

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional Order)	ORDER: WR 90-12
Allowing Temporary Urgency Change in)	
Place of Use Involving the Interbasin)	SOURCE: Italian Slough,
Transfer of 1,500 acre-feet of Water)	Sacramento-San Joaquin
from the Tulare Lake Basin Water Storage)	Delta and San Luis Creek
District to Westlands Water District)	
under Permit 16482, Application 17512)	COUNTIES: Sacramento, Contra Costa
	and Merced
CALIFORNIA DEPARTMENT OF WATER RESOURCES,)	
Permittee)	
_____)	

ORDER VALIDATING THE ISSUANCE OF A
CONDITIONAL ORDER ALLOWING TEMPORARY URGENCY CHANGE IN PLACE OF USE
INVOLVING THE INTERBASIN TRANSFER OF 1,500 ACRE-FEET OF WATER
FROM THE TULARE LAKE BASIN WATER STORAGE DISTRICT
TO WESTLANDS WATER DISTRICT

BY THE BOARD:

The California Department of Water Resources (DWR) filed a petition for a Temporary Urgency Change in place of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the Department of Fish and Game (DFG); Board Member Samaniego having issued a conditional Temporary Urgency Change Order on July 31, 1990 subject to review and validation by the Board within 30 days as provided by Water Code Section 1435(d); the Board finds as follows:

SUBSTANCE OF THE PETITION:

1. On July 25, 1990, DWR, at the request of Salyer American (Salyer) who owns land in Westlands Water District (Westlands), petitioned the Board to authorize

a temporary urgency change to permit 16482, to be effective from the date of the approval through December 31, 1990. The petitioned change is to add a portion of Westlands to the existing place of use under DWR's Permit 16482 to allow use of up to 1,500 acre-feet (af) of SWP water stored in San Luis Reservoir, in Westlands.

2. The 1,500 af of water is scheduled for delivery to DWR's Tulare service area for use on Salyer crops but authorization of the petitioned change allows use of the same 1,500 af of water on Salyer crops in Westlands service area.
3. Originally, Salyer proposed that the 1,500 af transferred from Tulare would be offset by additional pumping of groundwater in the Tulare service area. However, Tulare Lake Basin Water Storage District advised us by memorandum dated August 13, 1990, that Salyer is instead acquiring surface water from Fresno Irrigation District, thereby avoiding any effect on the groundwater basin.
4. An urgent, immediate need for the water exists to save approximately 4,000 acres of cotton, almonds, and tomato crops in Westlands' service area. Westlands has only limited usable groundwater available. Groundwater pumping is not considered to be a viable alternative to cover the total shortfall.

FIELD INVESTIGATION BY BOARD STAFF:

5. On July 30, 1990 Division of Water Rights (Division) staff conducted an investigation of the proposed place of use at Salyer Ranch in Westlands to obtain a physical description of the need for the transfer and current ranch practices, as well as to evaluate any potential impacts.

Staff investigated the irrigation practices for the various crops being grown as well as the drainage and groundwater in the area. Staff found that the current irrigation practices provide a minimal amount of water to the plant root zones, leaving the plants stressed while minimizing deep percolation and runoff.

ACTION BY BOARD MEMBER SAMANIEGO:

6. On July 31, 1990, Board Member Samaniego in accordance with Water Code Section 1435(d) and Board Resolution 84-2, issued a Conditional Temporary Urgency Change Order approving the petition subject to several specified conditions. The Board concurs in and incorporates herein by reference the findings set forth in that order.

NOTICE OF THE PETITION:

7. On August 2, 1990, Notice of the petition for the Temporary Urgency Change was mailed to parties who may have an interest in the temporary change. In accordance with Water Code Section 1438(b)(1), the Notice was published in the August 10, 1990 edition of the Fresno Bee and the August 11, 1990 edition of the Visalia Times-Delta. The Notice provides that the final date for submitting objections to the petition was August 10, 1990. Considering the late notice, the Board nevertheless accepted all objections received up until action herein.

OBJECTIONS TO PETITION:

8. No objections nor request for an extension of time to submit objections have been received by the Board.

CONCLUSION:

Based on the findings set forth above, the Board concludes that the temporary urgency change order issued by Board Member Samaniego on July 31, 1990 should be validated.

ORDER

IT IS HEREBY ORDERED THAT:

The issuance of the July 31, 1990 Temporary Urgency Change Order, by Board Member Samaniego temporarily authorizing a change in the place of use under Permit 16482, is hereby validated subject to the terms and conditions specified in that order.

CERTIFICATION

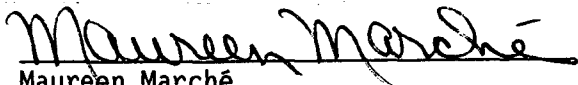
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on August 16, 1990.

AYE: W. Don Maughan
 Darlene E. Ruiz
 John Caffrey

NO: None

ABSENT: Edwin H. Finster
 Eliseo M. Samaniego

ABSTAIN: None


Maureen Marché
Administrative Assistant to the Board