

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS
WR ORDER 2002-0001-DWR**

In the Matter of Permit 20387 (Application 28158)
Cambria Community Service District

**ORDER APPROVING TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION**

SOURCE: Santa Rosa Creek
COUNTY: San Luis Obispo

1.0 INTRODUCTION

On February 11, 2002, the Cambria Community Services District (CCSD) filed a petition requesting renewal of Temporary Urgency Change (TUC) Order WR 2001-21-DWR pursuant to Water Code section 1441.

I am delegated authority to approve temporary urgency changes, pursuant to Water Code section 1435(d) and State Water Resources Control Board (SWRCB) Resolution No. 99-31, section 3.2.22.

2.0 SUBSTANCE OF THE PETITION

CCSD has requested renewal of Order WR 2001-21-DWR that approved an additional point of diversion (offset well) under water right Permit 20387 (Application 28158).

CCSD holds Permit 20387 (Application 28158) that provides for the diversion of 2.67 cubic feet per second to be diverted from two wells, from January 1 to December 31 of each year, for municipal use within the service area of CCSD. CCSD is currently using an additional point of diversion (offset well) located near Coast Union High School. The use of this point of diversion was approved in TUC Order WR 2001-21 DWR. The original petition requesting a TUC to add the offset well as an additional point of diversion to the CCSD permit came as a result of the discovery of foreign organic chemicals within the vicinity of CCSD's municipal water supply wells. The California Regional Water Quality Control Board issued Clean Up and Abatement Order 00-28 to the responsible parties requiring that the contaminated area be identified and cleaned up. In addition, Order 00-28 required that the responsible party provide an alternate water supply for existing CCSD wells until the foreign chemicals were removed. TUC Order WR 2001-21-DWR expires on February 16, 2002 and CCSD advises that they are still not allowed to use their existing wells. CCSD therefore requests that they be allowed to continue to use the additional point of diversion approved in TUC WR 2001-21-DWR, as a temporary replacement for the points of diversion currently impacted by the contamination.

3.0 OBJECTIONS TO THE PETITION

Water Code section 1438(a) allows the SWRCB to issue a temporary urgency order or renewal, in advance of the public noticing requirements. In all cases, whether or not the temporary order has already been issued, the SWRCB is required to provide public notice of the change as soon as practicable after receipt of the petition. Any person may file an objection to the temporary change and the SWRCB shall give prompt consideration and may hold a hearing thereon, after notice to all interested parties.

4.0 ENVIRONMENTAL COMPLIANCE

CCSD is the lead agency under the California Environmental Quality Act (CEQA). SWRCB staff have reviewed the submitted petition and found that absence the continued use well, CCSD will have inadequate fire protection and domestic water supplies to meet public health and safety needs. SWRCB staff have recognized the emergency nature of the petition and summarily granted CCSD their Notice of Exemption under CEQA.

5.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGE

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order.

The SWRCB must make the findings specified in section 1435(b) when issuing a temporary change order pursuant to Chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

The findings of the previous order, TUC Order 2001-21-DWR are hereby incorporated by reference in this Order. CCSD has been relying on the additional point of diversion defined in TUC Order WR 2001-21-DWR, as its primary municipal water supply source since August 16, 2001. Concerns relative to injury to legal users of water, unreasonable effects of public resource uses have not arisen. Therefore, I find it is in the public interest to approve the renewal of the Temporary Urgency Change.


ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

The petition filed by Cambria Community Services District, for renewal of the Temporary Urgency Change Order WR 2001-21-DWR, adding a temporary point of diversion under Permit 20387 (Application 28158) is approved, subject the existing conditions of Permit 20387 and the conditions defined in TUC Order WR 2001-21-DWR. This Order extends the effective period of Order WR 2001-21-DWR by 180 days.

I reserve jurisdiction to supervise the transfer, exchange, and use of water under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, and wildlife, instream beneficial uses; and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: MAR - 7 2002