

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permit (Application 27083)

DEPARTMENT OF WATER RESOURCES

Permittee

Order: WR 81-16

Source: Italian Slough

County: Contra Costa

FINDINGS AND ORDER VALIDATING THE ISSUANCE
OF TEMPORARY PERMIT 18386

BY BOARD MEMBER DUNLAP:

The Department of Water Resources (Department) having filed Application 27083 for a temporary urgency permit to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having consulted with the U. S. Bureau of Reclamation, the California Department of Fish and Game, the City and County of San Francisco, and the Skyline County Water District; Board Member Dunlap having concluded from available information that the Department was entitled to a temporary permit to divert and use water, subject to review and validation by the Board as provided by Water Code Section 1425; the Board finds as follows:

Substance of the Application

1. Application 27083 is for a temporary permit to divert and use a total of ten acre-feet from Italian Slough in Contra Costa County between November 6, 1981 and March 31, 1982 for municipal and fire protection purposes within the service area of the Sky-L'Onda Mutual Water Company in San Mateo County. The maximum amount to be stored in Sky-L'Onda Reservoir # 2 is 10 acre-feet. The points of diversion and rediversion are located within the NW $\frac{1}{2}$ of NE $\frac{1}{2}$ of Section 24, T1S, R3S, MDB&M (Calif. Aqueduct Intake), within SW $\frac{1}{2}$ of NE $\frac{1}{2}$ of Section 22, T4S, R1E, MDB&M (San Antonio Reservoir), and within the NW $\frac{1}{2}$ of NE $\frac{1}{2}$ of Section 26, T6S, R4W, MDB&M (Sky-L'Onda Reservoir No. 2).

Applicant's Project

2. The Sky-L'Onda Mutual Water Company (Company) estimated on October 23, 1981 that its water supply collected from local surface runoff would be exhausted by early November. At that time, they requested emergency purchase from the Department of Water Resources of at least five and not more than ten acre-feet of emergency water beginning in November, subject to their ability to negotiate delivery of this supply through the existing facilities of the City and County of San Francisco and the Skyline County Water District.

3. The Company serves approximately 500 people who are presently under a mandatory restriction of not more than 33 gallons per person per day. At this rate, they estimate a need of approximately ½ million gallons per month until their local surface supply recovers, which at best would be December 15 and might not occur until February or later if rainfall is slight.

4. The Department plans to transport the water through its South Bay Aqueduct to the City and County of San Francisco's San Antonio Reservoir. From this point, it will flow through existing conduits of the City and County of San Francisco, the Skyline County Water District, and the Sky-L'Onda Mutual Water Company to Sky-L'Onda's Reservoir No. 2 in San Mateo County. Periodic (anticipate monthly) releases to storage will be made as needed until the Sky-L'Onda system is recharged by winter runoff.

Availability of Unappropriated Water

5. Instream use flows for fish and wildlife are currently being released into the Sacramento River at Keswick Dam. The resulting flows through the Delta are sufficiently in excess of the quantity needed to meet D-1485 water quality standards to make 10 acre-feet available for this emergency appropriation.

DWR has a Need to Divert and Use Water
Under Unforeseen Emergency Conditions

6. The Sky-L'Onda Mutual Water Company is responsible for supplying water to its service area in San Mateo County. The domestic, municipal and fire protection supply to 500 persons is dependent upon the reservoirs that are filled with water appropriated under State license from nearby La Honda Creek.

7. The Company's problem this year was primarily one of pump/storage capacity; using existing facilities they could not pump and store enough water while La Honda Creek ran to provide an adequate buffer between rainy seasons. The problem was compounded in September when a major supply line broke underground late at night and leaked heavily before it was discovered and repaired the next morning. The Company asked its customers to conserve as soon as they learned the magnitude of their likely shortage. The Company claims that in only one year out of 50 years of operation (other than the 1977 drought) have they required emergency supplies.

8. In addition to their formal rationing plan, the Company has already taken several other steps to avoid the need for emergency assistance in the future. The Company has acquired three well sites and has contracted for drilling at least one high-production well. They also plan to expand their reservoir capacity and plan to build a treatment facility that will permit them to use a nearby high sulfur-content well.

9. The depletion of the Company's water supply was unforeseen and caused an emergency requiring a temporary permit to provide the necessary diversion to storage until their system can be recharged by surface runoff this winter.

10. Therefore, the Board concludes that the needs of the Company are urgent and have arisen under unforeseen emergency conditions, and approval of the Department's application for a temporary permit is essential to enable the Company to meet its water supply obligations.

Effects of the Diversion on Any Lawful User
of Water and the Rights of Downstream Users

11. On November 6, 1981, Board staff issued a public notice of the application to afford any adversely affected person the opportunity to file a written protest. The notice was delivered to the Department for posting in accordance with the provisions of Chapter 6.5, Part 2, Division 2 of the Water Code.

Effects of the Proposed Diversion on Fish,
Wildlife and Other Instream Uses

12. The diversion of 10 acre-feet from the San Joaquin River will have no significant effect upon fish and wildlife. The Department of Water Resources has stated that under their water right Application 17512 there is currently a surplus of water in the Sacramento-San Joaquin Delta due to the reduced use of San Luis Reservoir. Mr. Bob Mapes, a representative of the California Department of Fish and Game, Sacramento Office, has stated that this temporary diversion from the San Joaquin River will not have an unreasonable effect upon fish, wildlife or other instream beneficial uses.

Findings Concerning the California Environmental
Quality Act

13. This Board Order authorizes diversion of water on an emergency basis through existing facilities for a five month period, beginning November 6, 1981 and ending March 31, 1982. Such activity is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with Section 21080(b)(4) of that Act (actions necessary to prevent or mitigate an emergency).

Action by Board Member Dunlap

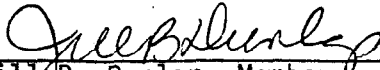
14. Staff explained the foregoing situation to Board Member Dunlap and recommended approval of the temporary permit. Board Member Dunlap concurred with the staff recommendation, and on November 5, 1981, authorized issuance of the temporary permit. On the same date, Division of Water Rights Acting Chief, Lloy Johnson, issued Temporary Permit 18386.

NOW, THEREFORE, IT IS ORDERED THAT:

Issuance of Temporary Permit 18386 is validated.

Dated: November 19, 1981

WE CONCUR:




Jill B. Dunlap, Member

ABSENT

Carla M. Bard, Chairwoman



L. L. Mitchell, Vice-Chairman



F. K. Aljibury, Member