

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary  
Permit 20335 (Application 29458)  
of

Clyde Warren  
Permittee,

ORDER: WR 89-13

SOURCE: Van Gordon Creek Underflow  
tributary to  
San Simeon Creek

COUNTY: San Luis Obispo

FINDINGS AND ORDER VALIDATING  
TEMPORARY PERMIT

BY THE BOARD:

Clyde Warren, having filed Application 29458 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 Member Danny Walsh, having reviewed available information and authorized issuance of a temporary permit; a temporary permit having been issued on June 2, 1989; the Board finds as follows:

## SUBSTANCE OF THE APPLICATION

1. Application 29458 was filed on April 4, 1989 for a temporary permit to divert 15,000 gallons of water per day for domestic purposes from June 1, 1989 to October 31, 1989. The total amount of water to be diverted from the source will not exceed seven acre-feet.
2. Water will be diverted from the underflow of Van Gordon Creek, tributary to San Simeon Creek, by means of two wells piped into a 12,000 gallon regulating tank. Water will then be exported by water trucks to Hearst Castle State Historical Monument, operated by the California Department of Parks and Recreation, for use at Hearst Castle and the Hearst Castle Visitor Center.

## TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

3. The existing domestic water supply for Hearst Castle State Historical Monument consists of a local well and a limited quantity of water from the contiguous Hearst Corporation system. This existing water supply has been inadequate to supply the demand created by more than 5,000 daily visitors and approximately 250 associated support staff.
4. The California Department of Parks and Recreation has employed stringent water conservation measures to minimize consumptive uses. Such measures

include the exclusive use of chemical type sanitary facilities by both visitors and staff, prohibition of vehicle washing during summer months, and prohibition of its staff from exporting water. In addition, the grounds are irrigated by drip system, groundbeds are mulched to reduce evaporation, and groundbeds are probed for moisture content before watering.

5. The Hearst Corporation has an undeveloped permit and two pending applications on file with the State Water Resources Control Board to augment its existing water supply system, including furnishing water to the State facilities. Permittee also has filed an application with the Board for a permanent right, among other uses, to export water from the Van Gordon Creek watershed to Hearst Castle State Historical Monument using the same diversion works as under Application 29458.
6. Based on the above information, the Board concludes that permittee has an urgent temporary need to divert and use water.

EFFECT OF THE DIVERSION ON ANY LAWFUL USER OF WATER

7. Application 29458 was noticed on April 12, 1989 as required by the Water Code. The notice was posted and sent to interested parties known to the Board, including diverters downstream of the points of diversion to the mouth of San Simeon Creek at the Pacific Ocean.

8. An objection based on injury to prior vested rights was received from Cambria Community Services District (CCSD). CCSD's diversion works are not downstream of permittee's points of diversion in the Van Gordon Creek watershed under Application 29458, but are downstream of permittee's existing diversion works in the San Simeon Creek watershed under Application 28966, which is pending a permit from the Board. CCSD feared injury could occur if, by the act of exporting water from the Van Gordon Creek watershed to Hearst Castle, permittee would become dependent on importing water for uses in the Van Gordon Creek watershed from the diversion works in the adjacent San Simeon Creek watershed without an appropriative right to do so. On May 25, 1989, both CCSD and permittee agreed upon conditions to be included in any temporary permit issued pursuant to Application 29458 to satisfy the objection of CCSD. The temporary permit issued was conditioned accordingly.

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

9. Board staff consulted with a representative of the California Department of Fish and Game, who stated the temporary diversion would not unreasonably affect fish, wildlife, or other instream beneficial uses. This conclusion was made after the Department's representative made a visit to the project site during the first week of May, 1989 to observe field conditions in Van Gordon Creek.

10. An objection based on environmental issues was received from the California Sportfishing Protection Alliance. This objection was withdrawn by letter dated May 8, 1989 stating agreement with the finding of the Department of Fish and Game that the diversion could be allowed on a temporary basis.

#### FINDINGS CONCERNING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

11. A preliminary review of information provided by the applicant indicated that the project involves minor alterations in the condition of land, water, and/or vegetation which do not have the potential for causing a significant effect on the environment. Therefore, the project is not subject to the California Environmental Quality Act as provided under Title 14, California Code of Regulations, Section 15304.

#### PUBLIC INTEREST

12. The Board concludes that water is available for diversion and use under Temporary Permit 20335 and that such diversion and use 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

13. 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.
14. Board staff explained the foregoing situation to Board Member Walsh and recommended approval of the temporary permit. Board Member Walsh concurred with the staff recommendation, and on June 2, 1989, authorized issuance of a temporary permit to directly divert 15,000 gallons per day from June 2, 1989 to October 31, 1989.
15. On June 2, 1989, Walter G. Pettit, Chief of the Division of Water Rights, issued Temporary Permit 20335.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20335 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 June 22, 1989.

AYE: W. Don Maughan  
Darlene E. Ruiz  
Edwin H. Finster

NO: None

ABSENT: Eliseo M. Samaniego  
Danny Walsh

ABSTAIN: None

  
Maureen Marche  
Administrative Assistant to the Board

10-10-10

