

Please indicate County where your project is located here:

Stanislaus

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

STATE WATER RESOURCES CONTROL BOARD

2015 JAN 16 PM 3:06

DIV OF WATER RIGHTS SACRAMENTO

Submitted July 31, 2014

Revised January 16, 2015

PETITION FOR CHANGE

(REVISED)

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application, Permit, License, Statement

I (we) hereby petition for change(s) noted above and described as follows: See Attachment 1 (Project Description).

Point of Discharge - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: SE 1/4 of SW 1/4, Sec. 4NE, T.5S, R.8E MDB&M. 6,388,628 E 2,013,197 N (NAD 83 Zone 03). See Attachment 2 (POD Map).
Proposed: Retain Existing: SE 1/4 of SW 1/4, Sec. 4NE, T.5S, R.8E MDB&M. 6,388,628 E 2,013,197 N (NAD 83 Zone 03). Add: NW 1/4 of NW 1/4, Sec. 22SW, T.5S, R.7E MDB&M. 6,360,310 E 2,002,798 N (NAD 83 Zone 03). See Attachment 2 (POD Map.)

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attachment 3 (Place of Use Map). City-owned property: approx. 2,500 irrigated acres.
Proposed: See Attachment 3 (Place of Use Map). City-owned property: approx. 2,500 irrigated acres. Del Puerto Water District service area: approx. 43,259 irrigated acres. South of Delta CVPIA refuges: approx. 124,897 acres.

Purpose of Use

Present: Irrigation.
Proposed: Irrigation, Level 4 CVPIA refuge water supplies.

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

Not applicable.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: Not applicable.
Proposed: Not applicable.

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

See Attachment 1 (Cessation of Current Seasonal Wastewater Discharges)

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No  
See Attachment 1 (Cessation of Current Seasonal Wastewater Discharges)

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Discharge, Point of Storage, or Place of Use be abandoned?  Yes  No  
See Attachment 1 (Cessation of Current Seasonal Wastewater Discharges)

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

See Attachment 1 (Additional Permits).

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

None.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

  
Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$650 (Pub. Resources Code, § 10005)

**City of Modesto's Petition for Change**  
**Attachment 1**

**Project Summary**

The City proposes to deliver up to 30,600 acre-feet per year of its recycled wastewater to Del Puerto Water District and several wildlife refuges through the Delta-Mendota Canal. The Project will convey recycled water from the City's wastewater treatment facility through a pipeline, and discharge it to the Delta-Mendota Canal. Del Puerto will divert the recycled water from the Delta-Mendota Canal or the water will be transported to San Luis Reservoir for storage during low water demand periods. The City also proposes to provide water to several Central Valley Project Improvement Act-designated refuges located south of the Delta.

**Petition Background**

Water Code sections 461 and 13510-13512 state policies favoring the use of recycled water. Water Code section 1210 provides that the City has the exclusive right to the beneficial use of its recycled wastewater as against anyone who has supplied the water to be discharged.

The City derives its water supply from two primary sources: groundwater pumped from the Modesto and Turlock subbasins; and Tuolumne River surface water deliveries from Modesto Irrigation District. In recent years, pumped groundwater comprised 52% to 59% of the City's water supply. Modesto Irrigation District has no contractual rights to the City's recycled water.

Currently, the City disposes of secondary treated effluent by application to approximately 2,500 acres of City-owned ranch land and through discharges to the San Joaquin River between October 1 and May 31 when river flow provides a 20:1 dilution ratio. When the City cannot discharge or land-apply this effluent, the City stores it in two ponds that provide approximately 7,800 acre-feet of storage capacity.

In 2009, the City began upgrading its wastewater treatment plant to promote tertiary treatment of the wastewater. After the City completes the second phase of its wastewater treatment plant in 2016, the City will produce approximately 16,500 acre-feet per year of recycled water. At full buildout, the City anticipates producing approximately 30,600 acre-feet per year of recycled water.

The proposed places of use for this recycled wastewater will be 43,259 irrigable acres in Del Puerto Water District's service area and 124,897 irrigable acres in the CVPIA refuges. (See Attachment 3.)

The City of Turlock may also seek to join the Project and deliver its recycled water through the Project. If Turlock decides to do this, then Turlock will submit its own separate petition to the State Board for its changes in point of discharge and place of use.

**Cessation in Current Seasonal Wastewater Discharges**

The City's Phase 2 Biological Nutrient Removal (BNR)/Tertiary Wastewater Treatment project is scheduled for completion in February 2016. That phase is scheduled for completion in 2018. At that time, the City will cease making seasonal wastewater discharges to the San Joaquin River. However, as discussed further below, the City may infrequently discharge tertiary-treated wastewater to the River in the future on an as-needed basis.

Water Code section 1211, subdivision (a), provides:

- (a) Prior to making any change in the point of discharge, place of use, or purpose of use of treated wastewater, the owner of any wastewater treatment plant shall obtain approval of the board for that change. The board shall review the changes pursuant to the provisions of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2.

(Water Code, § 1211, subd. (a).) Because the City seeks to cease its seasonal wastewater discharges to the San Joaquin River, it is filing this petition for change under subdivision (a) of Water Code section 1211.

Attachment 4 shows the City's monthly discharges from 2000 to 2012. The table below summarizes the City's average monthly discharges for the same time period:

<b>City Discharges to San Joaquin River (cfs)</b>	
<b>Month</b>	<b>Average</b>
Jan	31.4
Feb	38.2
Mar	35.2
Apr	10.1
May	7.0
Jun	0
Jul	0
Aug	0
Sep	0
Oct	0.1
Nov	5.1
Dec	17.7

A draft EIR/EIS has been prepared for the project and is included with the Environmental Information Form submitted herewith. Impact HYD-5 in Chapter 3.11 analyzes the potential environmental impacts associated with the cessation of these seasonal wastewater discharges. The draft EIR/EIS concludes the cessation of these discharges would reduce river flows by less

than 1% and would have less than significant impacts. Impact BIO-5 in Chapter 3.4 discusses the potential environmental impacts on special status fishes. The draft EIR/EIS similarly concludes that the cessation of seasonal wastewater discharges will have a less than significant impact on these species.

Although the City currently intends to cease seasonal wastewater discharges, it does not seek to abandon the existing point of discharge on the San Joaquin River. The City seeks to preserve the existing point of discharge for future potential discharges of tertiary treated wastewater as the need arises. Scenarios where the City may discharge wastewater to the San Joaquin River include but are not limited to:

- when the City cannot discharge wastewater into the Delta-Mendota Canal, such as during cleaning and maintenance activities at the Canal, or in the event of structural or other failure in the Canal;
- unanticipated failure in the City's recycled water pump station or pipeline; and,
- if there is an approved transfer of water through the River.

The City will comply with all NPDES permit requirements for any future discharges of tertiary-treated wastewater to the San Joaquin River, and the City may seek authorization to transfer such wastewater through another change petition or an application under Water Code section 1485.

#### **Additional Permits**

The Bureau of Reclamation will require a Warren Act Contract or a long-term Exchange Agreement for conveyance of recycled water through the Delta-Mendota Canal and storage of water in San Luis Reservoir. Del Puerto and the Wildlife refuges will use their existing facilities and diversions to divert the recycled water from the Canal and convey it to their places of use.

#### **Environmental Review**

The City is the CEQA lead agency for the Project. The Project's consultant completed a draft EIR/EIS in partnership with the Bureau of Reclamation. That study, and additional Project information, is attached to the City's Environmental Information Form and is available at <http://www.nvr-recycledwater.org>.

**City of Modesto's Petition for Change**  
**Attachment 2**

**(Points of Discharge Map)**

**City of Modesto's Petition for Change**  
**Attachment 3**

**(Place of Use Map)**

**City of Modesto's Petition for Change**  
**Attachment 4**

Average Monthly Treated Effluent Discharges to San Joaquin River, 2000 – 2012

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2000	18.5
Feb 2000	55.9
Mar 2000	60.9
Apr 2000	0.0
May 2000	0.0
Jun 2000	0.0
Jul 2000	0.0
Aug 2000	0.0
Sep 2000	0.0
Oct 2000	0.0
Nov 2000	25.8
Dec 2000	44.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2001	42.8
Feb 2001	51.2
Mar 2001	3.7
Apr 2001	0.0
May 2001	35.8
Jun 2001	0.0
Jul 2001	0.0
Aug 2001	0.0
Sep 2001	0.0
Oct 2001	0.0
Nov 2001	0.0
Dec 2001	13.4



<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2002	37.0
Feb 2002	24.3
Mar 2002	26.9
Apr 2002	21.2
May 2002	13.5
Jun 2002	0.0
Jul 2002	0.0
Aug 2002	0.0
Sep 2002	0.0
Oct 2002	0.0
Nov 2002	11.8
Dec 2002	32.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2003	26.1
Feb 2003	26.5
Mar 2003	33.7
Apr 2003	25.8
May 2003	22.6
Jun 2003	0.0
Jul 2003	0.0
Aug 2003	0.0
Sep 2003	0.0
Oct 2003	0.0
Nov 2003	0.0
Dec 2003	19.6

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2004	24.4
Feb 2004	35.6
Mar 2004	46.1
Apr 2004	23.8
May 2004	0.0
Jun 2004	0.0
Jul 2004	0.0
Aug 2004	0.0
Sep 2004	0.0
Oct 2004	0.0
Nov 2004	0.0
Dec 2004	21.6

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2005	86.5
Feb 2005	62.8
Mar 2005	32.6
Apr 2005	18.4
May 2005	0.0
Jun 2005	0.0
Jul 2005	0.0
Aug 2005	0.0
Sep 2005	0.0
Oct 2005	0.0
Nov 2005	0.0
Dec 2005	39.5

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2006	81.4
Feb 2006	36.8
Mar 2006	25.5
Apr 2006	0.0
May 2006	0.0
Jun 2006	0.0
Jul 2006	0.0
Aug 2006	0.0
Sep 2006	0.0
Oct 2006	0.9
Nov 2006	28.6
Dec 2006	30.9

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2007	29.9
Feb 2007	32.6
Mar 2007	31.1
Apr 2007	18.6
May 2007	18.7
Jun 2007	0.0
Jul 2007	0.0
Aug 2007	0.0
Sep 2007	0.0
Oct 2007	0.0
Nov 2007	0.0
Dec 2007	0.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2008	30.6
Feb 2008	54.8
Mar 2008	29.7
Apr 2008	0.0
May 2008	0.0
Jun 2008	0.0
Jul 2008	0.0
Aug 2008	0.0
Sep 2008	0.0
Oct 2008	0.0
Nov 2008	0.0
Dec 2008	0.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2009	0.0
Feb 2009	23.4
Mar 2009	31.9
Apr 2009	7.0
May 2009	0.0
Jun 2009	0.0
Jul 2009	0.0
Aug 2009	0.0
Sep 2009	0.0
Oct 2009	0.0
Nov 2009	0.0
Dec 2009	0.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2010	0.0
Feb 2010	35.4
Mar 2010	57.4
Apr 2010	0.0
May 2010	0.0
Jun 2010	0.0
Jul 2010	0.0
Aug 2010	0.0
Sep 2010	0.0
Oct 2010	0.0
Nov 2010	0.0
Dec 2010	0.0

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2011	0.0
Feb 2011	35.0
Mar 2011	78.4
Apr 2011	0.0
May 2011	0.0
Jun 2011	0.0
Jul 2011	0.0
Aug 2011	0.0
Sep 2011	0.0
Oct 2011	0.0
Nov 2011	0.0
Dec 2011	29.2

<b>SJR Discharge (cfs)</b>	
<b>Month</b>	<b>Total</b>
Jan 2012	31.6
Feb 2012	22.4
Mar 2012	0.0
Apr 2012	16.7
May 2012	0.0
Jun 2012	0.0
Jul 2012	0.0
Aug 2012	0.0
Sep 2012	0.0
Oct 2012	0.0
Nov 2012	0.0
Dec 2012	0.0