

Terry

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional)
Temporary Urgency Change Order)
On Licenses 8042 and 8043)
(Applications 19415 and 19755))
San Francisco Bay Area Council)
of Boy Scouts of America)
Licensee)

Order: WR 87-13
Source: Scout Lake in
Finney Valley
County: Mendocino

ORDER VALIDATING CONDITIONAL TEMPORARY URGENCY CHANGE
IN POINT OF REDIVERSION, PLACE OF USE AND PURPOSE OF USE

BY THE BOARD:

The San Francisco Bay Area Council of the Boy Scouts of America (Council) having petitioned for a conditional temporary urgency change in the point of rediversion, place of use and purpose of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the California State Health Department and the Department of Fish and Game; Chairman W. Don Maughan having concluded from available information that the Council qualifies for a conditional temporary urgency change and having issued a conditional temporary change on November 19, 1987, subject to review and validation by the Board as provided by Water Code Section 1435(d); the Board finds as follows:

Substance of the Proposed Change

1. The Council filed a petition with the State Water Resources Control Board (Board) on November 18, 1987 to add municipal use by the City of Willits (City) and a point of rediversion on Finney Valley Creek under water right Licenses 8042 and 8043 (Applications 19415 and 19755) to be effective for the next 180 days. The quantity of water to be released and rediverted at the temporary point of rediversion would not exceed 75 acre-feet.
2. The Council has an 800 acre-foot capacity reservoir (Scout Lake) at the Council's Boy Scout Camp in Finney Valley located approximately four miles east of the City. On November 20, 1987, there was about 650 acre-feet of water in Scout Lake. The water is stored under water right Licenses 8042 and 8043 (Applications 19415 and 19755). The Council has agreed to release 75 acre-feet of its stored water for use by the City. This action will leave Scout Lake drawn down about three feet with about 575 acre-feet remaining.
3. The water released from the reservoir will be rediverted at a proposed temporary diversion dam located 1 1/2 miles downstream of Scout Lake. At the rediversion point the water will be pumped from the diversion dam using pumps with screens over the pump intakes. Water will be pumped through a eight-inch pipeline. The pipeline will connect the creek to the City's existing East Road filtering plant located about two miles to the south of the diversion dam.

Review of Records and Notice of Proposed Changes

4. The Board has reviewed available records, files and decisions which relate to the rights of other legal users of water and consulted with the Department of Fish and Game.
5. Notice of the proposed changes was made pursuant to Water Code Section 1438. Although the Board determined that no one would be adversely affected by the temporary change, the notice was mailed to all known interested persons.
6. No objection was received in response to the notice of the proposed temporary urgency change.

Temporary Urgency Need

7. Critically dry water conditions this year have resulted in low water supply in the upper Coastal Range. This has resulted in critically low water supply for the City.
8. The City normally receives its water supply from a 915 acre-feet reservoir at Morris Dam located four miles southeast of the City. The water is collected and stored under water right License 11311 (Application 4572) and Permit 17613 (Application 25666). This year the City has essentially run out of water due to critically dry water conditions. The City has proclaimed "Existence of a Local Emergency".
9. The City had planned to use its "Park" well. Unfortunately, tests revealed the water from the well exceeded drinking water standards for arsenic, iron and manganese. The State Department of Health Services has stated that the

use of this well would create unnecessary public health concerns and that the well should not be used unless there is no feasible alternative that would provide drinking water meeting State standards.

10. The City has implemented a comprehensive water conservation ordinance and plans to construct another reservoir upstream of Morris Dam to provide additional storage capacity for future years.

Other Findings by the Board

11. The temporary urgency change described in this order does not constitute the initiation of a new right, nor operate to the injury of any other lawful user of water.
12. The Department of Fish and Game has no objections, provided fish screens are placed over the intake to the pumps. The proposed diversion will not unreasonably affect fish, wildlife, or other instream beneficial users.
13. The project constitutes specific action necessary to prevent or mitigate an emergency in accordance with Title 14, California Administrative Code, Section 15269(c) and thus is exempt from the provisions of Public Resources Code Section 21000 et seq.
14. The Council's petition was filed under the temporary urgency change provisions of Water Code Section 1435 et seq. to supplement the City's water supply.

15. In accordance with the authorization in Water Code Section 1435(d), the Board adopted Resolution No. 84-2 delegating to individual Board members, authority to approve conditional temporary urgency changes when no detrimental effects are anticipated.
16. The temporary urgency change validated by this order is in the public interest and will further the constitutional policy to maximize the beneficial use of water.

ORDER

IT IS HEREBY ORDERED THAT:

1. The issuance of the November 19, 1987 Order by Board Chairman Maughan allowing a conditional Temporary Urgency Change in the point of rediversion, place of use and purpose of use under Licenses 8042 and 8043 is validated subject to the terms and conditions specified in the order except as corrected below.
2. Condition 8 of the Order portion of the November 19th Order be corrected to read as follows:

Except as expressly provided herein, all terms and conditions of Licenses 8042 and 8043 shall remain in effect.

CERTIFICATION

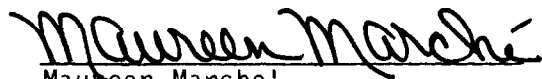
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 17, 1987.

Aye: W. Don Maughan
Darlene E. Ruiz
Edwin H. Finster
Danny Walsh

No: None

Absent: Eliseo M. Samaniego

Abstain: None



Maureen Marche'
Administrative Assistant to the Board