

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary Urgency)
Change Order Regarding Permit 12721) ORDER: 83- 17
(Application 5626) and 12 Other Permits)
U. S. BUREAU OF RECLAMATION,) SOURCE: Various sources
Permittee) COUNTIES: Alameda, Sacramento,
Shasta, Trinity

ORDER VALIDATING ISSUANCE OF
TEMPORARY URGENCY CHANGE ORDER

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a temporary urgency change in point of diversion and point of rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the Department of Water Resources and the Department of Fish and Game; the Chief of the Division of Water Rights having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a temporary urgency change order, subject to review and validation by the Board as provided by Water Code Section 1435; the Board finds as follows:

Substance of the Proposed Change

1. On October 18, 1983, the Bureau filed a petition for a temporary urgency change in the point of diversion and point of rediversion under the 13 water right permits specified in Table I below:

TABLE I
 WATER RIGHT PERMITS COVERED BY
 THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860
16767	11971
17374	11972
17376	12364
21542	15149

The petition requests that, in addition to the points of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the California Aqueduct Intake for the Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N486,035; E 1,695,057;
 within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 20, T1S, R4E, MDB&M.

2. The petition for a temporary urgency change requests that the diversion and rediversion at the Banks Pumping Plant be authorized from November 1, 1983 to February 29, 1984.

Temporary Urgency Need

3. The Bureau's facilities at the O'Neill Forebay assist in delivering water to an extensive service area in the San Joaquin Valley. The water surface elevation in O'Neill Forebay Reservoir will be lowered to allow for emergency rehabilitation to the upstream face of the dam. As a result, the Bureau may not be able to deliver the full quantity necessary to meet delivery requirements through its regular diversion facilities. For that reason it requested a temporary urgency change to divert and redivert at the Department of Water Resources Banks Pumping Plant. We find that emergency conditions exist within the meaning of Water Code Section 1435(c) which require immediate action by the petitioner to protect the public welfare.

Instream Uses

4. The California Department of Fish and Game has informed Board staff that the proposed temporary urgency change would not adversely affect fish and wildlife. No stream alteration will take place since the diversion facilities are already in place. The maximum combined rate of diversion and rediversion under the temporary urgency change from both the Banks Pumping Plant and the Tracy Pumping Plant shall not exceed the 4,600 cubic feet per second normally allowed at the Tracy Pumping Plant. Accordingly, we find that the temporary change of diversion and rediversion will not have an unreasonable effect on fish, wildlife or other instream beneficial uses and that it may be made without injury to any lawful user of water.

California Environmental Quality Act

5. This Board Order authorizes a temporary urgency change in the point of diversion and rediversion ending February 29, 1984. Such activity is exempt from the provisions of the California Environmental Quality Act in accordance with Public Resources Code Section 21080(b)(4). (Actions necessary to prevent or mitigate an emergency.)

Action by the Chief of the Division of Water Rights

6. In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution No. 83-80 delegating authority to the Chief of the Division of Water Rights to approve temporary changes on projects where no detrimental effects are indicated. Water Section 1435(b) requires the Board, at its next regular meeting, to review and validate any change order issued by an employee.


7. The Chief of the Division of Water Rights, Raymond Walsh, has reviewed the available evidence relating to the petition. In accordance with the delegation of authority in Resolution No. 83-80, Mr. Walsh issued a change order on October 31, 1983 allowing a temporary change in the point of diversion and point of rediversion, subject to several specified conditions.

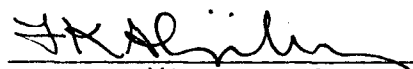
8. The Board concurs with the findings of Mr. Walsh as specified in his order of October 31, 1983.

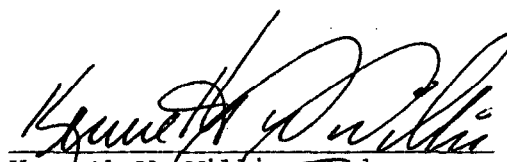
NOW, THEREFORE, IT IS ORDERED that issuance of the order allowing a temporary urgency change in point of diversion and point of redirection for the permits listed in Table I is validated subject to the terms and conditions specified in the order.

Dated: November 17, 1983


Carole A. Onorato, Chairwoman


Warren D. Noteware, Vice Chairman


F. K. Aljibury, Member


Kenneth W. Willis, Member

