

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

DIV. OF WATER RIGHTS

2011 JUL 29 AM 9:32

WATER RESOURCES CONTROL BOARD

**PETITION FOR TEMPORARY TRANSFER  
OF WATER/WATER RIGHTS**  
(Water Code 1725)

Point of Diversion  Point of Rediversion  Place of Use  Purpose of Use

Application No(s). 5638 Permit No. 11887 License No. \_\_\_\_\_  
Statement or Other No. \_\_\_\_\_

**Present Holder and User of Water Right**

See Supplement

Person or Company name Contact person Telephone No.

Address City State Zip Code

E-MAIL (For noticing purposes)

**Co-petitioner**

Person or Company name Contact person Telephone No.

Address City State Zip Code

E-MAIL (For noticing purposes)

**Proposed New User**

See Supplement

Person or Company name Contact person Telephone No.

Address City State Zip Code

E-MAIL (For noticing purposes)

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are shown on the accompanying map and described as follows (attach additional pages, as needed):

**Amount of Water to be Transferred** See Supplement \_\_\_\_\_ Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is N/A cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year)

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

DFG Check Received YDB.

Present See Supplement

Proposed See Supplement

**Place of Use**

Present See Supplement

Proposed See Supplement

**Purpose of Use**

**Season of Use**

**Direct Use (cfs)**

**Storage (ac-ft)**

Present See Supplement

Proposed See Supplement

The proposed transfer/exchange water is presently used or stored within the county/counties of:

See Supplement

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

See Supplement

1 a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes  
(yes/no)

1 b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Supplement

2a. If the point of diversion/diversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/diversion and the proposed point? Yes  
(yes/no)

2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? Yes  
(yes/no)

2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change. See Supplement

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. See Supplement

3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See Supplement

\_\_\_\_\_

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. See Supplement

\_\_\_\_\_

5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. See Supplement

\_\_\_\_\_

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes  
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Supplement
- 
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Supplement
- 
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No  
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred. N/A
- 

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE STATE WATER BOARD ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: July 27, 2011 at SACRAMENTO, California  
*Orlando J. Woolley* (916) 978-5201  
 Signature(s) Telephone No.

**NOTE:** This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

**Proof of Service:** Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

**NOTE:** All petitions must be accompanied by the filing fee, (see fee schedule at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)), made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

## **Present Holder and User of Water Right**

Bureau of Reclamation  
Mid-Pacific Region, MP-460  
Attention: Mr. Bob Colella  
2800 Cottage Way  
Sacramento, CA 95825

Telephone: (916) 978-5256  
Email: rcolella@usbr.gov

## **Proposed New User**

This proposed transfer is for dedication of releases from Millerton Reservoir for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code §1707. In addition, Reclamation will make use of instream conveyance by means of the San Joaquin River to meet obligations of the Central Valley Project (CVP) under existing contracts and agreements. Implementation of the proposed transfer is authorized and directed by, and would be implemented in accordance with, the San Joaquin River Restoration Settlement Act (P.L. 111-11) (Settlement Act).

## **General/Background**

This petition requests that additional points of diversion downstream of Friant Dam be temporarily added to this permit and that the San Joaquin River beginning at Friant Dam and ending at a designated downstream point be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Water will be released to the natural watercourse of the San Joaquin River for this instream dedication, but due to capacity issues, natural and unnatural conveyance means may both be utilized to facilitate flow throughout the designated stretch of the river.

This petition also requests the addition of preservation and enhancement of fish and wildlife resources as an authorized purpose of use at designated locations within the authorized places of use.

Approval of this petition would authorize the dedication of releases of water previously stored in Millerton Reservoir for instream use from Friant Dam through the Sacramento-San Joaquin Delta Estuary (Delta) and the instream conveyance of water in order to meet existing obligations in lieu of making such deliveries from the Delta Mendota Canal. Also, transfer water in San Luis Reservoir could be used for the benefit of Friant Division CVP contractors through subsequent transfers and/or exchanges. In addition to direct use, water made available as a result of the proposed transfer could be utilized through subsequent transfer and/or exchange actions separate from this action to facilitate the recapture and recirculation plan, as depicted in Figure 2-13 of the Water Year (WY) 2010 Interim Flows Project (WY 2010 IF) Final Environmental Assessment/Initial Study, dated September, 2009 (Final WY 2010 EA/IS) for informational purposes. Other than

the San Joaquin River channel between the designated reaches, no expansion of the authorized places of use is necessary or requested. Water will be used by the permittee concurrently for instream beneficial use and for existing delivery obligations within the existing authorized places of use.

Water previously stored is proposed to be released from Millerton Reservoir through the downstream river channel. Water would then be rediverted at and near Mendota Dam for delivery through various canals and to flow past Mendota Dam. Water would flow past Sack Dam and would be conveyed through the Sand Slough Control Structure to and through the East Side Bypass. Water in the East Side Bypass will thence flow through the Mariposa Bypass and thence the old San Joaquin River channel and would also continue to flow through the East Side Bypass to Bear Creek. Water would be diverted along the East Side Bypass at designated locations both north and south of the Mariposa Bypass. Water in Bear Creek would thence continue to flow into the San Joaquin River. Water in the San Joaquin River would also be rediverted for delivery to Patterson Irrigation District, West Stanislaus Irrigation District, and Banta-Carbona Irrigation District. In addition, authorization would also be granted to redivert water at Jones and Banks Pumping Plants and at the San Luis Dam for potential recapture for delivery within the existing authorized place of use in order to meet demands for the Friant Division of the CVP.

The San Joaquin River from Friant Dam through the confluence with the Merced River and then continuing through to the Delta channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants would be added to the places of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources.

The WY 2010 IF, as authorized pursuant to Order WR 2009-0058-DWR, has been completed. The Final WY 2010 EA/IS, including the supporting Public Draft WY 2010 EA/IS, has been furnished to State Water Resources Control Board (Board) staff under separate cover and is also available to the public at the following public website: [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=3612](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612). The Final WY 2010 EA/IS is incorporated herein by reference. The Supplemental Environmental Assessment for the WY 2011 Interim Flows Project (WY 2011 IF), dated September, 2010 (WY 2011 Supplemental EA), including the supporting public draft document, is a supplement to the Final WY 2010 EA/IS for the WY 2011 IF. The WY 2011 IF, as authorized pursuant to Order WR 2010-0029-DWR, is currently underway. The Draft Supplemental Environmental Assessment for the WY 2012 Interim Flows Project (WY 2012 IF), dated June 2011 (WY 2012 Supplemental DEA), is also a supplement to the Final WY 2010 EA/IS, which has also been furnished to the State Water Board staff under separate cover, and is also available at the above website. The WY 2012 Supplemental DEA addresses an additional year of Interim Flows (October 1, 2011, through September 30, 2012) and has been prepared using the Final WY 2010 EA/IS and WY 2011 Supplemental EA and has incorporated those documents by reference.

Example estimated maximum regulated nonflood flows under the proposed action in the downstream reaches of the San Joaquin River, and pertinent factors, are presented in Table 2-1 to the WY 2012 Supplemental DEA. The physical location of each numbered reach within the Study Area (Figure 1-1) is shown in Table 1-1 and Figure 1-2 to the WY 2012 Supplemental DEA. Example changes in estimated maximum regulated nonflood flows (Interim Flow transfer water) under the proposed transfer, and pertinent factors, are presented in Table 2-2 to the WY 2012 Supplemental DEA. Maximum Interim Flow transfer water releases from Friant Dam under the proposed action, taking into account both fall and spring flexible flow periods, are presented in Table 2-3 to the WY 2012 Supplemental DEA. The proposed water transfer is different from the recent previously approved transfers of stored water from Millerton Lake that occurred for water years 2010 and 2011 because there would be releases of transfer water from November 11 through January 31 rather than no transfer during that period.

Reclamation is in the process of finalizing the Draft Program Environmental Impact Statement/Environmental Impact Report (DPEIS/R) for implementation of the Settlement and the Settlement Act and in support of petitions for change to cover WY 2012 and beyond. However, the DPEIS/R will not be finalized in time for release of Interim Flows scheduled to begin on October 1, 2011 for WY 2012. Therefore, Reclamation is filing this petition under §§ 1725 and 1707 for WY 2012 only. However, within the next few weeks Reclamation also will be filing petitions for change to implement the Settlement and the Settlement Act to cover water years 2012 and beyond and to therefore avoid the need to file for any additional temporary transfer actions for WY 2013 and beyond. To avoid any overlap, Reclamation's intention is that the order approving Reclamation's enclosed Petitions for the temporary transfer (limited to WY 2012) be conditioned to terminate upon issuance of an order approving those petitions yet to be filed under separate cover for WY 2012 and beyond.

### **Amount of Water to be Transferred**

A total maximum of up to 389,355 acre-feet of water is proposed for transfer in a wet Restoration Year type. (See Footnote 1 of Table 2-3 to the WY 2012 Supplemental DEA). The Restoration Year type is currently a wet year and the Restoration Year type for fall 2012 releases is a wet year. See section 2.2.3 to the WY 2012 Supplemental DEA for further discussion regarding determination of Restoration Year type and determination of flow releases. Transfer flows would be released consistent with restoration flow guidelines (Appendix C to the Final WY 2010 EA/IS) and with the March 25, 2010 Letter to the Restoration Administrator (Appendix C to the WY 2012 Supplemental DEA).

The actual quantity of releases could be constrained due to conditions including the existing channel capacity, infiltration losses, redirection capacities, demands, and additional implementation considerations as described in Sections 2.2.3 through 2.2.5 of the WY 2012 Supplemental DEA. In order to have the flexibility necessary to implement the Settlement Act, Reclamation requests that in the Order approving this petition, such order expressly allow for releases from Friant Dam, along with resulting flows in each

reach, to be higher than the estimated maximums shown in Tables 2-1 and 2-2 to the WY 2012 Supplemental DEA. However, the maximum release rate from Friant Dam for water authorized for transfer and instream dedication pursuant to such Order will be limited as shown in Table 2-3 to the WY 2012 Supplemental DEA. Releases and resulting flows will be constrained based upon factors described above. The Draft San Joaquin River Interim Flow Unsteady Modeling Analysis (Appendix D to the WY 2011 Supplemental DEA) identifies flows that would not exceed a 1,300 cfs threshold at the Chowchilla Bifurcation Structure for flows into Reach 2B.

See section 2.2.5 of the WY 2012 Supplemental DEA and Table 2-8 for discussion and recognition of channel capacity constraints; flows in Reach 2A and 2B are generally limited by existing channel capacity constraints, whereas flows in Reaches 3, 4A, 4B2, and the Eastside Bypass are constrained by potential seepage to neighboring lands. See the Draft San Joaquin River Underseepage Limiting Capacity Analysis in Appendix I to the WY 2012 Supplemental DEA. Reclamation will hold the release of transfer water to the flow constraints identified in the underseepage analysis and as summarized in Table 2-8 to the WY 2012 Supplemental DEA.

### **Period of Transfer/Exchange**

The period for the proposed transfer is October 1, 2011, through September 30, 2012. Reclamation is also filing with the Board petitions for change to facilitate the release of Interim and Restoration flows following WY 2012. Reclamation requests that in the Order approving this temporary change under section 1725 there be a condition terminating such order upon the issuance of an order approving Reclamation's petitions for change for WY 2012 and beyond.

### **Flow Monitoring**

The WY 2011 Supplemental EA provides that the proposed transfer will be implemented with continuation of data collection and monitoring activities during transfer water releases consistent with the Final WY 2010 EA/IS. Consequently, Reclamation will continue to monitor flow in accordance with Appendix E to the Final WY 2010 EA/IS, Flow Monitoring and Management Plan for Water Year 2010 Interim Flows, as well as with the WY 2011 Supplemental EA. Reclamation, in coordination with the California Department of Water Resources, will monitor and publicly post river stage and flow conditions at the following locations during all periods when releases are likely to be flowing at these locations:

Below Friant Dam (river mile 267);  
At Gravelly Ford (river mile 228);  
Below Chowchilla Bifurcation Structure (river mile 216);  
Below Sack Dam (river mile 182);  
Washington Avenue near Sand Slough Control Structure (river mile 168);  
Above the Merced River confluence (river mile 118);  
Vernalis Gaging Station;

Jones Pumping Plant;  
Clifton Court Forebay.

### **Points of Rediversion**

#### Present Point of Rediversion

San Joaquin River, Tributary to Suisun Bay

#### Coordinate Description

Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the Board for Applications 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

#### Proposed Points of Rediversion to be Added

The proposed points of rediversion to be added are depicted on Map No. 1785-202-53 on file with the Board. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within the currently authorized season of use and diversion rates.

A. Mendota Dam, Located N 1745350 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M., including intakes to the following canals:

Main Canal, Located N 1744396 E 6598937 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Outside Canal Located N 1741896 E 6599689 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 19, T13S, R 15E;

Columbia Canal Located California Coordinate System, N 1746420 E 6605595 Zone 3, NAD 83, being within the NE 1/4 of Section 20, T13S, R 15E;

Helm Ditch, Located N 1745022 E 6598787 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Firebaugh Canal Water District Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 19, T13S, R 15E.

B. Intake to the Arroyo Canal, Located N 1816307 E 6561446 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 12, T11S, R13E, M.D.B.&M.



- C. Intake to the Sand Slough Control Structure, Located N 1862535 E 6535468 California Coordinate System, Zone 3, NAD 83, being within the NE  $\frac{1}{4}$  of Section 31, T9S, R13E, M.D.B.&M., for conveyance through the East Side Bypass.
- D. Along the East Side Bypass, Located N 1883703, E 6523784 California Coordinate System, Zone 3, NAD 83, being within the NW  $\frac{1}{4}$  of Section 11, T9S, R12E (at Lone Tree Unit, Merced NWR)
- E. Intake to the Mariposa Bypass Control Structure, on the East Side Bypass, Located N 1895936 E 6505198 California Coordinate System, Zone 3, NAD 83, being within the SE  $\frac{1}{4}$  of Section 30, T8S, R12E, M.D.B.&M.
- F. Along the East Side Bypass, Located N 1914452 E 6480299, California Coordinate System, Zone 3, NAD 83, being within the NE  $\frac{1}{4}$  of Section 8, T 8S, 11E, M.D.B.&M. (at East Bear Creek Unit, San Luis NWR)
- G. Intake facility for Patterson Irrigation District, Located N2004071 E6392678 California Coordinate System, Zone 3, NAD 83, being within the SW  $\frac{1}{4}$  of Section 15, T 5S, R8E, M.D.B.&M.
- H. Intake facility for West Stanislaus Irrigation District, Located N2036021 E6358704 California Coordinate System, Zone 3, NAD 83, being within the SE  $\frac{1}{4}$  of Section 16, T4S, R8E, M.D.B.&M.
- I. Intake facility for Banta-Carbona Irrigation District, Located N2083018 E6327281 California Coordinate System, Zone 3, NAD 83, being within the SE  $\frac{1}{4}$  of Section 33, T2S, R6E, M.D.B.&M.
- J. Jones Pumping Plant, Located N 2114400 E 6248073, California Coordinate System, Zone 3, NAD 83 being within SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  Section 31, T1S, R4E, MDB&M.
- K. Banks Pumping Plant, Located N 2115990 and E 6237838, California Coordinate System, Zone 3, NAD 83, being within the SW  $\frac{1}{4}$  of Section 35, T1S, R3E, MDB&M.
- L. San Luis Dam, Located N 1844598 E6394093 California Coordinate System, Zone 3, NAD 83, being within SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 15, T10S, R8E, MDB& M. The simulated end of month storage at San Luis Dam will not significantly change and transfer water will be stored within the maximum permitted storage quantity for San Luis Reservoir. See Table 4-52 of the Final WY 2010 EA/IS. No redistribution of any storage right is necessary or requested. The method of rediversion would change (23 CCR §791(e)) for the rediversion of previously stored water to storage at San Luis Dam instead of rediversion into the Friant-Kern and Madera Canals.

## **Places of Use**

### Present Places of Use

See map numbers 214-212-37 and 1785-202-14, on file with the Board, for Application 5638. See map number 214-208-3331 for Applications 234 and 1465.

### Proposed Places of Use to be Added for Instream Beneficial Uses

The proposed places of use to be added for instream beneficial uses are indicated on Map No. 1785-202-53 on file with the Board. This place of use is to be added for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code §1707.

Upper Reach: Friant Dam, located North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Lower Reach: Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants.

## **Purposes of Use**

### Present Purposes of Use

The combined purposes of use for all three permitted applications are irrigation, domestic, incidental domestic, municipal, and recreation, as on file with the Board.

### Proposed Purpose of Use to be Added

Add the purpose of Preservation and Enhancement of Fish and Wildlife Resources. This purpose of use is to be added for beneficial use of water (1) within the boundaries of the Lone Tree Unit, Merced NWR and the East Bear Creek Unit, San Luis NWR, which are currently within the combined existing places of use depicted on maps 214-212-37 and 214-212-3331 on file with the Board, and (2) within the reach of the San Joaquin River added to the place of use for dedication of instream flows.

## **Season of Use, Direct Use, and Storage**

### Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in these permitted applications on file with the Board.

Proposed Season of Use, Direct Use, and Storage

No change is requested to the season of use, season of direct use, or season of storage for these permitted applications.

**Counties of Storage and Use**

The proposed transfer water is presently used and stored within the following counties:

Madera; Fresno; Tulare; Kern; Merced.

The proposed transfer water will be placed to beneficial use within the following counties:

Fresno; Madera; Tulare; Kern; Merced, Stanislaus, Contra Costa; Alameda; San Joaquin; Sacramento.

Conditional Approval Requested

In the order approving this petition, Reclamation requests that approval by the Board be conditioned as follows.

- The proposed quantity of releases to be transferred shall be in addition to that quantity of releases otherwise required to maintain the 5 cfs requirement at Gravelly Ford and that would be sufficient to provide necessary flow in the river reach from Gravelly Ford pursuant to the obligations of the Holding Contracts executed by Reclamation.
- Petitioner shall maintain sufficient Millerton Lake storage and available San Joaquin River channel capacity in order to make releases of available storage from Millerton Lake as required under the terms and conditions of the San Joaquin River Exchange Contract, Ilr-1144, as amended February 14, 1968, to the extent such releases would be made in the absence of the proposed transfer.
- Release of transfer water is conditioned upon implementation of the 2009-2013 Interim Flow Release Program, Water Quality Monitoring Plan in Appendix E of the WY 2012 Supplemental DEA.
- Release of transfer water is conditioned upon implementation of the Invasive Species Monitoring and Management Plan in Appendix F of the Final WY 2010 EA/IS.
- Release of transfer water is conditioned upon implementation of the Seepage Monitoring and Management Plan in Appendix G to the WY 2012 Supplemental DEA.

- Release of transfer water is conditioned upon implementation of the Mendota Pool Water Quality Response Plan in Appendix H to the WY 2012 Supplemental DEA.
- Release of transfer water is conditioned upon implementation of the Steelhead Monitoring Plan in Appendix D to the WY 2012 Supplemental DEA.
- Release of transfer water is conditioned upon implementation of the Draft San Joaquin River Underseepage Limiting Capacity Analysis in Appendix I to the WY 2012 Supplemental DEA
- The water rights order approving these temporary transfer petitions shall terminate upon issuance of an order approving petitions for change filed by Reclamation for WY 2012 and beyond for implementation of the Settlement and Settlement Act.

1b. The total quantity of water proposed to be transferred under this petition will be up to 389,355 acre-feet. Reclamation will make water available for this transfer from stored water released from Millerton Reservoir. Absent the proposed transfer, water not released from Millerton Reservoir would be consumptively used by Friant Division contractors by means of deliveries through the Madera or Friant-Kern Canals or would remain in storage for other authorized purposes and uses.

See Table 4-51 of the Final WY 2010 EA/IS for comparisons of monthly averages of simulated Friant-Kern and Madera Canal diversions with and without the proposed transfer. Also see Appendix G to the Final WY 2010 EA/IS, Water Operations Modeling Output - CalSim Attachment, Tables 1 through 7, Monthly Averages of Simulated End-of-Month Millerton Lake Storage, for comparisons of Millerton storage levels with and without the proposed transfer.

2c. Diverters between Friant Dam and the confluence of the Merced River, and from the confluence of the Merced River to and through the Delta, are on file with the Board. Many assumed riparian water right holders between Friant Dam and Gravelly Ford have executed Holding Contracts with Reclamation. Also, the San Joaquin River Exchange Contractors divert water downstream of Friant Dam.

The San Joaquin River Holding Contractors, San Joaquin River Exchange Contractors, Friant Division CVP Water Service Contractors, East-Side Division Water Service Contractors, and Other South-of-Delta CVP Water Service Contractors will not be affected by the proposed transfer. Discussion of legal injury to these contractors can be found in section 3b., below.

3a. See Chapter 2.0 of the WY 2011 Supplemental EA and Chapter 2.0 of the Final WY 2010 EA/IS for discussion and analysis of changes in streamflow. Table 2-2 of the WY

2012 Supplemental DEA depicts example changes in estimated maximum flows under the proposed transfer compared to conditions without the proposed transfer. Sections 3.1 (Table 3-1) and 3.2.2 of the WY 2012 Supplemental DEA provide that the proposed transfer would not result in substantial alteration to hydrology and water quality conditions and that for the same reasons as described in the Final WY 2010 EA/IS and WY 2011 Supplemental EA, the proposed transfer would result in less than significant impacts to water quality.

See sections 3.11 and 4.10 of the Final WY 2010 EA/IS for discussion and analysis of Surface Water Quality. Also see section 3.2.2 of the WY 2012 Supplemental DEA.

Section 3.11.2 of the Final WY 2010 EA/IS states that water quality data collected at San Joaquin River below Friant Dam demonstrate the generally high quality of water released at Friant Dam from Millerton Reservoir to Reach 1. Section 4.10 of the Final WY 2010 EA/IS states that surface water quality conditions within Reach 1 would continue to reflect the generally high quality of water released at Friant Dam from Millerton Lake, and that surface water quality impacts from the proposed transfer throughout the dedicated reach would be less than significant. Sections 3.1 (Table 3-1) and 3.2.2 of the WY 2012 Supplemental DEA state that the proposed transfer would not result in substantial alteration to hydrology and water quality conditions and that for the same reasons as described in the Final WY 2010 EA/IS and WY 2011 Supplemental EA, the proposed transfer would result in less than significant impacts to water quality. Water quality conditions for water delivered to Friant Division contractors from the Friant-Kern and Madera Canals would not be adversely affected.

In accordance with sections 1.1, 2.2.6, 2.2.7, and 2.2.8 of the WY 2012 Supplemental DEA, Reclamation will continue data collection and monitoring activities during transfer water releases consistent with the Final WY 2010 EA/IS and the WY 2011 Supplemental EA. Also, see Appendix E to the WY 2012 Supplemental DEA, 2009-2013 Interim Flow Release Program, Water Quality Monitoring Plan.

See section 4.3 of the Final WY 2010 EA/IS and section 3.2.3 of the WY 2011 Supplemental EA and of the WY 2012 Supplemental DEA for discussion of the impacts of the proposed action upon Friant Division contractors. The proposed transfer could result in changes in quantities of water delivered to Friant Division contractors. Decreases in deliveries to Friant Division contractors due to the proposed transfer could result in increased groundwater pumping to offset surface water deliveries. However, implementation of the proposed transfer is consistent with the Settlement Act and is limited to one year.

Reclamation anticipates, separate and apart from this proposed transfer action, being able to assist Friant Division contractors in arranging for transfer or exchange of rediverted surface flows that have achieved their instream flow protection purposes in order to potentially provide Friant Division water service contractors with some water to make up for reduced deliveries from Millerton Reservoir. Such actions would be within the

existing authorized places of use under the subject permits, or, if found necessary, within an additional place of use authorized pursuant to other change petitions filed with the Board separate and apart from this petition. This "recaptured water" that might be available to Friant Division contractors is estimated to equal the amount of transfer water reaching the Mendota Pool (See Table 2-4 and discussion in Section 2.2.2 of the WY 2012 Supplemental DEA). The quantity of recaptured water would range between zero and 321,055 acre-feet (Table 2-5 of WY 2012 Supplemental DEA). Recaptured water would supplement actual delivery reductions that would otherwise potentially result in increased groundwater pumping. If the full quantity of recaptured WY 2012 Interim Flows were successfully recirculated to Friant Division long-term contractors, no increase in groundwater pumping would occur because of the proposed transfer.

Since Reclamation will take actions to reduce or avoid adverse water supply impacts to Friant Division contractors, who could also increase their use of groundwater, no significant changes in the timing of CVP deliveries or in the use of CVP water is anticipated, nor are any changes in return flows expected.

Section 2.2.5 of the WY 2011 Supplemental EA provides for continued coordination with various entities as described in section 2.2.3 of the Final WY 2010 EA/IS, including Central California Irrigation District, San Luis and Delta-Mendota Water Authority, San Luis Canal Company, Lower San Joaquin Levee District, U.S. Army Corps of Engineers, Central Valley Flood Protection Board, and landowners in the Eastside and Mariposa Bypasses. See section 2.2.5 of the WY 2011 Supplemental EA regarding reduction, redirection and recapture of releases to accommodate flood bypass and structure maintenance.

3b. See sections 3.11, 4.10, and 4.18d) of the Final WY 2010 EA/IS for discussion and analysis of Surface Water Supplies and Facilities Operations.

The proposed transfer would not affect water delivery quantities to contractors and refuges outside the Friant Division, including the San Joaquin River Exchange Contractors. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Under the proposed transfer, flows would be released into the San Joaquin River from Millerton Reservoir that would otherwise be diverted into the Madera and Friant-Kern Canals. The Final WY 2010 EA/IS concludes, based upon CalSim modeling results, that the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Absent the proposed transfer, all water that is the subject of this transfer petition would have remained in storage at Millerton Reservoir or would have been diverted into the Madera and Friant-Kern canals for consumptive use in the Friant Division service area of the CVP. The only water ever released (absent flood flows) downstream from Friant Dam is water (a) released pursuant to the Holding Contracts to maintain 5 cubic feet per second (cfs) flow at Gravelly Ford and maintenance of a "live stream" at that point, and (b) in the event that Reclamation is unable for any reason to deliver a substitute supply

from the Delta-Mendota Canal or other sources, Reclamation shall, under stated terms and conditions of the Exchange Contract, make up required quantities by making releases of available storage from Millerton Reservoir. Reclamation makes no other releases of stored water that would be available for downstream users of water. Therefore, absent the proposed action, the only non-flood flows that Reclamation would release at Friant Dam are flows to maintain 5 cfs at Gravelly Ford, and any flows made pursuant to the Exchange Contract. No other non-flood releases are made for use by any entity downstream of Friant Dam. These non-flood flows will remain unchanged under the proposed action.

As discussed above, resulting decreases in surface water deliveries to Friant Division contractors could result in an increase in groundwater pumping. However, any resulting drawdown in groundwater levels is expected to be within the range of groundwater level fluctuations historically exhibited. See Appendix G to the Final WY 2010 EA/IS, Groundwater Modeling Output-Schmidt Method.

Only minimal fluctuation in the seasonal Millerton Reservoir elevation is expected as a result of the proposed transfer and would remain within historical operational levels. Peak flood flows in the spring season could be reduced, but no substantial changes in Millerton Reservoir flood releases are expected downstream of Millerton Reservoir during flood operations. See section 4.10i of the Final WY 2010 EA/IS for discussions and conclusions regarding less than significant risks of levee or dam failures, no significant impacts to flood management, and no increased flood risk to structures. Also see section 4.10i for discussion and conclusions regarding the constraining of flows in Reach 2B to avoid seepage, maintenance of Mendota Pool levels within existing operational levels, and seepage monitoring and management.

See section 2.2.4 of the WY 2012 Supplemental DEA.

Tables 4-23 through 4-30 of the Final WY 2010 EA/IS collectively present simulated changes in monthly average flows from Friant Dam to the confluence with the Merced River. Table 4-48 of the Final WY 2010 EA/IS does the same for flows upstream of Vernalis. The impacts of the proposed transfer on hydrology in these reaches are described in the Final WY 2010 EA/IS as less than significant.

Table 4-50 of the Final WY 2010 EA/IS depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. The Final WY 2010 EA/IS describes impacts from simulated changes in monthly average exports as less than significant.

To avoid any impacts due to seepage of transfer water through downstream levees, the release of water from Friant Dam and the management of downstream flows pursuant to the proposed transfer would be conducted in accordance with monitoring and management actions to prevent adverse seepage impacts as described in the Seepage Monitoring and Management Plan presented in the Appendix G Attachment to the WY 2012 Supplemental DEA.

Releases of water from Millerton Reservoir pursuant to the proposed transfer would be managed to avoid interference with operations of the San Joaquin River Flood Control Project. See the Implementation Coordination discussion in section 2.2.3 of the WY 2010 Final EA and section 2.2.5 of the WY 2011 Supplemental EA. Section 2.2.4 of the WY 2012 Supplemental DEA provides that regularly conducted operation and maintenance activities of the Lower San Joaquin Levee District to maintain channel capacity within the flood control project would continue under the proposed transfer.

Sections 3.1 (Table 3-1) and 3.2.2 of the WY 2012 Supplemental DEA provide that the proposed transfer would not result in substantial alteration to hydrology and water quality conditions and that for the same reasons as described in the Final WY 2010 EA/IS and WY 2011 Supplemental EA, the proposed transfer would result in less than significant impacts to water quality.

#### No legal injury to San Joaquin River Holding Contractors

The releases from Millerton Reservoir pursuant to the petition would be in addition to that quantity of releases otherwise required under the San Joaquin River Holding Contracts to maintain the 5 cfs requirement at Gravelly Ford and would not interfere with the ability of landowners from Friant Dam to Gravelly Ford to exercise assumed riparian rights. The example estimated maximum flows described in Table 2-1 of the WY 2012 Supplemental DEA at Head of Reach 1 (Friant Dam) assume that up to 230 cfs of these flows, as depicted in Table 2-6 of the Final WY 2010 EA/IS, are not part of the transfer action but are dedicated to maintaining the existing 5 cfs flow requirement at Gravelly Ford. Similarly, Tables 2-2 and 2-3 of the WY 2012 Supplemental DEA also take into account dedicated provision of up to 230 cfs of flow according to Table 2-6 of the Final WY 2010 EA/IS.

#### No legal injury to San Joaquin River Exchange Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Reclamation will ensure that sufficient Millerton Reservoir storage is maintained, and that available San Joaquin River channel capacity is not impeded by flows from the proposed transfer, in order to make releases of available storage from Millerton Reservoir in lieu of deliveries from the Delta Mendota Canal if such releases become necessary under the terms and conditions of the Exchange Contract. Reclamation will ensure that necessary deliveries from the Delta Mendota Canal pursuant to the terms and conditions of the Exchange Contract will be made.

Section 2.2.6 of the WY 2012 Supplemental DEA describes the Mendota Pool Water Quality Response Plan that would be conducted as part of the proposed transfer and that is included as Appendix H. Section 2.2.8 of the WY 2012 Supplemental DEA describes the Daily Seepage and Flow Bench Evaluation process. The Seepage Monitoring and



Management Plan is also described in section 2.2.6 and is included in Appendix G. It is possible that flows past Sack Dam could be constrained by potential seepage concerns from neighboring landowners and that flows may again be limited to reduce or avoid groundwater impacts as a result of the release of transfer water; see Section 2.2.5 of the WY 2012 Supplemental DEA regarding groundwater elevation constraints on flows. Reclamation is working on separate actions to increase the non-damaging channel capacity and allow additional flows below Sack Dam. Reclamation requests that the Board authorize flows up to those provided in the WY 2012 Supplemental DEA to provide flexibility in the event that Reclamation is able to increase flows downstream of Sack Dam. Reclamation will release flows consistent with the then-existing non-damaging channel capacity.

See section 2.2.5 of the WY 2012 Supplemental DEA regarding the intention to reduce releases of transfer water to accommodate Mendota Pool maintenance and the Arroyo Canal Fish Screen and Sack Dam Fish Passage Project. The proposed transfer will involve implementation of the Draft San Joaquin River Underseepage Limiting Capacity Analysis in Appendix I to the WY 2012 Supplemental DEA. Reclamation will hold the release of transfer water to the flow constraints identified in the underseepage analysis and as summarized in Table 2-8. However, Reclamation may make improvements in channel capacity during the course of the year and requests that the Board authorize flows in Table 2-3 of the WY 2012 Supplemental DEA for flexibility throughout the year.

#### No legal injury to Friant Division CVP Water Service Contractors

Release of flows from Millerton Reservoir to implement the proposed transfer would reduce allocations to Friant Division CVP water service contractors. However, Friant Division demands would be met through increased groundwater pumping and possibly recapture of transferred water. Section 4.10 of the Final WY 2010 EA/IS concludes that reductions in deliveries due to the WY 2010 IF would result in less-than significant impacts. Section 3.2.3 of the WY 2011 Supplemental EA states that, although implementation of the proposed transfer could potentially result in changed effects to agricultural resources, the proposed transfer would be consistent with the Settlement Act and would be limited to one year, and therefore conversion of agricultural lands to non-agricultural lands is unlikely; also, Table 3-1 of the WY 2012 Supplemental DEA provides that it is unlikely that any constraints upon recapture opportunities would result in any such conversion.

#### No legal injury to downstream prior right and riparian water right holders

Transfer water released downstream represents water that has been previously diverted to storage at Friant Dam without legal injury. Transfer water present in the channel is therefore foreign in time. In periods when flood flows would satisfy part or all of the flow targets, transfer water would not be released in addition to flood flows. Also, the release and conveyance of flood flows would have a higher priority to channel capacity over transfer releases. See section 2.4.4 of the WY 2012 Supplemental DEA.

### No legal injury to Other South-of-Delta Water Service Contractors

The Final WY 2010 EA/IS, through associated modeling, concludes that deliveries from the Delta and San Luis Reservoir to CVP water service contractors will not be affected by the proposed transfer. Section 2.2.2 of the WY 2012 Supplemental DEA provides that available capacity for the recapture and recirculation of transfer water is capacity that is available after satisfaction of all obligations to existing CVP and State Water Project (SWP) contractors served through CVP and SWP facilities. Recapture would be subject to available capacity within CVP and SWP storage and conveyance facilities.

### No legal Injury to Eastside Division Water Service Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division.

Section 4.10 of the Final WY 2010 EA/IS concludes that changes in tributary inflows to the lower San Joaquin River (from the Stanislaus, Tuolumne, and Merced Rivers) could occur as a result of the proposed transfer. However, based upon Table 4-48, Percent Changes in Monthly Averages of Simulated Flow Upstream of Vernalis, and upon Table 4-49, Monthly Averages of Simulated End-of-Month Storage in New Melones Reservoir, the Final WY 2010 EA/IS concludes that percent changes in monthly averages of simulated flow upstream of Vernalis are small and impacts to water supply are less than significant. Section 2.2.8 of the WY 2011 Supplemental EA concludes that using water released under the proposed action to meet Vernalis flow requirements would not adversely affect conditions in the Stanislaus River, and that the proposed transfer has the potential to increase San Joaquin River flows downstream of the confluence with the Merced. Section 3.2.2 of the WY 2012 Supplemental DEA concludes that, for the same reasons described in the Final WY 2010 EA/IS and the WY 2011 Supplemental EA, the proposed action would result in less than significant impacts to hydrology. Therefore, CVP contractors taking delivery from New Melones Reservoir would not be significantly affected.

### Furnishing Water for Fish Hatchery Purposes

Approval of the proposed transfer will not interfere with any customary provision, by means of pipeline from Friant Dam, of up to 35 cubic feet per second of incidental flow to the San Joaquin Fish Hatchery. This flow is already an incidental component of the quantity of water released from Friant Dam required to maintain the 5 cfs requirement at Gravelly Ford pursuant to the Holding Contracts.

4. Reclamation's points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

5a. Reclamation's point of contact at the CDFG is Brian Erlandsen, 559-243-4014.

5c. See sections 3.6 and 4.6 of the Final WY 2010 EA/IS for discussion and analysis of Fish. Section 3.2.3 of the WY 2011 Supplemental EA concludes that no specific changes to the environmental consequences for Fisheries Resources as presented in the Final WY 2010 EA/IS would occur. Section 3.2.2 of the WY 2012 Supplemental DEA states that transferred water would exist in the existing river channel, would not increase flood flow levels, would last only a single year, and would fall within the range of and be timed to be similar to historical flows. There are expected to be no measureable changes later in time to water levels, riparian vegetation, or other habitat conditions for listed species. Therefore, the WY 2012 Supplemental DEA concludes that, for the same reasons as described in the Final WY 2010 EA/IS and the WY 2011 Supplemental EA, the proposed transfer would not result in substantial adverse effects to fisheries resources or their habitats. This includes listed, special-status, native, or migratory fish species. Appendix D of the WY 2012 Supplemental DEA includes the Steelhead Monitoring Plan that would check for Central Valley steelhead past Hills Ferry Barrier within the Restoration Area (see Figure 1-1 of WY 2012 Supplemental DEA). Section 3.2.2 of the WY 2012 Supplemental DEA states that the proposed transfer would not result in significant impacts to hydrology and that for the same reasons as described in the Final WY 2010 EA/IS and the WY 2011 Supplemental EA, with inclusion of the Steelhead Monitoring Plan, the proposed transfer would result in less than significant impacts to fish biological resources.

Section 2.2.8 of the WY 2011 Supplemental EA concludes that using water released under the proposed action to meet Vernalis flow requirements would not decrease releases in the Merced and Tuolumne Rivers. Table 4-18 of the Final WY 2010 EA/IS, depicts simulated changes in monthly average New Melones Reservoir storage, and the Final WY 2010 EA/IS describes these changes as less than significant.

Table 4-50 of the Final WY 2010 EA/IS, Monthly Averages of Simulated Exports Through Banks and Jones Pumping Plants, depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. The Final WY 2010 EA/IS states that impacts from potential changes in Delta pumping as a result of the proposed transfer would be less than significant. Section 2.2.5 of the WY 2011 Supplemental EA states that the proposed transfer could increase Delta inflow, and would result in small changes to allowable Delta exports as constrained by prevailing and relevant laws, regulations, biological opinions, and court orders in force and effect at the time the transfer water is recaptured.

Section 2.2 of the WY 2012 Supplemental DEA states that Delta export facilities would continue to operate consistent with existing operating criteria and prevailing and relevant laws, regulation, biological opinions and court orders in place at the time water is rediverted, and, in implementing the proposed transfer, Reclamation will comply with applicable biological opinions issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) and associated reasonable and prudent alternatives. See section 3.2.2 of the WY 2012 Supplemental DEA regarding coordination and monitoring activities to ensure that impacts to listed species are avoided or minimized, as well as flow modification procedures to reduce or avoid impacts.

Although the Banta-Carbona Irrigation District facilities are screened for redirection, redirection at Patterson Irrigation District facilities would occur only after the proposed fish screen is functional and operationally compliant, and redirection at West Stanislaus Irrigation District facilities would occur only with authority to take any listed species. See section 2.2.2 and Table 2-4 of the WY 2012 Supplemental DEA. Redirection at facilities downstream of the Restoration Area would occur in accordance with facility operating criteria and applicable biological opinions (including allowable diversion rates).

See sections 3.5 and 4.5 of the Final WY 2010 EA/IS for discussion and analysis of terrestrial species. Section 3.2.3 of the WY 2011 Supplemental EA concludes that no specific changes to the environmental consequences for terrestrial resources as presented in the Final WY 2010 EA/IS would occur. Recapture of transfer water would occur only in compliance with regulatory requirements, including the USFWS and NMFS operations biological opinions, or requirements in place at time of transfer. Section 3.1.1 of the WY 2012 Supplemental DEA provides that Reclamation will continue to implement the reasonable and prudent measures from the biological opinion issued by the Fish and Wildlife Service for the WY 2011 IF.

The spread of invasive plant species along the San Joaquin River would be exacerbated as a result of flows occurring under the proposed transfer. Therefore, the Final WY 2010 EA/IS includes a mitigation measure to implement the Invasive Species Monitoring and Management plan (Appendix F of the Final WY 2010 EA/IS), such that impacts from implementation of the proposed transfer related to the spread of invasive species would be less than significant. This plan is adopted as a mitigation measure in the WY 2011 Supplemental EA and in section 2.2.8 of the WY 2012 Supplemental DEA.

Section 3.3.2 of the WY 2012 Supplemental DEA concludes that the presence of blunt nosed leopard lizard in the Eastside Bypass is unlikely in water year 2012 and Table 3-1 of that document concludes that, for the same reasons as described in the Final WY 2010 EA/IS and the WY 2011 Supplemental EA, the proposed transfer would not result in significant impacts to terrestrial species. This includes listed, special-status, native, or migratory wildlife species.

Reclamation is engaging in consultation with the USFWS and the NMFS on the WY 2012 Interim Flows that would be released under the proposed transfer. Reclamation is preparing a Biological Assessment for the USFWS and NMFS. Reclamation will forward concurrence letters to the Board as soon as they are received. Implementation of the proposed transfer could increase Delta inflow as much as 1,300 cfs and increase Delta exports, when such conditions comply with existing operating criteria, consistent with prevailing and relevant laws, regulations, biological opinions, and court orders in force at the time the water is recaptured. Recapture of transfer water at the Jones and Banks pumping plants would be subject to existing or future regulatory requirements and would comply with current biological opinions. See section 2.2.5 of the WY 2012 Supplemental DEA.

5d. See section 5.c for a discussion of the effects upon fisheries resources. The proposed transfer would not significantly impact fisheries resources. The proposed transfer would augment streamflow in the San Joaquin River and would provide generally high-quality water. In the event that impacts to fish species are greater than anticipated, Reclamation would reduce releases of transfer water at Friant Dam, change upstream rediversions to avoid downstream impacts, or constrain flows to upstream of the confluence of the San Joaquin River with the Merced River in coordination with USFWS and/or NMFS as applicable. Flow modifications will take place on a real-time basis so that impacts would remain at levels not likely to adversely affect listed species. The proposed transfer will be conducted to comply with applicable USFWS and NMFS operations biological opinions. See sections 2.2.2 and 2.3 of the WY 2012 Supplemental DEA regarding compliance with biological opinions and continued implementation of reasonable and prudent alternatives.

California Environmental Protection Agency

State Water Resources Control Board

**DIVISION OF WATER RIGHTS**

**P.O. Box 2000, Sacramento, CA 96812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://Mwww.waterboards.ca.gov/waterrights>

**ENVIRONMENTAL INFORMATION  
FOR PETITIONS\***

\* Required for all petitions, including change petitions, time extension petitions, wastewater change petitions and instream flow dedication petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the Petitioner, you are responsible for all costs associated with the environmental evaluation and Preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

- 1. **DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED** For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

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See Attachment No. 1

**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person Contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
 Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

Grading permit  Use permit  Watercourse  Obstruction permit  
 Change of zoning  General plan change  Other (explain): \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. 1

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission  U.S. Forest Service  
 Bureau of Land Management  Soil Conservation Service  
 Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board  
 Coastal Commission  State Lands Commission  Other (specify): \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO,

See Attachment No. 1

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?

YES  NO If YES, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. 1

d. Have you contacted the California Department of Fish and Game concerning your project?

YES  NO

If YES, name and telephone number of contact: See attachment No. 1

**4. ENVIRONMENTAL DOCUMENTS**

a. Has any California public agency prepared an environmental document for your project?

YES  NO

If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency.

Public agency: \_\_\_\_\_

b. If NO, check the appropriate box and explain below, if necessary:

The petitioner is a California public agency and will be preparing the environmental document.\*

I expect that the State Water Board will be preparing the environmental document.\*\*

I expect that a California public agency other than the State Water Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

See Attachment No. 1

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

**5. WASTE/WASTEWATER**

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  YES  NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.): \_\_\_\_\_

See Attachment No. 1

b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

c. What method of treatment and disposal will be used? \_\_\_\_\_

See Attachment No. 1

**6. ARCHEOLOGY**

a. Have any archeological reports been prepared on this project?  YES  NO

b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO

c. Do you know of any archeological or historic sites located within the general project area?

YES  NO



If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. 1

**7. ENVIRONMENTAL SETTING**

Attach two complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: July 27, 2011

Signature: 

**Attachment 1 to Environmental Information Form for Reclamation's WY 2012 Petitions for Temporary Transfer Permitted Applications 234, 1465, and 5638**

**1. Description of Proposed Changes**

See the General/Background discussion in the Supplement to Reclamation's Petitions for the Water Year (WY) 2012 Temporary Transfer (Petitions).

2. N/A

**3. State/Federal Permits and Requirements**

On July 10, 2009, the U.S. Army Corps of Engineers (Corps) sent a letter to Reclamation stating that no permits or permission will be required pursuant to Section 10, Section 404, or Section 408 for the San Joaquin River Restoration Program's Water Year (WY) 2010 Interim Flows project in the San Joaquin River. Reclamation requested confirmation for WY 2011 on June 23, 2010 and received confirmation from the Corps on August 27, 2010. Reclamation will continue to coordinate with the Corps regarding the proposed transfer. Reclamation will submit a letter to the Corps requesting confirmation that no Section 10, Section 404, or Section 408 approval is required for the WY 2012 Interim Flows Project (IF) releases pursuant to these Petitions. Since the WY 2012 project is an extension of the WY 2010 and WY 2011 projects, Reclamation expects to receive this confirmation. Copies of Reclamation's request and the Corps' confirmation will be forwarded to the State Water Board Resources Control Board (Board). The Point of contact at DFG is Brian Erlandsen, 559-243-4014.

**4. Environmental Documents**

Although pursuant to § 1729 of the Water Code this project is exempt from the requirements of Division 13 (commencing with § 21000) of the Public Resources Code, the document entitled Final Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Negative Declaration for Water Year 2010 Interim Flows (Final WY 2010 EA/IS), dated September, 2009, has been prepared to support the WY 2010 IF, the WY 2011 IF, and the WY 2012 IF. The U.S Bureau of Reclamation is the lead agency under the National Environmental Policy Act and the California Department of Water Resources is the lead agency under the California Environmental Quality Act. A copy of the Final WY 2010 EA/IS has been furnished to State Water Board staff under separate cover and is also available to the public at [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=3612](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612).

The Supplemental Environmental Assessment for the Water Year 2011 Interim Flows Project, dated September, 2010 (WY 2011 Supplemental EA), , including the supporting public draft document, is a supplement to the Final WY 2010 EA/IS, which has also been furnished to Board staff under separate cover and is also available to the public at the above website. The WY 2011 Supplemental EA addresses an additional year of WY 2011 Interim Flows (October 1, 2010 through September 30, 2011) and has been prepared using the Final WY 2010 EA/IS and incorporates that document by reference.

**Attachment 1 to Environmental Information Form for Reclamation's WY 2012 Petitions for Temporary Transfer Permitted Applications 234, 1465, and 5638**

The Draft Supplemental Environmental Assessment for the Water Year 2012 Interim Flows Project, dated June 2011 (WY 2012 Supplemental DEA), is also a supplement to the Final WY 2010 EA/IS, which has also been furnished to Board staff under separate cover, and is also available at the above website. The WY 2012 Supplemental DEA addresses an additional year of WY 2012 Interim Flows (October 1, 2011, through September 30, 2012) and has been prepared using the Final WY 2010 EA/IS and WY 2011 Supplemental EA and has incorporated those documents by reference.

The WY 2012 Supplemental DEA, which has the same study area as that identified in the Final WY 2010 EA/IS, addresses results where conditions have not changed and evaluates potential impacts from implementation of the WY 2012 IF due to changed conditions and new information that have occurred since the approval of the WY 2011 Supplemental EA. The WY 2012 Supplemental EA provides the basis for whether a Finding of No New Significant Impacts can be issued. Section 1.1 of the WY 2012 Supplemental DEA states that the document will be used to support this Petition. The WY 2012 Supplemental DEA is incorporated herein by reference.

September 2009 Final EA/IS – WY 2010 Table of Contents:

- 1.0 Introduction and Statement of Purpose and Need.
- 2.0 Description of Alternatives
- 3.0 Affected Environment
- 4.0 Environmental Consequences
- 5.0 Consultation and Coordination
- 6.0 Compliance with Environmental Statutes, and Other Relevant Laws, Programs, and Agreements
- 7.0 List of Preparers
- 8.0 References

Appendices

- A-Stipulation of Settlement in *NRDC v. Kirk Rodgers, et al.*
- B- San Joaquin River Restoration Settlement Act
- C-Friant Dam Releases for Restoration Flows
- D-Seepage Management and Monitoring Plan for Water Year 2010 Interim Flows  
Monitoring Program for Water Year 2010 Interim Flows Attachment 1
- E-Flow Management and Monitoring Plan for Water Year 2010 Interim Flows
- F-Invasive Species Monitoring and Management and Plan for Water Year 2010 Interim Flows
- G-Modeling
  - Water Operations Modeling Output– CalSim Attachment 1
  - Temperature Modeling Output –SJR5Q Attachment 2
  - Delta Simulation Modeling Output-DSM 2 Attachment 3
  - Groundwater Modeling Output – Schmidt Method Attachment 4
  - Air Quality Modeling Output-URBEMIS Attachment 5
  - Cursory Evaluation of Flood Impacts from Interim Flows Attachment 6
- H-Biological Resources

**Attachment 1 to Environmental Information Form for Reclamation's WY 2012 Petitions for Temporary Transfer Permitted Applications 234, 1465, and 5638**

Special-Status Species Reported By California Natural Diversity Database Attachment 1  
U.S. Fish and Wildlife Service List of Special-Status Species Attachment 2  
Special-Status Plant and Wildlife Species with the Potential to Occur in the Study Area Attachment 3

I-Responses to Comments

J-Landowner Outreach and Study Area Access

Inventions and Agendas Attachment 1  
Sign-in Sheets Attachment 2  
Advisories and Notifications Attachment 3  
Responses from Third Parties Attachment 4

June 2010 Draft Supplemental EA – WY 2011 Table of Contents:

- 1.0 Introduction and Statement of Purpose and Need
- 2.0 Description of Alternatives
- 3.0 Affected Environment and Environmental Consequences
- 4.0 Consultation and Coordination
- 5.0 List of Preparers
- 6.0 Literature Cited

Appendices

- A-Water Year 2010 Interim Flows Project – Final Environmental Assessment and Finding of No Significant Impact/Initial Study and Mitigated Negative Declaration
- B-Restoration Administrator 2010 Interim Flow Program Recommendations – SJR February 1 – December 1, 2010
- C-March 25, 2010 Letter to the Restoration Administrator Regarding Management of Interim Flows
- D-Draft San Joaquin River Interim Flow Unsteady Modeling Analysis
- E-2009-2013 Interim Flow Release Program, Water Quality Monitoring Plan
- F-Groundwater Atlas
- H-Draft 2009 Annual Technical Report

September 2010 Final EA – WY 2011 Table of Comments

- 1.0 Introduction
- 2.0 Comments
- 3.0 Responses to Comments
- 4.0 Errata
- 5.0 References

Attachments

Information and Attachments Submitted with the San Joaquin River Exchange Contractors Water Authority and the San Joaquin River Resource Management Coalition Comment Letter Attachment A-1;

**Attachment 1 to Environmental Information Form for Reclamation's WY 2012 Petitions for Temporary Transfer Permitted Applications 234, 1465, and 5638**

Attachments Submitted with the San Luis & Delta-Mendota Water Authority and the State Water Contractors Comment Letter Attachment A-2

Appendices

Appendix A - Draft Financial Assistance Agreement and Related Correspondence with the Lower San Joaquin Levee District

Appendix B - Draft 2010 Annual Technical Report

June 2011 Draft Supplemental EA – Water Year 2012 Table of Contents:

- 1.0 Introduction and Statement of Purpose and Need
- 2.0 Description of Alternatives
- 3.0 Affected Environment and Environmental Consequences
- 4.0 Consultation and Coordination
- 5.0 List of Preparers
- 6.0 Literature Cited

Appendices

- A-Water Year 2010 Interim Flows Project – Final Environmental Assessment and Finding of No Significant Impact/Initial Study and Mitigated Negative Declaration
- B-Draft and Final Supplemental Environmental Assessments for the WY 2011 Interim Flows Project and Finding of No Significant Impact
- C-Restoration Administrator 2011 Spring Interim Flow Program Real-Time Management Recommendations
- D-Steelhead Monitoring Program
- E-2009-2013 Interim Flow Release Program, Water Quality Monitoring Plan
- F-2010 Annual Technical Report
- G-Seepage Monitoring and Management Plan
- H-Mendota Pool Water Quality Response Plan
- I –Draft San Joaquin River Underseepage Limiting Capacity Analysis

**5. Waste/Wastewater**

See sections 3.8 and 4.8 of the Final WY 2010 EA/IS for discussion and analysis of Geology and Soils. Section 3.2.1 of the WY 2012 Supplemental EA states that although the proposed transfer would alter the timing and magnitude of reservoir elevation fluctuations and magnitude and duration of instream flows, for the reasons provided in the Final WY 2010 EA/IS and WY 2011 Supplemental EA potential changes to downstream erosion characteristics and localized changes in geomorphical characteristics would be less than significant. In accordance with section 2.2.8 of the WY 2011 Supplemental EA, Reclamation will continue data collection and monitoring activities for sediments and turbidity during transfer water releases.

**Attachment 1 to Environmental Information Form for Reclamation's WY 2012 Petitions for Temporary Transfer Permitted Applications 234, 1465, and 5638**

The generation of wastewater from within the service areas of entities receiving water as a result of this project would be an issue between the entity and the Regional Water Quality Control Board (RWQCB). Rediverted flows would be delivered as in lieu supplies to meet existing contractual obligations. The existence of flows in the channel downstream of Friant Dam would not generate wastewater. Operation of Friant Dam to implement the proposed transfer would not directly result in generation of wastewater.

Points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

## **6. Archeology**

This proposed transfer involves no new construction. See sections 3.7 and 4.7 of the Final WY 2010 EA/IS for discussion and analysis of Cultural Resources. Section 3.2.1 of the WY 2012 Supplemental DEA states that the proposed transfer would not cause a substantial adverse change in the significance of an historical or archaeological resource, would not directly or indirectly destroy a unique paleontological resource or site or geological feature, or likely disturb any human remains. Section 3.2.1 of the WY 2012 Supplemental DEA states that for the reasons described in the Final WY 2010 EA/IS and the WY 2011 Supplemental EA, implementation of the proposed transfer would result in less than significant impacts to cultural resources.

## **7. Environmental Setting**

A set of representative photographs is on file with the Board.