

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary)
Permit 20440 (Application 29690))
of)
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)
)
)
Clyde Warren)
Permittee,)
_____)

ORDER: WR 90-7
SOURCE: Van Gordon Creek Underflow
tributary to
San Simeon Creek
COUNTY: San Luis Obispo

FINDING AND ORDER VALIDATING
TEMPORARY PERMIT

BY THE BOARD:

Clyde Warren, having filed Application 29690 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 Eliseo M. Samaniego, having reviewed available information and authorized issuance of a temporary permit; a temporary permit having been issued on April 30, 1990; the Board finds as follows:



SUBSTANCE OF APPLICATION

1. Application 29690 was filed on March 14, 1990 for a temporary permit to divert 0.134 cubic foot per second for domestic, industrial, and dust control purposes from May 1, 1990 to October 27, 1990. The total amount of water to be diverted from the source will not exceed 32 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. Water also will be exported by water trucks to the communities of Cambria and San Simeon Acres where it will be used for domestic irrigation and for construction and dust control.

TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

3. The central coastal area of California has been subject to a prolonged drought. The Department of Water Resources reports that the central coastal area has received less than 50% of normal precipitation and approximately 10% of normal seasonal runoff as of the end of March, 1990. Cambria Community Services District is under voluntary water conservation efforts including the limitation of lawn and garden irrigation to two days per week in addition to other conservation measures. San Simeon Acres Community Services District prohibits any outside irrigation within the District due to the drought.

4. 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. Stringent water conservation measures have been employed to minimize the amounts of water required to supplement the existing water supplies.
5. Permittee has filed an application with the Board for a permanent right to export water from the Van Gordon Creek watershed to Hearst Castle State Historical Monument and the communities of Cambria and San Simeon Acres using the same diversion works as under Application 29690.
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 29690 was noticed on April 2, 1990 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. No objections have been received on the basis of injury to prior rights. The Board concludes that water may be diverted and used under the temporary permit without injury to other legal users of water.

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

8. Board staff consulted with a representative of the Department of Fish and Game for any concerns they may have over the effects of the diversion on fish, wildlife, or other instream beneficial uses. The Department of Fish and Game had no objections to the issuance of a temporary permit for the proposed appropriation. No other objections were received against the project. The Board concludes that water may be diverted and used under the temporary permit without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

FINDINGS CONCERNING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

9. The State Board is Lead Agency under the California Environmental Quality Act, Public Resources Code, Section 21000 et seq. State Board staff has conducted an environmental review of the project proposed under Application 29690 and have determined that the project consists of only minor alterations in the conditions of land, water and vegetation and will not cause a significant environmental impact. Therefore, the State Board finds that the project qualifies for an exemption from the California Environmental Quality Act in accordance with Sections 15300 and 15304 of Title 14, California Code of Regulations.

CONTINUING AUTHORITY

10. A possibility exists that reclaimed water may become available for the permittee's nonpotable uses of water in the communities of Cambria and

San Simeon Acres after any validation of this temporary permit by the Board. Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, the Board finds, under its continuing authority, that the temporary permit should be conditioned with the following term:

"Permittee shall diligently pursue a lease agreement with the Cambria Community Services District for reuse of water from the District's disposal/reclamation field. Permittee shall give preference to the use of such reclaimed water over diversion of water under this temporary permit for any nonpotable uses of water within the place of use designated in this temporary permit."

PUBLIC INTEREST

11. The Board concludes that water is available for diversion and use under Temporary Permit 20440 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

12. 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.

13. Board staff explained the foregoing situation to Board Member Samaniego and recommended approval of the temporary permit. Board Member Samaniego concurred with the staff recommendation, and on April 30, 1990, authorized issuance of a temporary permit to directly divert 0.134 cubic foot per second from May 1, 1990 to October 27, 1990.
14. On April 30, 1990, Walter G. Pettit, Chief of the Division of Water Rights, issued Temporary Permit 20440.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20440 is validated subject to the conditions specified in the permit and the additional condition set forth in finding 10 of this Order.

CERTIFICATION

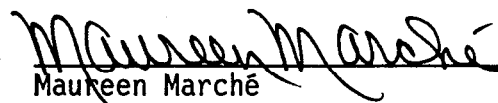
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 17, 1990.

AYE: W. Don Maughan
 Edwin H. Finster
 Eliseo M. Samaniego
 John Caffrey

NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board

