

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary  
Permit 20659  
(Application 30237)

Templeton Community Services District  
Permittee

ORDER: WR 93-6  
SOURCE: Salinas River  
COUNTY: San Luis Obispo

FINDINGS AND ORDER VALIDATING  
TEMPORARY PERMIT

The Templeton Community Services District (District), having filed Application 30237 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 Water Board), having consulted with the California Department of Fish and Game; Executive Director Walter G. Pettit, having reviewed available information, authorized issuance of a temporary permit; Temporary Permit 20659 having been issued on March 30, 1993; the State Water Board finds as follows:

SUBSTANCE OF THE APPLICATION

1. On March 22, 1993, the District filed Application 30237 for a temporary permit from the State Water Board to divert 0.85 cubic feet per second (cfs) from April 1, 1993 to July 15, 1993 from the Salinas River Underflow in San Luis Obispo County. Total diversions under the temporary permit and diversions made during the 1992-93 season under the District's

existing Permit 8964 (Application 12526) shall not to exceed 500 acre-feet, the maximum authorized under Permit 8964. This water will supplement pumping from percolating groundwater ordinarily pumped during the summer season.

TEMPORARY URGENCY NEED OF APPLICANT TO DIVERT AND USE WATER

2. The District holds Permit 8964 (Application 12526) to divert 1.5 cfs, not to exceed 500 acre-feet per annum, from two wells (Well #1 and Well #2) on the Salinas River from October 1 of each year to April 1 of the following year.
3. As a result of contamination, the District has been unable to pump water from Salinas River Well #1. The Salinas River Well #2, pumping at a rate of 1.5 cfs, pumped a total of 285 acre-feet during the authorized season of diversion under Permit 8964. If the District pumps from Salinas River Well #2 continuously at an average rate of 0.85 cfs during the extended season, an additional amount of approximately 180 acre-feet will be pumped under the temporary permit. Consequently, the total amount of water pumped under Permit 8964 and Temporary Permit 20659 will not exceed the 500 acre-foot limitation imposed by Permit 8964.
4. After the end of the authorized appropriative season under Permit 8964, the District relies on six percolating groundwater wells to satisfy their domestic water needs. The slow recharge of the Fortini and Claassen wells, comprising 35 percent of the District's percolating groundwater supply, may result in inadequate water supply to meet the District's

summer demand. The extended diversion season from the Salinas River authorized by Temporary Permit 20659 is intended to partially meet the District's summer demands and, at the same time, allow the Fortini and Claassen groundwater wells to fully recharge before the peak summer demand.

5. In order to maximize diversions under Permit 8964 from the Salinas River in future years, the District has filed a petition with the State Water Board to change Permit 8964 to allow the District to drill a replacement underflow well for Salinas River Well #1 at a new and more appropriate location and add the new well as a point of diversion.
6. Based on the above information, the State Water Board concludes that permittee has an urgent temporary need to divert and use water.

EFFECT OF THE DIVERSION ON ANY LAWFUL USER OF WATER

7. Application 30237 was noticed March 24, 1993 as required by the Water Code. The notice was posted and sent to interested parties known to the State Water Board, including diverters downstream of the points of diversion to the confluence of the Nacimiento River. The notice period ended on April 8, 1993. No objections have been received on the basis of injury to prior rights.
8. Therefore, the State Water 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

9. State Water Board staff contacted representatives of the California Department of Fish and Game. They have reviewed the District's request to divert water through July 15, 1993 and have advised staff that the proposed temporary diversion is not expected to adversely affect fish, wildlife or other instream beneficial uses.
  
10. The Central Coast Chapter of the California Sportfishing Protection Alliance (CSPA) filed an objection to the issuance of the temporary permit. The objection was based on CSPA's concern that the temporary permit would impact the downstream migration of native steelhead trout and would conflict with steelhead trout restoration efforts in the Salinas River. State Water Board discussed the seasonal lack of hydraulic continuity between the District's diversion wells and the lower Salinas River with members of CSPA, and it was agreed that the District's diversion under the temporary permit would not have a significant impact on the anadromous fishery identified in CSPA's objection. Based on the above, along with the condition in the temporary permit that diversion is authorized only if there is a visible surface flow present in the Salinas River between Salinas Dam and the confluence with the Nacimiento River, CSPA agreed to withdraw their objection.
  
11. Therefore, the State Water Board concludes that the water may be diverted and used under the temporary permit without injury to fish, wildlife or other instream beneficial uses.

FINDINGS CONCERNING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

12. The District is a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq. The District has identified the proposed temporary diversion as an emergency project and a Notice of Exemption has been filed in accordance with Title 14, California Code of Regulations, Section 15269(c) (emergency exemption). The State Water Board finds that this project involves minor alterations that will not cause significant adverse impacts and therefore is exempt from CEQA.

PUBLIC INTEREST

13. The State Water Board concludes that water is available for diversion and use under Temporary Permit 20659 and that such diversion and use 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

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

15. State Water Board staff explained the foregoing situation to Executive Director Pettit and recommended approval of the temporary permit. Executive Director Pettit concurred with the staff recommendation, and on March 30, 1993, authorized issuance of the temporary permit. On the same day, Edward C. Anton, Chief of the Division of Water Rights, issued Temporary Permit 20659.

#### ORDER

NOW, THEREFORE, IT IS ORDERED THAT issuance of Temporary Permit 20659 is validated subject to the conditions specified in the permit.

#### CERTIFICATION

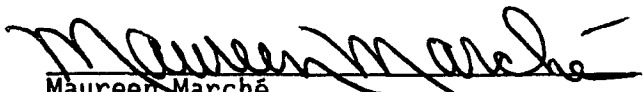
The undersigned, Administrative Assistant to the State Water Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on April 27, 1993.

AYE: John Caffrey  
Marc Del Piero  
James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None

  
Maureen Marché  
Administrative Assistant to the Board