

re D-1558
(amended)
q see WR80-18

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 24758)	
ARTHUR ANDREOTTI,)	ORDER: WR 82-10
) Applicant,)	SOURCE: Unnamed Stream
))	and Indian Creek
UNITED STATES BUREAU OF RECLAMATION,)	
ORLAND WATER USERS ASSOCIATION, AND)	COUNTY: Colusa
WILLIAM H. AND HENRY H. DEANE,)	
) Protestants)	

ORDER AMENDING DECISION 1558 AS AMENDED
BY BOARD ORDER WR 80-18

BY THE BOARD:

1. The U. S. Bureau of Reclamation, by Petition for Writ of Mandate dated November 14, 1980, petitioned the Superior Court, Colusa County, to direct the State Water Resources Control Board to amend Water Right Decision 1558. Pursuant to stipulation of the Bureau and the State Attorney General, representing the Board, the Court on January 14, 1982, remanded the matter to the Board for reconsideration of Condition No. 7 of Decision 1558, as amended by Order WR 80-18.

2. On November 14, 1980, the U. S. Bureau of Reclamation also filed in the United States District Court for the Eastern District of California a Complaint for Declaratory Relief, requesting that that Court declare certain portions of Decision 1558 void. By stipulation of the Bureau and the State Attorney General, representing the Board, the United States District Court dismissed this latter action on January 22, 1982. Such dismissal is without

prejudice to the right of the Bureau to renew the action as to the matters set forth in the above-mentioned stipulated judgment of the Superior Court, Colusa County.

3. Reconsideration of Condition No. 7 of Decision 1558, as amended by Order WR 80-18, is limited pursuant to order of the Superior Court, Colusa County, to the following aspects of Condition No. 7:

(a) Clarification of the type of releases made by petitioners from East Park Dam and Reservoir and Stony Gorge Dam and Reservoir to satisfy downstream direct diversion rights for which the permittee, under Decision 1558, as amended, must provide compensating releases from his upstream diversion and storage facility.

(b) Clarification of the relevant time period prior to April 30 wherein releases made by petitioner to satisfy downstream direct diversion rights would require compensating releases by the permittee under Decision 1558, as amended.

(c) Clarification as to whether the permittee's obligation under Decision 1558, as amended, to release water through his diversion and storage facility to satisfy petitioner's prior rights at Stony Gorge and East Park Reservoirs extends to releases by the permittee sufficient to satisfy the full amount of water petitioner is entitled to store under its prior rights without regard to the amount of carry-over storage petitioner may release from said reservoirs during the water year.

4. The staff of the Board, the United States, and Arthur Andreotti, the Applicant and real party in interest, have agreed on language to amend Condition No. 7 of Decision 1558, as follows:

"During any water year (October 1 of each year) when runoff, including water from the East Park Feeder Canal, entering East Park and Stony Gorge Reservoirs is insufficient to provide net collection to storage of the lesser amounts of either 51,000 acre-feet in East Park Reservoir and 50,200 acre-feet in Stony Gorge Reservoir, or water sufficient to fill those reservoirs to those storage levels by April 30, the permittee shall release water collected during the current storage season to flow downstream to East Park and Stony Gorge Reservoirs to satisfy such amounts. Net collection to storage in East Park Reservoir and Stony Gorge Reservoir shall include water sufficient to replace any water released from carry-over storage at those reservoirs. The permittee shall release said water at as high a rate as possible not to exceed the capacity of the stream channel. Also, between March 15 and October 15 of each year when inflow is being bypassed at East Park and Stony Gorge Reservoirs to fulfill downstream direct diversion rights, permittee shall bypass inflow to his reservoir. Nothing in this term shall require release of water legally collected during previous water years."

5. The United States and Arthur Andreotti have agreed not to seek administrative reconsideration or judicial review of the proposed amendment quoted in paragraph 4 above if the State Water Resources Control Board adopts said amendment as set forth.

ORDER

IT IS HEREBY ORDERED that Condition 7 of Decision 1558, as amended by Order WR 80-18, is modified to read as follows:

"During any water year (October 1 of each year) when runoff, including water from the East Park Feeder Canal, entering East Park and Stony Gorge Reservoirs is insufficient to provide net collection to storage of the lesser amounts of either 51,000 acre-feet in East Park Reservoir and 50,200 acre-feet in Stony Gorge Reservoir, or water sufficient to fill those reservoirs to those storage levels by April 30, the permittee shall release water collected during the current storage season to flow downstream to East Park and Stony Gorge Reservoirs to satisfy such amounts. Net collection to storage in East Park Reservoir and Stony Gorge Reservoir shall include water sufficient to replace any water released from carry-over storage at those reservoirs. The permittee shall release said water at as high a rate as possible not to exceed the capacity of the stream channel. Also, between March 15 and October 15 of each year when inflow is being bypassed at East Park and Stony Gorge Reservoirs to fulfill downstream

direct diversion rights, permittee shall bypass inflow to his reservoir. Nothing in this term shall require release of water legally collected during previous water years."


Dated: September 16, 1982



Carole A. Onorato, Chairwoman



L. L. Mitchell, Vice Chairman



Jill D. Golis, Member

Absent

F. K. Aljibury, Member



Warren D. Noteware, Member

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