

P11967

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary Urgency)	ORDER: 85-2
Change Order Regarding Permit 12721)	
(Application 5626) and 12 other Permits))	
U. S. BUREAU OF RECLAMATION,)	SOURCE: Various sources
)	
Permittee)	COUNTIES: Alameda, Sacramento, Shasta, Trinity

ORDER VALIDATING ISSUANCE OF
TEMPORARY URGENCY CHANGE ORDER

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a temporary urgency change in point of diversion and point of rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the Department of Water Resources and the Department of Fish and Game; former Board Vice Chairman Noteware having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a temporary urgency change order, subject to review and validation by the Board as provided by Water Code Section 1435; the Board finds as follows:

Substance of the Proposed Change

1. On February 21, 1985, the Bureau filed a petition for a temporary urgency change in the point of diversion and point of rediversion under the 13 water right permits specified in Table I below:

TABLE I
WATER RIGHT PERMITS COVERED BY
THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860
16767	11971
17374	11973
17376	12364
21542	15149

The petition requests that, in addition to the points of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the California Aqueduct Intake for the Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N486,035; E 1,695,057; within
NW 1/4 of SE 1/4 of projected Section 20, T1S, R4E, MDB&M.

2. The petition for a temporary urgency change requests that the diversion and rediversion at the Banks Pumping Plant be authorized from March 1, 1985 to June 30, 1985 with the total amount diverted or rediverted not to exceed 195,000 acre-feet.

Temporary Urgency Need

3. The urgent need to utilize facilities of the State Water Project arises from the curtailment of pumping through the Central Valley Project and State Water Project Delta facilities proposed by the California Department of Fish and Game for striped bass tests. The Bureau must replace this capacity to enable the Federal portion of San Luis Reservoir to be filled for the 1985 irrigation season. Replacement of this lost pumping capacity with capacity at the Banks Pumping Plant is proposed. The increased period of replacement diversion over that of the pumping curtailment is requested so that the capacity available at the Banks Pumping Plant may be more economically utilized and that there may be a margin of safety if that plant should be down for any length of time during the period. When available, off-peak energy periods will be used. The quantity to be diverted will not exceed the quantity that would have been diverted absent the striped bass test. We find that emergency conditions exist within the meaning of Water Code Section 1435(c) which require immediate action by the petitioner to protect the public welfare.

California Environmental Quality Act

4. The State Water Resources Control Board staff has prepared a draft Notice of Exemption specifying under Class 6 (14 Cal. Admin. Code, Sec. 15306) the reason why the above proposed action qualifies for an exemption in accordance with the California Environmental Quality Agency (CEQA).

Action by former Board Vice Chairman Noteware

5. In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution 84-2 delegating authority to an individual Board member to approve temporary changes on projects where no detrimental effects are indicated. Water Section 1435(b) requires the Board, at its next regular meeting, to review and validate any change order issued by an employee.

6. In accordance with the delegation of authority in Resolution 84-2, former Board Vice Chairman Noteware issued a change order allowing a temporary change in the point of diversion and point of rediversion, subject to several specified conditions.

7. The Board concurs with the findings of former Vice Chairman Noteware as specified in the order dated March 1, 1985.

8. South Delta Water Agency alleges that diversion under this temporary urgency change may tend to reduce channel water levels to the injury of southern Delta water users. The Board does not herein find a relationship between water levels in southern Delta water channels and export pumping rates under this temporary urgency change. However, because of South Delta Water Agency's objection, the Board finds that during periods of unusually low water levels in channels of the southern Delta, no diversion under this temporary

urgency change should be made. This order is conditioned on compliance by the permittee with a term addressing this concern.

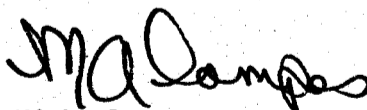
NOW, THEREFORE, IT IS ORDERED that issuance of the order allowing a temporary urgency change in point of diversion and point of redirection for the permits listed in Table 1 is validated subject to the terms and conditions specified in the order, and the following additional condition:

No diversion shall be made under this temporary urgency change during periods of unusually low water levels in channels of the southern Delta. These periods are expected to be March 15-17, March 30-April 1, April 11-13, April 25-29, May 10-12, May 24-27, and June 7-9, 1985. No diversion shall be made during these periods unless approved by the Chief of the Division of Water Rights. Should unusually low channel water levels occur at other times, the Chief of the Division of Water Rights may require the permittee to cease diversion under the temporary urgency change at such times.

Dated: MAR 15 1985

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 15, 1985.



Michael A. Campos
Executive Director