

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 8511,)
11356, 11357 and 15000 Issued)
on Applications 11587, 12178,) Order: WR 83-11
12179 and 21471,)
UNITED STATES BUREAU OF) Source: Santa Margarita River
RECLAMATION,) County: San Diego
Permittee)

ORDER GRANTING EXTENSIONS OF TIME

BY CHAIRWOMAN ONORATO, AND MEMBERS ALJIBURY AND WILLIS:

The United States Bureau of Reclamation having filed petitions for extensions of time on Permits 8511, 11356, 11357 and 15000; a public hearing having been held before the State Water Resources Control Board on May 23, 1983 pursuant to Title 23, California Administrative Code, Section 779(a); permittee and interested parties having appeared at the hearing; testimony having been received; the evidence having been duly considered; the Board finds as follows:

Substance of the Permits

1. Basic data for each of the four permits is contained in Table 1.
2. All four permits are for diversion from the Santa Margarita River, tributary to the Pacific Ocean in San Diego County.

T A B L E 1

Partial Substance of the Permits

| | | | | |
|-------------------------|-------------------------------------|-------------------------------------|-------------------------------------|---|
| Permit: | 8511 | 11356 | 11357 | 15000 |
| Application: | 11587 | 12178 | 12179 | 21471 |
| Date Filed: | 10/11/46 | 11/28/47 | 11/28/47 | 9/23/65 |
| Quantity: | 10,000 afa* | 10,000 afa* | 10,000 afa* | 165,000 afa* |
| Season: | 1/1 to 12/31 | 11/1 to 6/1 | 11/1 to 6/1 | 1/1 to 12/31 |
| Purposes: | Domestic Municipal Irrigation | Domestic Municipal Irrigation | Domestic Municipal Irrigation | Domestic Municipal Irrigation Military |
| Previous Extensions: | Eight | Four | Four | One |

* afa = acre-feet per annum

3. The point of diversion for Permits 8511, 11356, and 11357 is the proposed Fallbrook Dam within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T9S, R4W, SBB&M; the place of use is 8192 acres within the Fallbrook Public Utility District.

4. The point of diversion for Permit 15000 is the proposed DeLuz Dam within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T9S, R4W, SBB&M; the place of use is Camp Pendleton, California, including 5,600 acres to be irrigated.

Requested Extensions of Time

5. Petitions for extensions of time to complete construction and to put water to beneficial use for all four permits were filed on September 21, 1982. Permittee requested eight years, to December 31, 1990 to complete construction and an additional six years, to December 31, 1996 to place water to the proposed uses. (Reporter's Transcript pp. 57-60 & 232; hereafter "RT".)

6. The purpose of the hearing and of this order is not to redetermine if water is available in the Santa Margarita River for the proposed project; that determination was made when the permits were originally issued. This order will address diligence, public interest, and public trust issues relevant to whether extensions of time on the permits should be granted.

Permittee's Project

7. The proposed two-reservoir project is substantially the same consolidated project for which the Board authorized assignment of the subject permits to permittee United States Bureau of Reclamation (Bureau) from the Fallbrook Public Utility District and the United States Department of the Navy in Order WR 73-50, adopted on December 6, 1973. By Order WR 76-5, adopted on March 18, 1976, the Board granted the Bureau the most recent extensions of time.

8. The Bureau completed a Feasibility Report for the consolidated project, known as the Santa Margarita Project, in October, 1970. An Addendum was prepared in October 1974, and revised in October 1975. The Final Environmental Impact Statement for the project was filed on June 11, 1976. Both of these documents are currently being updated with completion scheduled for July, 1984 (RT 34).

9. A single-dam project, at the location of the proposed De Luz Dam (Permit 15000), was authorized by Congress in the Act of July 28, 1954 (68 Stat. 575). Federal legislation for authorization of the two reservoir consolidated project has been introduced in Congress several times since 1972; none of the bills were enacted. New authorization bills are currently before both houses of Congress. (See "Federal Authorization", below.)

Diligence in Pursuing the Project

10. Lacking Congressional authorization for the proposed project, the Bureau has been able to proceed only upon specific budgeted appropriations. There were no such appropriations between 1977 and 1982 (RT 53). Upon completion of the current updating of the Feasibility Report and Environmental Impact Statement, the Bureau will have expended almost \$1.3 million toward the planning effort for the project (RT 231).

11. Although a period of inactivity existed for most new federal water projects, including the Santa Margarita Project, the Bureau is now pursuing planning and environmental studies to redetermine the physical and economic aspects of the project. The results of such studies will not be finalized for at least one year. If at that time Congress, the federal Administration, and the proposed recipients of the project water are convinced that the project is justified, certainly the capability exists to complete the project diligently with federal funds.

12. We find that the permittee is diligently pursuing the project. The requested extensions of time will, therefore, be granted. However, since the final details, impacts, and mitigations for the proposed project have not yet been determined, we will condition the extensions of time by the requirements discussed below.

Federal Authorization

13. H. R. 1581 was introduced in the House of Representatives on February 22, 1983 and S.805 was introduced in the Senate on March 14, 1983. Both bills would authorize the Secretary of the Interior:

"To construct, operate, and maintain the Santa Margarita Project, California, in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and in accordance with the plan set out in the report of the Secretary on the project, including any changes that may be required by studies in progress."

14. The requested eight year time extension to complete construction of the project (to December 31, 1990) is based on a three year period to secure Congressional authorization, obtain funding, complete studies, and prepare plans, plus a five year construction period (RT 34 & 35). If Congressional authorization and initial funding for the project is not obtained by the beginning of the construction period, the remaining schedule would most likely not be met. Therefore, we will add a condition to the permits to require that the permittee petition the Board for a further time extension if Congressional approval and initial funding for the project is not obtained by December 31, 1985.

15. Board Order WR 76-5 states in part:

"This order and any further orders issued by the Board concerning these permits and their terms and conditions shall be included in the documentation submitted to Congress when authorization for the project is sought."

In 1979, this policy was incorporated in a general agreement titled "Memorandum of Understanding Regarding Procedures for Coordination of Water Rights, Environmental Impact Statement Review and Federal Project Authorization Between the State Water Resources Control Board, the State Department of Water Resources and the United States Bureau of Reclamation." Term 13 of that memorandum states:

"Secretary [of the Interior] includes State Board decision with project proposal submitted to Congress."

16. It appears that Board Order WR 76-5 has not been submitted to Congress with the recent authorization bills. Studies which are now in progress may require changes in the project proposal when the updates of the Feasibility Report and Environmental Impact Statement are completed. The clear intent of Order WR 76-5, and of the 1979 Memorandum of Understanding, is that the Board's water rights decision regarding a project be before Congress for its consideration when it authorizes the project. The objective, in the words of the 1979 Memorandum of Understanding, is "to eliminate conflicts between the plan of the authorized project and terms and conditions of California water rights entitlements early in the planning process".

17. The Board intends to do everything possible to implement the policy of the 1979 Memorandum of Understanding and the above-quoted requirement of Order 76-5. Therefore, the instant order will be sent to the authors of the two authorization bills presently before Congress, to the legislative committees in which the bills will be heard, to the Senate and House of Representatives of the United States, and to the Secretary of the Interior with a request that he submit this order to Congress immediately.

18. If the Santa Margarita Project is authorized by Congress, and if the Secretary of the Interior subsequently determines that the project is not economically justified or environmentally acceptable, the Board will consider revocation of the permits, after notice and opportunity for hearing.

Need for Water

19. Fallbrook Public Utility District is totally dependent on imported water from the Colorado River and the State Water Project. Fallbrook uses between 10,000 and 15,000 acre-feet of water per year, depending on climatic conditions. Approximately 70 percent of the water is used for agricultural purposes, the remainder for municipal and domestic purposes. Fallbrook's share of the safe yield from the Santa Margarita Project is 4,500 acre-feet per year, about 30 to 45 percent of existing demand. (RT 117 & 118.)

20. Fallbrook is currently taking more than its allotted share of imported water from the San Diego County Water Authority. The latter agency is taking more than its allotted share of imported water from the Metropolitan Water District of Southern California. Fallbrook contends that this, coupled with the impending reductions in supply of Colorado River water after 1985, the apparent shortfall in State Water Project capabilities, the potential decrease in supplies of water through the Los Angeles Aqueduct thus transferring that demand to other sources, and increased development within its own boundaries, will cause an acute need for local sources of water (RT 105).

21. Fallbrook has adopted a commendable water conservation program. All water connections are metered. A special field meter test and calibration vehicle has been constructed, and an annual valve maintenance program is carried out during the winter months. A flat-rate pricing structure has been instituted. A standby service is available to lock the water meter at out-of-service agricultural connections to prevent inadvertent waste of water. Excessive water pressures are being reduced. Fallbrook is working closely with the Mission Resource Conservation District to publish evaporation data and to provide advice on proper application of water for agriculture. School and community information programs covering both domestic and agricultural conservation are conducted. Modern low-volume systems are used almost exclusively for irrigation of avocado groves, which comprise approximately 85 percent of the agricultural activity served by

Fallbrook. Conservation kits including faucet aerators, shower flow restrictors, toilet bowl dye markers, and toilet dams have been distributed. Water bills will be revised to provide individual customers with comparative use data, and a capability of computerizing a detailed program of monitoring specific customers will be available in the future. (RT 107-114.)

22. Camp Pendleton, which is a major Marine amphibious training and Pacific staging facility, is currently using about 9,000 to 10,000 acre-feet of water per year, up to approximately 25 percent of which is used for agricultural irrigation on land leased to private parties. All of the water is extracted from the alluvial deposits of four coastal streams flowing through the camp. Of these, the Santa Margarita River is the principal source.

23. The natural storage capacity of the underground aquifers on Camp Pendleton is approximately 20,000 acre-feet. The safe yield of the aquifers is about 6,000 acre-feet per year, with over 2,000 additional acre-feet per year available through reclamation. (RT 79 & 81.) Camp Pendleton holds licensed Application 21471A for underground storage of 4,000 acre-feet per year from the Santa Margarita River.

24. Camp Pendleton has a population of between 47,000 and 48,000 people (RT 93). Over 65,000 marines are trained annually at the camp (RT 75). The camp's underground water supply is estimated to be sufficient for a permanent population of 51,000 people without endangering the supply (RT 93). This amounts to about 150 gallons per day per person. The camp considers the 51,000 population figure to be the long term balance point with

respect to its underground water sources. By eliminating agricultural irrigation and imposing strict conservation measures to reduce per capita use on the camp to 100 gallons per day, approximately 76,000 people can be served. (RT 101.)

However, the national defense mission of the camp dictates the capability for a population surge to 90,000 people during emergencies (RT 93).

25. Camp Pendleton is expected to reach a permanent population of 51,000 people by 1986. The Water Management Program for the camp already includes extensive reclamation activities and maintenance of a freshwater barrier to prevent sea water intrusion (USBR Exhibit 4). Other water conservation measures undertaken at the camp include policing against over watering of lawns, increased interval for washing military vehicles, pipe leak detection and monitoring program, an awareness program, low flow shower heads, and conversion to drip irrigation on the leased agricultural land (RT 98-100). The water management program at Camp Pendleton is recognized as being a premier example of water conservation in San Diego County. Accordingly, it is unlikely that substantial quantities of water could be developed by further conservation and reclamation efforts. Therefore, Camp Pendleton may be forced to exercise its rights to purchase imported water from the San Diego County Water Authority under a 15,000 acre-feet per year allotment (RT 90). Any water Camp Pendleton uses under this allotment would reduce the quantity of imported water otherwise available to other entities in San Diego County.

26. Camp Pendleton's share of the safe yield from the Santa Margarita Project is about 7,000 acre-feet per year. The camp will continue to use its underground sources of water and reclamation facilities. Therefore, except in national defense emergencies, the yield from its share of the project (De Luz Reservoir) will generally be in excess of the camp's needs. Such excess will be sold for use by water purveyors in San Diego County with Fallbrook Public Utility District having the first right of refusal. (RT 101 & 102.) This would further reduce the amount of imported water that Fallbrook would otherwise require.

27. Both Fallbrook and Camp Pendleton, the latter with respect to any water that may be needed from its 15,000 acre-feet per year allotment of imported water, are apprehensive over interruptions in delivery of imported water due to accidents, failures, or natural disasters along the aqueducts conveying water to San Diego County (RT 91). Camp Pendleton has both surface and underground storage capabilities. Fallbrook will have on the order of a three-week supply when Red Mountain Dam is enlarged (RT 217). No groundwater basin is available to Fallbrook. Certainly, short term interruptions of imported water can be dealt with. Long term interruptions, however, may cause shortages within large areas of Southern California. In such situations, the quantity of water in surface storage and available from replenishable groundwater basins may govern the degree of hardship encountered.

28. Although the proposed project may develop water in DeLuz Reservoir that may at times be excess to the needs of Camp Pendleton, the beneficial use of such water by Fallbrook Public Utility District, or other local water districts, in place of imported water that could then be used in other areas of San Diego County leads us to conclude that all of the water from the project will be placed to beneficial use. However, in order that water be used in the most efficient manner after the project is constructed, we will require the permittee (Bureau) to develop and implement a water conservation program for the place of use, or any additions thereto, under the subject permits. The Fallbrook Public Utility District plan (USBR Exhibit 6) should provide the minimum actions to be included in the permittee's program for the place of use outside of Camp Pendleton. Camp Pendleton's current water management plan should be included in the conservation program for the place of use within the military reservation. The Bureau shall submit the program to the Board for review and approval. In accordance with the Board's current procedure, the program will be reviewed by the Department of Water Resources against established, statewide guidelines. The Department will then transmit its recommendations to the Board.

Protection of Recreational and Ecological Values

29. The Board may issue a time extension only upon such conditions as the Board determines to be in the public interest (23 Cal. Admin., Code, Section 779). In determining the public

interest the Board must consider the impact of the appropriation on recreational and other ecological values (Water Code Section 1243, 1243.5 and 1257). In addition, the public trust doctrine, as recently defined in National Audubon Society v. Superior Court of Alpine County (33 Cal.3d 419, 189 Cal. Rptr. 346, 658 P.2d 209), requires the Board to consider public trust values when reviewing water diversions. (33 Cal, 3d at 426.) These values include recreational and ecological values and their consideration extends to navigable waters harmed by diversions from non-navigable tributaries (33 Cal.3d at 435 and 437). However, the reasonable use requirement of Article 10, Section 2 of the California Constitution sets state water policy (33 Cal.3d at 443). All uses of water, including public trust uses, must conform to the constitutional standard of reasonable use. (Id.)

30. The evidence does not support a finding that the Santa Margarita River is in fact navigable. (The record does contain evidence which militates against such a determination. Permittee's Final Environmental Impact Statement (1976) finds that there is no anadromous fishery in the river. That Statement also notes that flow in the river is intermittent in its lower reaches, a determination that is supported by stream

flow data of record.) Therefore, the Board will not apply the public trust doctrine to project effects which are limited solely to the Santa Margarita River*.

However, we officially note that the Pacific Ocean -- to which the Santa Margarita River is directly tributary -- is a navigable water. According to the court in Audubon, the public trust protects navigable waters from harm caused by diversion from nonnavigable tributaries. Therefore, the Board will consider the impact of the permitted diversions upon public trust uses -- recreational and ecological -- of the beaches of the Pacific Ocean, also taking into account the Audubon requirement that such uses must themselves conform to the overriding Constitutional standard of reasonableness. (Cal. Const., Art. X, Sec.2.) Considerable concern has been expressed about the potential effect of the project on the replenishment of sand upon these beaches.

*The Board must, however, consider all effects, including recreational and ecological effects, of the project on the river and its tributaries pursuant to the Board's public interest responsibility and to the Board's duty to prevent waste, unreasonable use, and unreasonable method of diversion of water (23 Cal. Admin. Code., Section 779; Water Code Section 275.).

Beach Sand Replenishment

31. The impact of the Santa Margarita River on replenishment of sand along the coastal beaches is uncertain. Testimony received varied from indicating no contribution whatever to, at most, periodic contribution. It seems clear, however, that only larger size sediment particles will remain on the beaches under wave action in the area. Therefore, if river contributions of sand do occur, particles smaller than about 0.15 millimeter in diameter do not appear to be important in beach maintenance (RT 125). Because of the larger particle size, migration of beach replenishable sand within a stream system is mostly by bedload movement rather than the more easily determined suspended sediment. Quantification of bedload movement is currently lacking. (RT 126.)

32. Rising sea levels over the past several thousand years have resulted in very flat stream slopes near the ocean. Consequently, if movement of bedload sediments across coastal flood plains to the ocean occurs at all, it would take place only during very high stream flow episodes. The frequency of such runoff may vary from between one year in ten to twenty years to one year in one-hundred to two-hundred years. As an indication of what may take place, a study of annual suspended sediment supply by Browlie, Fall and Taylor for the 45 year period between 1931 and 1975, indicated that 41 percent of the total suspended sediment for the period from the Santa Margarita River was delivered to the flood plain in water years 1937 and 1938 and 29 percent in 1969 (RT 126). Thus, 70 percent of the

suspended load was delivered to the flood plain in less than seven percent of the years. The study did not quantify the amount of suspended sediment that may have been carried across the coastal flood plain to the ocean. Since most of the beach size particles are carried by bedload movement, it is reasonable to assume that beach sand was delivered to the coastal flood plain, at most, only during the three years that major flooding occurred. (RT 125-127.)

33. Because of the virtually level gradient across the coastal flood plain of the Santa Margarita River, theoretical equations indicate zero quantity of bedload movement, hence no replenishment to the ocean of beach size particles (RT 153, 154). Charts, developed from published soil survey maps, showing the distribution of sandy alluvium were introduced into evidence to corroborate this fact (RT 154-157, and Mission Resource Conservation District Exhibits 4 and 5). However, testimony also indicates that aerial photographs depict observable deltas of beach sand at the mouth of the river during some years (RT 135). Therefore, the evidence is not conclusive as to what actually takes place under natural conditions.

The United States Army Corps of Engineers is currently conducting a multi-year study of California coastal streams in an attempt to determine beach sand replenishment quantities. The results of that study should identify the impact of the Santa Margarita River. (RT 129.) If there is a natural contribution of sand to the coastal beaches from the river, the proposed project may completely eliminate this source. If such is the case, mitigation, such as artificial replacement from

another source, may be indicated. We will therefore reserve jurisdiction in the matter to make a further finding. In the interest of attempting to reach a mutually satisfactory solution to this issue, we strongly urge that the permittee coordinate its work with the Corps of Engineers in order to obtain as much new information as possible from the Corps study for use in updating the project Feasibility Report and Environmental Impact Statement.

Riparian Resources

34. Considerable concern has been expressed over the impact of the project on the riparian vegetation and wildlife resources of the Santa Margarita River basin. The construction of the two dams and filling of the reservoirs would inundate about 10 to 20 miles of river channel and irreversibly change about 1,200 acres of riparian vegetation and 2,220 acres of shrubland (RT 42, 88, 193). Another 1,500 acres of riparian vegetation below DeLuz Reservoir would be affected by the control of river flows (RT 42). The riparian vegetation supports an array of wildlife species including a variety of birdlife (RT 168, 205). Riparian vegetation and wildlife habitat resources have undergone a quantitative and qualitative decline throughout the State and San Diego County. (RT 168, 193, 220.)

35. In updating the 1976 Environmental Impact Statement, the permittee will reevaluate, and as appropriate reformulate, mitigation measures previously proposed to avoid or compensate for adverse impacts to fish and wildlife resources (RT 33).

Because the reevaluation is not completed, the Board cannot adequately determine the extent of the adverse impacts on the riparian resources of the Santa Margarita River basin nor the effectiveness of mitigation measures which may be proposed until the supplemental Environmental Impact Statement is prepared and circulated for public review. After the supplemental Environmental Impact Statement is finalized, the Board will be in a better position to reach conclusions concerning whether project impacts have been thoroughly evaluated and disclosed and whether adequate mitigation measures are to be included in the project to avoid or compensate for the adverse impacts. The Board can then determine if the construction and design of the project is in the public interest. Therefore, we will reserve jurisdiction over the project to condition the permits with terms to protect the riparian resources of the Santa Margarita River basin. Such terms will be considered by the Board after the supplemental Environmental Impact Statement is prepared and finalized. If at that time the Board determines that the permits should be conditioned further, public notice will be given to concerned parties, and an opportunity for hearing will be provided.

Flood Control

36. Some concern was expressed regarding the project's flood control purpose. Flood control operations of a federal water project are solely within the jurisdiction of the federal government (See for example Board Order WR 80-20 and Board Decision 1422).

Updated Permits

37. The terms and conditions of each of the existing permits being considered are contained in several documents approved by the State Water Resources Control Board, or its predecessors, over many years. In order to clearly set forth the requirements of each permit after integrating the new conditions to be added, amended permits will be issued. The amended permits will be in the current format and contain all applicable standard permit terms, including requirements to provide an outlet pipe in each dam, clear the reservoir sites, and file reports with respect to water quality. A term will also be included clarifying the fact that the permits do not limit riparian or decreed rights that may be held by Camp Pendleton or Fallbrook Public Utility District.

38. Permits 11356 and 11357 contain a term requiring downstream releases of water for the protection of prior rights. In order that the operation of Fallbrook Reservoir is consistent under all three applicable permits, the same term will be added to Permit 8511.

ORDER

NOW, THEREFORE, IT IS ORDERED that pending petitions for extensions of time for Permits 8511, 11356, 11357, and 15000 be approved and amended permits be issued to the permittee subject to vested rights. The amended permits shall contain current standard permit terms 5i, (Permits 11356 and 11357 only), 6, 10, 11, 12, and 13,* and the following conditions shall be included substantially as in the old permits:

Permit 8511

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10,000 acre-feet per annum to be collected from January 1 to December 31 of each year.

Permit 11356

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10,000 acre-feet per annum to be collected from about November 1 of each year to about June 1 of the succeeding year.

2. Permittee shall release water into the Santa Margarita River downstream from the point of diversion in such amounts and at such rates as will be sufficient, together with inflow from downstream tributary sources, to supply downstream diversions of the surface flow under prior rights to the extent water would

*The Board maintains a list of standard terms. Copies may be obtained on request.

have been available for such diversions from flow unregulated by permittee's works, and sufficient to maintain percolation of water from the stream channel as such percolation would occur from flow unregulated by permittee's works, in order that operation of the project shall not reduce natural recharge of ground waters from Santa Margarita River.

Permit 11357

1. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10,000 acre-feet per annum to be collected from about November 1 of each year to about June 1 of the succeeding year.

2. Permittee shall release water into the Santa Margarita River downstream from the point of diversion in such amounts and at such rates as will be sufficient, together with inflow from downstream tributary sources, to supply downstream diversions of the surface flow under prior rights to the extent water would have been available for such diversions from flow unregulated by permittee's works, and sufficient to maintain percolation of water from the stream channel as such percolation would occur from flow unregulated by permittee's works, in order that operation of the project shall not reduce natural recharge of ground waters from Santa Margarita River.

Permit 15000

The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 165,000 acre-feet per annum to be collected from January 1 to December 31 of each year.

IT IS ALSO ORDERED that the following condition be added to Permit 8511:

Permittee shall release water into the Santa Margarita River downstream from the point of diversion in such amounts and at such rates as will be sufficient, together with inflow from downstream tributary sources, to supply downstream diversions of the surface flow under prior rights to the extent water would have been available for such diversions from flow unregulated by permittee's works, and sufficient to maintain percolation of water from the stream channel as such percolation would occur from flow unregulated by permittee's works, in order that operation of the project shall not reduce natural recharge of ground waters from Santa Margarita River.

IT IS FURTHER ORDERED that the following conditions be added to Permits 8511, 11356, 11357 and 15000:

1. Construction work shall be completed by December 31, 1990.
2. Complete application of the water to the authorized uses shall be made by December 31, 1996.

3. The State Water Resources Control Board reserves jurisdiction over this permit to reconsider the development schedule if Congressional authorization and initial funding for the project is not obtained by December 31, 1985, or if obtained by said date, the Secretary of the Interior, or other federal official, subsequently determines that the project is not economically justified or environmentally acceptable. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

4. Permittee shall consult with the Division of Water Rights and the Department of Water Resources and develop and implement a water conservation program. The Water Conservation Plan, dated March, 1981, prepared for the Fallbrook Public Utility District by the San Diego County Water Authority, shall constitute minimum actions to be included in the permittee's program for the place of use outside of Camp Pendleton. Camp Pendleton's current water management plan should be included in the conservation program for the place of use within the military reservation. A progress report on development of the program shall be submitted to the State Water Resources Control Board within 6 months from the date of this order. The program shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board.

5. Permittee shall install and maintain an outlet pipe of adequate capacity in its dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation may be released.

6. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the reservoir of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

7. In order to prevent degradation of the quality of water during and after construction of the project, prior to commencement of construction permittee shall file a report pursuant to Water Code Section 13260 and shall comply with any waste discharge requirements imposed by the California Regional Water Quality Control Board, San Diego Region, or by the State Water Resources Control Board.

Failure of permittee to comply with this term will subject the permit to revocation, after opportunity for hearing.

8. The issuance of this amended permit shall not be construed as placing a limitation on any riparian right or decreed right to the waters of the Santa Margarita River held by the permittee or any user of the water appropriated hereunder.

9. The State Water Resources Control Board reserves jurisdiction over this permit to impose further conditions in the public interest pursuant to Water Code Sections 1243, 1243.5, 1253, and 1257, and pursuant to the Board's public trust authority to include measures necessary to mitigate significant environmental impacts of the project. All such conditions and measures shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. Action by the Board will be taken only after notice to interested parties and an opportunity for hearing.

IT IS FURTHER ORDERED:

1. That this order be sent to the authors of the two authorization bills presently before Congress, to the legislative committees in which the bills will be heard, to the Senate and House of Representatives of the United States, and to the Secretary of the Interior with a request that he submit this order to Congress immediately.

2. That prior to commencement of project operation, the permittee shall file appropriate petitions with the State Water Resources Control Board, if necessary, to conform the details of the permits to the final project design.

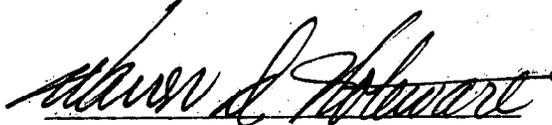
3. That staff is directed to issue amended Permits 8511, 11356, 11357, and 15000 in the current format incorporating the source, points of diversion, places of use, and purposes of use as included in the old permits.

Dated: June 16, 1983

I CONCUR:



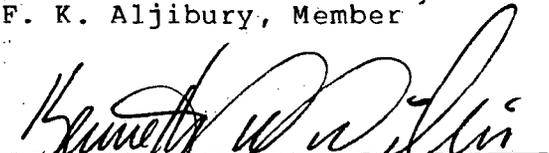
Carole A. Onorato, Chairwoman



Warren D. Noteware, Vice Chairman



F. K. Aljibury, Member



Kenneth W. Willis, Member