

State of California
State Water Resources Control Board

In the Matter of Temporary)
Permit 19806 (Application 28800))
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Grassland Water District)
Permittee)
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Order: WR 86- 5
Source: San Joaquin River
County: Fresno

FINDINGS AND ORDER VALIDATING THE ISSUANCE
OF TEMPORARY PERMIT

BY THE BOARD:

The Grassland Water District (Grassland) having filed Application 28800 for a temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; the Board having consulted with the California Department of Fish and Game; Board Member Samaniego having concluded from available information that Grassland was entitled to a temporary permit to divert and use water, subject to review and validation by the Board as provided by Water Code Section 1425(c); the Board finds as follows:

1. Application 28800 is for a temporary permit to directly divert water from the San Joaquin River at the Mendota Pool in Fresno County for the purpose of wildlife enhancement and recreation purposes.
2. Grassland seeks to divert up to 20,000 acre-feet of flood waters at a rate up to 300 cubic feet per second through existing facilities operated by Central California Irrigation District (CCID). The water will be diverted from the Mendota Pool into CCID's main and outside canals. The points of

diversion are located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 of T13S, R15E and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20 of T13S, R15E, MDB&M. The water will be used to enhance up to 49,500 acres of wetland habitat in Grassland.

Grassland Has a Pending Application to Appropriate Water

3. Grassland has a pending application (28712) with the Division of Water Rights to appropriate water on a long-term basis at times when water is available for appropriation in the San Joaquin River System at the Mendota Pool.

Grassland Has a Need to Use Water Under Unforeseen Emergency Conditions

4. In 1985, Grassland was informed that its usual water supply from upslope agricultural areas with tile drains contained elevated levels of selenium. The U.S. Fish and Wildlife Service stated that the levels of selenium are such that the water could be harmful to waterfowl if the Grassland continued to use this historic source of water. Grassland stopped using this source of water in 1985. This unforeseen emergency left the Grassland with a critical water deficiency.
5. Grassland encompasses the largest tract of native grasslands remaining in the San Joaquin Valley. The State's wetlands have dwindled from 5,000,000 to 300,000 acres. Grassland comprises 17 percent of this remaining acreage. Preservation of Grassland is one of the U.S. Fish and Wildlife Service's highest priorities in its overall waterfowl habitat preservation program. The water supplies sought under this application are needed to protect this resource and the public welfare.

6. Water proposed to be diverted into Grassland under this permit would be used to maintain existing habitat, maintain salt balance in this flow through marsh land area and to circulate existing water supplies to help prevent waterfowl diseases such as avian cholera. It will be drained off and discharged back into the Mud and Salt Sloughs and ultimately into the San Joaquin River System upstream of the Merced River. The discharge will take place approximately one week after the diversion of water takes place. The applicant desires to drain the land while the San Joaquin River is carrying "flood flows".

Effect of the Diversion on Any Lawful User of Water and the Rights of
Downstream Users

7. Staff has contacted the South Delta Water Agency (an association of downstream prior right holders.) The agency representative indicated that they would not object to the application provided diversion and discharge of return flows take place when the flows in the San Joaquin River at Vernalis are in excess of 2,000 cfs, and the diversion of water does not extend past June 1. The applicant is agreeable to this condition and proposed it be included as part of the application.
8. Staff has contacted representatives of the CCID, Firebaugh Canal Company and the U. S. Bureau of Reclamation (Bureau). None of these water users object to the proposed application provided water flowing into Mendota Pool is sufficient to meet existing water demands. They proposed that such conditions exist whenever the Bureau is not required to deliver water from its Tracy pumping plant via the Delta Mendota Canal to meet water demands from the pool. CCID is willing to allow Grassland use of its

facilities to convey the water sought by this application. The applicant is agreeable to the condition set forth above and proposed it be included as part of the application.

9. Provided the above conditions are met, water can be diverted under this temporary permit without injury to downstream water users.

Effects of the Proposed Diversion on Fish, Wildlife and Other Instream Uses

10. Staff has contacted representatives from Department of Fish and Game (Fish and Game). The Fish and Game representatives believe that the proposed water diversion and discharge of return flows will not unreasonably affect fish, wildlife or other instream beneficial uses provided the quality of water in the San Joaquin River at the point of discharge does not exceed 5 ppb of selenium. Board staff calculations indicate that a flow of 1500 cfs is needed to dilute expected selenium loads from upslope agricultural areas and the small additional load expected from the Grassland to less than 5 ppb. The Department stated that minimum flows in the San Joaquin River at Lander Avenue of 1,500 cfs at the time of discharge would satisfy their concerns. The applicant is agreeable to this term.

Findings Concerning the California Environmental Quality Act

11. An environmental analysis has shown that the proposed appropriation of water will assist in maintaining and enhancing natural waterfowl resources and that no significant effect on the environment will result. A Notice of Exemption was filed by the Chief of the Division of Water Rights on February 26, 1986.

12. Staff explained the foregoing situation to Board Member Samaniego and recommended approval of the temporary permit. Board Member Samaniego concurred with the staff recommendation, and on February 24, 1986, authorized issuance of the temporary permit. On the same date, Lloy Johnson, Chief, Division of Water Rights, issued Temporary Permit 19806.

CERTIFICATION

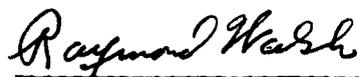
The undersigned, Interim Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 20, 1986.

AYE: Darlene E. Ruiz
E. H. Finster
Eliseo Samaniego
Danny Walsh

NO: None

ABSENT: Raymond V. Stone

ABSTAIN: None



Raymond Walsh
Interim Executive Director

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