

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary  
Permit 20301 (Application 29414)  
of

U. S. BUREAU OF RECLAMATION  
Permittee,

ORDER: WR 89-2

SOURCE: Thomes Creek

COUNTY: Tehama

FINDINGS AND ORDER VALIDATING

TEMPORARY PERMIT

The U. S. Bureau of Reclamation, having filed Application 29414 for a conditional temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board), having consulted with the California Department of Fish and Game; Board Chairman W. Don Maughan, having reviewed available information and authorized issuance of a temporary permit; a temporary permit having been issued on February 21, 1989; the Board finds as follows:

SUBSTANCE OF THE APPLICATION

1. The U. S. Bureau of Reclamation (Bureau) filed Application 29414 for a temporary permit from the Board to divert 30 cubic feet per second, not to exceed 2,678 acre-feet, for the period from February 15, 1989 to March 31, 1989 from Thomes Creek into the Tehama-Colusa Canal. This water will replace diversions ordinarily made from the Sacramento River into the

Tehama-Colusa Canal at the Red Bluff Diversion Dam, thereby aiding salmon migration in the Sacramento River at the Red Bluff Diversion Dam.

2. Water from the Tehama-Colusa Canal is used for irrigation of 20,000 acres of orchard and 4,000 acres of tomatoes, all within the boundaries of the Bureau's Tehama-Colusa Canal Service Area.

TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

3. To provide for the passage of salmon during winter months, the Bureau normally operates the Red Bluff Diversion Dam with its gates completely open. The gates, however, must be closed periodically to allow diversion of water into the Tehama-Colusa Canal in order to meet minimal demands during this time of the year.
4. The diversion of water from Thomes Creek into the Tehama-Colusa Canal under the temporary permit will allow the gates at Red Bluff Diversion Dam to remain open for longer periods of time, thus enhancing salmon migration.
5. Because of low flow conditions this year, the California Department of Fish and Game, the U. S. Fish and Wildlife Service, and the National Marine Fisheries Service have requested the Bureau to assist salmon migration in the Sacramento River at the Red Bluff Diversion Dam.

6. Based on the above information, the Board concludes that the applicant has an urgent need to divert and use water as authorized by Temporary Permit 20301.

#### EFFECT OF THE DIVERSION ON ANY LAWFUL USER OF WATER

7. Application 29414 was noticed on February 24, 1989 as required by the Water Code. Notice was published in a local newspaper and sent to interested parties known to the Board. There are no known downstream diverters from Thomas Creek between the point of temporary diversion at the Tehama-Colusa Canal and the Sacramento River. No objections were received.

#### EFFECTS OF THE DIVERSION ON FISH, WILDLIFE, AND OTHER INSTREAM USES

8. Board staff consulted with California Department of Fish and Game representatives, who stated the temporary diversion of water would not unreasonably affect fish, wildlife, or other instream beneficial uses. The basic intent of the temporary diversion is to enhance fish migration in the Sacramento River.

#### FINDINGS CONCERNING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

9. This order authorizes an activity to ensure the maintenance of a natural resource, and this authorization includes procedures for protection of the

environment. Consequently, the project is exempt from the provisions of the California Environmental Quality Act under Section 15307 of the California Code of Regulations, Title 14 (Categorical Exemption Class 7). A Notice of Exemption was filed on February 21, 1989.

#### PUBLIC INTEREST

10. The Board concludes that diversion and use of water under Temporary Permit 20301 is in the public interest and in accordance with the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

#### ISSUANCE OF TEMPORARY PERMIT

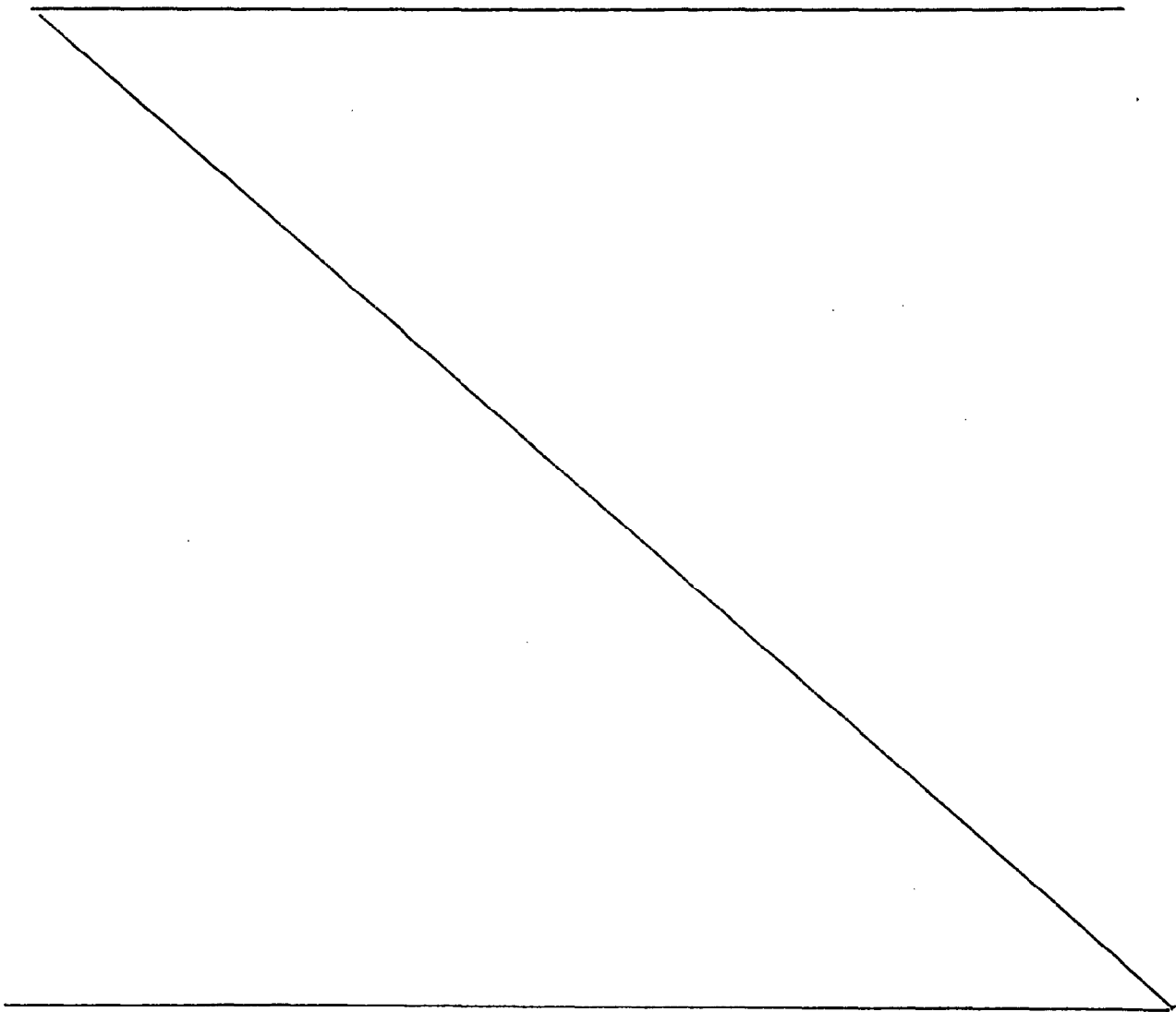
11. Water Code Section 1425(d) provides for delegation of authority to issue temporary permits. The Board has delegated this authority to each Board Member. Section 1425(d) further requires that, when the delegated authority is exercised, the Board shall, not later than 30 days following issuance, review and validate any temporary permit issued.

Board staff explained the foregoing situation to Board Chairman Maughan and recommended approval of the temporary permit. Board Chairman Maughan concurred with the staff recommendation, and on February 21, 1989, authorized issuance of a temporary permit for diversion of 30 cubic feet

per second, not to exceed 2,260 acre-feet per annum, for the period from February 21, 1989 to March 31, 1989.

The findings contained in the temporary permit are incorporated herein by reference.

On February 21, 1989, Walter G. Pettit, Chief of the Division of Water Rights, issued Temporary Permit 20301.



ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20301 is validated subject to the conditions specified in the permit.

CERTIFICATION

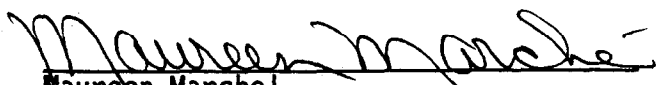
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 16, 1989.

AYE: W. Don Maughan  
Darlene E. Ruiz  
Danny Walsh

NO: None

ABSENT: Edwin H. Finster  
Eliseo M. Samaniego

ABSTAIN: None

  
Maureen Marche  
Administrative Assistant to the Board