

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2007-0038-DWR

In the Matter of Permit 15358 (Application 22377)

The Sea Ranch Water Company

ORDER APPROVING TEMPORARY URGENCY CHANGE

SOURCE: South Fork Gualala River tributary to Pacific Ocean

COUNTY: Sonoma

1.0 INTRODUCTION

On October 5, 2007, the Sea Ranch Water Company (Sea Ranch) filed a Petition for Temporary Urgency Change under Water Code Section 1435 with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division). The petition requests relief from compliance for the period September 18, 2007 through October 31, 2007, of the bypass flow condition of Permit 15358. The request is approved, in part.

2.0 DELEGATION

On September 18, 2007, the State Water Board adopted Resolution 2007-0057, granting the authority to act on petitions for temporary change to the Division Chief, except where the State Water Board conducts a hearing to accept additional evidence. The State Water Board did not conduct a hearing on the petition subject to this order, and this order is adopted pursuant to the delegation of authority in Resolution 2007-0057.

3.0 BACKGROUND

Permit 15358 was issued to Sea Ranch on April 7, 1967, pursuant to Application 22377, for direct diversion of 1.29 cubic foot per second (cfs), not to exceed 613 acre-feet of water annually, throughout the year from the South Fork Gualala River in Sonoma County. This permit contains a condition that requires Sea Ranch to bypass 5 cfs in the South Fork Gualala River from June 1 to November 30.

4.0 SUBSTANCE OF THE PETITION

The Sea Ranch's 14-inch water main failed early in the morning on September 18, 2007, causing two 0.5 million gallon water storage tanks to go dry and the water distribution system to empty. Sea Ranch contacted the Department of Fish and Game (DFG) and the Division to provide notification of the emergency. The Department of Health Services was contacted for coliform sampling requirements, a boil water order was issued and Sea Ranch placed one well in service on September 20, 2007 to provide water to the areas affected by the outage. The golf course continued to use reclaimed water from Gualala Community Services District throughout the duration of the outage.

The well is an authorized point of diversion for Permit 15358, however the 5 cfs bypass requirement was not met during the period that it was used (September 20 to October 3, 2007). Well water was used within the authorized place of use. The pump was shut down on October 3, 2007, after the water

main was repaired and the entire service area was reconnected to the treated water distribution system. No further use is anticipated by Sea Ranch under the temporary urgency change.

4.1 Description of the Temporary Urgency Change

Sea Ranch seeks State Water Board approval for a temporary urgency change to Permit 15358. The petition requests the State Water Board approve temporary relief of the 5 cfs bypass requirement to enable Sea Ranch to provide water to a portion of its service area affected by the pipeline breakage. The request was to cover the period of September 20 to October 31, 2007. As noted above, the broken water main was repaired on October 3, 2007. Consequently, the urgent need only extended from September 20, 2007 to October 3, 2007.

5.0 PUBLIC NOTICE

The State Water Board may issue a temporary change order in advance of public notice. (Wat. Code § 1438.) The State Water Board will comply with the noticing requirements as soon as practicable.

6.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Division, as Lead Agency as defined in the California Environmental Quality Act (CEQA), prepared a Notice of Exemption for this project. The Notice of Exemption states that the proposed action is exempt from the CEQA under Title 14, section 15269; CEQA does not apply to emergency repairs made by public or privately owned serviced facilities necessary to maintain service essential to public health, safety or welfare.

7.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Chapter 6.6 of part 2, division 2, of the Water Code, commencing with section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Other terms and conditions of water right permits and licenses also may be temporarily changed through the temporary urgency change process. (See Cal. Code Regs., tit. 23, § 791, subd. (e) [directing that the procedures for changes in point of diversion, place of use, or purpose of use should be followed as nearly as possible when processing petitions for other types of changes in water right permits and licenses].)

Chapter 6.6 also specifies certain procedures that must be followed and the findings that must be made before the State Water Board may issue a change order. The State Water Board must make the findings specified in section 1435, subdivision (b), when issuing a temporary change order pursuant to chapter 6.6. The required findings are:

1. The permittee or licensee has an urgent need to make the proposed change;
2. The proposed change may be made without injury to any other lawful user of water;
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, and other instream beneficial uses.

7.1 Urgency of the Proposed Change

The pipeline failure Sea Ranch experienced at 2:40 a.m. on September 18, 2007 drained two 0.5 million gallon water storage tanks and separated approximately 1,000 customers from their drinking water source. The pumping conducted between September 20 and October 3, 2007 allowed Sea Ranch to temporarily provide water service to the affected municipal customers and to repair the water service pipeline.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the filed petition for temporary change in the bypass flow permit term under Sea Ranch's Permit 15358 is approved, in part. As of a result of expedited water main repairs, Sea Ranch will not require approval of the Temporary Urgency Change through October 31, 2007, as requested. Therefore, the effective date of this Order is September 20, 2007 to October 3, 2007.

STATE WATER RESOURCES CONTROL BOARD

James W. Karal
for *Victoria A. Whitney, Chief*
Division of Water Rights

Dated: November 8, 2007