

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 27669)
for a Temporary Permit

U. S. BUREAU OF RECLAMATION,

Applicant

Order: WR 83-4

Source: Stanislaus River

Counties: Calaveras and
Tuolumne

ORDER AUTHORIZING THE ISSUANCE OF A
TEMPORARY PERMIT

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed Application 27669 for a temporary urgency permit to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having reviewed available records, files and decisions which relate to the availability of unappropriated water and consulted with the California Department of Fish and Game; the Board having concluded from available information that the Bureau is entitled to a temporary permit to divert and use water, subject to review by the Board of any objections as provided by Water Code Section 1428; the Board finds as follows:

Substance of the Application

1. Application 27669 is for a temporary permit to divert a total of 1,350 cubic feet per second directly from the Stanislaus River at Goodwin Dam (within the NE $\frac{1}{4}$ of Section 10, T1S, R12E, MDB&M) and at New Melones Dam (within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T1N, R13E, MDB&M) to be diverted from April 15, 1983 to October 12, 1983 with the total quantity diverted not to exceed 7,520 acre-feet. Water will be used for irrigation

and domestic use within the Central San Joaquin Water Conservation District (District) and for road construction purposes on the Parrots Ferry Road.

The Project

2. The irrigation requirements of the District are currently met by pumping from an overdrawn groundwater basin.

3. The Bureau expects to contract with the District to supply up to 7,500 acre-feet during the 1983 irrigation season to supplement groundwater supplies on about 15,000 acres in the District.

4. The water would be diverted at Goodwin Dam, owned by Oakdale and South San Joaquin Irrigation Districts, into the Main Canal for delivery to the service area. They have agreed to allow their facilities to be used to deliver the water to the District.

5. The Bureau expects to supply water for use in construction of 0.7 miles of road beginning 500 feet north of Parrots Ferry Bridge which will require the use of 20 acre-feet of water.

6. The water would be pumped by the road contractor from the reservoir at various places.

Availability of Unappropriated Water

7. New Melones Reservoir currently impounds nearly 2,000,000 acre-feet and the impoundment is expected to increase. The Department of Water Resources predicts that the April 1 to July 31 runoff of the Stanislaus River at New Melones will be 172 percent of average.

8. The diversion will not deprive users from the San Joaquin River and the Delta of water to which they are entitled because the runoff from the Stanislaus River watershed is expected to exceed the demands under rights of those users even though water is diverted under the temporary permit.

Need for Water

9. In view of the temporary contract between the Bureau and the District, questions relating to the need for the permitted water are answered with reference to the needs of the District. In other words, given the temporary contract, applicant Bureau is akin to an agent of the District for the purposes of Water Code Section 1425.

10. Most lands within the District are irrigated by pumping water from an overdrawn groundwater basin. Stanislaus River water diverted directly to use within the District under the temporary permit will reduce demand upon the overdrawn basin. Moreover, the water will be made available by gravity diversion, thereby conserving energy that otherwise would be consumed during the season of peak demand by pumping from the basin. We find that the need to conserve this energy and to reduce the demand on an overdrawn groundwater basin is urgent. We are aware that the District contemplates a long-term contract with the Bureau for a portion of the consumptive use, yield of the New Melones project to achieve these objectives. However, as we have noted above, the conditions existing in the Stanislaus River watershed this year are extraordinary, and we accordingly find that the District's use of Stanislaus River water by direct diversion is temporary and will not, under the terms of the permit and its contract with the Bureau, exceed 180 days. We conclude, therefore, that the applicant is entitled to a temporary permit pursuant to Water Code Section 1425(a).

11. We further find that the Bureau is an applicant, under Applications 27320 and 27321 filed on May 3, 1982, for conventional permits for direct diversion from the Stanislaus River to serve water to the lands of the District and others. The Bureau has stated that it understood that its permitted applications for its New Melones project include the right to directly divert from the Stanislaus River to provide the water service contemplated by the temporary permit and the temporary contract with the District. In Order WR 82-3, adopted May 20, 1982, we concluded that the Bureau's existing New Melones project permits do not authorize direct diversion for purposes other than hydropower. However, we have no reason to conclude that the Bureau's misinterpretation of the scope of its existing permits was in bad faith. Accordingly, we conclude that the applicant's misunderstanding of its rights under existing permits, the extraordinary availability this year of water for direct diversion from the Stanislaus River during the season of need, together with the opportunity to conserve electrical energy and reduce demand upon an overdrawn basin, constitute unforeseen emergency conditions entitling applicant to a temporary permit pursuant to Water Code Section 1425(b).

Effects of the Proposed Diversion on Fish, Wildlife, and
Other Instream Uses

12. The Department of Fish and Game has stated that the proposed diversion will have no adverse effect on fish and wildlife. No stream alteration will take place since the diversion facilities are already in place.

California Environmental Quality Act

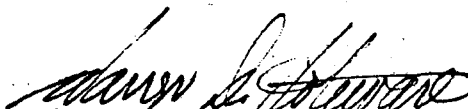
13. This Board Order authorizes diversion of water on an emergency basis through existing facilities for a six-month period beginning with the date of issuance of a permit. Such activity is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 21080(b) of that Act (actions necessary to prevent or mitigate an emergency).

NOW, THEREFORE, issuance of a Temporary Permit, pursuant to Application 27669, is authorized.

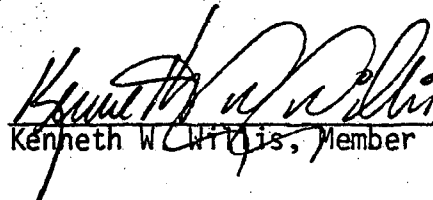
Dated: March 17, 1983

ABSENT

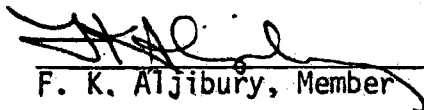
Carole A. Onorato, Chairwoman



Warren D. Noteware, Member



Kenneth W. Willis, Member



F. K. Aljibury, Member

