

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

ORDER WR 2012-0013-EXEC

In the Matter of Permit 15379 (Application 22551)
City of Yreka

**ORDER APPROVING PETITION FOR EXTENSION OF TIME
AND CORRECTING THE PERMIT**

SOURCE: Fall Creek, Unnamed Stream tributary to Fall Creek

COUNTY: Siskiyou

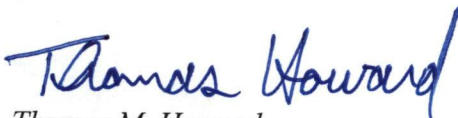
BY THE BOARD:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 15379 to the City of Yreka (Permittee) on May 17, 1967, pursuant to Application 22551.
2. The permit required that construction work be completed by December 1, 1970, and that the water be applied to the authorized use by December 1, 1971.
3. Permittee requested, and on June 14, 1974 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 1, 1984.
4. Permittee requested, and on June 4, 1985 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 1, 1994.
5. Permittee requested, and on October 31, 1996 the Division granted, an extension of time to commence or complete construction work or apply the water to full beneficial use. The time extension order required construction to be complete and that water be fully used by December 31, 2005.
6. On January 5, 2006, Permittee filed a petition for an extension of time within which to commence or complete construction work or apply water to beneficial use. The Permittee has paid all required petition fees since the petition was filed.
7. Public notice of the request for an extension of time was issued on December 7, 2007 and no protests were received.
8. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) Permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.

9. Permittee has shown that due diligence has been exercised. By letter dated December 29, 2005, Permittee's Agent offers a detailed explanation as to how the City has diligently developed its diversion works and infrastructure to meet the steadily growing population of the City since Permit 15379 was first issued.
10. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. By letter dated December 29, 2005, Permittee's Agent explains that the Permittee's "population has grown slowly since the 1990s due to a decline in the timber industry and the lack of any replacement industry to date." This lack of a robust population growth is primarily caused by economic factors outside the control of the Permittee. Nevertheless, the population has grown from 7,181 in 1990 to 7,765 in 2010, which is an 8% increase in population, and growth is projected to increase more rapidly over the next ten years.
11. Permittee has shown that satisfactory progress will be made if a time extension is granted. The current version of the Permittee's General Plan is valid through 2022. By letter dated December 29, 2005, Permittee's Agent states that, by 2022, the City's population is projected to grow to between 8,400 and 10,500. This represents an increase of between 8 and 35% over the 2010 Census population figure of 7,765.
12. Permittee has shown good cause for the time extension.
13. On August 5, 2010, the Division issued an order approving a petition for change in place of use and amending Permit 15379 (Application 22551). The Division has determined that the amended permit did not cover all the changes in District facilities. A correction to the point of diversion and a new place of use map was necessary. The corrections are incorporated in the attached amended permit.
14. On May 3, 2012, the City of Yreka adopted a Negative Declaration (SCH No. 2012032053) for the project in order to comply with CEQA. The State Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The State Water Board will file a Notice of Determination within five days from the issuance of this order.
15. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITION FOR EXTENSION OF TIME. THE ATTACHED AMENDED PERMIT, WHICH INCORPORATES THE TIME EXTENSION, IS ISSUED.

STATE WATER RESOURCES CONTROL BOARD



Thomas M. Howard
Executive Director

Dated:

SEP 06 2012