

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary
Permit 20660
(Application 30233)

Pacific Gas Transmission-
Pacific Gas and Electric, Permittee

ORDER: WR 93-5
SOURCE: Sacramento River

COUNTY: Tehama

FINDINGS AND ORDER VALIDATING THE
ISSUANCE OF TEMPORARY PERMIT

Pacific Gas Transmission-Pacific Gas and Electric, hereinafter referred to as PGT-PG&E, having filed Application 30223 for a temporary 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 Water Board) having consulted with the California Department of Fish and Game, the California Department of Water Resources and the United States Bureau of Reclamation; the Executive Director, Walt Pettit, having reviewed available information, authorized issuance of a temporary permit to divert and use water subject to review and validation by the State Water Board as provided by Water Code Section 1425(d); the State Water Board finds as follows:

Issuance of Temporary Permits

1.0 Water Code Section 1425(d) provides for delegation of the authority to issue temporary permits. The State Water Board has delegated this authority to Walt Pettit. When this delegated authority is exercised, Water Code Section 1425(d) requires that the State Water Board review and validate any temporary permit so issued within 30 days of issuance. On April 13, 1993, Executive Director Pettit authorized issuance of the temporary permit, and on the same day, the Chief of the Division of Water Rights (Division) issued Temporary Permit 20660. The matter is before the State Water Board for review and validation.

Substance of the Application and Project

2.0 PGT-PG&E are constructing 845 miles of natural gas pipeline (415 miles within California) from the U.S.-Canadian border to PG&E's Panoche Metering Station in Fresno County. Pipeline sections are being hydrostatically tested to ensure that the system will operate at maximum allowable pressure. Hydrostatic testing is required by the California Public Utilities Commission. Water is necessary to conduct hydrostatic testing.

3.0 Temporary Permit 20660, is for direct diversion and use of water from the Sacramento River in Tehama County for the purpose of conducting mainline hydrostatic pressure tests on 75 miles of new 42-inch diameter gas pipeline. The season of diversion is from May 1, 1993 to October 9, 1993. The point of diversion is located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of projected fractional Section 35, T27N, R3W, MDB&M, approximately 1 $\frac{1}{2}$ miles downstream from the Red Bluff Diversion Dam.

Water will be diverted at a rate of 6.7 cubic feet per second, up to a maximum of 83.5 acre-feet per test.

All water diverted into the pipeline for hydrostatic testing purposes, except any lost to leakage, will be returned to the river upon completion of the tests. The diversion pump intake will be screened in accordance with the requirements of the California Department of Fish and Game.

Urgent Need of Permittee to Divert and Use Water

4.0 Hydrostatic testing of pipeline sections is required by the California Public Utilities Commission to ensure that the system will operate at the design maximum allowable operating pressure. Hydrostatic testing of the pipeline is a nonconsumptive use requiring water withdrawals for a short duration and then discharge back to the source. PGT-PG&E has no other source of water available in the quantity needed to complete hydrostatic tests on this section of the pipeline.

In consideration of the above circumstance, the State Water Board finds that PGT-PG&E has an urgent need to divert and use water under the temporary permit.

Notice of the Application for Temporary Permit

5.0 Public notice of the application for a temporary permit was issued on March 19, 1993. The notice was published in a newspaper having a general circulation in the county of Tehama. Copies of the Notice were also mailed, in accordance with Water Code Section 1428, to all known interested parties and diverters and downstream from the source. No objections were received to diversion of water as specified in the public notice and as authorized in the temporary permit.

Effect of the Diversion on Other Lawful Users of Water

6.0 Based upon the facts described above, the State Water Board finds that water may be diverted and used under Temporary Permit 20660 without injury to any lawful user of water.

Effects of the Proposed Diversion on Fish, Wildlife, and Other Instream Uses

7.0 The California Department of Fish and Game (DFG) prepared a California Endangered Species Act Biological Opinion for the overall pipeline project. Based on this document, DFG has requested that the temporary

permit be conditioned to require specific fish screening criteria for the diversion pump intake. The temporary permit was so conditioned. Accordingly, the State Water Board finds that water may be diverted and used without unreasonable effect upon fish, wildlife or other instream beneficial uses.

Findings Concerning the California Environmental Quality Act

8.0 The California Public Utilities Commission (PUC) is lead agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. The State Water Board has reviewed and considered the information in the EIR prepared by the PUC and finds that the project, as mitigated, has no significant adverse effects.

Public Interest

9.0 Diversion and use of water by PGT-PG&E under Temporary Permit 20660 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.

ORDER

NOW, THEREFORE, IT IS ORDERED that the issuance of Temporary Permit 20660 is validated subject to the conditions specified in the temporary permit.

CERTIFICATION

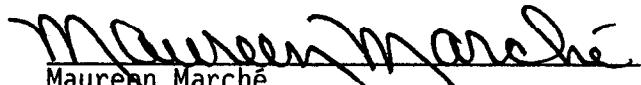
The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 27, 1993.

AYE: John Caffrey
 Marc Del Piero
 James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board