITION

CCSD has suspended use of wells SR1 and SR3 under Permit 20387 in order to prevent contamination of the municipal wells. The California Regional Water Quality Control Board has issued Clean Up and Abatement Order 00-28 requiring that the contaminated area be identified and cleaned up. In addition, Order 00-28 requires that an alternate water supply for CCSD well's SR1 and SR3 be provided. CCSD has requested approval of an additional point of diversion under Permit 20387 approximately 0.75 miles upstream of well SR3.

3.0 BACKGROUND

CCSD was issued Permit 20387 (Application 28158) on November 7, 1989 for 2.67 cubic feet per second (cfs) to be diverted from January 1 to December 31 for municipal use. CCSD currently uses two wells abutting Santa Rosa Creek in San Luis Obispo County for its primary municipal water supply.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the filed petition for temporary urgency change in the point of diversion under the CCSD Permit 20387 (Application 28158) is approved.

1. All current terms and conditions of Permit 20387 (Application 28158) shall remain in effect, except as temporarily modified by the terms and conditions of this Order and any further related order that may be issued during the effective period of the temporary change.
2. Permit 20387 shall be temporarily amended to add a new point of diversion, described as follows:

An offset well located on the Coast Union High School Property within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 23, T27S, R18E, MDB&M.

3. The temporary change adding a point of diversion will be effective for a period of 180 days commencing on the date of this order and may be renewed for additional periods of time, not to exceed 180 day from the date of renewal.
4. Not later than March 1, 2002, CCSD shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually served to CCSD from the added point of diversion during the temporary change.
5. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
6. This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
7. I reserve jurisdiction to supervise the temporary urgency change under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

Dated:

AUG 1 6 2001

David R. Bevinger
for Edward C. Anton, Chief
Division of Water Rights



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
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Gray Davis
Governor

AUG 16 2007

In Reply Refer
to: 333:BRC:28158

Cambria Community Services District
c/o Mr. Robert Hamilton
P.O. Box 65
Cambria, CA 93428

Dear Mr. Hamilton:

PERMIT 20387 (APPLICATION 28158) OF SANTA ROSA CREEK UNDERFLOW
TRIBUTARY TO PACIFIC OCEAN IN SAN LUIS OBISPO COUNTY

Your petition for the temporary urgency change in point of diversion has been approved. Enclosed is a copy of the order for your records. The order is effective immediately and will expire 180 days following the date of the order.

Please note that all requirements of the existing permit must be complied with. If you intend to pump from the new well following the expiration date of this temporary urgency change order, you will need to request that the temporary change be extended or you may petition for a permanent change. Petition forms to request a permanent change are available on our website noted above.

If you have any questions please contact Brian Coats, the staff person handling this matter, at (916) 341-5311.

Sincerely,

Edward C. Anton
for Edward C. Anton, Chief
Division of Water Rights

Enclosures

cc: Pillsbury, Madison & Sutro LLP
Attn: Christopher J. McNevin
725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"