Errata
December 2, 2008 State Water Board Meeting Agenda
Item 7

The following changes (shown by underline and strike through in the text below) should be made to the November 4, 2008 Draft Decision entitled "In the Matter of Application 31174 Orange County Water District."

1.2 Project description

Draft Decision, p. 3

> OCWD proposes to operate the project so that the total annual amount of water appropriated from the Santa Ana River, as a combination of surface storage and diversion to underground storage, does not exceed 505,000 acre-feet (af) in any one year. The requested maximum combined rate of direct diversion from the Santa Ana River is 800 cubic feet per second (cfs).[5] The project, however, does not include direct diversion. All water diverted from the Santa Ana River is either diverted to underground storage or surface storage. Therefore, this decision does no grant direct diversion. The applicant proposes to collect the water to storage and divert year-round for the purpose of municipal, irrigation, recreational, and industrial uses. (May 2, 2007 R.T., p. 152.) The stated purpose of use, as filed in Application 31174, is municipal, recreational, industrial and fish and wildlife preservation and/or enhancement.

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[5] OCWD's existing diversion capacity is 1,670 cfs, which does not include the diversions at PODs 1 (Prado Wetlands above Prado Dam) and 8 (Prado Dam). (OCWD 1-1, pp. 16-17.)

2.0 HEARING ISSUES

Draft Decision, p. 3

> Footnote 7: The hearing concerned four water right applications and a wastewater change petition. The fifth water right application (Application 31371) was withdrawn by the applicant, San Bernardino Valley Water Conservation District ~~San Bernardino County Municipal Water District~~, prior to the hearing. This decision addresses only Application 31174 by OCWD

3.0 ALL PROTESTS WERE RESOLVED PRIOR TO THE HEARING

Draft Decision, p. 4

> Eight protests were filed against Application 31174. Protests by City of San Bernardino Municipal Water Department, East Valley Water District, City of Riverside, and California Department of Fish and Game (DFG) were resolved by stipulated agreements prior to the hearing. By letter dated September 27, 2006, the United States Forest Service (USFS) withdrew its protest against Application 31174. USFS found OCWD's application to be consistent with the April 17, 1969, judgment in *Orange County Water District v. City of Chino*, *et al.* (Super. Ct. Orange County, 1969, No. 117628), in which water users below Prado Dam are entitled, as against water users above Prado Dam, to receive an average annual supply of 42,000 acre feet of Base Flow at Prado, together with the right to all Storm Flow reaching Prado Reservoir. ~~OCWD is only entitled to the right to stormwater flows from the watershed that reach Prado Dam~~.

6.1 Existing conditions

Draft Decision, p. 8

Footnote 10: Permit 19325 (Application A027261), which the State Water Board issued to OCWD on September 25, 1984, allows OCWD to divert water from Santiago Creek and Alameda Storm Channel to the Santiago Basin. (OCWD 1-23, Figure 2-9; OCWD 1-23, p. 2-22; OCWD 1-4.) The water right permit ~~authorized~~ granted under Application 31174 this~~ decision~~ allows OCWD to divert water originating from the Santa Ana River to the Santiago Basin and~~ The permit granted by this decision~~ does not authorize OCWD to divert water from Santiago Creek or from any other source. ~~other than the Santa Ana River.~~ (OCWD 1-23, Final Program Environmental Impact Report (FPEIR), Vol. I, p. 48.)

6.3 OCWD's Water Availability Analysis

Draft Decision, p. 12

Footnote 15: According to OCWD, during peak flow periods, the River flow rates exceed the diversion capacity of existing and proposed facilities upstream of Prado Dam. Therefore, it is likely that in most years, substantial volumes of storm flow would bypass upstream diversion points and ultimately reach Prado Dam in quantities greater than predicted in OCWD's analysis.

10.0 CONTAMINATED GROUNDWATER PLUMES

Draft Decision, p. 21 – p. 22

There are three recognized aquifer systems within the Basin: upper, middle, and lower. (SWRCB-12 Supplemental Information; OCWD 3-8, p. 2-2.) The upper aquifer system has an average thickness of 800 feet and is composed of sand and gravel with some silt and clay beds. (SWRCB-12, Supplemental Information.) Production from the upper aquifer system is typically about five percent of total Basin production. (OCWD 3-8, p. 2-2.) The middle aquifer system has an average thickness of 1,600 feet and is composed of sand, gravel, and minor amounts of clay. (SWRCB-12, Supplemental Information.) The middle aquifer system provides 90 to 95 percent of the groundwater for the Basin. (*Ibid*; OCWD 3-8, p. 2-2; May 3, 2007 R.T., p. 85.) The lower aquifer system is composed of sand and conglomerate 350 to 500 feet thick. (SWRCB-12, Supplemental Information.) Groundwater in the lower aquifer system has been found to contain colored water or is too deep to economically construct production wells; hence, few wells currently produce groundwater from the deep water aquifer system. ~~it is currently not used for groundwater production.~~ (*Ibid*; OCWD 3-8, p. 2-2.)

The extent of the plume has been defined and a groundwater clean up plan~~,~~ ~~which includes the Irvine Desalter,~~ addresses the long term clean up of the polluted groundwater. (OCWD 3-8, pp. 3-13, 3-14; OCWD 1-1, p. 21.)

11.8 Measures Adopted to Avoid or Mitigate for Significant Impacts under the Board's Control

Draft Decision, p. 31 – p. 32

To mitigate significant impacts HYDRO 2, 3, and 4, the Board will adopt and include as permit terms the corresponding hydrology and water resources mitigation requirements identified in the EIR, specifically Mitigation Measures M-HYDRO-1, M-HYDRO-2, M-

HYDRO-3, M-HYDRO-4, M-HYDRO-5, and M-HYDRO-6 (see Table 5). (OCWD 1-23, Vol. 1, § 4.2.5.) The State Water Board will also include standard permit terms 100, ~~101~~, ~~200~~, and 208 to mitigate these impacts.

The EIR also identified potentially significant cultural and hazardous materials impacts CULT-1, CULT-2, HAZ-1, and HAZ-2. To the extent these potentially significant impacts are within the State Water Board's purview, the Board has responsibility for avoiding or mitigating those impacts. Accordingly, the State Water Board will adopt and include in the permit mitigation measures M-CULT-1, M-CULT-2, M-CULT-3, M-HYDRO-3, M-HYDRO-4, M-HAZ-1, M-HAZ-2 (see Table 5), and standard permit terms 100, ~~101~~, 203 and 208 to mitigate these impacts.

Order

Draft Decision, p. 33

4. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 362,000 acre-feet per annum to be collected to a combination of underground and surface storage ~~at a maximum rate of 800 cubic feet per second from the 8 points of diversion listed in Table 4 to Decision (insert number)~~ from January 1 to December 31 of each year. The maximum rate of diversion to underground and offstream storage shall not exceed 1,670 cubic feet per second.

~~5. The total amount of water to underground storage and storage at Prado Dam shall not exceed 362,000~~ afa.

5. ~~6.~~Construction work and the application of water to beneficial use shall be prosecuted with reasonable diligence and be completed by December 31, ~~2040~~ 2057.

Draft Decision p. 35 – p. 36

~~12. Permittee shall comply with the September 26, 2006 Settlement Agreement between OCWD and DFG as follows:~~

~~(a) assess sites for Santa Ana sucker (*Catostomus santaanae*) (sucker) re-introduction within the Santa Ana watershed, and specifically above River Road Bridge;~~

~~(b) submit reintroduction and monitoring plan for review and approval by DFG and the State Water Board Deputy Director for Water Rights (Deputy Director);~~

~~(c) implement sucker re-introduction and monitoring at DFG approved site(s) within the Santa Ana River watershed; and~~

~~(d) submit experimental sucker habitat restoration and monitoring plan for review and approval by DFG and the Deputy Director. The monitoring plan shall include site-specific location information with mapped GIS points, photos and annual reports.~~

12. Permittee shall either

a. come into compliance, no later than December 31, 2011, with all terms of the September 26, 2006 settlement agreement between OCWD and DFG, as follows:

i. Assess sites for Santa Ana sucker (*Catostomus santaanae*) (sucker) re-introduction within the Santa Ana River watershed.

ii. Submit reintroduction and monitoring plan for DFG and State Water Board Deputy Director for Water Rights (Deputy Director) review and approval. The monitoring plan shall include site specific location information with mapped GIS points and photos and annual reports.

iii. Implement sucker re-introduction and monitoring at DFG approved sites within the Santa Ana River.

iv. Assess sites for experimental sucker habitat restoration above River Road Bridge in the Santa Ana River watershed.

v. Submit experimental sucker habitat restoration and monitoring plan for DFG and Deputy Director review and approval. The monitoring plan shall include site specific location information with mapped GIS points and photos and annual reports.

vi. Implement experimental sucker habitat restoration and monitoring at DFG approved sites within the Santa Ana River watershed; or

b. comply with all terms and dates set out in such subsequent settlement agreement between OCWD and DFG as supersedes the September 26, 2006 agreement.

TABLE 4 TO DECISION (insert number)

Draft Decision, p. 38

Application 31174

Locations of Points of Diversion (POD) Points 2 – 8 are also points of rediversion

By California Coordinate System of 1983, Zone 6	40-acre subdivision of public land survey or projection thereof	Section (Projected)	Township	Range	Base and Meridian
POD #1: River Road North 2,281,879 ft. and East 6,152,300 ft.	**NW¼ of SE¼**	**10**	**03S**	**07W**	**SB**
POD #2: Imperial Inflatable Dam North 2,258,721 ft. and East 6,090,696 ft.	**NW¼ of NW¼**	**2**	**04S**	**09W**	**SB**
POD #3: Below Lakeview North 2,258,463 ft. and East 6,085,460 ft.	**SW¼ of NW¼**	**3**	**04S**	**09W**	**SB**
POD #4: Below Tustin Avenue North 2,255,551 ft. and East 6,077,538 ft.	**SW¼ of SE¼**	**5**	**04S**	**09W**	**SB**