

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permit 20565 (Application 30017)
of

California Department of Forestry
and Fire Protection, Salt Creek
Conservation Camp

ORDER: WR 91-09

SOURCE: Salt Creek

COUNTY: Tehama

FINDINGS AND ORDER VALIDATING

TEMPORARY PERMIT

The California Department of Forestry and Fire Protection, Salt Creek Conservation Camp, having filed Application 30017 for a conditional temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (State Board), having consulted with the California Department of Fish and Game and the federal watermaster for the Angle Decree; State Board Executive Director Walter G. Pettit, having reviewed available information and authorized issuance of a temporary permit; a temporary permit having been issued on October 23, 1991; the State Board finds as follows:

SUBSTANCE OF APPLICATION

- 1.0 Application 30017 was filed on October 18, 1991 for a temporary permit to divert 0.031 cubic foot per second (20,000 gallons per day) from Salt Creek, tributary to North Fork Stony Creek thence Stony Creek thence Sacramento River for domestic purposes from October 21, 1991 to April 17, 1992. The total amount of water to be diverted from the source will not exceed 11 acre-feet.

TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

- 2.0 The Salt Creek Conservation Camp has been subject to a prolonged drought. The camp's existing supply of water from multiple wells has been reduced to about 4,000 gallons per day. This is inadequate for the population of up to 260 staff and inmates at the camp.
- 3.0 Permittee has filed Application 30010 with the State Board for a permanent right to divert 20,000 gpd of water from Salt Creek to supply the camp.
- 4.0 Based on the above information, the State Board concludes that permittee has an urgent, temporary need to divert and use water.

EFFECT OF THE DIVERSION ON LAWFUL USERS OF WATER

- 5.0 Concurrent with issuance of the temporary permit, Application 30017 was noticed on October 23, 1991 in accordance with Water Code Section 1428. The notice was posted and sent to interested parties known to the State Board, including diverters downstream of the point of diversion to the confluence of Stony Creek and the Sacramento River. No objections to the temporary diversion have been received.
- 6.0 Water diverted in the Stony Creek watershed is subject to the authority of a federal watermaster carrying out the requirements of the "Angle Decree", (United States District Court for the Eastern District of California, Equity No. 30). The temporary permit contains a standard permit term subjecting diversions to the decree.

7.0 The State Board concludes that water may be diverted and used under the temporary permit without injury to other legal users of water.

EFFECTS OF THE DIVERSION ON FISH, WILDLIFE, AND OTHER INSTREAM USES

8.0 State Board staff consulted with a representative of the Department of Fish and Game concerning any adverse effects of the diversion on fish, wildlife, or other instream beneficial uses. The Department of Fish and Game had no objections to the issuance of a temporary permit for the proposed diversion. No other objections were received against the project. The temporary permit was issued subject to conditions requiring the permittee to minimize disturbances of wildlife habitat and disturbances of riparian vegetation. Permittee is required to replace any trees or large shrubs that are removed in the process of installing diversion works. The State Board, therefore, concludes that water may be diverted and used under the temporary permit without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

FINDINGS CONCERNING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

9.0 The California Department of Forestry, and Fire Protection is lead agency under the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq. State Board staff conducted an environmental review of the proposed temporary diversion and determined on

October 22, 1991 that the project consists of only minor alterations in the conditions of land, water and vegetation and will not cause a significant environmental impact. The State Board finds that the project qualifies for an exemption from CEQA in accordance with Title 14, California Code of Regulations, Sections 15300 and 15304.

PUBLIC INTEREST

10.0 The State Board concludes that diversion and use of water under this temporary permit is in the public interest and in accordance with the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable.

ISSUANCE OF TEMPORARY PERMIT

11.0 Water Code Section 1425(d) provides for delegation of authority to issue temporary permits. The State Board has delegated this authority to Walter G. Pettit. Section 1425(d) further requires that, when the delegated authority is exercised, the State Board shall, not later than 30 days following issuance, review and validate any temporary permit so issued.

12.0 State Board staff explained the foregoing situation to Executive Director Walter G. Pettit and recommended approval of the temporary permit. Executive Director Pettit concurred with the staff recommendation, and on October 23, 1991, authorized issuance of the temporary permit.

13.0 On October 23, 1991, Edward C. Anton, Chief of the Division of Water Rights,
issued Temporary Permit 20565.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20565 is validated
subject to the conditions specified in the permit.

CERTIFICATION

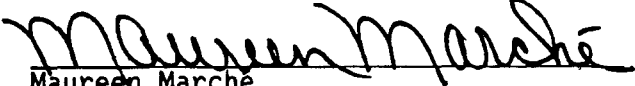
The undersigned, Administrative Assistant to the State Board, does hereby certify
that the foregoing is a full, true, and correct copy of an order duly and regularly
adopted at a meeting of the State Water Resources Control Board held on
November 19, 1991.

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

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board

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