

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 8511,
11356, 11357 and 15000,
Issued on Applications 11587,
12178, 12179 and 21471,
FALLBROOK PUBLIC UTILITY DISTRICT
AND U. S. DEPARTMENT OF THE NAVY,
Permittees.

Order: WR 73-50

Source: Santa Margarita
River

County: San Diego

ORDER DIRECTING ISSUANCE OF LICENSE
AND ASSIGNMENT OF PERMITS

BY BOARD MEMBER MAUGHAN:

A public hearing was held before the State Water Resources Control Board on September 27, 1973 to allow the permittees to show cause for an extension of time within which to commence construction work under the permits. Permittees having appeared and presented evidence; the evidence having been duly considered, the Board finds as follows:

1. The four permits cover a consolidated project known as the Santa Margarita Project which includes a storage dam at the Lippincott site under Permits 8511, 11356 and 11357 of Fallbrook Public Utility District and a storage dam at the DeLuz site under Permit 15000 of the U. S. Department of the Navy. Federal legislation for authorization of the project was introduced in the Congress in 1972 by H.R. 13299, but the bill was retained in committee. The bill provided that the project would be constructed

and operated by the U. S. Bureau of Reclamation (Bureau). The same legislation was reintroduced in 1973 as H.R. 3023, but no committee hearings have been held to date.

2. The Feasibility Report and Environmental Impact Statement have not been approved by the Bureau and said approval is a prerequisite to prosecution of the project (RT 27).

3. The permittees' present plans anticipate that the Santa Margarita Project will be designed, constructed and operated by the Bureau (RT 10). They have no plans at this time to construct the project themselves.

4. The record does not indicate the intentions of the Bureau with regard to completion of the project.

5. Beneficial use can be made of the water to be conserved by the surface storage portions of this project if development is completed.

6. Construction work and use of water are complete with regard to the underground storage portion of Permit 15000 and license should be issued to the U. S. Department of the Navy for that portion of the project.

It is concluded from the foregoing findings that inasmuch as the project will be constructed and operated by the Bureau and the present permittees will have little or no control over project construction and operation, the permits should stand in the name of the Bureau, insofar as the surface water storage facilities are concerned.

NOW, THEREFORE, IT IS ORDERED that:

1. License be issued to the U. S. Department of the Navy for the underground storage portion of Permit 15000 for such quantity of water as found by inspection to have been placed to beneficial use under the terms of the permit.

2. Permittees Fallbrook Public Utility District and U. S. Department of the Navy are allowed six months from date of this order within which to assign Permits 8511, 11356, 11357 and the surface storage portion of Permit 15000 to the U. S. Bureau of Reclamation and to provide evidence to the Board that the U. S. Bureau of Reclamation has accepted said assignments. Following such assignment a hearing will be held to allow the U. S. Bureau of Reclamation an opportunity to support the previously requested extension of time.

3. If either or both of the present permittees choose not to assign the permits to the U. S. Bureau of Reclamation, or if the U. S. Bureau of Reclamation refuses to accept such assignment, the permits will be revoked inasmuch as the permittees have failed to demonstrate that they have the intent and ability to proceed with the project.

Dated: December 6, 1973

We Concur:

W. DON MAUGHAN
W. Don Maughan, Member

W. W. ADAMS
W. W. Adams, Chairman

RONALD B. ROBIE
Ronald B. Robie, Vice Chairman

ROY E. DODSON
Roy E. Dodson, Member

MRS. CARL H. (JEAN) AUER
Mrs. Carl H. (Jean) Auer, Member