

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Declaration
of Fully Appropriated Stream
Systems in California.

ORDER: WR 91-07

SOURCES: Various Stream
Systems, Statewide

COUNTIES: All Counties
except Imperial,
San Benito, and
San Francisco

ORDER REVISING DECLARATION OF
FULLY APPROPRIATED STREAM SYSTEMS

BY THE BOARD:

1.0 INTRODUCTION

1.1 Prior Proceedings. Acting pursuant to Water Code Sections 1205 through 1207, the State Water Resources Control Board (Board) on November 16, 1989, adopted Order WR 89-25, entitled "Order Adopting Declaration of Fully Appropriated Stream Systems and Specifying Conditions for Acceptance of Applications and Registrations". That Order declared various stream systems, statewide, fully appropriated either year-round or during specified months, based upon previous water right decisions which determined that no water remains available for appropriation.¹

¹ A petition to reconsider Order WR 89-25 was filed. On February 15, 1990, the Board adopted Order WR 90-2, which made some modifications in the original order and affirmed Order WR 89-25 as modified. The modifications concerned (1) the status of the San Gregorio Creek Stream System in San Mateo County; (2) the meaning to be given to the term "stream system", for the purposes of the Declaration; and (3) specification of certain categories of pending applications which were not to be considered for cancellation.

1.3 Consequences of Declaration. In our previous Orders declaring certain stream systems to be fully appropriated, we noted that the statutory consequences of such determinations are as follows.

1.3.1 First, the Board is precluded from accepting any application to appropriate water from a specified stream system, except where the proposed appropriation is consistent with conditions contained in the Declaration.

1.3.2 Second, initiation of a water right pursuant to the Water Rights Permitting Reform Act of 1988 (Water Code Section 1228 et seq.)--that is, by registering small use domestic appropriations--is precluded, except where the proposed appropriation is consistent with conditions contained in the Declaration.

1.3.3 Third, pursuant to Water Code Section 1206(a) the Board is authorized, but not required, to cancel pending applications where inconsistent with conditions contained in the Declaration; our previous Orders implement a procedure for disposition of such applications pending on the effective date of the declaration.

should continue to be organized by counties and, whenever a critical reach of a stream system lies within more than one county, it should be identified within each county in which it lies.

2.2 Finding with Regard to the Hearing Notice Attachment.

Except as found in succeeding paragraphs, the Board finds that the stream systems identified in the Hearing Notice Attachment are fully appropriated during the seasons specified therein. Reference is made to Exhibit A to this Order, entitled "Declaration of Fully Appropriated Stream Systems", and by this reference Exhibit A is incorporated into this Order as though fully set forth herein. Exhibit A consists of the stream systems identified in the hearing notice, except that Exhibit A incorporates findings (including findings related to seasons of unavailability of water for appropriation from critical reaches of specific stream systems) as set forth in Section 3.0, below.

2.3 Finding with Regard to Previous Orders. Except as specifically revoked or revised by this Order, the findings and orders contained in Order WR 89-25 and Order WR 90-2 should be confirmed.

2.4 Compilation and Maintenance of the Declaration. The Chief, Division of Water Rights, should compile and

4. Water Code Sections 1357, 1358, and 1359, relating to reconsideration and amendment of decisions and orders, shall apply to the instant Order.

CERTIFICATION

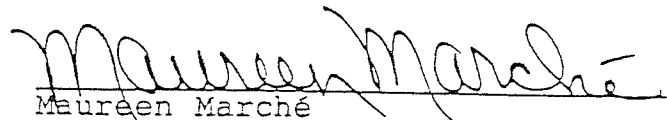
The undersigned, Administrative Assistant to the State Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 22, 1991.

AYE: W. Don Maughan
 Edwin H. Finster
 Eliseo M. Samaniego
 John Caffrey

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant
to the Board

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

REVISIONS TO EXHIBIT A

WATER RIGHT ORDER 89-25

DECLARATION OF FULLY APPROPRIATED STREAM SYSTEMS

AUGUST 22, 1991

Notes:

- (1) This order should be consulted for other conditions under which applications to appropriate water from the listed systems may be accepted for filing.
- (2) Applicable statutes and regulations provide for revision of a declaration that a stream system is fully appropriated. The State Water Resources Control Board, Division of Water Rights, should be contacted to obtain the version of this Declaration which is currently in effect.

DECLARATION OF FULLY REGULATED STREAMS

August 22, 1991

County	Decision No.	Stream	Tributary	Season Begin-End	Critical Reach
Kern	0959	North Fork Kern River	Kern River	01/01-12/31 (3)	the segment of the main stem from the Tulare-Kern County line to its headwaters in Sequoia National Park
Kern	0479	Unnamed Spring (NE 1/4, Sec 25, T9N, R21W, S88&M)	Cucky Creek thence Buena Vista Lake	01/01-12/31	at the spring source
Kern	0959	Poso Creek	Tulare Lake Basin	06/15-10/31	the termination of Poso Creek located within T26S, R24E, M08&M near McFarland and upstream. Poso Creek goes intermittent just below the confluence of Poso Creek and Little Poso Creek located within T27S, R30E, M08&M at Pine Mountain
Kern	1196	Kern River System	Buena Vista Sink	01/01-12/31	from the Buena Vista Sink upstream (1)
Kern	1594	Sacramento-San Joaquin Delta	Delta above Collinsville	06/15-08/31 (a)	from the Delta upstream (1)

(a) For diversions less than one cfs or less than 100 aia of storage, no diversion is allowed from June 16 through August 31.