

STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 86-41

STIPULATION WITH BUREAU OF RECLAMATION  
REGARDING EFFECT OF NOT SUBMITTING PROTESTS  
AGAINST APPLICATIONS TO  
APPROPRIATE SMALL QUANTITIES OF WATER  
IN WATERSHED ABOVE FRIANT DAM

WHEREAS:

1. The United States Bureau of Reclamation (Bureau) holds appropriative water right permits on Applications 234, 1465, and 5638, and a water rights license on Application 23 for the diversion and use of water for the operation of the Friant Dam Project and appurtenant facilities (hereinafter, Friant Project).
2. The State Water Resources Control Board (Board) may receive applications to appropriate 25 acre-feet or less of water per annum by storage and/or total direct diversion from the San Joaquin River watershed above Friant Dam.
3. The quantity of water available for appropriation within the San Joaquin watershed depends in part upon the interpretation of California Water Code Sections 11128 and 11460 through 11463 (the "watershed protection statutes") and the applicability of said statutes to the Friant Project.
4. The Bureau and the Board may have differing positions regarding the effect of previous litigation and water right decisions on rights to water from the San Joaquin River.
5. The questions regarding the application of the watershed protection statutes to the Friant Project are expected to be addressed in the Board proceedings on Delta water quality scheduled to begin later in 1986.

6. The Bureau and the Board both prefer to address the broad subject of the applicability of the watershed protection statutes to the Friant Project in the proceedings on Delta water quality or some other appropriate Board proceeding rather than address the subject in connection with an application which is for a small amount of water.

THEREFORE BE IT RESOLVED:

The Board authorizes the Chief of the Division of Water Rights, on behalf of the Board, to execute the attached stipulation with the United States Bureau of Reclamation regarding the effect of the Bureau not submitting protests to applications to appropriate 25 acre-feet of water or less by diversion to storage and/or total diversion from the San Joaquin River watershed above Friant Dam.

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 22, 1986.

  
Raymond Walsh

Interim Executive Director