

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

DIVISION OF WATER RIGHTS

In the Matter of Temporary Water Right Permit Application T032258

Rentier, Inc.

ORDER DENYING TEMPORARY WATER RIGHT PERMIT

SOURCE: Upper Salmon Lake

COUNTIES: Sierra

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 SUBSTANCE OF TEMPORARY PERMIT APPLICATION

On April 14, 2014, Rentier Incorporated (Rentier) filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) an application for temporary permit (T032258) pursuant to Chapter 6.5 of Part 2 of Division 2 of the Water Code. Rentier has requested temporary diversion and use of up to 0.8 acre-feet of water (1,800 gallons per day) from Upper Salmon Lake between May 15 and October 15, 2014 to help meet domestic water demand at its Salmon Lake Lodge during the 2014 water year drought. Temporary permits issued pursuant Chapter 6.5 of Part 2 of Division 2 of the Water Code automatically expire 180 days after the date of issuance.

2.0 BACKGROUND

Salmon Lake Lodge is operated by Rentier under a special use permit administered by the Tahoe National Forest. The current source of water for the lodge is a direct diversion located on an unnamed stream tributary to Upper Salmon Lake (License 9140; Application A018212). Rentier anticipates that this source will run dry during the summer of 2014 due to severe drought conditions, and has proposed to install a small submersible pump in Upper Salmon Lake to supply water to the lodge in the event that their existing direct diversion is not sufficient to meet demand. Upper Salmon Lake is a non-consumptive reservoir operated by the Tahoe National Forest under water right License 8634 (Application A018746). Upper Salmon Lake is tributary to the North Yuba River, thence the Yuba River, thence the Feather River, thence the Sacramento River.

3.0 NOTICE OF APPLICATION

Water Code section 1428 grants the State Water Board discretionary authority over the timing of public notices for temporary permit applications. The State Water Board may issue a public notice of application either before or after a temporary permit is issued. The Division did not formally notice the temporary permit application subject to this order, but did post the application materials to the State Water Board webpage for pending drought requests and actions.

4.0 REQUIRED FINDINGS OF FACT

Before issuing a temporary permit to appropriate water pursuant to Chapter 6.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the water may be used without injury to any lawful user of water (Wat. Code, § 1425 subd. (b)(2).), based in part on a review available water right records, files, and decisions which relate to the availability of water from the source at the proposed point of diversion (Wat. Code § 1427).

On May 27, 2014, the State Water Board issued a notice of unavailability of water and immediate curtailment for those diverting water in the Sacramento River watershed with post-1914 appropriative water rights. In light of this notice, I find that water is not legally available from the source at the proposed point of diversion for the temporary permit application subject to this order, and that the proposed temporary diversion and use could not be made without injury to lawful users of water within the Sacramento River watershed.

4.0 STATE WATER BOARD DELEGATION OF AUTHORITY

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, granting the Deputy Director for Water Rights the authority to act on applications for temporary water right permits where there are no outstanding objections. By internal memorandum dated July 6, 2012, the Deputy Director for Water Rights redelegated this authority to the Assistant Deputy Directors for Water Rights. No objections to the proposed temporary diversion and use were received. This order is adopted pursuant to delegation of authority granted by Resolution 2012-0029.

6.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation and findings required by Chapter 6.5 of Part 2 of Division 2 of the Water Code (Wat. Code, § 1425 subd. (b)(2); Wat. Code § 1427). Based on available information, I conclude that water is not legally available from the source at the proposed point of diversion for the temporary permit subject to this order, and that the proposed temporary diversion and use could not be made without injury to lawful users of water within the Sacramento River watershed.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: temporary permit application T032258 filed by Rentier is denied.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

Barbara Evoy, Deputy Director
Division of Water Rights

Dated: JUL 25 2014