

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Conditional)	ORDER: WR 93-7
Temporary Urgency Change Order for)	
License 4324 (Application 13965))	SOURCE: Lagunitas Creek
)	
WALDO GIACOMINI, Licensee)	COUNTY: Marin
)	
)	
)	

ORDER VALIDATING THE ISSUANCE OF A
CONDITIONAL TEMPORARY URGENCY CHANGE ORDER
ADDING TWO POINTS OF DIVERSION

BY THE BOARD:

1.0 INTRODUCTION

Waldo Giacomini having filed a Petition for Temporary Urgency Change pursuant to Water Code Section 1435 et seq. with the State Water Resources Control Board (State Water Board) on April 20, 1993; Chief of the Division of Water Rights Edward C. Anton having reviewed available information and issued a conditional temporary urgency change order on May 11, 1993, subject to review and validation by the State Water Board within 30 days as provided by Water Code Section 1435(d); the State Water Board finds as follows:

2.0 SUBSTANCE OF PETITION

The proposed change would temporarily add two points of diversion to License 4324 from May 11, 1993 through October 27, 1993. The additional points of

diversion are upstream of Mr. Giacomini's authorized point of diversion on Lagunitas Creek and are wells controlled by the North Marin Water District (District). The wells are located behind the U.S. Coast Guard Housing Facility (0.9 miles upstream of the authorized point of diversion) and at the "Old Downey" site (1.5 miles upstream of the authorized point of diversion) near Point Reyes Station.

The proposed change would defer the need to install a summer-time salinity barrier dam in Lagunitas Creek to protect Mr. Giacomini's irrigation supply from salinity intrusion. The water is used for pasture irrigation. The proposed change would allow the unimpeded outmigration of salmonid smolts and would allow further study of the timing of the outmigration of the smolts.

3.0

ACTION BY THE CHIEF OF THE DIVISION OF WATER RIGHTS

On May 11, 1993, in accordance with Water Code Section 1435(d) and State Water Board Resolution No. 93-11, Edward C. Anton, Chief of the Division of Water Rights, issued a conditional temporary urgency change order (conditional order) approving the petition subject to specified conditions. The State Water Board concurs in and incorporates herein by reference the findings set forth in that order.

4.0

COMMENTS BY INTERESTED PARTIES

The final date for submitting objections to and comments regarding the proposed change was May 5, 1993. On May 10, 1993, two letters were received by the Division of Water Rights regarding the proposed change.

The Tomales Bay Association's (TBA) letter commends the Board of Directors of the North Marin Water District and the Giacomini's for the proposed project. The TBA supports delaying the installation of the summer dam and conducting the smolt migration study. In its letter the TBA also included some specific recommendations for improving the study. The TBA has also given its recommendations to the District, Mr. Giacomini, the U.S. Army Corps of Engineers (Corps), the U.S. Fish and Wildlife Service, and the California Department of Fish and Game (DFG).

Richard Plant's letter stated that he believes that the proposed study would duplicate the studies previously done by DFG and Don Kelley. He also suggested that certain data be collected if the study is conducted.

5.0

RESPONSE TO COMMENTS

The smolt migration study is required by the Corps as a condition of Mr. Giacomini's permit to construct a summer dam across Lagunitas Creek. Even assuming that

the proposed study duplicates studies previously done by DFG and Mr. Kelley, Mr. Plant's comments on the proposed change and in related proceedings indicate that although additional studies may not be needed, he does not object to the removal or delaying installation of the summer dam. His comments do not provide a basis for concluding that the proposed change is unnecessary or would cause an unreasonable impact on fish and wildlife.

6.0

CONCLUSION

Based on the findings set forth in the conditional order, the State Water Board concludes that the conditional order issued by Division Chief Anton on May 11, 1993 should be validated.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT the issuance of the May 11, 1993, conditional temporary urgency change order by Edward C. Anton temporarily authorizing two additional points of diversion

///

///

///

///

///

///

under License 4324 is hereby validated, subject to the terms and conditions specified in the conditional order.

CERTIFICATION


The undersigned, Administrative Assistant to the State Water 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 June 3, 1993.

AYE: John Caffrey
 Marc Del Piero
 James M. Stubchaer

NO: None

ABSENT: None

ABSTAIN: None



Maureen Marché
Administrative Assistant
to the Board

