

# City of Calistoga Staff Report

**TO:** Honorable Mayor and City Council

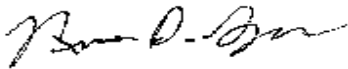
**FROM:** Richard Spitler, City Manager

**DATE:** March 5, 2013

**SUBJECT:** Resolution to request the State Water Resources Control Board to Revoke Kimball Reservoir Water Right Permit 20395

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APPROVAL FOR FORWARDING:




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Richard D. Spitler, City Manager

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2 **ISSUE:**

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4 Resolution to request the State Water Resources Control Board to Revoke

5 Kimball Reservoir Water Right Permit 20395.

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7 **RECOMMENDATION:**

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9 Adopt Resolution.

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11 **BACKGROUND/DISCUSSION:**

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13 The City received a letter on December 18, 2012 from the State Water

14 Resources Control Board (State Water Board) that addressed several issues

15 related to operations at the Kimball Reservoir (see attached). Under Item 7 the

16 State Board suggested that the City petition for an extension of time or request

17 revocation of Kimball Reservoir Water Right Permit 20395.

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19 Permit 20395 was initially issued by the State Water Board in November 1989. It

20 was later amended in 2007. This permit allowed the City to divert up to .66 cubic

21 feet per second by direct diversion and store 718 acre feet of water from

22 November 16<sup>th</sup> through February 29<sup>th</sup>. The total amount of water to be taken from

23 the reservoir shall not exceed 857 acre feet per water year of October 1 to  
24 September 30.

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26 In order for the City to utilize this permit it would have required a ten foot increase  
27 in the height of the Kimball Dam and associated structural improvements. In  
28 return, there were several conditions of permit approval including additional  
29 bypass of water (of 5 cubic feet per second November 16 through February 29  
30 with all flow bypass). There was also a requirement to install a measure device  
31 capable of measuring the flows required by the conditions of the permit. The  
32 construction was to be completed by December 31, 1995 and the permit was in  
33 effect through December 31, 2010.

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35 The City never used this permit, as the expense of the improvements could not  
36 be justified for the amount of water to be obtained. If the City were to ask for an  
37 extension it probably would not be issued without extensive environmental review  
38 and additional bypass requirements.

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40 Staff has reviewed this matter, along with the subcommittee consisting of  
41 Councilmembers Kraus and Barnes. At the February 5, 2013 City Council  
42 meeting staff was directed to respond by letter to the State Water Board (see  
43 attached). In this letter the City informed State Water Board that we would seek  
44 revoke this permit.

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46 This agenda item is to take formal action on this matter. Staff recommends that  
47 we should ask the State Water Board to revoke this permit.

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51 **ATTACHMENTS:**

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53 1. December 18, 2012 letter from State Water Resources Control Board

54 2. Permit 20395

55 3. February 6, 2013 City Letter to State Water Resources Control Board

56 4. Draft Resolution