

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the matter of Temporary
Permit 20309 (Application 29427)
of

John J. Farmar-Bowers
Permittee

ORDER: WR 89-5

SOURCE: Unnamed Stream
tributary to
Santa Rosa Creek

COUNTY: Sonoma

FINDINGS AND ORDER VALIDATING
TEMPORARY PERMIT

BY THE BOARD:

John J. Farmar-Bowers, having filed Application 29427 for a conditional temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board), having consulted with the California Department of Fish and Game; Board Chairman W. Don Maughan, having reviewed available information and authorized issuance of a temporary permit; a temporary permit having been issued on March 7, 1989; the Board finds as follows:

SUBSTANCE OF THE APPLICATION

1. Application 29427 is for a temporary permit to store 30 acre-feet of water in an existing reservoir and to directly divert 0.56 cubic foot per second from March 3, 1989 to April 30, 1989. The total amount of water to be taken from the source will not exceed 60 acre-feet.
2. Two points of diversion are located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 14, T7N, R7W, MDB&M on separate branches of an unnamed stream tributary to Santa Rosa Creek thence Laguna de Santa Rosa thence Mark West Creek thence Russian River.
3. Water will be used for the irrigation of 43 acres of flowers and ornamental plants at an existing commercial nursery.
4. The applicant holds licensed Application 14797 for onstream storage of 30 acre-feet per annum to be collected from November 1 of each year to April 30 of the succeeding year in the existing reservoir.

TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

5. Due to drought conditions this year, the watershed of the existing reservoir has contributed little or no water for collection to storage under licensed

Application 14797. Consequently, the applicant intends to pump water to the reservoir, at a maximum rate of 0.56 cubic foot per second (approximately 250 gallons per minute), from an adjacent stream having a greater probability of generating runoff. Application 29427 also requests direct diversion of 0.56 cubic foot per second from the point of diversion on the adjacent stream as well as at the existing reservoir, to supplement a claimed riparian right, as irrigation at the nursery is required year round. Diversion under the temporary permit is to occur only during storm flows in the requested source.

6. The total quantity of water diverted to storage under the temporary permit, together with that diverted under licensed Application 14797, is limited to 30 acre-feet, equivalent to one filling of the reservoir.
7. Based on the above information, the Board concludes that the applicant has an urgent temporary need to divert and use water as authorized by Temporary Permit 20309.

EFFECT OF THE DIVERSION ON ANY LAWFUL USER OF WATER

8. Application 29427 was noticed on March 8, 1989 as required by the Water Code. The notice was posted and sent to interested parties known to the Board, including diverters having a possible conflict of diversion season downstream from the requested points of diversion to the confluence of Mark

West Creek and the Russian River. No objections were recieved. Therefore, the Board concludes that water may be diverted and used under the temporary permit without injury to any lawful user of water.

EFFECTS OF THE DIVERSION ON FISH, WILDLIFE, AND OTHER INSTREAM USES

9. Board staff consulted with a representative of the California Department of Fish and Game, who stated the temporary diversion would not unreasonably affect fish, wildlife, or other instream beneficial uses if the diversion is made only during storm flows. The temporary permit issued was conditioned accordingly.

FINDINGS CONCERNING THE ENVIRONMENTAL QUALITY ACT

10. A preliminary review of information provided by the applicant indicated that the project involves minor alterations in the condition of land, water, and/or vegetation which do not have the potential for causing a significant effect on the environment. Therefore, the project is not subject to the California Environmental Quality Act as provided under Title 14, California Code Regulations, Section 15304.

PUBLIC INTEREST

11. The Board concludes that water is available for diversion and use under Temporary Permit 20309 and that such diversion and use is in the public interest and in accordance with the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

ISSUANCE OF TEMPORARY PERMIT

12. Water Code Section 1425(d) provides for delegation of authority to issue temporary permits. The Board has delegated this authority to each Board Member. Section 1425(d) further requires that, when the delegated authority is exercised, the Board shall, not later than 30 days following issuance, review and validate any temporary permit issued.
13. Board staff explained the foregoing situation to Board Chairman Maughan and recommended approval of the temporary permit. Board Chairman Maughan concurred with the staff recommendation, and on March 7, 1989, authorized issuance of a temporary permit to store 30 acre-feet and to directly divert 0.56 cubic foot per second from March 7, 1989 to April 30, 1989.
14. On March 7, 1989, Walter G. Pettit, Chief of the Division of Water Rights, issued Temporary Permit 20309.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20309 is validated subject to the conditions specified in the permit.

CERTIFICATION


The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a special meeting of the State Water Resources Control Board held on April 5, 1989.

AYE: W. Don Maughan
Darlene E. Ruiz
Edwin H. Finster
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to
the Board