

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

ORDER WR 2012-0033-EXEC

In the Matter of Permits 8964 and 20785 (Applications 12526 and 30299)
Templeton Community Services District

ORDER APPROVING PETITIONS FOR EXTENSION OF TIME

SOURCE: Salinas River Underflow Tributary to Pacific Ocean
COUNTY: San Luis Obispo

BY THE EXECUTIVE DIRECTOR:

WHEREAS:

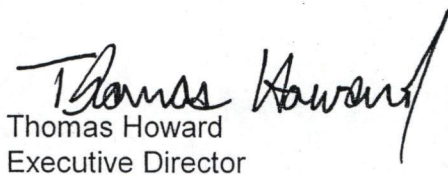
1. On May 5, 1952, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 8964 (Application 12526) to San Luis Obispo County Water Works, District 5. Permit 8964 required that complete application of the water to the proposed use be made on or before December 1, 1954. Permittee requested and the Division issued orders granting extensions of time to complete beneficial use under the permit until December 1, 1958, December 1, 1960, December 7, 1963, December 1, 1965, December 1, 1968, and September 30, 1970. On June 1, 1972, following a hearing, the State Water Board granted Permittee a further extension of time until December 1, 1981.
2. On or about February 3, 1978, Permit 8964 was assigned to Templeton Community Services District (Permittee). On November 6, 1981, Permittee petitioned the State Water Board for a 10-year extension of time to complete beneficial use.
3. On February 6, 1986 Permittee petitioned for another 10-year extension of time. By order dated August 9, 1990 the State Water Board granted the Permittee an extension of time to complete beneficial use by December 31, 1999. A petition for extension of time within which to develop the project and apply the water to the proposed use under Permit 8964 was filed on December 3, 1999. On October 3, 2000, the State Water Board approved an extension for the Permittee to complete beneficial use by December 31, 2010.
4. Permit 20785 was issued to the Permittee on March 28, 1995. The permit required that complete application of the water to full beneficial use be made by December 31, 1999.
5. On December 29, 2010, the Permittee filed the subject petitions, requesting an additional 20-year extension of time to complete beneficial use under Permits 8964 and 20785. The basis cited was that the community is still building out and that both water conservation measures implemented and the recent economic downturn had slowed growth and constrained water demand.
6. 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.
7. Permittee has shown that due diligence has been exercised. Among other things, Permittee has constructed all facilities necessary to serve the full amount of water it can appropriate under the permits. With the State Water Board's authorization, Permittee added and implemented a new point of diversion to optimize its diversion operations. Permittee's petitions for extension of time would allow for adequate time to accommodate growth within the community up to the permitted authorized maximum diversions. Permittee's implementation of significant conservation measures has slowed the growth in the community's water demand. Up through 2006, the community experienced significant growth as approved by San Luis Obispo County. Permittee's appropriations under Permit 8964 reached a maximum of 399.41 acre-feet out of an authorized 500 acre-foot appropriation. Under Permit 20785, Permittee's appropriations reached a maximum of 106 acre-feet out of an authorized appropriation of 133.7 acre-feet.
 8. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided. As discussed above, Permittee requests a permit extension so that it may have adequate time to accommodate growth within the community. Permittee has constructed all facilities necessary to serve the full amount of water it can appropriate under the permit, but Permittee's implementation of conservation measures and significantly slower growth since 2006 have slowed growth in the community's water demand. Since 2008, Permittee has made only 56 new connections to its water system. Permittee requests a time extension so that Permittee has enough time for anticipated higher water demands to occur.
 9. Permittee has shown that satisfactory progress will be made if extension of time is granted. Permittee has constructed all facilities necessary to appropriate the maximum amount of water authorized by the permit. No new infrastructure is required because Permittee's facilities are in place. Additional time will allow Permittee to reach demand levels supporting full authorized appropriation under the permits at the current slower pace. San Luis Obispo County's Salinas River Area Plan projects that the City of Templeton is still growing and will not reach full build-out until 2020 or beyond.
 10. Permittee has shown good cause for the time extension.
 11. Pursuant to Resolution No. 2002-0104, the State Water Board has delegated authority to the Executive Director to conduct and supervise the activities of the State Water Board.
 12. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director to administer the duties required under the California Environmental Quality Act (CEQA). (Resolution No. 2012-0029, section 4.10.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
 13. On February 7, 2006, Permittee adopted a mitigated negative declaration (SCH No.200512156) for the project in order to comply with CEQA. The Division 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 Division will file a Notice of Determination within five days from the issuance of this order.

14. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) There is no evidence that Amended Permits 8964 (Application 12526) and 20785 (Application 30299) will have any adverse impacts on public trust resources.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITIONS FOR EXTENSION OF TIME. THE ATTACHED AMENDED PERMITS, WHICH INCORPORATE THE TIME EXTENSIONS, ARE ISSUED.

STATE WATER RESOURCES CONTROL BOARD


Thomas Howard
Executive Director

Dated: **NOV 16 2012**