

MEMBER UNITS EXHIBIT NUMBER 114

P11310

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11308 and 11310 Issued pursuant to Applications 11331 and 11332; The United States Bureau of Reclamation, Permittee

Order: WR 89-18

Source: Santa Ynez River

County: Santa Barbara

ORDER CONTINUING RESERVED JURISDICTION
AND ISSUING AMENDED PERMITS

FINDINGS BY THE BOARD:

1. Order paragraph 13 of Decision D 886, adopted on February 28, 1958, reserved jurisdiction over Permits 11308 and 11310 issued pursuant to Applications 11331 and 11332. Jurisdiction was reserved for 15 years or for such further time prior to issuance of license as the Board might determine upon notice and hearing to be reasonably necessary to determine the amounts, timing, and rates of release of water past Bradbury Dam (Cachuma Reservoir) required to satisfy downstream rights.
2. Following a Board hearing on January 26, 1973, Board Order WR 73-9 (February 15, 1973) continued the reserved jurisdiction in D 886 over Permits 11308 and 11310 from February 28, 1973 until further order by the Board, such further order to be made not later than October 1, 1973.
3. Board Order WR 73-37 (July 5, 1973) amended Conditions 5, 6, and 7 of the permits. Amended Condition 7 of the permits provides for extending the initial 15-year trial period for refining Cachuma Reservoir operating procedures for an additional 15 years, thus extending the reservation of jurisdiction to July 5, 1988.

4. Board Order WR 78-10 (July 5, 1978) amended Condition 5.(1.4) of Permits 11308 and 11310 (as amended by Order WR 73-37), to change the method of measurement of water released from Cachuma Reservoir to satisfy downstream rights.
5. Board Order WR 88-2 (January 21, 1988) extended the date for hearing under Permit Condition 7 until July 1, 1989, and continued the Board's reserved jurisdiction for further order pursuant to Permit Condition 7 until December 31, 1989.
6. Permittee, Santa Ynez River Water Conservation District (District), whose boundaries include areas downstream of Cachuma Reservoir, the Cachuma Conservation Release Board, and the City of Lompoc, have jointly reviewed operating procedures for Cachuma Reservoir to determine if the permit terms, as amended by Board Orders WR 73-37 and 78-10, have actually resulted in the required releases of water for satisfaction of downstream rights.
7. Following review, analysis, discussion and negotiation with all parties and discussion of alternatives, permittee and the parties are in agreement that the Board should not commence a hearing until parties have had three new observation wells constructed to provide additional data. By letter dated March 13, 1989, permittee petitioned the Board for an additional ten-year trial period and requested that a hearing not be held on the matter until experience under the new trial operating procedure has been gained.
8. The Department of Fish and Game has requested, and the permittee has agreed, to modify and extend the riparian vegetation monitoring program in Condition

6(m) of Order 15-37 to provide for continuing monitoring of riparian vegetation in and along the margins of the Santa Ynez River below Bradbury Dam for at least an additional five years.

9. The California Sportfishing Protection Alliance (CSPA) on November 13, 1987 complained against permittee's operation of the project. CSPA alleges that project construction and operation has severely impacted a pre-project run of steelhead trout in the Santa Ynez River and that such action constitutes a misuse of water within the meaning of Article X, Section 2, California Constitution.
10. It is reasonable and in the public interest to allow permittee and the parties, until July 1, 1994, to resolve mutual concerns about the accounting and measurement of water released from Cachuma Reservoir prior to the required Board hearing. Such allowance will require continuing the period of time during which jurisdiction is reserved to adopt such further order. A five-year continuance to analyze the data from the three new wells, negotiate a new agreement between the parties, and for the Board to hold a hearing and adopt such further order is reasonable.
11. It is reasonable and in the public interest that the Board promptly conduct a hearing on the CSPA complaint in order to determine whether concerns relating to the operation of the project are valid and whether permittee's use of water is reasonable.
12. Conditions 5 and 6 of Permits 11308 and 11310 should be amended to show the new accounting, monitoring and operating procedure.

13. The Board's continuing authority provisions in the permits should be updated to conform to Section 780(a), of the California Code of Regulations.
14. The Board's approval of the proposed continuance of reserved jurisdiction for final hearing and to make permit changes as identified in Findings 8, 10 and 12 above constitutes only a minor alteration to an ongoing project approved prior to November 23, 1970 and is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) under the statutory exemption of ongoing projects and the categorical exemption for minor changes in the operation of existing facilities, 14 CCR 15261 and 15301 respectively.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The reservation of jurisdiction in Condition 7 of the subject permits, as amended by Order WR 73-37 and WR 88-2, is continued to December 31, 1994.
2. The hearing required by said Condition 7 shall be commenced no later than July 1, 1994.
3. Condition 6(m) in the permits shall be amended to read:
 6. (m) Permittee and the Department of Fish and Game (DFG) shall develop and undertake a study plan and annual monitoring program to determine the extent and condition of the riparian vegetation in and along the margins of the Santa Ynez River below Bradbury Dam. Timing, methodology, and specific criteria to measure impacts to riparian vegetation will be part of the plan and program. A plan agreed to by the permittee and DFG shall be submitted to the Chief Division of Water Rights within one year of adoption of this order.

This program shall be in place for five years at which time the permittee and DFG shall report to the Board the feasibility of continuing such a program. An annual written report shall be prepared by permittee and DFG and submitted to the Board. The Board retains jurisdiction to adopt appropriate mitigation measures, in the event adverse impacts are caused to the riparian vegetation by release schedules or procedures contained within this order.

4. Continuing authority Condition 4 in both of the permits shall be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Amended permits shall be issued including revised Permit Conditions 5, 6 and 7 as proposed by the permittee on March 13, 1989 and agreed to by the downstream users in the basin as modified by the Board and attached to and incorporated herein by reference.

- 6. Staff is directed to promptly prepare for and schedule a Board hearing on the CSPA complaint as soon as the Board's calendar allows.

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 meeting of the State Water Resources Control Board held on September 21, 1989.

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

NO: None

ABSENT: None

ABSTAIN: None

Maureen Marche
Maureen Marche
Administrative Assistant to the Board

Permittee's March 13, 1989 Submittal
Modified by the Board on September 21, 1989

Proposed Modifications to WR-73-37
Pertaining to Permits 11308 and 11310
(Applications 11331 and 11332)

of the
United States Bureau of Reclamation
for the Cachuma Project, California
as developed by:

United States Bureau of Reclamation
Santa Ynez River Water Conservation District
Cachuma Conservation Release Board
City of Lompoc

5. "(1.1) The volume of dewatered storage in the groundwater basins above the Narrows shall be determined at the end of each calendar month. USBR Exhibit 1, dated December 1, 1988, contains, in Attachment A thereto, a list of indicator wells in 23 storage units comprising these basins which shall be used for the determination and, in Attachment B thereto, a compilation of curves dated December 1, 1988 that relate dewatered storage to water level elevations in the indicator wells.
- "(1.4) Each month, the inflow to Lake Cachuma stored that month during periods when a live stream did not actually exist in the Santa Ynez River shall be computed. All such stored inflow shall be credited monthly and accumulated in an 'above Narrows' account. At the end of each month, the account shall be reduced, if necessary, so that it does not exceed the actual amount of dewatered storage in the 23 storage units at that time. (A 'live stream', as that term is used herein, shall be deemed to exist in the Santa Ynez River whenever there is a visible stream of water flowing on the surface of the River bed at the San Lucas Bridge [river mile 45.7], at the Mission Bridge near Solvang [river mile 38], at U.S. Highway 101 Bridge near Buellton [river mile 34.31], at the Santa Rosa damsite [river mile 25.3], at Robinson Bridge near Lompoc [river mile 12.9] and the flow measured at the USGS gauge entitled 'Santa Ynez River at Narrows near Lompoc' [Narrows Gauge] meets the criteria for a live stream condition as shown on Attachment H to USBR Exhibit 1, dated December 1, 1988, entitled 'Correlation of Flow at Narrows to Live Stream Conditions Between the Narrows and Floradale Avenue'.) In determining the existence or non-existence of a live stream, water released by permittee from the "above Narrows" account pursuant to paragraph (1.5) of section (1) and from the "below Narrows" account pursuant to paragraph (2.5) of section (2) which is in transit above the Narrows, shall not be considered to be surface flow of the Santa Ynez River.

- "(1.10) If it is determined by Santa Ynez that, as a result of the existence of the 10,000 acre foot "operating dewatered storage" provided for in paragraph (1.2) of this section (1), credits have been allocated to the "above Narrows" account based on inflow to Lake Cachuma, which, if released, would have percolated into the basin below the Narrows in the absence of such operating dewatered storage, and this condition has not otherwise been taken into account in allocating credits to the "below-Narrows" account, Santa Ynez may request the release of compensating amounts of "above Narrows" account waters in such a way that it percolates into the "below Narrows" basin. In that event, Santa Ynez shall inform the permittee in advance and the releases shall be deducted from the "above Narrows" account.
- "(2.1A) For each computation month when a live stream did not exist at any time in the Santa Ynez River between San Lucas Bridge and the Narrows, the Cachuma inflow shall be either (i) increased by the amount by which the "above Narrows" account at the end of the previous computation month exceeded the "above Narrows" dewatered storage at the end of the computation month, or (ii) decreased by the amount by which such dewatered storage exceeded the previous month's "above Narrows" account. From the result shall be subtracted the computation month's releases and spills, if any. The result shall be the increment to be added to the measured flow at the Narrows to determine the constructive flow at the Narrows for the computation month. If that increment is negative, it shall be treated as zero.
- "(2.1.B) For each computation month when a live stream existed at any time in the Santa Ynez River between San Lucas Bridge and the Narrows, the Cachuma inflow shall be decreased by the computation month's releases and spills. The result shall be the increment to be added to the measured flow at the Narrows to determine the constructive flow at the Narrows for the computation month.
- "(2.2) A monthly computation shall be made of the amount of impairment of percolation to the Lompoc Basin due to the Cachuma Project. The amount of such percolation during the computation month shall be determined by means of the "Relationship Between Percolation from Santa Ynez River from Narrows through Floradale Avenue and Flow of Santa Ynez River at Narrows" correlation shown in USBR Exhibit 1, Attachment E, dated December 1, 1988, assuming (i) the measured flow at the Narrows and (ii) the constructive flow at the Narrows. The monthly impairment shall be equal to the difference between the two amounts thus determined.

"(2.2.1) For a period of five years, which years shall include a range of surface flow conditions in the Santa Ynez River below the Narrows from high to low, the parties will make additional observations to permit more accurate calculations as to when Curve B, [the lower curve] as depicted on USBR Exhibit 1, Attachment E, dated December 1, 1988 shall be used in lieu of Curve A, [the upper curve] as depicted on said USBR Exhibit 1, Attachment E. During said observation period, Curve A [the upper curve] shall be used at all times. Any party may, after an adequate observation period has ended, seek an amendment of this order to establish the time and circumstances under which Curve B, [the lower curve] shall be used. Upon the effective date of the amendment, the "below narrows" account credits for the five year period immediately preceding the amendment shall be recalculated using Curve B, [the lower curve] whenever appropriate, and adjustments to the "below Narrows" account shall be made. Any reductions in the "below Narrows" account resulting from such adjustments shall be spread equally over the five year period immediately following the effective date of the amendment, or such other period as the parties may agree to at the time.

"(2.3) The amount of percolation impairment shall be credited to the "below Narrows" account. The volume of dewatered storage in the groundwater basin below the Narrows shall be determined at the end of each month. Each month the account shall be reduced, if necessary, so that it does not exceed the actual amount of dewatered storage in the Lompoc Basin at that time. A list of indicator wells showing their "full" elevation in eight storage units in the Lompoc Basin is contained in USBR Exhibit 1, Attachment C, dated December 1, 1988. USBR Exhibit 1, Attachment D, dated December 1, 1988, is a compilation of curves that relate dewatered storage to water level elevations in the indicator wells. Said Attachments C and D shall be used to make the determination required by this paragraph (2.3) of Section (2).

"(2.5) Release of water in the "below Narrows" account shall be requested by Santa Ynez as soon after the credit is computed as is reasonably consistent with the goal of optimizing the percolation of a substantial amount of such water in the Lompoc Basin, and in such requests Santa Ynez shall specify the desired amounts and rates of flow of such releases, subject to the limitation described below. Optimal conditions for such releases include, but are not limited to, periods when a live stream exists at and above the Narrows and releases are being made of "above Narrows" account water. Permittee shall make the reasonably requested releases. The "below Narrows" account shall be reduced by the amount of water so released which reaches the

Narrows, as determined pursuant to subparagraph (2.1.C) of paragraph (2.1) of this section (2). The amount of water so released which does not reach the Narrows shall be deducted from the "above Narrows" account. The "above Narrows" account may have a negative balance as a result of releases of water from the "below Narrows" account. In the event of a spill from Lake Cachuma, any such negative balance shall be adjusted to zero. To the extent a negative balance exists in the "above Narrows" account, all inflow to Lake Cachuma shall be credited to that account. For any month the requests for releases of water in the "below Narrows" account shall not exceed the lesser of (i) the "below Narrows" account at the end of the previous month, or (ii) the algebraic sum of the "below Narrows" account at the end of the previous month plus the "above Narrows" account at the end of the previous month plus 2,000 acre-feet.

"(2.7)

As provided in paragraph (1.8) of section (1) above, in the event of a spill from Lake Cachuma, water in the "above Narrows" account shall be deemed to be the first water spilled to the extent dewatered storage is reduced during the month spill occurs. If spills reaching the Narrows are less than the "below Narrows" account credits, additional spill shall be deemed to be water in the "below Narrows" account to the extent dewatered storage below the Narrows is reduced, prorated according to the relationship that spills reaching the Narrows bear to the measured flows at the Narrows during the month spill occurs. Spills reaching the Narrows shall be determined by deducting the decrease in "above Narrows" dewatered storage from the spills measured at the dam. If the spills reaching the Narrows are greater than the "below Narrows" account credits, additional spill shall be deemed to be water in the "below Narrows" account only to the extent dewatered storage below the Narrows is reduced, prorated according to the relationship that the "below Narrows" account credits bear to the measured flows at the Narrows during the month spill occurs.

6. Until further order of the Board, permittee shall make or cause to be made suitable field investigations, measurements, and studies, and shall install and maintain necessary measuring facilities, to determine the amount, timing and rate of releases of water into the natural channel of the Santa Ynez River below Bradbury Dam that are required of permittee in order to fully comply with the provision of Condition No. 5 in this permit, and to accurately measure all flows at the Narrows. Permittee shall provide the necessary measuring devices and shall submit to the Board with the annual progress reports, or at such other times as the Board may require, a report of such investigations, measurements and studies and the results thereof, including but not limited to the following:

- "(a) A continuous record of Lake Cachuma water surface elevations.
- "(b) A continuous record of precipitation near Bradbury Dam.
- "(c) Daily evaporation, wind movement, precipitation, and temperature near Bradbury Dam.
- "(d) Daily inflow to Lake Cachuma, including underground flows, by proper computations of tunnel diversions, reservoir releases, spills, and change in storage.
- "(e) (Eliminated by Order of September 28, 1961.)
- "(f) (Eliminated by Order of September 28, 1961.)
- "(g) Continuous records of outflow from Lake Cachuma, including flows through river outlets at Bradbury Dam, inflows and outflows through Tecolote Tunnel, and overflows at Bradbury Dam spillway. Instruments suitable for accurate measurement of small outflows shall be installed.
- "(h) Continuing groundwater studies below Bradbury Dam in the Santa Ynez Basin, with monthly observation of representative wells influenced by Santa Ynez River flows at locations shown on USBR Exhibit 1, Attachment G, dated December 1, 1988.
- "(i) (Eliminated)
- "(j) Semiannual water quality analyses of surface and groundwater downstream from Bradbury Dam at locations as shown on USBR Exhibit 1, Attachment G, dated December 1, 1988.
- "(k) (Eliminated)
- "(l) (Not used)
- "(m) On September 21, 1989, the Board adopted an order modifying Condition 6(m) to read as follows:

Permittee and the Department of Fish and Game (DFG) shall develop and undertake a study plan and annual monitoring program to determine the extent and condition of the riparian vegetation in and along the margins of the Santa Ynez River below Bradbury Dam. Timing, methodology, and specific criteria to measure impacts to riparian vegetation will be part of the plan and program. A plan agreed to by the permittee and DFG shall be submitted to the Chief Division of Water Rights within one year of adoption of this order. This program shall be in place for five years at

which time the permittee and DFG shall report to the Board the feasibility of continuing such a program. An annual written report shall be prepared by permittee and DFG and submitted to the Board. The Board retains jurisdiction to adopt appropriate mitigation measures, in the event adverse impacts are caused to the riparian vegetation by release schedules or procedures contained within this order.

"(n) (Eliminated)

"(o) A record on monthly quantities of dewatered storage downstream from Bradbury Dam and of monthly quantities shown in the "above Narrows" and the "below Narrows" accounts, as described in Condition No. 5 of this permit.

"(p) A record of all daily flows passing the Narrows as provided by the United States Geological Survey.

"Permittee shall make its records of such investigations and measurements available for inspection by the Board and shall allow authorized representatives of the Board, Santa Barbara County Water Agency and member units, the Santa Ynez River Water Conservation District, City of Lompoc, and United States military installation at Vandenberg Air Force Base, reasonable access to its project works and properties for the purpose of gathering information and data.

7. The Board, either upon the request of any party or on its own motion may, and shall, prior to the expiration of a 5-year observation period ending December 31, 1994 hear, review, and make such further and different orders as may be specifically provided for in this order or as may be required concerning proper and adequate releases of water for downstream use, and recharge of groundwater, and concerning the investigations, measurements and studies to be conducted by permittee, until a final determination and order can be made concerning the amounts, timing and rates of releases of water past Bradbury Dam in satisfaction of downstream rights, and the Board retains continuing jurisdiction for such purposes during said 5-year observation period, or for such further time prior to issuance of license as the Board may determine upon notice and hearing to be reasonably necessary for the aforesaid purposes.

All other sections, paragraphs or subparagraphs of the existing order, as previously amended, not specifically amended by this agreement are intended to and shall remain in full force and effect.