

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

*revised by
order attached
dated 12-17-70*

In the Matter of Applications 18721,
18722, 18723, 21636, and 21637 by
UNITED STATES BUREAU OF RECLAMATION,

Applicant

M. V. and W. E. HOLTHOUSE, et al.,

Protestants

and

Decision 1356

In the Matter of the Request of
UNITED STATES BUREAU OF RECLAMTION
for Release from Priority of Appli-
cation 7936 in Favor of Applications
18723 and 21636 and of Application
7937 in Favor of Applications 18721,
18722, and 21637

DECISION APPROVING APPLICATIONS IN PART
AND GRANTING RELEASE FROM PRIORITY

United States Bureau of Reclamation having filed Applications 18721, 18722, 18723, 21636, and 21637 for permits to appropriate water and a request for release from priority of Application 7936 in favor of Applications 18723 and 21636 and of Application 7937 in favor of Applications 18721, 18722, and 21637; protests having been received; a consolidated public hearing of the two matters having been held before the State Water Rights Board on January 10, 11, 12, 18, and 19, 1967; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered, the Board finds as follows:

1965, that the possibility of enhancing fisheries in streams and reservoirs which are not directly associated with the East Side Division shows promise, that in addition to establishment of salmon runs in the mainstream of the San Joaquin River below Friant Dam, the East Side Division offers a great opportunity to rehabilitate all anadromous fish runs and offers enhancement of the resident fishery of that river system. The State Department of Fish and Game (letter of February 9, 1965, to the U. S. Bureau of Sport Fisheries and Wildlife) concurs in these conclusions of its federal counterpart. (The three letters referred to in this paragraph are contained in the feasibility report and the reevaluation of the feasibility report on the East Side Division, Initial Phase, which are background information for USBR Exh. 5.)

The Board strongly urges that sufficient studies be made by the Bureau, including further studies such as those suggested by the Department of Water Resources Bulletin No. 143-5 "Lower San Joaquin River Water Quality Investigation," dated August, 1969, to determine the merits of water quality and fishery enhancement through water releases from the proposed East Side Canal into the natural stream channels in order that Congress may have the benefit of such a study in its authorization proceedings. In the meantime, the Board will reserve jurisdiction pending completion of studies and action by the Congress.

7. A permit condition similar to Condition No. 14 of Decision D 893 was requested which would give Placer, Sacramento, and San Joaquin counties prior rights to contract for water from the Auburn Project. San Joaquin County requested that the counties be given until the completion

of the Folsom South Canal to enter into water supply contracts; the Bureau of Reclamation and Sacramento River and Delta Water Users Association stipulated (SRDWA Exh. 2) that the condition be included with the period allowed for the counties to enter into contracts extended to December 31, 1975. The Bureau of Reclamation, SRDWA, Central Valley East Side Project Association, and East Bay Municipal Utility District agreed to the addition of specific language as a proviso to Condition No. 14 (USBR Exh. 29). It is concluded that a condition as stipulated to by the interested parties (SRDWA Exh. 2 and USBR Exh. 29) should be included in the permits issued.

8. The Bureau of Reclamation, El Dorado County Water Agency, and Georgetown Divide Public Utility District stipulated to a condition (El Dorado-Georgetown Divide Exh. 1) substantially the same as Condition No. 11 of Decision D 893 protecting future development in the watershed tributary to Auburn and Folsom Dams. Placer County withdrew its protests to the subject applications. DWR submitted as a proposal (DWR Exh. 9, Paragraph 1) to protect the counties of origin a recommended condition which is substantially a restatement of Water Code Section 10505. However, the Board finds that the condition stipulated to by El Dorado County Water Agency and Georgetown Divide Public Utility District, and the Bureau of Reclamation should be included in any permits issued but no other condition regarding the counties or areas of origin need be included. The permits issued for the Auburn Project will be consistent with those issued for the Folsom Project which is appropriate considering the close relationship between the two.

submit such change to the Board for its approval in compliance with Water Code Section 10504.5(a).

18. The State Water Resources Control Board reserves continuing jurisdiction over these permits for the purpose of formulating terms and conditions relative to flows to be maintained from Auburn Dam downstream to the mouth of the American River for recreational purposes and for protection and enhancement of fish and wildlife.

19. Deliveries of water from the American River Division of the Central Valley Project shall be limited to deliveries for beneficial use within Placer, Sacramento, and San Joaquin Counties and shall not be made beyond the westerly or southerly boundaries thereof, except on a temporary basis, until the needs of those counties, present or prospective, are fully met; provided, however, that agreements in accordance with federal reclamation laws between permittee and parties desiring such service within said counties are executed by December 31, 1975; and provided further that, subject to the terms and conditions of the agreement between the United States, Sacramento River and Delta Water Users Association, Central Valley East Side Project Association, and East Bay Municipal Utility District, dated October 21, 1968, nothing herein provided shall preclude the United States from entering into a contract with East Bay Municipal Utility District in accordance with federal reclamation law for delivery of not more than 150,000 acre-feet of water on other than a temporary basis for beneficial municipal, domestic, and industrial purposes within the counties of Alameda and Contra Costa.