

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary	)	ORDER:	WR 92-03
Permits 20610 and 20611	)		
(Applications 30069 and 30076	)	SOURCE:	San Joaquin River
	)		and Dutch Slough
	)		
Pacific Gas Transmission -	)		
Pacific Gas and Electric, Permittee	)	COUNTIES:	Contra Costa
_____	)		and Sacramento

FINDINGS AND ORDER VALIDATING THE  
ISSUANCE OF TEMPORARY PERMITS

Pacific Gas Transmission - Pacific Gas and Electric, hereinafter referred to as PGT-PG&E, having filed Applications 30069 and 30076 for temporary permits 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 (State Water Board) having consulted with the California Department of Fish and Game, the California Department of Water Resources, the California Regional

Water Quality Control Board, Central Valley Region, and the United States Bureau of Reclamation; the Executive Director, Walter G. Pettit having reviewed available information, authorized issuance of two temporary permits to divert and use water subject to review and validation by the State Water Board as provided by Water Code Section 1435(d); temporary permits having been issued on March 18, 1992, the State Water Board finds as follows:

#### Issuance of Temporary Permits

1.0 Water Code Section 1425(d) provides for delegation of the authority to issue temporary permits. The State Water Board has delegated this authority to Walter G. Pettit. When this authority is exercised, Water Code Section 1425(d) further requires that the State Water Board review and validate any temporary permit so issued within 30 days of issuance. On March 18, 1992, Executive Director Walter G. Pettit authorized issuance of the temporary permits and on the same date, the Chief of the Division of Water Rights (Division) issued Temporary Permits 20610 and 20611. The matter is before the State Water Board for review and validation.

#### Substance of the Applications and Project

2.0 PGT-PG&E are in the process of constructing 845 miles of pipeline (415 miles within California) from the U.S. - Canadian border to PG&E's Panoche Metering Station in Fresno County. Pipeline sections will be hydrostatically tested to ensure that the system will operate at maximum allowable pressure. Hydrostatic testing is required by the California Public Utilities Commission.

- 3.0 Temporary Permit 20610 is for direct diversion and use of water from the San Joaquin River and Dutch Slough in Contra Costa and Sacramento Counties for purposes of conducting hydrostatic pretests on approximately 6,300 feet of new 42-inch diameter gas pipeline for the San Joaquin River and Dutch Slough crossings. The season of diversion authorized in the temporary permit is from March 18 to September 9, 1992. The points of diversion will be on both sides of the San Joaquin River approximately 3,500 feet downstream of the juncture of the San Joaquin and False Rivers, and on both sides of Dutch Slough approximately 1,000 west of the Jersey Island Road Bridge.
- 4.0 Pretests are conducted on land and adjacent to the points of diversion. Temporary Permit 20610 allows PGT-PG&E to divert at a maximum rate of 0.9 cubic foot per second into 3,500 feet of pipe for the San Joaquin River crossing and 2,800 feet of pipe for the Dutch Slough crossing. The maximum amount to be diverted for the initial pretests and any subsequent pretests will be 0.72 acre-feet from the San Joaquin River and 0.57 acre-feet from Dutch Slough. A minimum of two pretests will be required for each site. All water diverted into the pipeline for testing purposes, except any lost to leakage, will be returned to the source upon completion of the tests. The portable pump intakes will be screened in accordance with the requirements of the California Department of Fish and Game.
- 5.0 Temporary Permit 20611 is for direct diversion and use of water from the San Joaquin River and Dutch Slough for purposes of making bentonite based

drilling muds which will be used in boring under the San Joaquin River and Dutch Slough for the installation of the gas pipeline. The muds will be injected into the borehole as drilling proceeds to maintain the integrity of the hole until the pipe can be fully installed. The season of diversion authorized in the temporary permit is from March 18 to September 14, 1992. If pipeline installation is on schedule, however, it should be completed by mid-July. The points of diversion and the diversion facilities will be the same as used for the hydrostatic pretests under Temporary Permit 20610.

- 6.0 Temporary Permit 20611 allows PGT - PG&E to divert at a maximum rate of 0.9 cubic foot per second. The amount of water required at each crossing is estimated to be approximately 1 acre-foot, up to a maximum of 4.5 acre-feet if cavities are encountered. Following pipe placement, the drilling muds will either be disposed of at an approved landfill or given to farmers for use as a soil amendment, subject to the requirements of the Central Valley Regional Water Quality Control Board.

#### Urgent Need of Permittee to Divert and Use Water

- 7.0 The California Public Utilities Commission (CPUC), as lead agency under the California Environmental Quality Act for the overall pipeline project, specified certain mitigation measures if PGT-PG&E chose to trench across the San Joaquin River and Dutch Slough for installation of the pipeline. These measures included a requirement that in-channel construction activity be restricted to the period October 15 to January 15.

This period is not compatible with the PGT-PG&E construction schedule which calls for testing and installation of the San Joaquin River and Dutch Slough pipeline crossings between late March and mid-July 1992. Therefore, PGT-PG&E chose to bore under the river and slough, requiring the need to divert water for making the bentonite drilling mud. The hydrostatic pretests of the pipeline are a requirement of the CPUC and are essentially a non-consumptive use of water.

In consideration of the above circumstances, the State Water Board finds that PGT-PG&E has an urgent need to divert and use water under the temporary permits.

#### Notice of the Temporary Permits

8.0 Public notices of the applications for the temporary permits were issued on March 2 and March 20, 1992. Copies of the notices were posted and mailed to all known interested parties and diverters from the sources in accordance with Water Code Section 1428. No objections were received to diversion of water as specified in the public notices and as authorized in the temporary permits.

#### Effect of the Diversions on Other Lawful Users of Water

9.0 Based upon the facts described above, the State Water Board finds that water may be diverted and used under Temporary Permits 20610 and 20611 without injury to any lawful user of water.

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

10.0 The California Department of Fish and Game (DFG) has prepared a California Endangered Species Act Biological Opinion for the overall pipeline project. Based on this document, DFG has requested that the temporary permits be conditioned to require specific fish screening criteria for the diversion pump intakes. The temporary permits were so conditioned. Accordingly, the State Water Board finds that water may be diverted and used without unreasonable effect upon fish, wildlife or other instream beneficial uses.

## Findings Concerning the California Environmental Quality Act

11.0 The California Public Utilities Commission is lead agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. State Water Board staff conducted an environmental review of the proposed temporary diversions and determined on March 18, 1992 that the project consists of only minor alternations in the conditions of land, water and vegetation and will not cause a significant environmental impact. Therefore, the State Water Board finds that the project qualifies for an exemption from CEQA in accordance with Title 14, California Code of Regulations, Section 15304.

Public Interest

12.0 Diversion and use of water by PGT - PG&E under Temporary Permits 20610 and 20611 are 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.

NOW, THEREFORE, IT IS ORDERED that the issuance of Temporary Permits 20610 and 26011 are validated subject to the conditions specified in the permits.

CERTIFICATION

The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 16, 1992.

AYE:           W. Don Maughan  
                  Eliseo M. Samaniego  
                  John Caffrey  
                  Marc Del Piero  
                  James M. Stubchaer

NO:            None

ABSENT:       None

ABSTAIN:     None



Maureen Marché  
Administrative Assistant to the State Board