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## State Water Resources Control Board

### **NOTICE OF ASSIGNMENT**

The State Water Resources Control Board  
Administrative Hearings Office  
has been assigned  
pending Water-Right Application 30531B of  
**the City of Stockton**

#### **WATER-RIGHT APPLICATION 30531B**

On June 22, 2020, the State Water Resources Control Board (“State Water Board” or “Board”) Division of Water Rights (“Division”) requested an update from the City of Stockton (“Stockton”) regarding the specific actions Stockton had taken since 2013 on water-right Application 30531B. Stockton’s Director of Municipal Utilities responded with a letter dated August 25, 2020. (Attachment 2)

On February 17, 2021, Erik Ekdahl, Deputy Director for the Division, sent a memorandum to Eileen Sobeck, the State Water Board’s Executive Director. (Attachment 3.) That memorandum discussed water-right Application 30531, the split of that application into Applications 30531A and 30531B, and the issuance of water-right Permit 21176 on Application 30531A. It also described Stockton’s August 25, 2020 letter and the status of Application 30531B.

That memorandum recommended that the Executive Director assign Application 30531B to the Board’s Administrative Hearings Office (“AHO”) to consider and resolve various issues, which are listed in the memorandum.

#### **ASSIGNMENT TO THE ADMINISTRATIVE HEARINGS OFFICE**

Water Code section 1110 established the AHO as an independent organizational unit within the State Water Board. Water Code section 1112, subdivision (c)(2), provides that the Board may assign an adjudicative hearing to the AHO. Water Code section 1114 provides that, after the AHO holds a hearing in an assigned matter, the AHO

hearing officer shall prepare a proposed order and transmit it to the Board for the Board's consideration.

On February 26, 2021, Ms. Sobeck transmitted a memorandum to Alan Lilly, Presiding Hearing Officer of the Administrative Hearings Office, which assigned Application 30531B to the AHO. (Attachment 4.)

### **HEARING OFFICER AND HEARING TEAM: NOTICE OF STATUS CONFERENCE**

A hearing officer from the State Water Board's Administrative Hearings Office will preside over any hearing in this matter. Other members of the AHO may be present and assist the hearing officer throughout these proceedings.

The AHO will be issuing a notice of status conference for this matter.

### **PROHIBITION ON EX PARTE COMMUNICATIONS**

Parties and interested persons are prohibited from having any ex parte communications with any members of the AHO hearing team. (See Wat. Code, § 1110, subd. (c); Gov. Code, §§ 11430.10-11430.80.) For a discussion of ex parte communications regarding State Water Board members, see "Ex Parte Questions and Answers," available on the State Water Board's website at:

[http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

These rules regarding ex parte communications apply to all members of the AHO hearing team.

If any party or interested person wants to communicate with the AHO regarding a procedural or substantive issue related to this proceeding, the party or interested person shall make the communication in writing, shall serve all parties listed on the service list for this proceeding with copies of the communication, and include a proof of service demonstrating such service with the written communication to the AHO.

Any such communication shall be sent to the AHO by e-mail to: [AdminHrgOffice@waterboards.ca.gov](mailto:AdminHrgOffice@waterboards.ca.gov), or by letter addressed to:

State Water Resources Control Board  
Administrative Hearings Office  
P.O. Box 100  
Sacramento, CA 95814-0100

A party or interested person may provide the proof of service through a formal proof of service or by other verification. For e-mails, the verification shall be a list of the e-mail addresses of the parties or their representatives in an electronic mail "cc" (carbon copy) list. For letters, the verification shall be a list of the names and mailing addresses of the

other parties or their representatives in the cc portion of the letter. Until the AHO issues an updated service list, parties should use the initial service list attached to this notice (Attachment 1).

Please do not attempt to communicate by telephone or in person with AHO staff or any AHO hearing team member regarding these proceedings, because other parties would not be able to participate in such communications. If oral communications with members of the AHO hearing team are necessary to discuss a procedural or substantive issue, the AHO will set up a conference call in which representatives of all parties may participate. Any party may request such a conference call at any time using the written communications protocols described above.

### **UPDATES TO SERVICE LIST**

The AHO prepared the attached service list using information in the Division of Water Rights files for Applications 30531, 30531A and 30531B, and current information available to the AHO. The AHO requests that all parties listed on the service list provide the AHO with the names, mailing addresses and e-mail addresses of the people who currently are representing the parties and whom the parties want to have on the updated service list. Parties should submit this information to the AHO by e-mail at [adminhrgoffice@waterboards.ca.gov](mailto:adminhrgoffice@waterboards.ca.gov) on or before **April 23, 2021**. Parties do not need to send copies of these e-mails to representatives of the other parties.

After April 23, the AHO will prepare an updated service list and circulate it to the parties' representatives with the AHO's notice of status conference.

### **AHO WEBPAGE AND NOTICES**

Subject to legal limitations, including the requirements for internet website accessibility in Government Code section 11546.7, the AHO will post all notices and other documents regarding these proceedings on the AHO's internet webpage at [https://www.waterboards.ca.gov/water\\_issues/programs/administrative\\_hearings\\_office/](https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/)

Any interested person may sign up to receive all AHO notices at [https://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.html](https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html).

Date: March 29, 2021

SIGNATURE ON FILE  
Alan B. Lilly, Presiding Hearing Officer

Attachments:

- Attachment 1 – Initial Service List
- Attachment 2 – Aug. 25, 2020 letter from John Abrew, Director of Municipal Utilities, City of Stockton
- Attachment 3 – Feb. 17, 2021 memorandum from Erik Ekdahl, Deputy Director for the Division of Water Rights
- Attachment 4 – Feb. 26, 2021 memorandum from Eileen Sobeck, Executive Director

# ATTACHMENT 1

## INITIAL SERVICE LIST

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# CITY OF STOCKTON

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## DEPARTMENT OF MUNICIPAL UTILITIES

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www.stocktongov.com

August 25, 2020

State Water Resources Control Board  
Division of Water Rights  
Attention: Justine Herrig  
PO Box 100  
Sacramento, CA 95812-0100

### **CITY OF STOCKTON WATER RIGHT APPLICATION 30531B REFERENCE: JH A030531B**

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This letter responds to your letter dated June 22, 2020, regarding Application 30531B. In your letter, you request that the City of Stockton (City) provide an update regarding the specific actions that the City has taken since 2013 in pursuit of Application 30531B including the status of preparation of California Environmental Quality Act (CEQA) documentation related to Application 30531B.

#### **A. Water Right Permit 21176 Progress**

Because the City's efforts related to Application 30531B depend, in part, upon the progress that the City has made putting Permit 21176 water to beneficial use, I have provided an updated water demand estimate, explain the City's schedule for putting Permit 21176 water to full beneficial use, and describe the City's potential projects for maximizing use on this schedule.

In 2013, the City notified the State Water Resources Control Board (State Water Board) that its current water demand projection for the City of Stockton Municipal Utility Department (COSMUD) service area was estimated to be 54,000 acre-feet per year (af/yr) by 2035. The City also indicated it would be able to inform the State Water Board of the City's development schedule for Application 30531B once it completed its 2015 Urban Water Management Plan. The City anticipates that the COSMUD service area population of approximately 182,000 will grow by 1.3% per year, such that the COSMUD service area population will be approximately 236,000 by 2040. (City 2015 UWMP, p. 2-6, Table 2-3.) The City anticipates that its total water demand within the COSMUD service area will be approximately 44,465 af/yr by 2040. (City 2015 UWMP, p. 3-5, Table 3-5.) Thus, by 2040, the City anticipates that its annual demand within the COSMUD service area will exceed the 33,600 af/yr available under Permit 21176.

**CITY OF STOCKTON WATER RIGHT APPLICATION 30531B**  
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While the City anticipates annual COSMUD water demand in 2040 in excess of the maximum annual supply available under Permit 21176, there are certain physical and regulatory restrictions that limit the City's ability to use the water that Permit 21176 provides. Diversions for beneficial use cannot exceed the amount of water discharged by the City's Regional Wastewater Control Facility (RWCF). In addition, conditions imposed in 2008 in the United States Fish and Wildlife Service, Biological Opinion on the Proposed City's Delta Water Supply Project (BiOp) and California Department of Fish and Wildlife, Incidental Take Permit No. 2081-2009-005-03 (ITP) limit the City's Delta Water Supply Project (DWSP) diversion rate and time periods available for diversion.<sup>1</sup> To prepare the City's Petition for Extension of Time for Permit 21176<sup>2</sup>, the City has recently estimated in 2040, the total City of Stockton Metropolitan Area (COSMA) water demand will be 76,905 af/yr<sup>3</sup>, total RWCF discharges will be 36,145 af/yr, and water available for diversion under Permit 21176, with current Endangered Species Act (ESA) pumping restrictions in place will be 24,964 af/yr.

Given the difference between the City's current diversion capability with existing infrastructure and regulatory limitations, and the face value of Permit 21176, the City recently evaluated two potential 2040 diversion scenarios, which assume the City obtains amendments to the BiOp and ITP to allow for an increase in the diversion rate at the IPS in selected months and use of the portion of these increased diversions not needed to meet COSMUD demand, or in excess of the DWTP capacity, for groundwater recharge. Under these potential diversion scenarios and current water demand forecasts, the City estimates that it could divert between 26,323 to 27,804 af/yr at the IPS if the City is able to increase the diversion rate in months not currently restricted to a diversion rate less than 30 mgd and in February and June.

The ability of the City to direct these diversions to the DWTP for treatment and delivery would require the City to successfully increase the current nominal 30 mgd DWTP capacity through operational changes and installation of additional membrane units, both of which are feasible given the design of the DWTP. The City recently determined that the City could direct as much as 5,100 af/yr of the 2040 diversion total of 27,804 af/yr to groundwater recharge and conjunctive use, assuming maintenance of the existing actual DWTP capacity of 27 mgd.

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<sup>1</sup>The DWSP includes the 30 million gallons per day (mgd) Drinking Water Treatment Plant (DWTP) on approximately 60-acres off Lower Sacramento Road, 12 miles of 54-inch RCP raw water pipeline installed along Eight Mile Road capable of conveying 60 mgd, and the 80 mgd capacity Intake Pump Station (JPS) diversion works housing four, 250-horsepower pumps and state-of-the-art fish screens located on the southwest tip of Empire Tract.

<sup>2</sup>The City anticipates filing its Petition for Extension of Time for Water Right Permit 21176 in September 2020.

<sup>3</sup>Total COSMA water demand is relevant in determining the quantity of water that is discharged from the RWCF and available for diversion pursuant to Permit 21176 because the COSMA, which has an area greater than the COSMUD service area, is the source of wastewater for the RWCF.



**CITY OF STOCKTON WATER RIGHT APPLICATION 30531B**  
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Given the current 2040 COSMUD demand estimate and the City's refined discharge and diversion analysis, the City projects that it will exceed Permit 21176 maximum annual diversion amount of 33,600 af/yr sometime after 2040. The City has prepared a projected demand schedule to 2060 and included it in the next section.

**B. Application 30531B Progress and Schedule**

**1. Demand Projection and Schedule**

In 2013, the City informed the State Water Board that it was in the process of defining a new Place of Use (POU) concurrent with the adopted 2035 General Plan Update, and the General Plan boundary would correspondingly identify the POU for Application 30531B. The City further indicated that it would submit a Petition for Change to the POU for Application 30531B and supporting environmental documentation to conform to the adopted 2035 General Plan Update.

The City did not file a change petition for Application 30531B to conform the POU to the 2035 General Plan because the City decided that it wanted to density or support greater infill development, rather than extent development through annexation into unincorporated San Joaquin County. Further, the economic downturn limited pressure for additional development. In 2018, the City adopted a new general plan, the Envision Stockton General Plan Update 2040. The General Plan Update 2040 estimated that projected capacity of the DWSP would increase to 90 mgd in 2035, with an annual production of 50,000 af/yr at the same time. However, the current demand schedule for Permit 21176 does not support this rate of expansion.

The City's most recent analysis of Permit 21176 demand prepared for the City's Petition for Extension of Time estimates a demand of 24,964 af/yr in 2035. The City's Petition for Extension of Time requests an extension to 2040 to put Permit 21176 water to beneficial use, and estimates 2040 demand for Permit 21176 water as high as 27,804 af/yr. For purposes of this response, the City projected Permit 21176 demand beyond 2040 to determine when the City will need the water supply that Application 30531B would provide.

Table 1 below projects available Permit 21176 diversions by projecting COSMA population and water demand to 2060. With the current Permit 21176 limitations, Stockton will need the water it applied for under Application 30531B sometime between 2055-2060. If the City obtains amendments to the BiOp and ITP that would allow the City to pump at a greater rate in the non-ESA restricted months, the City will need Application 30531B water sometime between 2050-2055.

**CITY OF STOCKTON WATER RIGHT APPLICATION 30531B**  
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**Table 1. Project Demand for Permit 21176 Water (Acre-Feet [AF])**

| Year              | Total COSMA Demand | RWCF Discharge | Available P21176 Diversions w/ESA | Available Diversions w/ESA mods (3) | COSMA Population (1) | Combined Water Use (Capita/AF) (2) | UWMP Population |
|-------------------|--------------------|----------------|-----------------------------------|-------------------------------------|----------------------|------------------------------------|-----------------|
| 2020              | 64,520             | 26,964         | 20,062                            | 21,113                              | 329,729              | 5.11                               | 369,538         |
| 2025              | 66,852             | 31,420         | 23,377                            | 24,602                              | 352,239              | 5.27                               | 385,114         |
| 2030              | 70,957             | 33,350         | 24,812                            | 26,113                              | 374,939              | 5.28                               | 401,614         |
| 2035              | 73,810             | 34,691         | 25,810                            | 27,163                              | 401,961              | 5.45                               | 419,098         |
| 2040 <sup>4</sup> | 76,905             | 36,145         | 26,323                            | 28,302                              | 432,627              | 5.63                               | 437,628         |
| 2045              | 82,758             | 38,896         | 28,316                            | 30,456                              | 463,445              | 5.60                               |                 |
| 2050              | 86,747             | 40,771         | 29,681                            | 31,924                              | 485,781              | 5.60                               |                 |
| 2055              | 92,534             | 43,491         | 31,661                            | 34,053                              | 518,188              | 5.60                               |                 |
| 2060              | 98,707             | 46,392         | 33,774                            | 36,325                              | 552,758              | 5.60                               |                 |

(1) SJCOG Jurisdictional Fact Sheet - Stockton Projection

(2) Calculated from 2015 UWMPs Demand Projections (Stockton & CalWater)

(3) Assumed greater than 30mgd in non-ESA months to RWCF limit

(4) 2040 - 2060 Available Diversions with ESA mods= 0.728 x RWCF Discharge under condition 3.

**2. Groundwater Supplies**

In 2013, the City informed the State Water Board that, as demand for water increases with planned growth, the City will need to increase groundwater pumping accordingly. The City also noted that, at some point, it will approach the safe yield of the groundwater basin and more surface water will be acquired through Application 30531B. The points made in 2013 with respect to the importance of surface water supplies to ensure attainment and maintenance of safe yield remain relevant today.

In November 2019, the Eastern San Joaquin Groundwater Authority prepared the Eastern San Joaquin Groundwater Subbasin Groundwater Sustainability Plan (ESJGSP) for the critically overdrafted Eastern San Joaquin Subbasin. The ESJGSP emphasizes the importance of augmented surface water supplies in remedying undesirable results related to chronic lowering of groundwater levels in the past, which has resulted in saline groundwater intrusion under the City. (ESJGSP, p. 3-3.) The ESJGSP further recognizes that future undesirable results could result from increased groundwater pumping demands. (ESJGSP, p. 3-4.) An increase in groundwater demands leading to

**CITY OF STOCKTON WATER RIGHT APPLICATION 30531B**  
**REFERENCE: JH A030531B**

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undesirable results is most likely to occur if there is inadequate surface water supply development including permitting of Application 30531B. Future undesirable results include chronic lowering of groundwater levels and saline groundwater intrusion. Lower groundwater levels could also lead to increased costs for potable water supplies due to adverse effects on current and projected municipal supplies. (ESJGSP. P. 3-4.)

Application 30531B water would help the City, Cal Water, and the County of San Joaquin attain and maintain the sustainable groundwater production rate that they agreed to as a target for enhancing surface water supplies in the COSMA. In the City's 2008 General Plan, the City and Cal Water agreed to a groundwater production target of 0.67 acre-foot/acre/year (af/ac/yr). Of the total COSMA water demand in 2060 (98,707 acre-feet), the City estimates that at least 34,000 af will be met by Permit 21176 (and Application 30531B), 20,000 af from Stockton East Water District, and 6,500 af from Woodbridge Irrigation District. This leaves 38,000 af of groundwater pumping to make up the difference. With a COSMA basin footprint of approximately 50,000 acres, the groundwater pumping rate in 2060 would be 0.76 af/ac/yr. To meet the 2060 demand and groundwater production target of 0.67 af/ac/yr, additional surface water supplies would be needed around 2055, and Application 30531B would help in this regard. This timing is consistent with the projected schedule for Application 30531B water discussed above.

Thus, development of Application 30531B will be important for ensuring attainment and maintenance of sustainable yield in the Eastern San Joaquin Subbasin.

### **3. Environmental Compliance Schedule**

In 2013, the City indicated that it would file a Notice of Preparation and conclude the CEQA work for Application 30531B between 2020 and 2025, and concurrent with this CEQA work, request that the State Water Board move ahead and notice Application 30531B.

Assuming the current ESA pumping restrictions for Permit 21176 remain in place, and the City needs the water it has applied for under Application 30531B between 2055-2060, the City estimates that planning and CEQA efforts related to Application 30531B will start between 2040 and 2045. Assuming the City obtains amendments to the BiOp and ITP that would allow the City to pump at a greater rate in the non-ESA restricted months, then it's estimated the City will need the water at a later date. The City will continue to evaluate these dates approximately every five years when it prepares the Urban Water Management Plan Update.

The City anticipates, in order to use the water that Application 30531B would provide to meet future COSMUD water demands, the City will file a change petition to

Justine Herrig  
August 25, 2020  
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**CITY OF STOCKTON WATER RIGHT APPLICATION 30531B**  
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expand the POU for Application 30531B once it completes sufficient CEQA documentation to support the State Water Board's approval of such changes and issuance of a permit.

I hope this information provides you with the necessary information you requested. Should you have any questions or require additional information, please feel free to contact Mel Lytle, PhD, Assistant Director, at (209) 937-8790.



JOHN BREW  
DIRECTOR OF MUNICIPAL UTILITIES

JA:CML:jad

cc: John Luebberke, City Attorney

Enclosures

<http://www.stocktongov.com/files/Adopted Plan.pdf>

<http://www.stocktongov.com/files/COS MUD 2015 Urban Water Management Plan.pdf>

<https://www.sigo.v.org/WorkArea/DownloadAsset.aspx?id=32926>

GAVIN NEWSOM  
GOVERNORJARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

**TO:** Eileen Sobeck  
Executive Director  
**State Water Resources Control Board**

**FROM:** Erik Ekdahl  
Deputy Director  
**Division of Water Rights**

A handwritten signature in black ink, appearing to read "Erik Ekdahl".

**DATE:** February 17, 2021

**SUBJECT:** WATER RIGHT APPLICATION 30531B OF CITY OF STOCKTON FROM THE SAN JOAQUIN RIVER

The Division of Water Rights (Division) proposes to assign pending water right application 30531B of City of Stockton (City) to the Administrative Hearings Office (AHO) for resolution.

### ***Background***

On April 18, 1996, the City filed application 30531, which sought to divert flow from the San Joaquin River, originating from wastewater discharges by the City. The application was ultimately split into two applications, application 30531A and application 30531B. Action on the application was taken in part when Permit 21176 was issued for application 30531A on December 20, 2005. The remainder of the amount requested under application 30531 was split off into application 30531B, as action could not be taken due to lack of completion of necessary environmental review by the City acting as the Lead Agency.

### ***Status of Application 30531A***

Permit 21176 was issued on December 20, 2005, approximately 15 years ago. Permit 21176's development period for full beneficial use of the water ended December 31, 2020, and the City has indicated they have not achieved the face value of the permit during the development period. The City has filed a petition for extension of time to achieve full beneficial use of the water under the permit. The petition for extension for time has not yet been publicly noticed.

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

*Status of Application 30531B*

Division staff have continued to process the remaining portion of application (30531B). As a companion to permit 21176, application 30531B is contingent on wastewater generation above the amount authorized for diversion under permit 21176. The City provided correspondence regarding progress on application 30531B in 2013 indicating analyses for the purposes of the California Environmental Quality Act (CEQA) had not yet been conducted.

On June 22, 2020, the Division requested an update from the City regarding what specific actions the City has been taking in pursuit of application 30531B since 2013, including the status of preparation of the CEQA document. The City responded to the Division's request per letter dated August 25, 2020. In the City's letter, they projected that water demand would not exceed the amount of water authorized under permit 21176 until 2040 at which point, the City would need to use the water proposed under application 30531B. The City also indicated that physical and regulatory restrictions, which the City still needs to resolve, limit the City's ability to put water under permit 21176 to full beneficial use. The City's response letter (Attachment) estimated schedule for the City's environmental compliance for application 30531B is as follows:

*Assuming that current [Endangered Species Act] pumping restrictions for Permit 21176 remain in place, and the City needs the water it has applied for under Application 30531B between 2055-2060, the City estimates that planning and CEQA efforts related to Application 30531B will start between 2040 and 2045.*

Like the base application 30531, application 30531B would also seek to divert flow from the San Joaquin River via wastewater discharges by the City pursuant to Water Code Section 1485, which states:

*Any municipality, governmental agency, or political subdivision operating waste disposal plants producing disposal water meeting the requirements of the appropriate regional board, and disposing of said water in the San Joaquin River may file an application for a permit to appropriate an equal amount of water, less diminution by seepage, evaporation, transpiration or other natural causes between the point of discharge and the point of recovery, downstream from said disposal plant and out of the San Joaquin River or the Sacramento-San Joaquin Delta. A permit to appropriate such amount of water may be granted by the board upon such terms and conditions as in the board's judgment are necessary for the protection of the rights of others. Water so appropriated may be sold or utilized for any beneficial purpose. The right to the use of water granted by this section shall not include water flowing in underground streams.*

## Summary of application 30531B:

|                            |   |
|----------------------------|---|
| <u>Source</u>              | San Joaquin River   |
| <u>Season of Diversion</u> | January 1 to December 31  |
| <u>Amount</u>              | 92,300 acre-feet per year   |
| <u>Point of Diversion</u>  | (1) POD: By California Coordinate System of 1983, Zone 3, North 2,203,904 feet and East 6,274,367 feet, being within SE quarter of SE quarter of projected Section 2, Township 2 North, Range 4 East, Mount Diablo Base and Meridian. |
| <u>Purposes of Use</u>     | Municipal, Industrial   |

***Issues to be Considered by the Administrative Hearings Office***

Given the size, location and complexity of the project, and the applicants contention that they do not intend to move forward with preparation of environmental documentation for the pending application in the near future, this application would be aided by the AHO's role in engaging the applicant to ensure water rights matters are resolved in a timely manner. Therefore, the Division proposes to utilize the AHO's unique expertise to receive evidence and legal argument to prepare a proposed Order and once final, transmit the Order to the Board, or as delegated to the Executive Officer. Specific matters include:

1. If the applicant wishes to continue to pursue their application.
2. Status of the application including, but not limited to, preparation of environmental documentation by the applicant.
3. Consideration if the State Water Board should cancel, reject, or deny the Application. The Division recommends cancellation of the application due to failure to make progress, and the intent to wait until as long as 2045 to commence environmental review.
4. If the AHO proposed Order does not recommend cancellation, rejection, or denial of the pending application, the Division requests that the AHO establish timelines for the applicant to resolve remaining protests, develop CEQA documentation, develop a water availability analysis, and any other elements necessary for completion of the application. Division staff request that if the application is not cancelled, the AHO consider whether the CEQA document for the application and time extension petition can be consolidated or coordinated.

If the City's application remains pending after issuance of the board Order, the Division will continue processing the application in accordance with all applicable rules and regulations related to permitting. The AHO may also consider development of a permit or time extension themselves as part of the proposed Order, in coordination with Division permitting staff. The AHO's proposed Order should incorporate protests, CEQA, and public trust resources and public interest as relevant and mandated by state law.

***Conclusion and Recommendation***

Given the large project size and the location in the Bay Delta watershed, resolution of these issues would be most effectively achieved through a proceeding by the Administrative Hearings Office. Therefore, I am recommending assignment of this matter to the Administrative Hearings Office for noticing, conducting a proceeding, and preparing a proposed order regarding the issues identified in this memo.

Attachment: August 25, 2020. Letter from John Abrew, Director of Municipal Utilities, City of Stockton Water Right Application 30531B Reference JH:A030531B



GAVIN NEWSOM  
GOVERNORJARED BLUMENFELD  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

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## State Water Resources Control Board

**TO:** Alan Lilly  
Presiding Hearing Officer  
**Administrative Hearing Office**

**FROM:** Eileen Sobeck  
Executive Officer  
**State Water Resources Control Board**

A handwritten signature in blue ink that reads "Eileen Sobeck".

**DATE:** February 26, 2021

**SUBJECT:** ASSIGNMENT OF APPLICATION 30531B OF CITY OF STOCKTON TO  
THE ADMINISTRATIVE HEARINGS OFFICE

The Division of Water Rights (Division) has recommended assignment of Application 30531B of City of Stockton to the Administrative Hearings Office for lack of progress on a large application in the Bay Delta watershed. I have enclosed a memorandum summarizing the application for your information. Based upon the Division's referral, I assign this application to the Administrative Hearings Office.

If you have any questions regarding this memo, please contact Amanda Montgomery, Manager of the Permitting Section at 916-341-5438 or by email at [Amanda.Montgomery@waterboards.ca.gov](mailto:Amanda.Montgomery@waterboards.ca.gov).

cc: Erik Ekdahl, Deputy Director, Division of Water Rights  
Jule Rizzardo, Assistant Deputy Director, Permitting and Enforcement Branch  
Michael Lauffer, Chief Counsel  
Conny Mitterhofer, Hearings Section Chief, Division of Water Rights

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E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR