



State Water Resources Control Board



Winston H. Hickox
*Secretary for
Environmental
Protection*

Division of Water Rights
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Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

NOTICE OF APPLICATION T031449 REQUESTING TEMPORARY PERMIT TO DIVERT FROM THE CARMEL RIVER

Notice is hereby given that on September 6, 2003

Monterey Peninsula Water Management District
c/o Frances Farina
P.O. Box 85
Monterey, CA 93942-0085

filed with the State Water Resources Control Board (SWRCB), Application T031449 for a
Temporary Permit under Water Code section 1425, et seq.

DESCRIPTION OF THE PROJECT:

Monterey Peninsula Water Management District (MPWMD) proposes to directly divert at a rate of 4.5 cubic feet per second, with an annual limit of 750 acre-feet, from the Carmel River for injection into the Seaside groundwater basin using any of three identified injection wells. The requested diversion season is from December 1, 2003 through May 31, 2004.

MPWMD plans to use 19 wells located within the four sub-aquifers of the Carmel River, which are owned by the California-American Water Company, to divert water from Carmel River subterranean stream. MPWMD has obtained annual temporary permits for its injection project from 1998 through the present. For a complete description of the proposed project, see www.waterrights.ca.gov/application/TempUrg.htm

Diversion will occur when the minimum instream flows identified in the report titled Instream Flow Needs for Steelhead in the Carmel River, Bypass Flow Recommendations for Water Supply Projects using Carmel River Waters (National Marine Fisheries Service, Southwest Region, Santa Rosa Field Office, June 3, 2002) are present.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The MPWMD determined that the project was exempt from the California Environmental Quality Act and has submitted a Notice of Exemption dated August 13, 2003 to the State Office of Planning and Research for water year 2004 Seaside Basin Test Injection Well Project. On April 18, 2000, the City of Seaside, issued a Notice of Determination for a mitigated Negative Declaration for the water year 2001 Seaside Basin Test Injection Well Project. The SWRCB will consider these documents during the environmental review of the application. If you have any information which indicates that the proposed project will have a significant effect upon the environment please send this information to MPWMD. Copies of this information should also be sent to Ms. Megan Sheely, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code section 1425, et seq., the SWRCB may issue a conditional, temporary permit if the following findings regarding that permit can be made:

1. The applicant has an urgent need for the water proposed to be diverted and used;

2. The water may be diverted and used without injury to any other lawful user of water;
3. The water may be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed diversion and use are in the public interest, including findings to support permit conditions imposed to assure that water is diverted and used in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1425, et seq., then the SWRCB may cancel the application or schedule and notice a hearing regarding the proposed temporary permit.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary permit. Any person may file comments, objections and/or recommendations concerning the application. The materials must address the issues that the SWRCB must evaluate, as set forth above. Although the applicant has the initial burden of establishing an urgent need for the water proposed to be diverted and used, and that the application for temporary permit is in the public interest and will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses; the objector must file, or be prepared to file, sufficient evidence to prove that the proposed temporary permit would not comply with Water Code 1425.

Materials filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on November 14, 2003**. Additionally, **the response must be accompanied by proof of service of a separate copy of the materials on the applicant**, at the address listed below. Interested parties are encouraged to file comments, etc., by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Monterey Peninsula Water Management District
c/o Andy Bell
P.O. Box 85
Monterey, CA 93942-0085

Phone: (831) 658-5620
FAX: (831) 644-9560

Division of Water Rights
c/o Bill Rigby
P.O. Box 2000
Sacramento, CA 95812-2000

Phone: (916) 341-5376
FAX: (916) 341-5400

Please address questions about this notice to the contact people listed above.

HARRY M. SCHUELLER
Chief Deputy Director

Dated: **October 17, 2003**