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STATE WATER RESOURCES CONTROL BOARD  
2015 JAN -9 PM 1:36  
DIV OF WATER RIGHTS  
SACRAMENTO

January 9, 2015

**Hand-Delivered**

Matthew McCarthy  
State Water Resources Control Board  
Division of Water Rights  
1001 I Street  
Sacramento CA 95814

Re: City of Thousand Oaks – Renewal of Temporary Urgency Change Order,  
Permit 20952 (Application 29408)

Dear Mr. McCarthy:

Somach Simmons & Dunn serves as counsel to the City of Thousand Oaks (City) in the above-referenced matter. On July 21, 2014, the State Water Resources Control Board (State Water Board) issued its Order Approving Petition for Temporary Urgency Change for Permit 20952 (Order). The Order temporarily reduces the bypass flow requirement for Permit 20952 from 6 cubic feet per second (cfs) to 2 cfs. The Order is effective through January 17, 2015. With this letter and accompanying petition (attached hereto as Exhibit A), the City requests that the State Water Board renew the Order for another 180-day period. The City has included a check for \$5,701.90 to cover the petition fee. The City understands that no additional payment to the California Department of Fish and Wildlife (CDFW) is required for renewal of the Order.

**The City Has Complied with the Order**

Pond Turtle Monitoring. As directed by Term 3 of the Order, the City has implemented the pond turtle monitoring program dated June 17, 2014. The City conducted surveys on August 8th, September 4th, October 6th, November 19th and December 23rd. Following each survey, the City timely filed a report with the State Water Board and provided a copy to Dan Blankenship at CDFW.

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The survey results are positive. None of the survey thresholds set forth in Term 3 have been triggered. In fact, the Habitat Suitability Index significantly increased with the November and December surveys as compared to the October survey. The City observed dry gaps in various survey reaches during the August, September, and October surveys. The City's consultant, Rincon Consultants, Inc., discussed these interruptions in hydraulic continuity with Dan Blankenship, and Mr. Blankenship expressed no particular concern with these conditions. Notably, the dry gaps occurred in an extreme drought condition during what are typically the driest months of the year. Thus, these dry gaps were likely to form regardless of the Order. With the November survey, the City saw a return to complete hydraulic continuity throughout the entire survey reach. This continuity remained in place in December.

For the renewal, the City proposes to continue monthly pond turtle surveys consistent with its pond turtle monitoring program dated June 17, 2014, with one modification. Instead of six surveys, the City proposes to conduct five surveys because the City's monitoring program is now established and there is no need for two surveys in the first month of the renewal period. The City's proposed pond turtle monitoring plan dated December 22, 2014, and attached hereto as Exhibit B, includes the requested changes.

Water Demand Reduction Plan. As directed by Term 5 of the Order, the City submitted a Water Demand Reduction Plan (Plan) to the State Water Board that has ensured that the Pleasant Valley County Water District (Pleasant Valley) implements actions to reduce water demand by at least 20% compared to baseline conditions. Pleasant Valley has continued to implement a mandatory water rationing program. Specifically, Pleasant Valley imposes a 1 cfs limit on deliveries, a prohibition on extractions for 12 hours one day a week, and adheres to Fox Canyon Groundwater Management Agency's schedule of stepped-down extraction limitations. As documented in the City's monthly Plan submittals, to date, these measures have resulted in an aggregate water demand reduction of 37% during the term of the Order. The City has seen monthly water demand reductions of 20-60% as compared to baseline conditions. The City will continue to implement the Plan to ensure that Pleasant Valley continues to achieve the 20% demand reduction target.

Final Report. Currently, Term 7 of the Order requires the City to, by February 1, 2015, submit a written report that summarizes all activities conducted to ensure compliance with the Order. For the renewal, assuming the State Water Board timely approves such a renewal, the City requests that the State Water Board modify Term 7 to require the City to submit one summary report at the end of the renewal period for both the current Order and any renewal order. The City proposes to submit the single order within approximately two weeks of the date that any renewal order expires.

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### **Existing Conditions Warrant Issuance of a Renewal Order**

Urgent Need for Renewal of Order. Pleasant Valley urgently needs the State Water Board to renew the Order because Pleasant Valley does not have access to the surface water supplies that it typically relies on to serve its growers. Camrosa Water District (Camrosa) typically delivers about 5,000 acre-feet of Conejo Creek water per year to Pleasant Valley. In 2014, with the Order in place, Camrosa delivered 2,055 acre-feet of surface water to Pleasant Valley, which is about 41% of normal. The limited deliveries are entirely drought driven. With less natural and return flow in Conejo Creek, Camrosa is not able to divert as much water under Permit 20952. Given the continuing drought in Western Ventura County, the City anticipates that Conejo Creek surface supplies will remain limited. A continued reduction in the bypass flow requirement would allow Camrosa to divert more water more often than it would otherwise be able to during the drought.

A renewal of the Order would also help Pleasant Valley make up for the loss of surface water from United Water Conservation District (United). In normal conditions, United typically delivers about 10,000 acre-feet of water per year to Pleasant Valley. In 2014, United did not deliver any water to Pleasant Valley, and because of the drought, it appears highly unlikely that United will be able to deliver surface water to Pleasant Valley over the period of any renewal order.

To the extent Pleasant Valley does not receive surface water from Conejo Creek and United, Pleasant Valley turns more heavily to groundwater, thereby potentially exacerbating groundwater level and quality problems in the area. Local groundwater supply and quality problems remain acute because of the severely dry water year. Fox Canyon Groundwater Management Agency's Ordinance E remains in effect. Ordinance E requires all groundwater producers to reduce pumping by 20% to extend the availability of existing groundwater supplies. Pleasant Valley is subject to Ordinance E, and will be better able to comply with Ordinance E to the extent additional Conejo Creek supplies are available to offset Pleasant Valley's groundwater use.

No Injury to Legal Users of Water. The City is not proposing any substantive changes to the Order that would injure any other lawful user of water.

No Unreasonable Effect Upon Fish or Wildlife. As explained above, the City will continue to implement its pond turtle monitoring plan dated June 17, 2014, with one modification. The pond turtle monitoring plan has effectively evaluated the condition of western pond turtles and their habitat in Conejo Creek downstream of the point of diversion. The City's monitoring plan will ensure that a continued bypass flow reduction does not result in an unreasonable effect upon fish and wildlife.

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Renewal of the Order Is In the Public Interest. Through December, Pleasant Valley has received 1,082 acre-feet of Conejo Creek water that it would not have otherwise received absent the Order. This has helped Pleasant Valley manage during severe water shortage conditions. A renewal of the Order would continue to make additional Conejo Creek water available to Pleasant Valley.

A renewal of the Order will limit local demand for State Water Project (SWP) supplies. SWP supplies remain severely limited for the foreseeable future. On December 1, 2014, the California Department of Water Resources issued an initial 2015 SWP allocation of ten percent (10%). If this initial allocation holds, almost no water will be delivered from the Sacramento-San Joaquin River Delta to the Metropolitan Water District and from there to Calleguas Municipal Water District (Calleguas), Ventura County's SWP wholesaler. Renewal of the Order would continue to make additional local surface supplies available, thereby improving groundwater conditions and limiting local municipal demand for SWP supplies from Calleguas.

### **California Environmental Quality Act**

The City has determined that the temporary urgency change remains exempt from the California Environmental Quality Act because it is an emergency project, it is carried out consistent with a state of emergency proclaimed by the Governor on January 17, 2014, it is consistent with statutory exemption criteria for an emergency project, and it is consistent with a categorical exemption for existing facilities. The City has prepared a Notice of Exemption for a renewal of the Order. (See Exhibit C.) The City's basis for claiming an exemption is that local surface water and groundwater supplies remain severely limited, and access to additional Conejo Creek supplies are necessary to mitigate the effects of the drought and to prevent worsening of the local water supply conditions.

### **Conclusion**

The City requests that the State Water Board renew the Order, thereby providing for a continued reduction in the City's bypass flow requirement under Permit 20952. The City has notified Mr. Dan Blankenship, CDFW, of the City's request for a renewal of the Order. The City plans to meet with Mr. Blankenship to discuss the City's renewal request, and will inform the State Water Board of any comments that Mr. Blankenship might have regarding the request.

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The City looks forward to its petition being processed as soon as possible. If there are any questions regarding the City's petition, please do not hesitate to contact me.

Sincerely,



Aaron Ferguson

AAF:yd

Enclosure(s)