

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

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| In the Matter of Permits 11308 and) | Order: WR 88 -2 |
| 11310 Issued pursuant to Applications) | |
| 11331 and 11332; The United States) | Source: Santa Ynez River |
| Bureau of Reclamation, Permittee) | |
| _____) | County: Santa Barbara |

ORDER CONTINUING RESERVED JURISDICTION
AND AMENDING PERMITS

FINDINGS BY THE BOARD:

- 1) Order paragraph 13 of Decision D 886, adopted on February 28, 1958, reserved continuing jurisdiction over Permits 11308 and 11310 issued pursuant to Applications 11331 and 11332. Jurisdiction was reserved for 15 years or for such further time prior to issuance of license as the Board might determine upon notice and hearing to be reasonably necessary to determine the amounts, timing, and rates of release of water past Bradbury Dam (Cachuma Reservoir) which must be made in satisfaction of downstream rights.
- 2) Board Order WR 73-9 (February 15, 1973) continued the jurisdiction in the permits from February 28, 1973 until further order by the Board, such further order to be made not later than October 1, 1973.

3) Board Order WR 73-37 (July 5, 1973) amended Conditions 5, 6, and 7 of the permits. Amended Condition 7 of the permits provides for extending the initial 15-year trial period for refining Cachuma Reservoir operating procedures for an additional 15 years, thus extending the reservation of jurisdiction to July 5, 1988.

4) Permittee and Santa Ynez River Water Conservation District (District), whose boundaries include areas downstream of Cachuma Reservoir, have jointly reviewed operating procedures for Cachuma Reservoir to determine if the permit terms, as amended by Board' Order WR 73-37, have actually resulted in the required releases of water for satisfaction of downstream rights.

5) Following discussions of alternatives, Permittee and District are in agreement that the Board should not commence a hearing until at least April or May of 1988. By letter dated November 30, 1987 Permittee petitioned the Board to extend the 15-year trial period and not hold a hearing on the matter until at least the second quarter of 1988 in order for Permittee and the District to resolve mutual concerns prior to a Board hearing.

6) The California Sportfishing Protection Alliance (Alliance) has complained against Permittee's operation of the project. The Alliance alleges that project construction and operation has severely impacted a pre-project run of steelhead trout in the Santa Ynez River and that such action constitutes a misuse of water within the meaning of Article X, Section 2, California Constitution.

7) It is reasonable and in the public interest to allow Permittee and District until July 1, 1988, to resolve mutual concerns prior to commencement of the required hearing upon which further order of the Board must be based. Such allowance will require continuing the period of time during which jurisdiction is reserved to adopt such further order. A nine-month continuance to analyze the hedring record and to prepare and adopt such further order is reasonable.

8) It is also reasonable and in the public interest that Permittee, prior to hearing, hold discussions with complainant Alliance, and other interested parties, in order to determine whether concerns relating to the subject of the complaint may be resolved.

NOW, THEREFORE, IT IS ORDERED THAT:

1) The reservation of jurisdiction in Condition 7 of the subject permits, as amended by Order WR 73-37, is continued to December 31, 1989.

2) The hedring required by said Condition 7 shall be commenced no later than July 1, 1989.

3) Between the effective date of this order and the commencement of said hearing, Permittee shall hold discussions with the Alliance and other parties interested in the subject matter of the Alliance's complaint, including but not limited to the California Department of Fish and Game, to resolve concerns identified in the complaint.

4) Subject permits shall be amended in accordance with this order.

CERTIFICATION

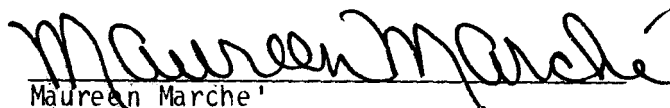
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control' Board held on January 21, 1988.

Aye: W. Don Maughan
Eliseo M. Samaniego
Danny Walsh

No : None

Absent: Darlene E. Ruiz
Edwin H. Finster

Abstain: None


Maureen Marche
Administrative Assistant to the Board