

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permits Issued on Application 26596
and Application 26597

CALIFORNIA DEPARTMENT OF WATER RESOURCES

Permittee

Order: WR 81-4

Sources: Castaic and Piru
Creeks

County: Los Angeles

FINDINGS AND ORDER VALIDATING THE ISSUANCE
OF TEMPORARY PERMITS

BY BOARD VICE-CHAIRMAN MITCHELL:

The California Department of Water Resources having filed Applications 26596 and 26597 on October 29, 1980 for temporary urgency permits to divert and use unappropriated water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; notice of the applications having been published in the Newhall Signal and Saugus Enterprise; protests filed by the California Department of Fish and Game against both applications and by the Newhall Land and Farming Company against Application 26596 having been either withdrawn or resolved; Board Vice-Chairman Mitchell having concluded from available information that the applicant was entitled to temporary permits to divert and use water, subject to review and validation by the Board as provided by Water Code Section 1425; the Board finds as follows:

Substance of the Applications

1. Application 26596 requests a temporary permit to divert and use 35,000 acre-feet by onstream storage in existing Castaic Reservoir, to be collected from Castaic Creek between December 1, 1980 and June 1, 1981. The water is to be used for irrigation, domestic, municipal, industrial, recreational, fish and wildlife enhancement, and salinity control purposes. The point of diversion is located within the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 18, T5N, R16W, SBB&M.

2. Application 26597 requests a temporary permit to divert and use 55,000 acre-feet by onstream storage in existing Pyramid Lake and by

offstream storage in existing Castaic Reservoir, to be collected from Piru Creek between December 1, 1980, and June 1, 1981. The water is to be used for irrigation, domestic, municipal, industrial, recreational, fish and wild-life enhancement, salinity control, and incidental power purposes. The point of diversion is located within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 2, T6N, R18W, SBB&M.

Permittee's Project

3. As operator of the State Water Project, permittee is authorized to convey water from Northern California through the California Aqueduct and store such water in Pyramid Lake and Castaic Reservoir for later use in Southern California. Permittee's existing rights to store water in Pyramid Lake and Castaic Reservoir extend only to water imported as part of the State Water Project. Except for short term storage of flood flows, permittee must release all natural inflow.

4. Permittee entered into an agreement dated November 1, 1966 with the Newhall Land and Farming Company and on October 24, 1978 entered into an agreement with the County of Los Angeles, the Newhall Land and Farming Company, Newhall County Water District, and United Water Conservation District for storage and release of local flood waters originating in the watershed above Castaic Dam. The 1978 agreement controls and provides that when the natural inflow to Castaic Reservoir exceeds 100 cubic feet per second (cfs), the total flow of Castaic Creek can be retained behind Castaic Dam if storage capability exists. It was agreed that the first 100 cfs of flow that would have passed the location of Castaic Dam had the dam not been built would have entirely percolated into the alluvial materials in the stream channels prior to reaching the ocean. Any water stored under the agreement will be released downstream at the time and in the quantities requested by each of the other parties. On May 1 of each year, all water

stored under the agreement that has not been released will become the property of the permittee to be used as part of the State Water Project. Any flood flows stored after May 1 will be released to the downstream users only if requested within 30 days.

5. On May 3, 1979, permittee filed regular Application 25988 for onstream storage of 100,000 acre-feet per year in Pyramid Lake to be collected from Piru Creek between October 1 of each year and September 30 of the succeeding year. On August 2, 1979, permittee filed regular Application 26058 for onstream storage of 150,000 acre-feet per year in Castaic Reservoir to be collected from Castaic Creek between October 1 of each year and September 30 of the succeeding year. These applications were amended to reduce the amount of water applied for to 55,000 acre-feet per year in Pyramid Reservoir and 85,000 acre-feet per year in Castaic Reservoir. Notices have been issued, protests have been received and a Board hearing has been set for April 15, 1981. It was apparent in October 1980 that these regular applications could not be acted on in time to permit storage this runoff season. Therefore, the permittee filed the applications for the subject temporary permits under the provisions of Water Code Section 1425(b) to allow storage this runoff season.

The Newhall Land and Farming Company protested Application 26596. However, storage of water under the temporary permit will be controlled by the aforementioned agreement so as to protect the rights of the company.

Permittee has a Need to Divert and Use Water Under Unforeseen Emergency Conditions

6. United Water Conservation District currently diverts water from the Santa Clara River, to which Castaic Creek is tributary, by means of an earth berm facility (Vern Freeman Diversion) located near Saticoy in Ventura County. Water diverted at that facility is percolated into the

forebay (aka Montalvo Basin) of the Oxnard Plain Groundwater Basin. Due to overextraction, seawater intrusion threatens irreparable injury to the quality of the groundwater in the Oxnard Basin. The Board is currently conducting studies and coordinating action with local agencies to prevent further intrusion.

7. More water could be available to United Water Conservation District for subsurface percolation if any flood waters were stored under the agreement with the permittee and released at a later time when the diversion facilities are operative. This management of the flow in Castaic Creek would increase percolation into the Oxnard Plain Groundwater Basin, thus tending to improve the groundwater quality. Since the Board considers the groundwater quality conditions in the Oxnard Plain to be in a threatened state, any lost opportunity to provide water for percolation into this basin contributes to a possible emergency. The basin has capacity to accept water released by the permittee later in the season.

8. State Water Project water normally reaching Pyramid Lake and Castaic Reservoir must be pumped several thousand feet vertically while being conveyed from the Sacramento-San Joaquin Delta. Considerable energy is used by the permittee for this purpose. Any water stored under the subject temporary permits that becomes the property of the permittee after May 1 will take the place of water conveyed from Northern California. This opportunity to thus conserve pumping energy is seldom expected in the normal course of events and cannot be predicted and constitutes an unforeseen emergency condition, within the meaning of Water Code Section 1425(d).

Records from the United States Geological Survey stream gages on the Santa Clara River indicate that the runoff fluctuates widely and is dependent on the intensity of storms. During heavy storms, the runoff is large and water in excess of prior rights is available for appropriation.

9. The intended use of water is beneficial.

Effect of the Diversions on Any Lawful User of Water and the Rights of Downstream Users

10. High flood runoff stored under these temporary permits could not be diverted beneficially by an other downstream user.

11. The major downstream users are parties to the previously referenced agreement with the permittee. During low flow conditions, releases from Castaic Reservoir can be requested as needed by those parties. Therefore, no downstream user should be adversely affected.

Effect of the Proposed Diversion and Fish, Wildlife, and Other Instream Beneficial Uses

12. The California Department of Fish and Game protested these applications but subsequently withdrew its protest unconditionally.

13. Review of the Initial Study and Negative Declaration submitted by the permittee for regular Application 26058 on Castaic Creek indicates that those documents may be inadequate, because there may be long term significant effects on instream beneficial uses downstream of Castaic Dam as a result of storage of natural flow. However, in the current instance we find that there will be no significant effects because of the temporary nature of the diversion.

Findings Concerning the California Environmental Quality Act

14. This Board order authorizes diversion to storage, in existing facilities, of large flood flows in the Santa Clara River watershed for a period of no more than 3 months. Such activity constitutes only a minor alteration in the condition of land, water and vegetation; and is thereby exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) in accordance with Section 15104, Chapter 3, Title 14, California Administrative Code.

Action by Vice-Chairman Mitchell

15. Staff explained the foregoing to Vice-Chairman Mitchell and recommended that the two temporary permits be issued with a diversion season extending from March 2 to June 1, 1981. Vice-Chairman Mitchell concurred and on March 4, 1981 authorized issuance of the temporary permits. On March 5, 1981, Temporary Permits 18190 and 18191 were issued.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Issuance of Temporary Permits 18190 and 18191 is hereby validated.
2. Pursuant to Section 2713(c), Title 2, California Administrative Code, the Chief, Division of Water Rights, shall file a Notice of Exemption with the Secretary for the Resources Agency for each application.

Date: March 19, 1981

WE CONCUR:

/s/ L.L. MITCHELL
L. L. Mitchell, Vice-Chairman

/s/ CARLA M. BARD
Carla M. Bard, Chairwoman

/s/ JILL B. DUNLAP
Jill B. Dunlap, Member

/s/ F. K. ALJIBURY
F. K. Aljibury, Member