

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 22992)
of Valley Center Municipal Water)
District to appropriate from Moosa)
Creek in San Diego County.)

Decision 1355

DECISION APPROVING APPLICATION

Valley Center Municipal Water District having filed Application 22992 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on May 6, 1969; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the board finds as follows:

Substance of the Application

1. Application 22992 is for a permit to appropriate 3,000 acre-feet per annum by storage, year round, for irrigation, municipal and domestic purposes from Moosa Creek in San Diego County. The point of diversion is to be located within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 15, T11S, R2W, SBB&M.

Applicant's Project

2. The Valley Center Municipal Water District (hereinafter referred to as the district) proposes to construct a dam near the head

of Moosa Creek, approximately nine miles above its confluence with the San Luis Rey River, which will form a reservoir with a capacity of 3,000 acre-feet. The reservoir will be used principally for operational purposes and emergency storage of Colorado River water delivered to the district through the transmission facilities of the Metropolitan Water District and the San Diego County Water Authority. It will also store the small quantity of surplus runoff occasionally available from the drainage area upstream from the dam site, and Application 22992 is to cover this water. The water will be used for irrigation, domestic, and municipal purposes on land within the district which has not yet been developed.

Water Supply

3. The only record of the natural flows in Moosa Creek is maintained at a gaging station just upstream from the district's dam site which was installed in January 1969. The flow at this station reached 2,000 cubic feet per second during the exceptionally heavy storms of January and February, 1969 (RT 16).

The Protests

4. Protestant Circle R Ranch claims a riparian right to pump groundwater percolating from Moosa Creek for use at a golf course and resort approximately three miles below the district's reservoir site.

5. Protestant City of Oceanside, at the mouth of the San Luis Rey River, claims rights of long standing to pump from the underlying mission groundwater basin to serve the city and adjacent lands.

It holds Permit 5229 (Application 8418) to divert 12.5 cfs from the San Luis Rey River and claims pre-1914 appropriative rights to the same source and a right to reclaimed sewage effluent used to recharge the mission groundwater basin.

Permit Terms

6. The City of Oceanside and the district have entered into an agreement dated May 1, 1969, under which the city removes its objection to storage of water in the district's reservoir on Moosa Creek whenever any of the following occur:

(1) Waters flowing in the San Luis Rey River have breached the natural sand and detritus barrier across the mouth of the San Luis Rey River where said river flows into the Pacific Ocean at Oceanside Harbor during the period of time and for as long as such waters flow through the breach created in said barrier, or

(2) The flow of water exceeds 20 cubic feet per second at the Oceanside Gaging Station as it is now or may be hereafter situated and there is a continuous live surface stream from the Valley Center Dam to the Oceanside Gaging Station.

The protestant Circle R Ranch has no objection to the approval of Application 22992 if storage is restricted in accordance with the aforesaid agreement. Any permit issued pursuant to Application 22992 should contain a term so limiting storage under the permit.

The agreement also provides that the district shall not store water if either the breach in the barrier or the flow of 20 cfs and the live surface stream is occasioned by a release of water from any dam in the San Luis Rey River watershed other than Valley Center Dam. However, as the protestants and other holders of vested rights will be adequately

protected by other permit terms and conditions, it is unnecessary to consider the inclusion of such a term in any permit issued on Application 22992.

7. The San Diego Regional Water Quality Control Board has requested that any permit issued on Application 22992 contain terms requiring the permittee to measure the natural inflow to its reservoir and the outflow or releases past its dam, and to monitor the water levels and quality of water in a well below the dam (RT 45). Such permit terms are proper and in the public interest and should be included in any permit issued on Application 22992.

8. Protestant City of Carlsbad failed to appear in support of its protest.

Conclusions

9. Unappropriated water is occasionally available during heavy runoff years to supply the applicant, and, subject to suitable conditions, such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

10. The intended use is beneficial.

From the foregoing findings, the board concludes that Application 22992 should be approved and that a permit should be issued to the applicant subject to the limitations and conditions set forth in the order following.

ORDER

IT IS HEREBY ORDERED that Application 22992 be, and it is, approved, and that a permit be issued to the applicant subject to vested rights and to the following limitations and conditions:

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3,000 acre-feet per annum by storage to be collected year round.

2. Permittee shall divert to storage only when:

(1) Waters flowing in the San Luis Rey River have breached the natural sand and detritus barrier across the mouth of the San Luis Rey River where said river flows into the Pacific Ocean at Oceanside Harbor during the period of time and for as long as such waters flow through the breach created in said barrier, or

(2) The flow of water exceeds 20 cubic feet per second at the Oceanside Gaging Station as it is now or may be hereafter situated and there is a continuous live surface stream from the Valley Center Dam to the Oceanside Gaging Station.

3. The maximum quantity herein stated may be reduced in the license if investigation warrants.

4. Actual construction work shall begin on or before September 1, 1970 and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted this permit may be revoked.

5. Said construction work shall be completed on or before December 1, 1972.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1975.

7. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Resources Control Board until license is issued.

8. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

9. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from

time to time by said board, reasonable access to project works to determine compliance with the terms of this permit.

11. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir or collected in the reservoir during and after the current storage season may be released into the downstream channel to the extent necessary to satisfy downstream prior rights.

12. Permittee shall install and maintain measuring devices satisfactory to the State Water Resources Control Board.

(a) Upstream from the high water elevation of the reservoir and

(b) Immediately below the storage dam in order that accurate measurement can be made of the quantity of water of Moosa Creek flowing into and out of the reservoir. Permittee shall measure the total amount of water stored each water year and report this amount to the State Water Resources Control Board annually.

13. Permittee shall monitor water quality and water levels in a well at a location below its dam site. The location of the well and the manner of monitoring shall be subject to the approval of the San Diego Regional Water Quality Control Board.

14. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

15. Construction of the dam shall not be commenced until the Department of Water Resources has approved plans and specifications.

Adopted as the decision and order of the State Water Resources Control Board at a meeting duly called and held at Sacramento, California.

Dated: January 23, 1970

KERRY W. MULLIGAN
Kerry W. Mulligan, Chairman

NORMAN B. HUME
Norman B. Hume, Member

E. F. DIBBLE
E. F. Dibble, Member

RONALD B. ROBIE
Ronald B. Robie, Member

WINFRED W. ADAMS
Winfred W. Adams, Member