

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Renewal of  
Temporary Urgency Permit 16843  
Issued on Application 25132  
of

MAMMOTH COUNTY WATER DISTRICT

to Appropriate from Lake Mary  
in Mono County.

DECISION 1467

DECISION AND ORDER IN FURTHERANCE OF THE RENEWAL  
OF TEMPORARY PERMIT 16843

BY THE BOARD:

NATURE OF PROCEEDINGS

Past Proceedings

On August 19, 1976, Mammoth County Water District (permittee) filed Application 25132 for a temporary permit to appropriate unappropriated water pursuant to Chapter 6.5, Part 2, Division 2 of the Water Code. Objections were received and a public hearing was held before State Water Resources Control Board Member Dodson on October 6, 1976, pursuant to Board Resolution No. 76-82. Permittee and objectors appeared and presented evidence; Board Member Dodson concluded from the evidence that the permittee was entitled to a temporary permit to appropriate water subject to review and validation by the Board as provided by Water Code Section 1425. After duly considering the evidence received at the hearing, the Board adopted Decision 1461 which approved Application 25132 and which authorized the issuance of a temporary permit, subject to a number of limitations and conditions.

By a letter dated March 3, 1977, counsel for permittee requested that the temporary permit issued pursuant to Decision 1461 be renewed for a period of 180 days from March 14, 1977, and that other dates in the permit

1467

be appropriately changed. Permittee did not request any other modification of Decision 1461 or the temporary permit.

By Decision 1465 adopted by the Board on March 17, 1977, the Board concluded that the temporary permit should be renewed nunc pro tunc and that the renewal should be subject to conditions contained in provision one of the Order in that Decision. Provision 1 states:

*"The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed two cubic feet per second by direct diversion from March 15, 1977, through September 11, 1977; provided, however, that the period of diversion shall be March 15, 1977, through April 30, 1977, unless before May 1, 1977, a Board hearing has been held and a Board decision adopted confirming the required statutory findings and finding that continuance of the temporary permit would best conserve the public interest, except that a hearing need not be held if, following notice pursuant to Water Code Section 1428, no objection to this renewal is filed or if any objection so filed is resolved."*

The effect of this provision is to renew the permit for the period from March 15, 1977, through September 11, 1977, but to reduce the period of diversion to March 15, 1977, through April 30, 1977, unless specified actions take place before May 1, 1977.

#### Present Proceedings

This decision is limited to whether the specified actions contained in provision one of the Order in Decision 1465 have been met. This provision essentially required the following two actions to occur if the diversion period were to be from March 15, 1977, to September 11, 1977:

1. *A Board hearing to be held, except that a hearing need not be held if, following notice, no objection to this renewal is filed or if any objection so filed is resolved.*
2. *A Board decision adopted before May 1, 1977, confirming*
  - a. *the required statutory findings, and*
  - b. *finding that continuance of the temporary permit would best conserve the public interest.*

### Disposition of Objections

1. At the time that Decision 1465 was adopted by the Board, it appeared that the U. S. Forest Service objected to the renewal on several grounds. In a letter dated March 31, 1977, the U. S. Forest Service clarified its position and stated that the U. S. Forest Service would renew the present U. S. Forest Service use permit with the respondent, which expires on May 1, 1977, commensurate with the Board's decision on the permit.

2. On March 25, 1977, the Board noticed the renewal of Temporary Permit 16843. The respondent posted said notice on March 29, 1977, as required by law. The Board has not subsequently received any objections to said renewal. Accordingly, no hearing was held or required under Decision 1465.

### Existence of Unappropriated Water

3. Decision 1461 found that unappropriated water is available, that, 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 and that the intended use is beneficial. The record available at this time indicates that these findings remain correct through September 11, 1977.

### The Permittee Has an Urgent and Temporary Need to Appropriate Water

4. Decision 1461 found that permittee had an urgent and temporary need for water and the record available at this time indicates that this finding remains correct. In addition, the record indicates that while permittee has not used any water under the temporary permit, it is likely that such use may be needed before the summer is over and that the situation otherwise remains the same.

The Continuance of the Temporary Permit Would Best Conserve the Public Interest

5. Available evidence indicates that the present drought may be equal to or worse than any previous drought in this century in California. Since this permit alleviates, in small part, some of the adverse consequences of this drought and since the issuance of said permit meets the criteria contained in Chapter 6.5, Part 2 of the Water Code, the Board concludes that the issuance of the permit would best conserve the public interest.

CONCLUSION

From the foregoing findings, the Board concludes that the conditions contained in Provision 1 of the Order in Decision 1465 have been satisfied and that the period of diversion for the renewed Temporary Permit 16843 should be from March 15, 1977, through September 11, 1977.

ORDER

IT IS HEREBY ORDERED that Temporary Permit 16843, which was renewed by Decision 1465, be continued in effect in accordance with the conditions and limitations contained in Decision 1465 and with the findings and conclusion in this Decision.

Dated: April 21, 1977

/s/ JOHN E. BRYSON  
John E. Bryson, Chairman

/s/ W. DON MAUGHAN  
W. Don Maughan, Vice Chairman

/s/ W. W. ADAMS  
W. W. Adams, Member

/s/ ROY E. DODSON  
Roy E. Dodson, Member

/s/ JEAN AUER  
Jean Auer, Member