

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

WR ORDER 2002-0011-DWR

IN THE MATTER OF PERMIT 20827 (APPLICATION 30159)

Southern California Water Company

**ORDER APPROVING TEMPORARY URGENCY CHANGE
IN THE POINTS OF DIVERSION**

SOURCE: Sheep Canyon (Underflow) tributary to Sheep Creek

COUNTY: Los Angeles and San Bernardino

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1.0 INTRODUCTION

On August 15, 2002, the Southern California Water Company (SCWC) filed a petition for Temporary Urgency Change pursuant to the provisions of Water Code section 1435, et seq. If approved, an additional point of diversion would be added to the existing seven authorized points of diversion under Permit 20827 (Application 30159). Temporary urgency changes approved pursuant to the provisions of Water Code section 1435 may be effective for up to 180 days.

2.0 SUBSTANCE OF PETITION

The petitioner holds Permit 20827 (issued on February 23, 1996) authorizing the direct diversion of up to 2.17 cubic feet per second (cfs) between January 1 and December 31 of each year, up to a maximum of 631 acre-feet per year. Water is diverted from seven groundwater wells located in Buford Canyon, Flume Canyon, Acorn Canyon, Heath Canyon, and Sheep Canyon. Water is used for municipal purposes within the community of Wrightwood and surrounding areas located in T3N, R7W, SBB&M.

The petition states as a result of last year's limited precipitation SCWC has been unable to divert sufficient amounts of water to meet the municipal demand within SCWC's authorized service area. SCWC submitted this petition requesting the addition of an eighth point of diversion to meet this demand.

SCWC has obtained the rights to drill a test well within a 600 foot by 300 foot area within a residential development located in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 16, T3N, R7W, SBB&M, with the option to install a permanent well site therein. Additionally, a transmission line to the nearest street location of SCWC's existing water supply system would be installed.

The rate of diversion and total amount of water diverted from the eighth well in combination with the existing seven wells will not exceed the quantities specified in Permit 20827.

3.0 OBJECTIONS TO THE PETITION

Water Code section 1438(a) allows the SWRCB to issue a temporary urgency order or renewal, in advance of the public noticing requirements. In all cases, whether or not the temporary order has already been issued, the SWRCB is required to provide public notice of the change as soon as practicable after receipt of the petition. Any person may file an objection to the temporary change and the SWRCB shall give prompt consideration to such objections and may hold a hearing thereon, after notice to all interested parties.

4.0 ENVIRONMENTAL CONSIDERATION

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the SWRCB has issued a Notice of Exemption for the proposed project. The notice included the following findings:

1. The project involves minor alterations in the condition of land, water, and/or vegetation, which do not result in significant loss of mature vegetation (e.g., unique habitat, mature scenic trees, riparian vegetation or marshlands).
2. There is no grading proposed on land with a slope of more than 10 percent, in a waterway, in any wetland, in an officially designated (by federal, state, or local government action) scenic area, or in officially mapped areas of severe geologic hazard.
3. This project will not cause significant adverse impacts on any sensitive environment and will not result in significant cumulative impacts.
4. There are no unresolved protests
5. The California Department of Fish and Game has stated that the project, as proposed herein, will not impair instream beneficial uses.

Based on the findings provided above, the notice concluded that the proposed temporary urgency change was exempt from the provisions of CEQA (Categorical Exemption Class 4, Title 14, California Code of Regulations, Section 15304).

5.0 SWRCB'S DELEGATION OF AUTHORITY

Resolution 2002-0106, section 2.6.18 delegates to the Chief of the Division of Water Rights the authority to approve temporary urgency changes pursuant to Water Code Section 1435 provided the necessary findings can be made.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petition filed for temporary urgency change in the points of diversion under SCWC's Permit 20827 (Application 30159) is approved.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following conditions. These conditions are effective for 180 days from the date of this Order.

1. Permit 20827 shall be amended to add a new point of diversion, described as follows:
 - (8) A well field with dimensions of approximately 600 feet by 300 feet located as follows:

By California Coordinates of 1927, Zone 5, North 309,960 feet and East 2,118,570 feet, being within the NE¼ of NE¼ of section 16, T3N, R7W, SBB&M
2. Not later than May 1, 2003, SCWC shall provide to the Chief of the Division of Water Rights and to any parties requesting a copy, a summary of the amount of water actually diverted from the added point of diversion during the period of the temporary urgency change.
3. Unless it is the Intent of SCWC to abandon and properly close the well at the end of this limited precipitation period, not later than sixty days after the temporary urgency change order is approved, SCWC shall submit to the Division of Water Rights a petition for change under the provisions of Water Code section 1700, et seq. to permanently add the well field as a point of diversion. If necessary, until the permanent change in the point of diversion is processed, SCWC should seek renewal of the order authorizing the temporary urgency change pursuant to Water Code section 1441.
4. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this temporary change Order, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.
5. This Order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

6. I reserve jurisdiction to supervise the temporary urgency change under this Order and to coordinate or modify terms and conditions for the protection of vested rights; fish, wildlife, and instream beneficial uses; and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD

*ORIGINAL SIGNED BY DRB
for*

Harry M. Schueller
Chief Deputy Director

Dated: September 30, 2002