

MEMBER UNITS EXHIBIT NUMBER 106

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits 11308)
and 11310, Issued on Applications)
11331 and 11332,)
U. S. BUREAU OF RECLAMATION,)
Permittee)

Order: WR 78-10
Source: Santa Ynez River
County: Santa Barbara

BY BOARD MEMBER ADAMS:

On February 28, 1958, the former State Water Rights Board adopted Decision 886 approving Applications 11331 and 11332 of the United States Bureau of Reclamation covering the Cachuma Project. The principal features of the project are Bradbury Dam and Lake Cachuma on Santa Ynez River, Tecolote Tunnel to convey water through the Santa Ynez Mountains to the coastal area of Santa Barbara County, and the South Coast Conduit to distribute water to several county water districts and the City of Santa Barbara in the coastal area. The Board in Decision 886 reserved jurisdiction for fifteen years or such further time, prior to issuance of license, as the Board may determine upon notice and hearing to be necessary to determine the streamflow of the Santa Ynez River required for protection of vested rights without resulting in waste to the ocean. This reserved jurisdiction was continued by an Order of February 15, 1973, and by Order No. 73-37 dated July 5, 1973. Order No. 73-37 extended said reserved jurisdiction for fifteen years from the date thereof or such further time, prior to issuance of license, as the Board may determine upon notice and hearing to be reasonably necessary

for the aforesaid purposes. Condition 7 of Order No. 73-37 authorizes the provisions of Condition 5 and 6 of said order to be modified. These conditions established a detailed accounting system for the diversion of water for the Cachuma Project, to enable the project to maximize its yield while ensuring protection of downstream rights. Condition 7 authorizes a modification by a written proposal of permittee concurred with in writing by the Santa Ynez River Water Conservation District and such modification would be effective within 30 days after a copy thereof has been filed with the Board, unless the Board orders to the contrary prior to the expiration of such 30-day period. Permittee requested a change in subdivision (1.4) of Condition 5 of Permits 11308 and 11310 in a letter dated April 17, 1978. The Board noticed a hearing on the matter, among others, on April 18, 1978, and held a hearing on May 9, 1978. The Board finds as follows:

1. The proposed change by permittee is essentially a change in the measuring method used to determine when water must be released from Lake Cachuma to satisfy downstream rights. The proposed change substitutes a rating curve based on groundwater levels in an observation well and the stream flow at an upstream gaging station for a visible stream of water flowing on the surface of the riverbed at "H" Street and 13th Street Bridges, north of Lompoc. No change in the release schedule from Lake Cachuma or in the use of water by virtue of said change in measuring method is contemplated.

2. Among other matters, Application 23960 of the Santa Ynez River Water Conservation District was scheduled for the consolidated hearing of May 9, 1978. Permittee, herein, is a

protestant to the approval of said application. Permittee has agreed to withdraw its protest to Application 23960, if said proposal is approved. Application 23960 is for a permit to divert 40,000 acre-feet of the surface flow of the Santa Ynez River to underground storage from November 1 of each year to June 30 of the succeeding year. Without a change in the method of measurement, the diversion of water under a permit issued on Application 23960 would have interfered with the operation of the Cachuma Project under the existing permit conditions.

3. The proposed change is beneficial because it allows the protests against Application 23960 to be resolved in a manner that protects the rights of all parties. The approval of Application 23960 will allow the additional conservation of water within the Santa Ynez River watershed.

4. Section 15101, Article 8, Chapter 3 of Title 14 of the California Administrative Code exempts certain projects from the requirement of preparing an environmental impact report or negative declaration under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). The approval by the Board of the proposed change constitutes a project as defined in Public Resources Code Section 21065(c).^{1/} Section 15101 states in part:

"Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing."

^{1/} The Board is unaware of any actions permittee has taken to comply with the National Environmental Policy Act (42 U.S.C. §4321 et seq.). However, there is no legal impediment under state law to the Board's acting on the permittee's request.
 Permittees to comply with NEPA are

5. Since the proposed change consists only of changing the method of measurement and since no expansion of use of water is contemplated by permittee, the proposed change constitutes a Class 1 exemption as defined in Section 15101.

NOW, THEREFORE, IT IS ORDERED that Condition 5(1.4), (as amended by Order No. 73-37 dated July 5, 1973) of Permits 11308 and 11310 (Applications 11331 and 11332) be amended to read as follows:

5.(1.4) Each month, the inflow to Lake Cachuma stored that month during periods when a live stream did not actually exist in the Santa Ynez River shall be computed. All such stored inflow shall be credited monthly and accumulated in an 'above Narrows' account. At the end of each month, the account shall be reduced, if necessary, so that it does not exceed the actual amount of dewatered storage in the 23 storage units at that time. (A 'live stream', as that term is used herein, shall be deemed to exist in the Santa Ynez River whenever there is a visible stream of water flowing on the surface of the river bed at the San Lucas Bridge [river mile 45.7], at the Mission Bridge near Solvang [river mile 38], at U. S. Highway 101 Bridge near Buellton [river mile 34.3], at the Santa Rosa damsite [river mile 25.3], at Robinson Bridge near Lompoc [river mile 12.9], and the flow measured at the USGS gauge entitled 'Santa Ynez River at Narrows near Lompoc' [Narrows Gauge] is equal to or in excess of that quantity shown on SYRWCD Exhibit 1, dated May 9, 1978, entitled 'Flow at Narrows Versus Groundwater Elevation at Well 22 L1', corresponding to the groundwater surface elevation shown thereon for that day.)"

Dated: July 5, 1978

WE CONCUR:

W. W. Adams
W. W. Adams, Member

John E. Bryson
John E. Bryson, Chairman

W. Don Maughan
W. Don Maughan, Vice Chairman

B. J. Miller
B. J. Miller