

1996

DEPARTMENT OF PARKS AND RECREATION
MONTEREY DISTRICT
GARDEN ROAD
MONTEREY 93920
649-2836

September 12, 1994

Ed Anton, Chief
Division of Water Rights
State Water Resource Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

APPLICATION 30166 OF JAMES HILL TO APPROPRIATE BIG SUR RIVER UNDERFLOW
IN MONTEREY COUNTY

The California Department of Parks and Recreation (State Parks) is a protestant to the above named application. Department representatives have met with Nick Wilcox of your staff regarding the process the State Board will follow when considering this application. We are concerned that continued pumping by the applicant during the lengthy review process will result in continued negative impacts to the aquatic and riparian resource of the Big Sur River within Andrew Molera State Park. We request that the State Board order Mr. Hill to cease or significantly reduce his water withdrawals until final action is taken on the application.

In August 1990 State Parks submitted a complaint to the State Board regarding the pumping of Big Sur River underflow by Mr. Hill. In the summer of 1990 about 3,000 lineal feet of the lower Big Sur River went dry. The summer of 1990 was a critically dry drought period in the Big Sur area. We believe that Mr. Hill's continued pumping during this dry period caused the elimination of all surface flow in the river. During other dry years, including 1994, the river flow is low but continues to the river mouth lagoon. The low flows may be insufficient to provide optimum habitat for Steelhead and other aquatic organisms in the lower river and lagoon and to sustain the riparian habitat.

In response to our 1990 complaint, State Board staff completed an investigation which concluded that Mr. Hill's wells divert from the river underflow and that the diversion was only partially covered under a claim of riparian right. Mr. Hill was directed to cease diverting to nonriparian land or file an application to obtain an appropriate water right covering his diversions. Mr. Hill subsequently filed Application 30166. State Parks submitted a protest to the State Board in May 1994 in response to the Public Notice of this application.

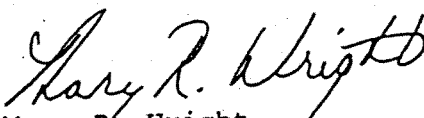
Mr. Hill's application to divert 1800 acre feet per annum to irrigate 292 acres of pasture is excessive. We understand that the rate of 6 acre feet per acre is high for irrigated pasture, and far in excess of that required by prevailing climatic conditions. During irrigation periods, surface water flows across Mr. Hill's pastures causing erosion. An ephemeral drainage on his property flows during and following his irrigation events causing erosion across the ocean beach. The surface flow sometimes crosses his property line, flooding state park trails.

The Big Sur River was designated a protected waterway by the State Legislature in 1973. The Big Sur River Protected Waterway Plan was adopted by the Monterey County Board of Supervisors in 1985 and certified by the California Coastal Commission in 1986. It states as its main goal "to maintain and enhance the value of the lower Big Sur River and its watershed as a domestic water supply, fish and wildlife habitat, and recreational and scenic resources and to mitigate adverse effects and facilities on these resources". The special status of the River provides additional justification for the State Board to take immediate action to protect this important resource.

In addition, fisheries research in the central coast of California has demonstrated that river mouth lagoons are vital rearing habitat areas for young steelhead. The Big Sur River mouth lagoon is one of the few central coast streams that is not artificially regulated and which receives perennial flows. The California Department of Fish and Game is managing steelhead as a depleted resource. The Fish and Game Commission has adopted a steelhead habitat enhancement policy to protect native waters and restore depleted habitat. The lower Big Sur River is an important resource for steelhead which should be protected and enhanced.

State Parks is requesting that the State Board order that the nonriparian water withdrawals be either ended or significantly reduced until a final decision is reached on Mr. Hill's application. Ending or reducing the diversion during the annual summer drought period would be the highest priority. If you have any questions about this request please contact State Parks Monterey District Resource Ecologist Ken Gray at (408) 649-2862.

Sincerely,


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District Superintendent

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