

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional)	ORDER: WR 88-5
Temporary Urgency Change Order)	
On Permits 12721, 11967, 12722, 12723)	SOURCE: Old River
12727, 11315, 11316, 11968, 11969,)	
12860, 11971, 11973 and 12364 issued)	COUNTY: Contra Costa
pursuant to (Applications 5626, 5628,)	
9363, 9364, 9368, 13370, 13371, 15374,)	
15375, 15764, 16767, 17374 and 17376))	
U.S. BUREAU OF RECLAMATION,)	
Permittee)	

ORDER VALIDATING ISSUANCE OF CONDITIONAL
TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION AND REDIVERSION

BY THE BOARD:

The U.S. Bureau of Reclamation (Bureau) having filed a petition for a Temporary Urgency Change in point of diversion and rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the U.S. Fish and Wildlife Service (Service), the Department of Fish and Game (DFG) and the Department of Water Resources (DWR); Chairman W. Don Maughan having concluded from available information that the Bureau qualifies for a Temporary Urgency Change and having issued a Conditional Temporary Urgency Change Order on March 14, 1988, 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 Bureau filed a petition with the Board on March 9, 1988 to add the State Water Project (SWP) Harvey O. Banks Pumping Plant (Banks Plant) as a temporary point of diversion and rediversion in the Bureau permits set forth in Table 1, to pump (in March and April 1988) water to make up for diversions that will be curtailed to facilitate changes in flow regime requested by DFG and the Service as a part of operational studies during April and June 1988.

Table 1
Water Right Applications and Permits Covered by
The Petition for Temporary Urgency Change

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
9368	12727
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860
16767	11971
17374	11973
17376	12364

The petition requests that, in addition to the existing Central Valley Project (CVP) point of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the Clifton Court Forebay Intake of the Banks Plant at the following location:

California coordinates, Zone 3, N 486,035; E 1,695,057; within NW 1/4 of SE 1/4 of projected Section 20, T1S, R4E, MDB&M.

2. The petition requests that diversion and rediversion at the Banks Plant be authorized from March 14 through April 30, 1988 with the total amount diverted or rediverted in March and April not to exceed the quantity that otherwise could be made up in July and August, after the May and June curtailment required in Decision 1485, Condition 3. The petition also states that the quantity of make-up water pumped at the Banks Plant during July and August for the Bureau in accordance with Condition 3 would be reduced by the quantity pumped under the petitioned temporary urgency change, less the quantity of curtailment for the studies requested by DFG and the Service.

Reason for Change

3. Low flow conditions, expected in the spring of this dry water year, make it possible to conduct a series of experiments as part of operational studies (studies) to evaluate the effects of temperature and the operation of the Delta Cross Channel Gates on the survival of young Chinook (King) Salmon passing through the Sacramento-San Joaquin Delta (Delta).
4. To carry out these studies, both DWR and the Bureau have been asked to modify their normal operations to attain similar flow conditions at Rio Vista in April and June, with and without the Delta Cross Channel

Gates open. In order to achieve the flows with the Delta Cross Channel Gates closed, export water will need to be reduced for several days'.

The exact duration and magnitude of this curtailment is not yet known.

5. The Bureau expects to have insufficient capacity available through the Tracy Pumping Plant this spring to accommodate flow regime changes and pumping curtailments requested by DFG and the Service without depleting the storage in the Federal portion of San Luis Reservoir thereby requiring shortages to be imposed on CVP contractors.

Notice and Responses

6. Notice of the petition for a temporary urgency change was provided by publication and by mail to interested parties. The Board received responses from four interested parties; two supported the proposed change, one commented on the proposed change and one opposed the proposed change. DFG and the Service supported the change. East Contra Costa Irrigation District commented and sought assurance that there would be no provision in the order that would conflict with Paragraph 4 "Water Surface Elevation" of its contract with DWR. The California Sportfishing Protective Alliance (CSPA) listed seven objections. Objection number one was simply a statement of CSPA concerns about normal operation of the CVP and SWP. Number two alluded to CSPA objections to the Bay-Delta hearing process. Number three requests that the results of the current fishery studies be included in the records for the Bay-Delta hearings. Number four requested that the proposed studies include recommendations for the Board's determination under its public trust responsibilities. Number five addressed daily reporting requirements already included in the

Conditional Temporary Urgency Change Order signed by Chairman Maughan March 14, 1988.. Number six asked Board staff to monitor the reporting requirements already included in conditions of the March 14, 1988 order. Number seven requested that DFG and the Service monitor and report any adverse impacts below various storage and diversion points in the CVP and SWP. The Board has considered the comments and objections and found that none of them raise issues necessitating a hearing, nor have any of the objectors shown that the proposed change would cause injury to any lawful user of water or would have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Additional Findings

7. The proposed action is a series of operating experiments, data collection and resources evaluation activities which do not result in a serious or major disturbance to environmental resources.
8. The Chief, Division of Water Rights, is authorized to file a Notice of Exemption pursuant to Section 15306 of the State EIR Guidelines.
9. The permittee has a temporary urgent need to add the proposed point of diversion and redirection at Banks Plant to pump replacement water for curtailments pursuant to DFG and the Service's operation studies in the Delta.

10. DWR staff has informed Board staff that it is willing and able to wheel the replacement water for the Bureau through the Banks Plant and the California Aqueduct to O'Neill Forebay.
11. The temporary urgency change validated by this order does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water and does not unreasonably affect fish, wildlife, and other instream beneficial uses.

Action by Board Chairman Maughan

12. In accordance with the authorization in Water Code Section 1435(d), the Board adopted Resolution 84-2 delegating authority to individual Board members to approve temporary changes on projects where no detrimental effects are anticipated.
13. In accordance with the delegation of authority in Resolution 84-2, Board Chairman Maughan issued a Conditional Temporary Urgency Change Order on March 14, 1988 allowing a temporary change to add the point of diversion and rediversion at Clifton Court Forebay under the permits listed in Table 1, subject to several specified conditions.

ORDER

1. IT IS HEREBY ORDERED THAT issuance of the March 14, 1988 order by Board Chairman Maughan allowing a Conditional Temporary Urgency Change in point of diversion and point of rediversion under Permit 12721 and 12 others is validated subject to the terms and conditions specified in the order.

2. IT IS FURTHER ORDERED THAT the quantity of make-up water pumped at the Banks Plant for the Bureau ' during July and August, 1988 pursuant to Decision 1485, Condition 3, shall be reduced by the quantity pumped under this temporary urgency change, less the quantity of the curtailment of pumping at the Tracy Pumping Plant for the April and June 1988 studies requested by DFG and the Service.

CERTIFICATION

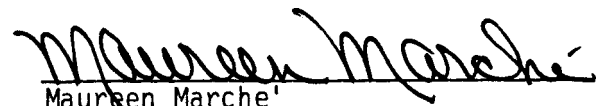
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 6, 1988.

AYE: W. Don Maughan
Edwin H. Finster
Eliseo Saminiego
Danny Walsh

NO: none

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marche
Administrative Assistant to Board

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