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**TESTIMONY OF GALE HEFFLER-SCOTT
REGARDING
PETITIONS TO CHANGE PLACE AND PURPOSES OF USE
OF WATER RIGHT PERMITS 11308 AND 11310
FOR OPERATION OF THE CACHUMA PROJECT**

I. Introduction

I, Gale Heffler-Scott, declare as follows:

I am the Regional Water Rights Officer for the Bureau of Reclamation's Mid-Pacific Region. As Regional Water Rights Officer, I oversee the administration of Reclamation's water rights program for operation of the federal Reclamation Projects within the Mid-Pacific Region. I have worked for Reclamation since 1975 and have over 20 years of experience in water rights and water right program activities associated with Reclamation's operation of federal Reclamation Projects. A true and correct copy of my statement of qualifications is submitted contemporaneously herewith as **DOI-2a** and incorporated herein by reference.

The statements made in this declaration are based upon information or facts of which I have personal knowledge, or are based upon information which I believe to be true. If called as a witness, I could and would testify competently to the statements contained in this declaration.

My testimony pertains to Key Issue 1 concerning the petitions filed by Reclamation for a change to consolidate the place of use and purposes of use for the Cachuma Project Water Right Permits 11308 and 11310. Key Issue 1 concerns whether approval of the petitions would result in any changes in Cachuma Project operations and flows in the Santa Ynez River, compared to the operations and flows that would exist if water from the Project were delivered only to areas within the current place of use.

My testimony will discuss the August 1983 change petition, as amended, to consolidate the place of use and purposes of use for Permits 11308 and 11310, and the change petition filed in February 1999 to include 130 acres of the Dos Pueblos Golf Link Project site to the place of use for Permits 11308 and 11310.

These petitions will modify the place of use boundary for Permits 11308 and 11310 (Cachuma place of use) to coincide with the water service area boundaries of the five Cachuma

EXHIBIT

TABLE
DOI-2

1 Project Member Units¹ and will consolidate the seven purposes of use for Permits 11308 and
2 11310 to allow water under both permits to be used essentially for the same purposes.

3 The proposed action will modify the gross Cachuma place of use by an additional 17,506
4 acres in the vicinity of Santa Barbara and Lake Cachuma, and 130 acres within the Goleta Water
5 District designated for the Dos Pueblos Golf Links Project site. The requested change will
6 include within the Cachuma place of use, lands which have been annexed to the Member Units'
7 service area boundaries as a result of planning decisions approved at the local level, subsequent
8 to issuance of Permits 11308 and 11310. It will also ensure the flexibility necessary to continue
9 to efficiently manage and utilize commingled water supplies available to the Member Units
10 within the Cachuma Project service area.

11 It is important for administration purposes that the Cachuma Project's place of use and
12 the Member Units' respective service areas are consistent. The authorized place of use for water
13 developed by the Cachuma Project under Permits 11308 and 11310 has always been the service
14 area boundaries of the Member Units. However, legal changes to these service area boundaries,
15 as approved at the local level, have occurred over time since Permits 11308 and 11310 were
16 initially issued. These changes, along with other issues which involve the commingling of
17 Project and non-project water supplies within the integrated water supply systems that serve the
18 Member Units, has resulted in the need to modify the place of use boundary for Permits 11308
19 and 11310 to coincide with the service area boundaries of the Member Units. This has long been
20 recognized by Reclamation; Reclamation has had a change petition pending before the SWRCB
21 on this issue for over 17 years.²

22 Cachuma Project water diverted from the Santa Ynez River at Bradbury Dam under
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24 ¹ The Cachuma Member Units are the City of Santa Barbara, Goleta Water District, Montecito Water District,
25 Carpinteria Valley Water District and Santa Ynez River Water Conservation District, Improvement District No. 1, all
26 of whom are members of the Santa Barbra County Water Agency and hold subcontracts under the Agency's master
contract with Reclamation for water service from the Cachuma Project.

27 ² Reclamation initially petitioned the State Water Resources Control Board SWRCB in 1983 for modifications
28 to conform the Cachuma place of use under Permits 11308 and 11310 to the water service areas of the Member Units.

1 Permits 11308 and 11310 and delivered to the south coast areas of Santa Barbara County is
2 conveyed through the Tecolote Tunnel and South Coast Conduit to the service areas of the
3 Member Units. The Member Units, who have integrated distribution systems, commingle
4 Cachuma Project water with other non-project water sources delivered from Cachuma
5 Reservoir.³

6 Once Cachuma Project and non-project water sources have been commingled, it is not
7 possible, nor is it practical, to attempt to segregate Cachuma Project water under Permits 11308
8 and 11310 from other non-project sources. Project water and non-project water once
9 commingled within the integrated distribution systems of the Member Units cannot be
10 segregated according to inside or outside the place of use of a specific permit.

11 Because Project and non-project water is commingled, it has been the SWRCB's position
12 that if there is any possibility that Project water can be delivered to lands annexed into the
13 Member Units respective service areas, such lands should be added to the Cachuma water right
14 permits, even if the water source for such annexations is from non-project water supplies.

15 Modifying the Cachuma place of use to coincide with the water service area boundaries
16 of the Member Units will not increase the demand on Cachuma Project water. The amount of
17 Cachuma Project yield available to the Member Units is a fixed, finite amount, and represents
18 only a portion of the Member Units' total water supply demand. The Member Units have
19 contracted for the full yield of the Cachuma Project for over 40 years and represents demand for
20 the full yield is supported within the existing place of use boundary for Cachuma Project.

21 Approval of the changes requested to Permits 11308 and 11310 will not result in any
22 change in Cachuma Project operations or to the flows in the Santa Ynez River, will not result in
23 any increase in the amount of water diverted to storage from the Santa Ynez River under Permits
24 11308 and 11310, and will not increase the amount of water delivered from the Cachuma Project
25 for use by the Member Units.

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28 ³ The Member Units also have entitlement to State Water Project Water which they receive through the
Cachuma Project facilities.

1 **II. Statement of Purpose**

2 The purpose of my testimony is to offer a history of the Cachuma Project, the Cachuma
3 Project water rights, and the purpose for the petitions filed by Reclamation for modifications in
4 the place and purpose of use for Permits 11308 and 11310.

5 Reclamation is not involved in decisions at the local level affecting modifications to
6 district service area boundaries. Reclamation's involvement in approving service area boundary
7 modifications is an administrative one from a contractual standpoint only. Reclamation,
8 however, has no discretionary role in the local decision making processes which result in a
9 decision to modify a contractor's respective service area boundary.

10 Reclamation's approval of district boundary changes is an administrative requirement
11 under the terms of the contract. Reclamation's involvement in these actions is for the purpose of
12 protecting the viability of the Federal project to ensure repayment of the Federal Government's
13 investment. The contractual requirement for Reclamation's approval is primarily to ensure that
14 no change occurs within a contracting district's service area boundary which may jeopardize that
15 district's ability to repay its construction obligation to the United States or payment of costs for
16 continued project water service. This primarily regards detachments or exclusion of lands from a
17 service area boundary which could potentially affect a district's ability to pay.

18 Reclamation's principal interest in the annexations of lands within a contracting district's
19 service area boundary is primarily from an irrigation perspective, specifically, land classification
20 eligibility provisions of Federal Reclamation law. Reclamation's approval is considered to be an
21 administrative action under the terms of the contract.

22 If changes in a contracting district's service area boundary (which are approved at the
23 local planning level) require a modification of the Federal Project's water right place of use
24 boundary, Reclamation is obligated by virtue of the terms of the water service contract, to pursue

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1 such changes as may be necessary to coincide the water right place of use with the district's
2 service area boundary.

3 The intended place of use for Project water developed by the Cachuma Project under
4 Permits 11308 and 11310 has always been within the boundary of the Cachuma Member Units.
5 **(SWRCB Staff Exhibits by Reference #1 and #2.)** Specifically, the water right applications
6 approved as Permits 11308 and 11310, provide at paragraph 11, Place of Use:

7 "The water will be used within the boundaries shown on Map B-1P-21 (Sheets 1 and 2)
8 for the Goleta County Water District, the city of Santa Barbara,⁴ the Montecito County
9 Water District, the Summerland County Water District,⁵ the Carpinteria County water
10 District, and the Santa Ynez River Water Conservation District, provided, that delivery of
11 water in the service area of districts, municipalities, water companies, corporations,
12 individuals, and other legal entities within the aforesaid boundaries is conditioned upon
13 execution of valid contract for such deliveries."⁶

14 When decisions approved at the appropriate local planning level result in a change in a
15 contractor's water service area, it is appropriate for Reclamation to seek approval, as necessary,
16 from the SWRCB to modify the water right place of use to accommodate the locally approved
17 action. This is the primary purpose necessitating the petitions for change in place of use for
18 Permits 11308 and 11310.

19 Under the August 1983 petition, as amended, Reclamation is requesting approval from
20 the SWRCB to (1) conform the water right place of use boundary for Permits 11308 and 11310
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22 ⁴ The area depicted as outside the Cachuma place of use for the City of Santa Barbara was never annexed to
23 the City but has always been a part of the City's water service area and has been served water by the City long before
24 applications for Permits 11308 and 11310 were filed. We believe the area was inadvertently omitted from the originally
25 designated place of use because it laid outside the defined city limits for the City of Santa Barbara. This area has
26 received water from the City, however, since the early 1900's.

27 ⁵ Summerland Water District was annexed into the Montecito Water District in 1996.

28 ⁶ Paragraph 13, Irrigation Use, for Permit 113108 also provides that "Parts of the estimated 61,000 net irrigable
acres included within the described place of use are or will be adequately served with water under lawful rights acquired
and used independently of the United States. The remainder of the area will be partially so served, but will require a
supplemental water supply which will be furnished through rights acquired by the United States.

1 to coincide with the legally defined service area boundaries of the Cachuma Project Member
2 Units, and (2) consolidate the purposes of use under Permits 11308 and 11310 so that water
3 under both permits can be used for the same purposes. **(DOI-2b.)** For purposes of this
4 testimony, this petition may be referred to as the Consolidated Place of Use Petition (CPOU).

5 Under the February 1999 petition, Reclamation is requesting approval from the SWRCB
6 to include 130 acres of the Dos Pueblos Golf Links Project site as annexed into the boundary of
7 the Goleta Water District, within the permitted place of use for Permits 11308 and 11310. **(DOI-**
8 **2c.)** For purpose of this testimony, this petition is referred to as the Dos Pueblos petition.

9 The action requested under the CPOU will modify the gross water right place of use for
10 Permits 11308 and 11310 to include an additional 17,506 acres.⁷ These areas are currently within
11 the authorized service area boundaries of the Member Units, but outside the water right place of
12 use boundary for the Member Units as designated on Map B-1P-21, Sheets 1 and 2, for Permits
13 11308 and 11310, as on file with the SWRCB. **(SWRCB Staff Exhibits by Reference #1 and**
14 **#2; also DOI-3c and DOI-3d.)**

15 The action requested under the Dos Pueblos petition is to further modify the gross water
16 right place of use for Permits 11308 and 11310 by including an additional 130 acres annexed to
17 the Goleta Water District.⁸ This area is currently within the Goleta Water District's authorized
18 service area boundary, but outside the district's boundary and water right place of use as
19 designated on Map B-1P-21 (Sheets 1 and 2) for Permits 11308 and 11310, as on file with the
20 SWRCB.

21 Combined, these two petitions involve a total modification of 17,636 acres to the existing
22 Cachuma gross place of use as designated on Map B-1P-21 (Sheets 1 and 2) for Permits 11308
23 and 11310. Under the CPOU, Reclamation is also requesting the consolidation of the seven

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25 ⁷ Acreage of the area estimated outside the place of use was calculated by Reclamation's Geographic
26 Information System which utilized service area boundary maps provided to Reclamation by each of the Member Units;
27 Map B-1P-21 (Sheets 1 and 2) on file with the SWRCB, was used by GIS to designate the place of use for Permits
28 11308 and 11310.

⁸ The Dos Pueblos Golf Links Project covers a total of 208 acres; 78 acres of the 208 acres are within the area covered by the CPOU. The remaining 130 acres is the area covered by the Dos Pueblos change petition.

1 purposes of use under Permits 11308 and 11310. It was the accepted practice of the SWRCB's
2 predecessor at the time the Cachuma Project was being planned to request separate applications
3 for different consumptive beneficial purposes of irrigation and municipal and industrial.
4 However, when water is diverted and stored at a single facility and delivered through integrated
5 distribution systems for use within a gross service area, as is the case with the Cachuma Project,
6 it is not practical to try to match up a particular beneficial water use to a specific permit. For
7 these reasons, Reclamation is requesting the seven purposes of use under Permits 11308 and
8 11310 be consolidated so water under both permits can be used for the same beneficial purposes.
9 Specifically, Reclamation is seeking to have municipal and industrial use added as a purpose of
10 use under Permit 11308, and irrigation, domestic, salinity control and stock watering included as
11 purposes of use under Permit 11310.

12 The Project water supply available to the Cachuma Project contracting districts is fixed
13 under the terms of the water service contract. The Member Units have contracted for the full
14 yield of the Cachuma Project for over 40 years. The use of Cachuma Project water by the
15 Member Units has remained consistently the same, both prior to and after the service area
16 boundary modifications, which are the subject of the petitions for change Permits 11308 and
17 11310.

18 Testimony by the Member Units will support demands within the Member Units' service
19 area boundaries exceed the available Project yield. The Member Units will also demonstrate
20 water supplies available from the Cachuma Project can presently be fully utilized within the
21 existing permitted place of use boundary and furthermore, are insufficient, without supplemental
22 non-project water, to satisfy current demands within the permitted place of use.

23 **III. BACKGROUND**

24 **A. Project Authorization**

25 The Cachuma Project was authorized by the Secretary of the Interior in 1948, pursuant to
26 Section 9(a) of the Reclamation Project Act of 1939. As authorized, the principle features of the
27 Cachuma Project are Bradbury Dam and Cachuma Reservoir located on the Santa Ynez River
28 about 25 miles northwest of Santa Barbara, the Tecolote Tunnel which conveys water from Lake

1 Cachuma through the Santa Ynez Mountains to the south coast areas of Santa Barbara County,
2 and the South Coast Conduit which connects to the tunnel and distributes water across the South
3 Coast area to the Member Units, running roughly parallel to the coast and about 25 miles inland
4 to its eastern terminus in Carpinteria. Included in the main conduit system are three small
5 regulating reservoirs, Glenn Anne, Lauro and Ortega, located along the conduit, and a terminal
6 reservoir, Carpinteria, with local distribution systems serving the Goleta, Montecito, and
7 Carpinteria Valley Water Districts.

8 The original Cachuma Project water service contract was executed in 1949 between
9 Reclamation and the Santa Barbara County Water Agency (Agency). Federal funding for
10 construction of the Cachuma Unit of the Santa Barbara County Project was contingent on the
11 conditions in the 1949 contract being met concerning participation by member districts and
12 outcome of elections within the member districts approving the disposition of the quantity of
13 water set forth in said contract.

14 Construction of Bradbury Dam was completed in 1953 and construction of the Tecelote
15 Tunnel was completed in 1956. A contract transferring the operation and maintenance of the
16 Cachuma Project facilities, other than Bradbury Dam, to the Member Units of the Santa Barbara
17 County Water Agency was executed by the United States and the Agency on February 24, 1956.
18 Initial operation of the South Coast Conduit began February 29, 1956, and operation and
19 maintenance of the Tecolote Tunnel began on May 15, 1957.

20 The Master Contract contracted the entire yield of the Cachuma Project to the Agency on
21 behalf of the Member Units. The Agency administers the Master Contract with Reclamation on
22 behalf of the Member Units. Individual contracts were entered into between the Agency and
23 Member Units pursuant to the terms and conditions of the Master Contract. The Master
24 Contract became effective upon the initial delivery of water in 1955. The Member Units
25 contracts became effective at the same time.

26 The original Master Contract and Member Units contracts had terms of 40 years and
27 expired in 1995. The Contracts and were subsequently renewed by Reclamation, the Agency and
28 Member Units. (See Master Contract, **DOI-1c**). Renewal of these contracts was subject to the

1 provisions of the National Environmental Policy Act (NEPA) and the California Environmental
2 Quality Act (CEQA) and resulted in a Final Environmental Impact Statement/Environmental
3 Impact Report prepared by Reclamation and the Cachuma Project Authority⁹ as lead
4 NEPA/CEQA agencies. Under renewal of the Master Contract and Member Units contracts, the
5 original contractual entitlement of 32,000 acre-feet was reduced to an agreed operational yield of
6 approximately 25,700 acre-feet.

7 **B. Permits 11308 and 11310**

8 On March 25, 1946, Reclamation filed water right applications 11331 and 11332 in
9 support of the federally authorized Cachuma Project. On February 28, 1958, the former State
10 Water Rights Board adopted Decision 886 approving Applications 11331 and 11332 and
11 issuance of Permits 11308 and 11310.

12 Permit 11308 authorizes the appropriation of 100 cubic feet per second (cfs) from the
13 Santa Ynez River by direct diversion from January 1 through December 31, and 275,000 acre-
14 feet per annual by storage to be collected between about October 1 of each year and about June
15 30 of the following year. The purposes of use as authorized under Permit 11308 are for
16 irrigation, domestic, salinity control, incidental recreational purposes, and stock watering.

17 Permit 11310 authorizes the appropriation of 50 cfs from the Santa Ynez River by direct
18 diversion from January 1 through December 31, and 275,000 acre-feet per annum by storage to
19 be collected between about October 1 of each year and about June 30 of the following year. The
20 purposes of use as authorized under Permit 11310 are for municipal, industrial and incidental
21 recreational purposes.

22 The total amount of water to be appropriated by storage for all purposes under both
23 Permits 11308 and 11310 is not to exceed 275,000 acre-feet per annum.

24 The place of use for Permits 11308 and 11310 is within the boundaries shown on Map No
25 B-1P-21 (Sheets 1 and 2), as on file with the SWRCB (SWRCB Exhibit 1 and 2), for the Goleta
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27 ⁹ The Cachuma Project Authority was established in 1993 by the Member Units pursuant to the Joint Powers
28 Agreement to represent their collective interests in renewal of the Master Contract with Reclamation.

1 County Water District, the City of Santa Barbara, the Montecito County Water District, the
2 Summerland County Water District, the Carpinteria County Water District, and the Santa Ynez
3 River Water Conservation District, within a gross area of 175,000 acres.

4 The place of use for irrigation under Permit 11308 is to irrigate 61,000 net acres within a
5 gross area of 175,000 acres along the south coastal area of Santa Barbara County.¹⁰ Use of water
6 for recreational purpose is at the Cachuma Reservoir site.

7 In addition to its primary uses, Permits 11308 and 11310 also provide that water from
8 Cachuma Reservoir released into the Santa Ynez River and from the Tecolote Tunnel may be
9 used for groundwater recharge in areas along the coastal plain place of use boundary as shown on
10 Map No. B-1-1P-21 (Sheets 1 and 2), on file with the SWRCB.

11 The place of use boundary modifications being requested for Permits 11308 and 11310,
12 will not result in any change in the operations of the Cachuma Project or increase the amount of
13 Project water delivered to or used by the Cachuma Member Units.

14 **III. SUBSTANCE AND BACKGROUND OF PETITIONS TO CHANGE PLACE AND** 15 **PURPOSES OF USE**

16 Reclamation originally petitioned the SWRCB in 1983 for permission to expand the
17 permitted place of use for Permits 11308 and 11310 to increase the gross area of use from
18 175,000 acres to 296,697 acres, with the net irrigated area remaining at the permitted 61,000
19 acres. The petition also requested to add municipal and industrial to the purpose of use under
20 Permit 11308 and to add irrigation of 61,000 net acres, domestic and salinity control as a purpose
21 of use under Permits 11310. This petition has been amended several times since 1983, to further
22 modify the requested changes. As amended, the petition now involves modifying the existing
23 place of use boundary from a gross area of 175,000 acres to a gross area of 192,506 acres, with
24 the permitted net irrigable area of 61,000 acres remaining unchanged.

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27 ¹⁰ Supplement to Application Paragraph 13, Irrigation Use. Parts of the estimated 61,000 net irrigable acres
28 included within the described place of use are or will be adequately served with water under lawful rights acquired and
used independently of the United States. The remainder of the area will be partially so served, but will require a
supplemental water supply which will be furnished through rights acquired by the United States.

1 Specifically, the purpose of the 1983 petition was to include within the place of use for
2 Permits 11308 and 11310 "... areas that have present or future potential for agricultural and/or
3 subdivision development and to include changes in local district boundaries. . ." This change
4 included adding the Cachuma Recreation Area and the then newly annexed Santa Ynez River
5 Water Conservation District, Improvement District No. 1, as well as other areas annexed into the
6 Cachuma Project contracting districts service area boundaries, to the permitted place of use for
7 Permits 11308 and 11310. This involved increasing the water right place of use boundary from a
8 gross area of 175,000 acres to a gross area of 296,697 acres, with the net irrigated area remaining
9 at the permitted 61,000 acres.

10 Reclamation did not request to change the net irrigable acres. The 61,000 acres
11 represented a maximum potential area of use of Cachuma Project water. Data reported by the
12 Member Units indicated irrigation of only 10,000 - 12,000 acres for several years. Furthermore,
13 the usage in the Project service area had been generally changing from agriculture to municipal
14 and industrial use. Reclamation did not believe the net irrigated area would ever exceed the
15 originally authorized 61,000 acres. Since the Project water supply for the Cachuma Project was
16 fixed and could not be increased, it was envisioned the net area would remain the same but,
17 under the proposed change, could be moved around anywhere within the gross area once the
18 SWRCB approved the petition.

19 The petition also sought to add municipal and industrial uses and delete stock watering as
20 a purpose of use under Permit 11308 and to add domestic and salinity control uses under Permit
21 11310.

22 This petition was originally noticed by the SWRCB on December 2, 1983. Due to an
23 inaccurate description in the notice, the petition was renoticed on January 12, 1984. The
24 proposed change described in that notice for Permit 11308 was to increase the gross area of use
25 from 175,000 acres to 196,697 acres as shown on maps on file with the SWRCB and add
26 municipal and industrial to the purpose of use. The net area would not be changed and remains at
27 61,000 acres.

28 As noticed, the proposed changed described for Permit 11310 was to add irrigation,

1 domestic and salinity control to the purpose of use and to change the place of use to include
2 irrigation of 61,000 acres net within a gross are of 296,697 acres.

3 Although no protests were received, no further action was taken on the petition by either
4 the SWRCB or Reclamation.

5 In February 1995, Reclamation received notice from the SWRCB that Division of Water
6 Rights staff working with the Cachuma Project water rights, had located Map 368-208-827
7 and Reclamation's 1983 petition for change. **(DOI-2d.)** Reclamation was advised that if it still
8 wished to pursue the change petition, the SWRCB would re-notice the petition as soon as
9 possible, if the changes requested were still ones Reclamation wished to pursue, and would need
10 to decide what type of environmental review document would be necessary for approval of the
11 change order.

12 Subsequently, on July 16, 1995, Reclamation notified the SWRCB that it wished to
13 amend the 1983 change petition to conform the water right place of use boundary to coincide
14 with the present (i.e., June 1, 1995) service area boundaries of the six Cachuma Member Units
15 that contracted for water service from the Cachuma Project. **(DOI-2e.)** This adjustment involved
16 modifying the existing place of use from the gross area of 175,000 acres to a gross area of
17 approximately 192,600 acres, an increase of some 17,600 acres, or only 14 percent of the acreage
18 increase requested in the 1983 Change Petition. It was acknowledged at the time that some of
19 the lands within both the existing and proposed place of use received water from sources other
20 than the Cachuma Project. No change was sought to the net 61,000 irrigable acres.

21 Reclamation also requested the 1983 change petition be modified so that Permits 11308

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1 and 11310 would have the same seven purposes of use, hence making them interchangeable.
2 This involved adding municipal and industrial use as a purpose under Permit 11308 and
3 irrigation, domestic, salinity control and stock watering as purposes of use under Permit 11310.
4 Because Project water is delivered to the Cachuma Project contractors through a single water
5 delivery system, Reclamation petitioned to consolidate the purposes of use under Permits 11308
6 and 11310 so Project water could be served essentially for the same purposes of use under both
7 permits. Combined, the consolidated purposes of use under both permits would allow water
8 under either permit to be used for irrigation, municipal, industrial, domestic, salinity control,
9 incidental recreation, and stock watering.

10 Reclamation, by letter dated December 7, 1995 (**DOI-2f**), submitted to the SWRCB the
11 maps showing the permitted place of use and the proposed place of use boundary for Permits
12 11308 and 11310 as amended by the June 16, 1995, revision to the 1983 change petition. The
13 maps represented in DOI-3b, DOI-3c, and DOI-3d were submitted with DOI-2f.

14 Subsequent to the December 1995 completion of the amended change petition,
15 Reclamation and the Santa Barbara County Water Agency entered into a 25-year renewal contract
16 that provides for water service from the Cachuma Project. Under the terms of the renewal
17 contract, the Santa Ynez River Water Conservation District was no longer a Cachuma Member
18 Unit. Thus the lands in the Santa Ynez River Water Conservation District were considered to be
19 outside the Contractor's Area of Service as defined by the renewal contract. Because Cachuma
20 Project water was not to be delivered to those lands, the Member Units requested Reclamation
21 eliminate the lands of the Santa Ynez River Water Conservation District from the permitted place
22 of use under the proposed change petition. Revised maps reflecting this changes as well as the
23 annexation of the Summerland Water District by the Montecito Water District and a name
24 change for the Carpinteria County Water District to Carpinteria Valley Water District were
25 submitted in support of the requested amended change.

26 In October 1996, Reclamation notified the SWRCB it was further amending the 1983
27 change petition, as revised. (**DOI-2g.**) The primary purpose of this amendment was to remove
28 from the proposed place of use all those lands in the Santa Ynez River Water Conservation

1 District that were presently within the permitted place of use, but not within the Santa Ynez
2 River Water Conservation District, Improvement District No. 1 ("ID No. 1").

3 On May 22, 1997, the SWRCB issued notice of the revised petition to change the place of
4 use and purpose of use for Permits 11308 and 11310. As noticed, the proposed changes involved
5 a change in the purpose of use authorized under Permits 11308 and 11310, so that both permits
6 would have the same seven purposes of use. This involved adding municipal and industrial use
7 as a purpose under Permit 11308 and irrigation, domestic, salinity control and stock watering as
8 purposes of use under Permit 11310, to conform the purposes of use in both permits.

9 The described proposed change in place of use was to conform the authorized place of
10 use as specified in the water rights permits to the current service area of the Cachuma Member
11 Units. This resulted in the inclusion of an additional 17,506 acres in the vicinity of Santa
12 Barbara and of Lake Cachuma, but resulted in the deletion of 134,684 acres in the Santa Ynez
13 River Water Conservation District, not included within ID No. 1, located downstream of Lake
14 Cachuma.

15 It was presented in the Notice that if approved, the changes would result in no change in
16 the total Quantity of water that Reclamation would be allowed to divert under Permits 11308 and
17 11310.

18 Six protests were received by the SWRCB in response to the Notice issued May 22, 1997.
19 Five of the six protests were canceled by the SWRCB. The SWRCB accepted the protest by the
20 City of Lompoc.

21 By letter of October 6, 1997, Reclamation requested that the petition presently before the
22 SWRCB be modified to reflect conditions set forth in a stipulation entered into between
23 Reclamation, the Santa Ynez River Water Conservation District and the Cachuma Project
24 beneficiaries agreeing to allow that portion of the Santa Ynez River Water Conservation District
25 which is outside ID No. 1 to remain within the authorized water right place of use for Permits
26 11308 and 11310. **(DOI-2h.)** This request was accepted by the SWRCB without need to revise
27 the Notice issued May 22, 1997.

28 On May 3, 1999, at the request of the Goleta Water District, Reclamation filed a change

1 petition to add 130 acres of the Dos Pueblos Golf Links Project site to the place of use for
2 Permits 11308 and 11310. The golf course project encompass a total of 208 acres, including 78
3 acres that are within the area covered by the CPOU. The 130 acre part of the Golf Course
4 property that was not already within the district's service area boundary had been approved on
5 September 2, 1998, for annexation to the district's service area boundary by the Local Agency
6 Formation Commission. The Golf Course Project had already been approved by the County of
7 Santa Barbara and by the California Coastal Commission. The requested change in place of use
8 under the Dos Pueblos petition is not associated with any increase in the amount of Cachuma
9 Project water to be used within the Goleta Water District. The source of water for the annexed
10 area is non-project supplies available to the district from a Reclaimed Water Project and State
11 Water Project water. However, the district's water treatment and distribution facilities do not
12 allow for segregating Cachuma Project water from other available district supplies. Reclamation,
13 therefore, was required to petition to add the annexed area to the place of use for Permits 11308
14 and 11310. A Final Environmental Impact Report and Addendum to the Final Environmental
15 Impact Report pursuant to CEQA was prepared by the district and provided to the SWRCB with
16 the May 3, 1999 petition to change.

17 Three protests were received by the SWRCB in response to the Notice issued June 15,
18 1999. The SWRCB accepted the protest by the City of Lompoc. Protests by the Surfrider
19 Foundation and California Sportsfishing Protection Alliance were rejected and dismissed.

20 The 1983 CPOU petition as amended and the Dos Pueblos petition, together, request
21 approval such that the Cachuma Project's place of use boundary for Permits 11308 and 11310 be
22 modified to include a total 17,736 acres and to expand the gross place of use from the permitted
23 175,000 acres to 192,636 acres. The permitted net irrigable area of 61,000 acres remains
24 unchanged.

25 I recognize and am familiar with documents represented in exhibits DOI-2b, DOI-2c,
26 DOI-2d, DOI-2e, DOI-2f, DOI-2g, and DOI-2h, and the contents thereof. These documents are
27 true and correct copies of the original documents. These documents consist of correspondence
28 and records which were received or made on or about the dates specified therein, respectively.

1 These documents are kept in the course of the regularly conducted activity and administration of
2 Reclamation.

3 **IV. CONCLUSION**

4 The changes being sought by Reclamation are administrative changes to make the
5 Cachuma place of use boundary consistent with the service area boundaries of the Member Units.
6 These changes do not represent an expansion in the place of use for purposes of developing a
7 demand for water nor are they an attempt to increase demand to maximize the beneficial use of
8 the waters appropriated under Permits 11308 and 11310.

9 The Cachuma Operation and Maintenance Board, a California Joint Powers Authority
10 consisting of all the Member Units, acting as Lead Agency in the environmental review process
11 under the CEQA, conducted an Initial Study to determine any significant environmental impacts
12 associated with the change petitions. Based on its Initial Study, COMB determined that the
13 proposed changes would not have any significant environmental effect; this finding resulted in
14 issuance of a Negative Declaration on the proposed action.

15 Approval of these petitions will not cause any change in land use or increase the total
16 amount of water supplied to the Member Units from the Cachuma Project. Approval of these
17 changes petitions will not cause any change in the operation of Bradbury Dam, will not result in
18 any increase in the amount of water stored by the Cachuma Project or cause less water to be
19 released from Bradbury Dam into the Santa Ynez River under Permits 11308 and 11310. These
20 petitions merely reflect boundary changes by the Member Units due to land annexations which
21 have been approved at the local level following the adopted environmental plans or policies of
22 agencies with jurisdiction over the areas annexed. The purpose for these petitions is to
23 consolidate the purposes of use and conform the water right place of use under Permits 113308

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1 and 11310 to coincide with the service area boundaries of the Member Units. Approval of these
2 petitions will also resolve any place of use issues which may exist as a result of the commingling
3 of Project and non-project water supplies within the respective service area boundaries of the
4 Member Units.

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6 I declare under penalty of perjury that the foregoing is true and correct to the best of my
7 knowledge. Executed at Sacramento, California on this 23rd day of October 2000.

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12 Gale Heffler-Scott
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