

TO: James L. App, City Manager
FROM: Joseph M. Deakin, Public Works Director
SUBJECT: Salinas River License Application
DATE: January 6, 2004

NEEDS: For the City Council to consider adopting Resolution No. 04-xx requesting a license from the State Water Resources Control Board to divert water from the Salinas River.

- FACTS:**
1. In 1942, the City of Paso Robles applied for and received a permit from the State Water Resources Control Board ("SWRCB") to divert water from the Salinas River. The permit granted the City a right to divert water at a diversion rate of 8 CFS (cubic feet per second) with no cap on the annual quantity diverted.
 2. In 1981, due to low production, the SWRCB issued an order capping the City's annual diversion amount at 4,600 acre feet. The 8 CFS diversion rate was left unchanged. At the same time, the City applied for and received a time extension granting ten years to construct water production facilities to produce 4,600 acre-feet.
 3. In 1992, as a result of new regulatory compliance orders (Groundwater Surface Rule) and water quality problems, City Water Division personnel shut down the Ronconi well field, thus reducing river water production capacity. Consequently, the City received a second ten-year extension.
 4. During the ten-years since 1992, the City conducted exploration drilling in areas under the Salinas River. Three pilot wells were drilled but unsatisfactory production or water quality problems resulted in abandonment.
 5. In 2002, the time extension expired; SWRCB indicated that a new time extension would not be granted without CEQA compliance. That is, the City would have to initiate the CEQA process complete with full environmental analysis, public notice, mitigation, etc. and even then, SWRCB staff indicated the Board was unlikely to grant the extension.
 6. In October 2003, City staff met with SWRCB staff to discuss the river water diversion. The SWRCB staff informed the City that it would grant a license* based on the highest historical production quantities between years 1992 and 2002. During this time period the maximum production quantities were 3,934 acre-feet at a diversion rate of 8.0 CFS.

*Municipal users may be issued a permit to divert water from the River for the purpose of developing permanent water infrastructure. After the infrastructure has been completed, a license can be granted in place of the permit. Licenses are ongoing, i.e. they do not need to be renewed.

**ANALYSIS
AND
CONCLUSION:**

Over the decades, the City has been able to divert 3,934 acre-feet annually. The issuance of a license for this amount is a ministerial act by SWRCB. A water rights license has no stated termination date, and so extensions of time in the future will not be necessary, as long as the City continues to pump the water and use it in accordance

with the terms of the license. City staff and its water counsel do not anticipate that the conditions on the license will be unusual, or unduly impair the continued beneficial use of the wells. Because of the uncertainty of obtaining another extension of time, it would be prudent for the City to petition the SWRCB to convert the existing permit for its Salinas River wells to a license, to divert an annual amount of 3,934 acre-feet at a diversion rate of 8.0 CFS.

**POLICY
REFERENCE:**

None.

**FISCAL
IMPACT:**

None.

OPTIONS:

- a.** Adopt Resolution No. 04-xx directing staff to petition the SWRCB to convert the City's existing Salinas River wells permit to a license to divert water from the Salinas River at an annual quantity of 3,934 acre-feet at a diversion rate of 8.0 CFS.
- b.** Apply for a time extension, begin the CEQA process, and prepare a State Water Resources Control Board presentation.
- c.** Amend, modify, or reject the above options.

Attachments (1)
1) Resolution

RESOLUTION NO. 04-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DIRECTING STAFF TO PETITION TO SWRCB FOR A LICENSE
TO DIVERT WATER FROM THE SALINAS RIVER

WHEREAS, the City currently holds a permit from the State Water Resources Control Board ("SWRCB") to divert water from the Salinas River at a diversion rate of 8 CFS and an annual diversion cap of 4,600 acre-feet

WHEREAS, IN 1981 the City applied for and received a time extension granting ten years for the City to construct water production facilities to produce 4,600 acre-feet. A second 10-year extension was granted in 1992.

WHEREAS, during the most recent ten-year period, the City conducted exploration well drilling in areas under the Salinas River. Three wells were drilled and due to unsatisfactory production or water quality problems, the wells were abandoned.

WHEREAS, In 2002, the City's time extension expired and the SWRCB Staff informed the City that a new time extension would be difficult to obtain.

WHEREAS, in October 2003, City staff met with SWRCB staff to discuss converting the City's Salinas River wells permit to a license. The SWRCB staff informed the City that it would grant a license based on the highest historical production quantities between years 1992 and 2002. During this time period the maximum production quantities were 3,934 acre-feet at a diversion rate of 8.0 CFS; and

WHEREAS, the City has been able to divert 3,934 acre-feet annually, and because of environmental and permit uncertainties, it would be prudent for the City to petition the SWRCB to convert the City's Salinas River wells permit to a license, to divert an annual amount of 3,934 acre-feet at a diversion rate of 8.0 CFS.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of El Paso de Robles does hereby direct staff to petition the SWRCB for a license to divert water from the Salinas River at an annual quantity of 3,934 acre-feet at a diversion rate of 8.0 CFS.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 6th day of January 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk