



Cal/EPA

State Water Resources Control Board

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MEMORANDUM



Pete Wilson Governor

TO: Wendy Halverson Martin CALFED Bay-Delta Program 1416 Ninth Street, Suite 1155 Sacramento, CA 95814

Gerald E. Johns

FROM: Gerald E. Johns Assistant Division Chief DIVISION OF WATER RIGHTS

DATE: OCT 21 1996

SUBJECT: COMMENTS ON HANDBOOK OF ENVIRONMENTAL COMPLIANCE FOR CALFED BAY-DELTA PROGRAM

State Water Resources Control Board (SWRCB) staff has reviewed selected sections of the draft Handbook of Environmental Compliance for the CALFED Bay-Delta Program (Permit Handbook) and has the following comments:

- 1. Additional bullets need to be added to the regulatory matrix on page 1-13 under State Water Resources Control Board, Water Rights. The specific areas are: Delta Inflow/Outflow Export, Modify Diversion Timing Patterns, Increase Rates of Capacity, Long-term Water Supplies for Fish and Wildlife, and Water Reclamation. These should all have bullets indicating Division of Water Rights involvement. (A little known fact is that many water reclamation projects need approval by the SWRCB of a wastewater change petition under Section 1210 of the Water Code.)
2. Page (3-5) First paragraph states that the Porter-Cologne Act makes the SWRCB responsible for water rights. This is not exactly correct. Water rights have been done by the SWRCB and its predecessor agencies since 1914 prior to the passage of Porter-Cologne in 1969. Also, the power to issue permits rests with the SWRCB and in some cases has been delegated to the Division of Water Rights. In addition, Statements of Water Diversion and Use are not formally acted upon by the SWRCB just filed. A better way to say this is "The California Water Code makes the SWRCB responsible for permitting" "The Division of Water Rights assists the SWRCB with this function. The SWRCB issues permits to appropriate water and issues change petitions to existing rights with terms to



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protect prior rights, public trust resources and the public interest."

3. Page 3-51, Figure 3-7: The box containing CEQA Determination does not convey the correct meaning. The Division of Water Rights does a preliminary review at this stage. Another box showing CEQA Review needs to be added before the "Project Controversial?" box.
4. Page 3-52, Permit Application Fee: This section should also state that an \$850 Department of Fish and Game (DFG) Water Right filing fee must be paid to the SWRCB before a water right application can be noticed. The check must be made out to DFG.



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