

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permit 7130)
Issued on Application 11674)
CALIFORNIA-AMERICAN WATER)
COMPANY,)
Permittee.)

Order: WR 75-17
Source: Carmel River
County: Monterey

ORDER DIRECTING ASSIGNMENT OF PERMIT

BY BOARD VICE CHAIRMAN MAUGHAN:

Permit 7130 was issued in accordance with Decision 582 which was adopted on July 7, 1948. The decision approved the diversion to storage of 19,000 acre-feet per annum (afa) to be collected between October 1 and May 31. However, the approval subjected the permit to the condition that only 6,000 afa could be diverted pending the entry of a further order. This condition was the result of a stipulation between the applicant and some of the protestants wherein the applicant recognized that the lesser quantity of water would satisfy its demands in the foreseeable future. A hearing to precede any further order could be initiated by the Department of Public Works acting through the State Engineer (a predecessor of this Board) or upon motion of any of the parties appearing at the hearing on Application 11674 pursuant to which Permit 7130 was issued.

Los Padres Reservoir which has a capacity of 3,000 acre-feet (af) was constructed under the authority of Permit 7130.

It was completed in 1949 and since that time water stored in the reservoir has been used to supply part of the water requirements of the permittee's service area.

On August 6, 1974, the Board held a hearing to determine whether the portion of Permit 7130 authorizing the 13,000 afa should be revoked or whether the permittee has the intent and the financial resources to proceed within a reasonable time to develop a project to appropriate the 13,000 afa. Permittee having appeared and presented evidence, the evidence having been duly considered, the Board finds as follows:

1. The permittee's engineering advisors have concluded that the best and least costly project for further developing the Carmel River would be a dam immediately below existing San Clemente Dam which is located approximately five miles below Los Padres Dam (RT 43, 44). However, the permittee is unable to finance a project of such magnitude (RT 78). The permittee does not intend to spend between \$85,000 and \$112,000 for core drilling at the dam site, the next logical step in the development of the project (RT 24, 25).

2. The U.S. Corps of Engineers (Corps) has made survey studies of the Carmel River and is working in cooperation with the permittee's engineers and geologists (Permittee's Exhibit No. 4, RT 19). The Corps is interested in constructing a multipurpose dam on the river (RT 45, 64). If the Corps were

to construct such a project, it would contract with the permittee which would purchase the impounded water for resale to its customers (RT 17). The Corps estimates that if it were to construct such a project, the most optimistic schedule for its completion would be the following: feasibility report to Congress in 1975; congressional action in 1976; possible authorization planning and design from 1976 through 1979; and construction during the period 1979 through 1982 (RT 17).

3. If federal funds are not available for a project to be constructed by the Corps, the permittee envisions a project financed through a public agency such as the Monterey County Flood Control and Water Conservation District or a consortium of county agencies and other public bodies. Under such an arrangement it would be possible to construct the facilities and finance construction entirely by tax-free bonds at a favorable interest rate. The public agency would then lease the facilities to the permittee which would operate them (RT 20). The Monterey County Flood Control and Water Conservation District's Citizens' Advisory Committee for Zone 11, which covers the permittee's service area, is considering alternative projects to that of the Corps, including a dam and reservoir solely for conservation purposes to be financed by the District (RT 64).

From the foregoing findings it is concluded that:

1. Action on the 13,000 afa withheld from diversion and storage by Permit 7130 should no longer be deferred.

2. Inasmuch as a project to develop the withheld 13,000 afa will not be constructed by the present permittee, and the permittee will have little or no control over project construction, the withheld portion of Permit 7130 should be assigned to the Corps or whatever public agency has the intent to proceed with construction of a project to appropriate the water. If no such assignment is made within a period of six months from the date of this order the 13,000 afa portion of Permit 7130 is revoked without further action by the Board. If an assignment is made, a further hearing will be held to establish a construction schedule and to submit details of a proposed project.

IT IS SO ORDERED.

Dated: November 20, 1975

We Concur:

W. DON MAUGHAN
W. Don Maughan, Vice Chairman

W. W. ADAMS
W. W. Adams, Chairman

ROY E. DODSON
Roy E. Dodson, Member

JEAN AUER
Jean Auer, Member