

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 20245)
(Kellogg Unit))

U. S. WATER AND POWER RESOURCES)
SERVICE)

Applicant

Order: WR 80-23

Sources: Italian Slough, et al.

County: Contra Costa

ORDER GRANTING EXTENSION OF TIME

BY THE BOARD:

1. Application 20245 has been completed, notice thereof issued, protests have been filed against the application, and answers to the protests have been filed. Further action has been deferred pending congressional approval and resolution of concerns of the State of California.

2. The U. S. Water and Power Resources Service (Service) has requested extension of time under the above application. In July 1979 the Service supplied a report updating the status of the project covered by the application.

3. The update report states the following:

a. A Kellogg Unit feasibility report was completed in August 1967. A reevaluation of the financial analysis was completed in October 1967. There followed a period of little activity. Interest was renewed due to projected increases in Delta pumping and resulting impact on the Delta fishery and the Delta salinity criteria.

b. An alternative to the Kellogg project is a reservoir at the Los Meganos site. The Service states that in addition to increasing the total water supply yield of the CVP and SWP and providing protection for fish in the Delta, this alternative could provide the following benefits:

- 1) Possible pumped storage and power generation.
- 2) Possible water yield development by carryover storage of intermittent water (wet-year peak flow storage).
- 3) Improved water quality could be guaranteed to Contra Costa County Water District.
- 4) Improved capability for flushing the Delta in the event of a levee failure and resulting salt intrusion.
- 5) Reservoir fishery, wildlife, and recreation benefits.

4. In 1975 the Service and the Department of Water Resources agreed to a joint study of the Los Meganos project. The Service indicates that the study will begin in fiscal year 1982 and should take about three years to complete. On that basis an extension of time until December 31, 1985 to complete the study and to determine a course of action on Application 20245 should be considered. If the Los Meganos alternative is selected, Application 20245 could be amended to describe that project.

5. The Board's regulations contain procedures whereby a hearing can be held before an extension of time is granted. However, the Service has provided a report of the current status of the project and it is unlikely that additional information on diligence would be developed as a result of hearing.

6. The project covered by this application is in the planning stage and has not yet received congressional authorization.

7. The Service has shown due diligence in pursuing plans for the Kellogg Unit and an extension of time should be granted on Application 20245.

8. The "Memorandum of Understanding Regarding Procedures for Coordination of Water Rights, Environmental Impact Review and Federal Project Authorization" sets forth procedures whereby the Board, the Department of Water Resources and the Service will cooperate in efforts to eliminate conflicts

between plans for Federal Projects in California and the conditions of water right permits. Application 20245 was filed before the memorandum was signed and its processing is somewhat out of sequence with the procedures set forth in the memorandum (filing of a water right application being Step #5). However, it is the Board's intent that future actions on the Kellogg Unit will be carried out in conformance with that memorandum.

THEREFORE, IT IS HEREBY ORDERED:

1. An extension of time is granted on Application 20245 until December 31, 1985 for completion of a joint study with the Department of Water Resources and to determine a course of action on the application.

2. On or before September 30, 1985, the Service shall supply the Board with a report setting forth the status of the Kellogg Unit as of that time.

Dated: December 18, 1980

/s/ CARLA M. BARD
Carla M. Bard, Chairwoman

/s/ WILLIAM J. MILLER
William J. Miller, Vice-Chairman

/s/ L. L. MITCHELL
L. L. Mitchell, Member

/s/ JILL B. DUNLAP
Jill B. Dunlap, Member

/s/ F. K. ALJIBURY
F. K. Aljibury, Member