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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 8511, )  
11356, 11357, and 15000, )  
Issued on Applications 11587, )  
12178, 12179, and 21471, )  
UNITED STATES BUREAU OF )  
RECLAMATION, )  
Permittee )

Order: WR 76-5  
Source: Santa Margarita River  
County: San Diego

ORDER APPROVING EXTENSIONS OF TIME

BY BOARD VICE-CHAIRMAN MAUGHAN:

A public hearing was held before the State Water Resources Control Board on January 12, 1976 in accordance with Order WR 73-50 to allow the permittee to show cause for an extension of time within which to complete construction work and use of water under the permits. Permittee having appeared and presented evidence; the evidence having been duly considered, the Board finds as follows:

1. Development of separate projects under these four permits was contemplated by the former permittees but was precluded by extensive litigation until 1966. Since 1966 exploration and feasibility studies have been diligently prosecuted and have led to the present proposal for a consolidated project to be constructed by the U.S. Bureau of Reclamation.

2. The consolidated project, known as the Santa Margarita Project, includes storage dams at the Lippincott site under Permits 8511, 11356 and 11357 and at the DeLuz site under Permit 15000. Federal legislation for authorization of the project was introduced in the Congress in 1972, but the bill was retained in committee; the same legislation was reintroduced in 1973, but was not acted upon.

3. In accordance with Order WR 73-50, a license has been issued to confirm the underground storage portion of Permit 15000 and the former permittees have assigned the permits to the Bureau of Reclamation.

4. The amended Feasibility Report and Final Environmental Impact Statement were forwarded to the Federal Executive Branch for review in 1975 (RT 6 ). If the project is found to be consistent with the program of the Federal Administration, legislation will be again introduced seeking congressional authorization and funding.

5. The Feasibility Report (with addendum) and the Final Environmental Impact Statement prepared by the Bureau's Regional Office have not yet been compiled as the report of the Secretary of the Interior. There have reportedly been no significant changes in the project as described in the earlier versions of the reports, which were Staff Exh. 4 at the 1973 hearing which preceded Order WR 73-50. Minor changes may be necessary to conform the permits to the final project design (RT 10). The final documents are expected to be available for the Board's review soon (RT 10).

6. Beneficial use can be made of the water to be conserved by the presently proposed project if development is completed.

7. Notice of the requested time extensions was given to interested parties prior to the 1976 hearing; no protests were received and the former holders of the permits appeared at the hearing in support of the project.

8. The only known intervening water user between the project site and the mouth of the Santa Margarita River is the U.S. Navy, which would be a beneficiary of the Santa Margarita Project.

It is concluded from the foregoing findings that the many years of controversy regarding water rights on the Santa Margarita River and this project in particular have resulted in formulation of a plan which now appears to be unopposed. Subject to appropriate further review by the Board, the project should be carried to completion in accordance with the present plan of the parties of interest.

NOW, THEREFORE, IT IS ORDERED:

1. Time within which to complete construction and use of water under permits 8511, 11356, 11357, and 15000 is extended as follows:

Construction shall be completed on or before  
December 31, 1982.

Application of water to the proposed uses shall be  
completed on or before December 31, 1985.

2. Prior to commencement of project operation the permittee shall file appropriate petitions, if necessary, to conform the details of the permits to the final project design.

3. This order and any further orders issued by the Board concerning these permits and their terms and conditions shall be included in the documentation submitted to the Congress when authorization for the project is sought.

4. Term 7 of Permits 8511, 11356 and 11357 is amended and term 13 of Permit 15000 is added to read:

Pursuant to California Water Code Section 100, all rights and privileges under this permit and under any license issued pursuant thereto, 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.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

5. The following term is added as term 8 of Permit 8511, term 10 of Permits 11356 and 11357 and term 14 of Permit 15000:

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.

Dated: March 18, 1976

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