

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

**DIVISION OF WATER RIGHTS**

**WR ORDER 2004-36-DWR**

---

**IN THE MATTER OF PERMIT 20827 (APPLICATION 30159)  
SOUTHERN CALIFORNIA WATER COMPANY  
ORDER APPROVING TEMPORARY URGENCY  
CHANGE, ADDING A POINT OF DIVERSION**

---

**SOURCE:** Acorn Canyon (Underflow) tributary to Swarthout Creek

**COUNTY:** Los Angeles and San Bernardino

---

ORDER APPROVING TEMPORARY URGENCY CHANGE, ADDING A POINT OF DIVERSION

**1.0 INTRODUCTION**

On May 28, 2004,

Southern California Water Company (SCWC)  
c/o Russel M. McGlothlin  
21 East Carrillo Street  
Santa Barbara, CA 93101

filed a Petition for Temporary Urgency Change with the State Water Resources Control Board (SWRCB), Division of Water Rights (Division), pursuant to the provisions of Water Code section 1435. The petition requests authorization to add an additional point of diversion to Permit 20827 (Application 30159). Temporary Urgency Changes approved pursuant to the provisions of Water Code section 1435 may remain in effect for up to 180 days.

**2.0 SUBSTANCE OF PETITION**

SCWC holds Permit 20827 (issued on February 23, 1996), authorizing the direct diversion of up to 2.17 cubic feet per second (cfs) from January 1 to December 31 each year, with an annual diversion limit of 631 acre-feet per annum (afa). The permit authorizes diversion from seven offset wells located in Buford Canyon, Flume Canyon, Acorn Canyon, Heath Canyon, and Sheep Canyon. The water is used for municipal purposes within the community of Wrightwood and surrounding area.

The temporary urgency petition states that SCWC has been unable to divert sufficient amounts of water to meet municipal demand within the authorized service area, due to several years of limited precipitation. SCWC cannot obtain enough water from its existing wells due to low water conditions. Therefore, SCWC plans to install a new well and has petitioned the SWRCB to add the well as a temporary point of diversion under Permit 20827. The new well will be located within a residential development located at the intersection of Acorn and Evergreen Streets in Wrightwood.

### **3.0 OBJECTIONS TO THE PETITION**

No objections to approval of the Temporary Urgency Change petition were filed with the SWRCB.

### **4.0 ENVIRONMENTAL CONSIDERATION**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the SWRCB issued a Notice of Exemption (NOE) for the proposed project. The NOE makes 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. Installation of the new well does not involve land grading, other than minor grading of dirt removed from the well casing. 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 objections.
5. The California Department of Fish and Game (DFG) was contacted regarding the project on June 22, 2004. DFG staff did not identify any issues of concern and DFG did not submit an objection to the petition.

The well will not be installed in the streambed or riparian corridor of the stream. The streambed near the project site is currently dry. Diversions pursuant to the project cannot exceed the existing diversion limits in Permit 20827. Based on this information, Division staff concludes that the temporary project will not impair instream beneficial uses.

### **5.0 SWRCB'S DELEGATION OF AUTHORITY**

Resolution 2002-0106, section 2.6.18 delegates to the Division Chief the authority to approve Temporary Urgency Changes pursuant to Water Code Section 1435, provided the necessary findings can be made:

1. The Permittee has an urgent need to make the proposed temporary change.

Jim Cowen, Field Superintendent of SCWC, submitted a Declaration to the SWRCB dated May 4, 2004, which states that because of below average precipitation, the community of Wrightwood is threatened by a water shortage emergency. Lack of water production from the seven existing wells authorized by Permit 20827 for the last several years adds to the urgency of the water supply situation.

Wrightwood is located near the Big Bear Lake rainfall data collection station in the Santa Ana River watershed. Wrightwood is about 800 feet lower in elevation than the Big Bear Lake station, but at the same latitude. The actual precipitation quantity at Wrightwood would not be the same as the precipitation quantity at the Big Bear Lake stations. Nonetheless, the 2004 rainfall quantities for Big Bear Lake station documents the local rainfall pattern. With respect to whether the rainfall year should be classified as normal, below normal or critically dry, rainfall at Wrightwood would likely exhibit a pattern similar to that at the Big Bear Lake station (cf. following table).

Big Bear Lake Precipitation Station In Inches			
Water Year (October 1 to September 30)	Actual Precipitation (1)	Average Precipitation For Period of Record (2)	Percent of Average Precipitation (%) (1)/(2) x 100%
2004 *	10.43	26.98**	39
2003	22.73	29.96	76
2002	5.03	29.96	17
2001	8.33	29.96	28
Average			40

\* Data available for seven-month period - October 1, 2003 through April 30, 2004.

\*\* Average for seven-month period and long-term average calculated by California Data Exchange Center of Department of Water Resources.

The 2004 water year precipitation to date is 39 percent of the long-term average rainfall (pro-rated for the seven-months of data available for 2004 water year). Rainfall from 2001 through 2004 has been 40 percent of long-term average rainfall. The SWRCB concludes that due to below normal rainfall conditions and subsequent low yield from the Permittee's existing wells, the Permittee has urgent need for additional water supply that may be obtained by drilling a new well.

2. The proposed Temporary Change will not operate to the injury of any other lawful user of water:

The Division's records do not list any known diverters of water between the new point of diversion requested pursuant to the petition and the existing points of diversion for Permit 20827. No objections based on injury to prior rights were filed with the SWRCB.

A change petition cannot be used to increase the rate of diversion under a permit. Consequently, the rate of diversion and annual diversion limit specified in Permit 20827 will not increase as a result of the temporary urgency petition.

3. The proposed temporary change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses:

Division staff contacted the DFG regarding the project on June 22, 2004. DFG staff did not identify any issues of concern and DFG did not submit an objection to the petition.

The well will not be installed in the streambed or riparian corridor of the stream. The streambed near the project site is currently dry. Diversions pursuant to the project cannot exceed the existing diversion limits in Permit 20827. Based on this information, Division staff concludes that the temporary project will not have an unreasonable effect upon fish, wildlife or other instream beneficial uses.

4. The proposed change is in the public interest.

It is in the public interest to provide water for municipal use in the community of Wrightwood.

It is also in the public interest to ensure that unauthorized diversion does not occur in the future at the new well. Therefore, the Order approving the Temporary Urgency Change will require SCWC to file and diligently pursue a Change Petition to add the new well to Permit 20827 on a permanent basis. SCWC does not have authorization from the SWRCB to operate the new well after expiration of the Temporary Urgency Change Order until the SWRCB approves a standard Change Petition.



## ORDER

**NOW, THEREFORE, IT IS ORDERED THAT:** The petition filed for Temporary Urgency Change to add a new point of diversion to Permit 20827 is approved.

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

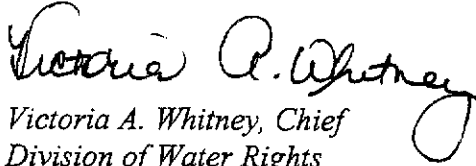
1. Permit 20827 shall be amended to add a new point of diversion, described as follows:

By California Coordinates of 1927, Zone 5, North 313,961 feet and East 2,109,228 feet, being within the NE¼ of SW¼ of Section 8, T3N, R7W, SBB&M.

2. Not later than February 15, 2005, SCWC shall provide to the Chief of the Division 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 and shall also document that total diversions pursuant to this Order and Permit 20827 did not exceed 2.17 cfs, with an annual limit of 631 af. To document compliance with this Order, the period for calculating the annual limit shall be the one-year period ending on the expiration date of this Order. For purposes of filing the Progress Report of Permittee for Permit 20827, the annual limit shall be calculated for the water year, as specified in the permit.
3. Not later than sixty days after the Temporary Urgency Change Order is approved, SCWC shall submit to the Division a Petition for Change under the provisions of Water Code section 1700 to permanently add the new well as a point of diversion under Permit 20827 and diligently pursue the petition. SCWC does not have authorization from the SWRCB to utilize the new point of diversion after expiration of the Temporary Urgency Change Order until the SWRCB approves a standard Change Petition.
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. The Division reserves jurisdiction to supervise the temporary urgency change under this Order and to coordinate or modify terms and conditions as future conditions may warrant for the protection of vested rights; fish, wildlife, and instream beneficial uses; and the public interest.

STATE WATER RESOURCES CONTROL BOARD

  
*Victoria A. Whitney, Chief*  
*Division of Water Rights*

Dated:

**JUL 26 2004**

## MAILING LIST

Southern California Water Company  
c/o Russel M. McGlothlin  
21 East Carrillo Street  
Santa Barbara, CA 93101

Wrightwood Property  
Owners Association, Inc.  
c/o Robert Y. Scapple, Chairman  
P.O. Box 487  
Wrightwood, CA 92397

Wrightwood Municipal  
Advisory Council  
c/o Carol Goss, Chair  
P.O. Box 1953  
Wrightwood, CA 92397

U.S. Forest Service  
c/o Mike McCorison  
701 North Santa Anita Avenue  
Arcadia, CA 91006-2799

Supervisor Jon Mikels  
San Bernardino County  
Board of Supervisors  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0110

California Public Utilities  
Commission  
c/o Han Ong and Robert Penny  
505 Van Ness Avenue  
San Francisco, CA 94102-3298