

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>

2009 MAY 10 PM 4:06

**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). 18087   Permit No. 13858   License No. \_\_\_\_\_  
Statement or Other No. \_\_\_\_\_

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

Placer County Water Agency   Hanspeter Walter   (916) 321-4500  
Person or Company name   Contact person   Telephone No.

Kronick, Moskovitz, Tiedemann & Girard  
400 Capitol Mall, 27th Floor   Sacramento   CA   95814  
Address   City   State   Zip Code

hwalter@kmtg.com  
E-MAIL (For noticing purposes)

***Co-petitioner***

Sacramento Suburban Water District   Joshua M. Horowitz   (916) 446-4254  
Person or Company name   Contact person   Telephone No.

Bartkiewicz, Kronick & Shanahan  
1011 22<sup>nd</sup> Street   Sacramento   CA   95816-4907  
Address   City   State   Zip Code

jmh@bkslawfirm.com  
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***Proposed New User***

The proposed new users are those agencies that are participating as buyers in the 2009 Department of Water Resources' ("DWR") Drought Water Bank.

Rec'd  
\$2,000.00  
\$850.00 DFG  
5/18/09  
MS

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Placer County Water Agency ("PCWA"), as petitioner, and Sacramento Suburban Water District, as co-petitioner, hereby petition the State Water Resources Control Board ("State Water Board") under the provisions of Water Code section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations section 794 et seq. for temporary changes to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying maps and described as follows:**

### **Executive Summary**

Placer County Water Agency ("PCWA") is obligated, under a long-term water service contract, to deliver up to 12,000 acre-feet ("AF") of water currently stored in its Middle Fork Project ("MFP") reservoirs on the Rubicon and American Rivers to its Co-Petitioner Sacramento Suburban Water District ("SSWD") in 2009. SSWD proposes to forego delivery of this quantity of surface water and to transfer its entitlement to DWR's Drought Water Bank for domestic, municipal and industrial, and irrigation uses within the service area of the State Water project ("SWP") and the Central Valley Project ("CVP"). The Transfer Water would otherwise be consumed within SSWD's service territory. To make this water supply available to the Drought Water Bank, SSWD proposes to pump an equivalent amount of groundwater to serve its customers' municipal and industrial demands. To accomplish this transfer, the following temporary changes in the place of use and points of rediversion under PCWA's MFP water right permit are needed:

- 1) Allow temporary storage of transfer water in Folsom Reservoir.
- 2) Allow re-diversion of transfer water at the SWP's Clifton Court Forebay and Harvey O. Banks Pumping Plant or Barker Slough Pumping Plant, or the CVP's C.W. "Bill" Jones Pumping Plant or the Contra Costa Canal (the "SWP and CVP Facilities").
- 3) Allow use of transfer water within the SWP and CVP service areas under agreements between DWR and various Drought Water Bank buyers.

### **Placer County Water Agency**

PCWA is a public agency created and existing pursuant to the provisions of the Placer County Water Agency Act. (Water Code Appx., Ch. 81.) PCWA owns and operates the MFP and holds water rights for that project pursuant to Permits 13856 and 13858, issued on Applications 18085 and 18087, by the State Water Rights Board, predecessor to the State Water Board.

### **Sacramento Suburban Water District**

SSWD is a public agency created, formed and operating under the County Water District Law, Water Code §§ 30000 *et seq.* SSWD was formed in 2002 by the consolidation of Arcade Water District and Northridge Water District by the Sacramento Local Agency Formation Commission. SSWD delivers water to retail and wholesale customers for beneficial municipal, industrial, and domestic uses within its service territory. SSWD's predecessor, Northridge Water District, entered into a long-term water supply contract with PCWA in 1995. That contract entitles SSWD to receive up to 29,000 AF annually from PCWA's Middle Fork Project. Because of

limitations on available treatment capacity and the Bureau of Reclamation's ("Reclamation") lack of action on a draft long-term Warren Act contract to wheel the PCWA entitlement water, SSWD has only been able to take between 12,000 and 17,000 AF of PCWA water each year. SSWD, with the support of PCWA, is proposing to transfer up to 12,000 AF of its contractual entitlement to the Drought Water Bank for redirection to the SWP and CVP service areas for beneficial uses by SWP and CVP contractors that have suffered cutbacks in their project contractual entitlements due to the continuing drought.

### **Description of Proposed Transfer**

As required under its long-term water service contract with SSWD, PCWA proposes to release up to 12,000 acre-feet of water stored in its Middle Fork Project to SSWD, which SSWD will make available to the Drought Water Bank ("Transfer Water"). The Transfer Water will be released from PCWA's Ralston Afterbay Reservoir on the Middle Fork of the American River for SSWD's benefit, and is planned to be routed through Folsom Reservoir to points of redirection at SWP or CVP facilities in the south Delta. The Transfer Water will be scheduled in cooperation with the DWR and Reclamation such that it will use available surplus release, pumping and transmission capacity and will not disrupt normal CVP or SWP operations.

Because the Transfer Water is water that PCWA is contractually required to deliver to SSWD, release of the Transfer Water to the Drought Water Bank will have no effect on storage in PCWA's Middle Fork Project or flows in the American River above Folsom Reservoir.

This transfer is in addition to the separate petition for temporary transfer that PCWA filed on May 6, 2009 for its own transfer of 20,000 AF of new water to the San Diego County Water Authority ("SDCWA").

SSWD will make the 12,000 AF of its PCWA entitlement water available to the Drought Water Bank under a groundwater substitution transfer seller's agreement ("Transfer Water"). SSWD will forego diverting the Transfer Water for treatment and use by its customers and instead pump groundwater in an equivalent amount to the amount of foregone surface water. As explained in more detail in this petition and the accompanying Environmental Information Form, SSWD has been operating a conjunctive use program by purchasing surface water from PCWA (and from the City of Sacramento under a separate agreement) and using that surface water in lieu of pumping groundwater. SSWD's conjunctive use program has helped to stabilize the North American groundwater basin from which SSWD pumps and in recent years, the basin has even begun to show a modest increase in groundwater levels. SSWD also is a member of the Sacramento Groundwater Authority ("SGA"), which adopted a groundwater management plan pursuant to Water Code section 10753.7 in 2003 and amended the plan in 2008. SSWD is a member of SGA and its conjunctive use program is represented in and is consistent with the SGA groundwater management plan. (See Environmental Information Form for a more detailed discussion of SSWD's groundwater production and conjunctive use activities.)

SSWD has complied with Water Code section 1732, which requires an agency that proposes to engage in a groundwater substitution transfer to comply with Water Code section 1745.10 as a condition of such transfer. Attached to the Environmental Information Form accompanying this Petition as Attachment 13 is Resolution 09-07 adopted on April 20, 2009 by SSWD's Board of

Directors. Resolution 09-07 makes findings that SSWD's proposed transfer of the Transfer Water is consistent with Water Code section 1745.10(b) because the transfer will not create or contribute to conditions of long-term overdraft in the North Sacramento Groundwater Basin.

SSWD takes delivery of its contractual water supply from PCWA at Folsom Reservoir. Release of the Transfer Water from Folsom Reservoir will be scheduled in cooperation with DWR and Reclamation such that this transfer will take advantage of available release, pumping, and transmission capacity. Use of this available capacity will not disrupt normal CVP or SWP operations. The Transfer Water would be released from Folsom reservoir and conveyed to the SWP and CVP Facilities in the southwest Delta for rediversion through those facilities for delivery to buyers of the Drought Water Bank.

The amount of Transfer Water delivered under this Agreement will be measured by DWR and Reclamation verifying the total amount delivered based upon the amount of groundwater produced by SSWD during the period that the Transfer Water is being delivered to the Drought Water Bank, less a depletion factor.

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

Up to 12,000 acre-feet.

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

Physical transfer and rediversion of Transfer Water may occur between May 1, 2009 to December 31, 2009, but is most likely to occur during June, July, August, and September. Transfer Water will be used in the SWP and CVP service areas within one year from approval of the transfer pursuant to Water Code § 1728.

#### **Place of Use of Transfer Water**

The 12,000 AF of Transfer Water, less conveyance losses, will be put to reasonable and beneficial use within the SWP and CVP service areas by buyers from the Drought Water Bank.

#### **Agency Coordination**

To accomplish this transfer, DWR will need to coordinate with Reclamation in order to provide operational flexibility to first store the Transfer Water in Folsom Reservoir before its conveyance through the Delta via the lower American River and Sacramento River. Additionally, DWR and Reclamation will coordinate SWP and CVP operations to convey the Transfer Water through the Delta. As determined by DWR and Reclamation based on their joint operations procedures, the Transfer Water will be diverted from the Delta through the SWP and CVP Facilities for conveyance to Drought Water Bank buyers downstream of the Delta.

#### **Point of Diversion or Rediversion**

##### **Current:**

A. PCWA's current points of diversion are located at California Grid Coordinates, Zone II,

Mount Diablo B&M:

		N	E	Quart.	Sec.	T-N	R-E
Duncan Creek	Duncan Creek	538,130	2,431,040	NW SW	24	15	13
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8

B. PCWA's current points of rediversion are located at California Grid Coordinates, Zone II, Mount Diablo B&M:

		N	E	Quart.	Sec.	T-N	R-E
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8
American River	Folsom Dam	380,461	2,240,626	SW NE	24	10	7

**Proposed:**

C. Under the proposed transfer, the Transfer Water would be rediverted, possibly after temporary storage in Folsom Reservoir within the NW ¼ of the SW 1.4 of Sec. 10, T10N R8E, MDBM, or California Coordinates W 121°05'53.4 N38°44'20.

After release from Folsom Reservoir, the Transfer Water would flow down the lower American and Sacramento Rivers and be rediverted at the SWP and CVP Facilities situated in the southwest Sacramento-San Joaquin Delta. After such rediversion, Transfer Water would be conveyed to Drought Water Bank buyers using the SWP and CVP Facilities.

**Place of Use**

**Current:** Western Placer County and northern Sacramento County.

**Proposed:** In addition to the above, the SWP and CVP service areas.

**Purpose of Use**

**Current:** Domestic, Municipal & Industrial, Recreational, Irrigation.

**Proposed:** Domestic, Municipal and Industrial, and Irrigation.

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
<b>Current:</b>	See project description and water rights permit.		

**Proposed:** Water would be used within the SWP and CVP service areas within one year after approval of the transfer pursuant to Water Code § 1728.

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

Placer and Sacramento Counties.

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

The additional places of use would be all counties included within the service areas of the SWP and CVP. The service area of the SWP is shown on Map 1878 – 1, 2, 3 and 4 on file with the Division of Water Rights under Application 5630. The service area of the CVP is shown on Map 214-208 – 12581 on file with the Division of Water Rights under Application 5626.

**1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)?**

Yes. The 12,000 AF of proposed Transfer Water is currently in storage in PCWA's Middle Fork Project reservoirs. Absent this transfer, PCWA would release this water on a M&I pattern for redirection by SSWD at Folsom Reservoir for treatment and conveyance to SSWD's service area for domestic, municipal and industrial uses.

**1b. 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.**

To provide the 12,000 acre-feet of Transfer Water under this application, PCWA would deliver surface water in Folsom Reservoir that normally would be diverted by SSWD for treatment at the San Juan Water District's Peterson Treatment Plant and then conveyed through the San Juan Cooperative Transmission Pipeline into SSWD's North Service Area water system for distribution to and consumption by SSWD's retail customers. Because of limitations in PCWA's place of use, surface water that it supplies may only be used in SSWD's North Service Area. SSWD has supplied its North Service Area retail customers with treated PCWA surface water in lieu of pumped groundwater, which was SSWD's traditional source of supply.

In the period 2001 through 2008, SSWD diverted and used an average of 13,047 AF each year of treated PCWA surface water in lieu of pumping and delivering an equivalent amount of groundwater. SSWD used a high of 16,938 AF of PCWA surface water in 2002 and a low of 4,163 AF in 2007. Since 2001 when it began taking PCWA surface water, SSWD has not pumped the quantities of groundwater that it pumped prior to 2001 because of the availability of PCWA water. In 2007, however, limited PCWA water was available. SSWD received only 4,163 AF of surface water that year and pumped a total of 13,962 AF of groundwater in the June through September 2007 period. The amount of 2007 groundwater pumping and use is comparable to the amounts of groundwater pumping and use in SSWD during the June through September period before PCWA surface water became consistently available in substantial quantities in 1998. This demonstrates that SSWD has the capacity to produce a sufficient

amount of groundwater to meet demands in its North Service Area during the June through September period when it anticipates transferring its PCWA surface water to the Drought Water Bank. The lack of effects from SSWD's proposed production of groundwater to make PCWA surface water available is explained in more detail in the Environmental Information Form accompanying this Petition.

**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.

**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.

**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.**

The PCWA deliveries to SSWD are diverted by SSWD from Folsom Reservoir, which is also the proposed point of delivery to the Drought Water Bank under the proposed transfer. PCWA and SSWD do not know the identities of other legal users of water between SSWD's present point of diversion at Folsom Reservoir and the SWP and CVP Facilities. Also, because of the geographic scope of this water transfer, it is impractical to list all other legal users of water between the MFP and the proposed points of diversion. Furthermore, as explained in response to Question 3.a, flows downstream of SSWD's point of diversion (i.e., Folsom Reservoir) and above the points of diversion will be minimally or negligibly increased by the release of the Transfer Water. Therefore, there will be no adverse effects on legal users of water between existing points of diversion and proposed points of diversion.

**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.**

The amount of change in streamflow, water quality, timing of diversion or use, return flows, and effect on legal users of water will be minimal and will cause no adverse economic, physical, or environmental effects. PCWA's release of 12,000 AF of Transfer Water from the MFP is the same amount that would be has been released for diversion by SSWD at Folsom Reservoir under the long-term contract since 2001, except for 2007, as previously noted. Therefore, there would be no change in flows, water quality or appropriators in that reach of the American River due to the proposed transfer. A total of approximately 190,000 AF will be released from the MFP during the transfer period, which includes the normal amount of contract water made available to SSWD, San Juan Water District, Roseville and PCWA's own retail customers. Downstream of Folsom Dam, the diversion of the Transfer Water will increase the flow in the lower American River and Sacramento River by about the same amount. Once leaving Folsom Reservoir, the 12,000 AF of Transfer Water will comprise a diminishingly small

increment of water when compared to the average flows in the lower American and Sacramento Rivers, and the Delta.

Although water may be released and transferred as late as December 31, 2009, in general May through October is the relevant time period because water flows during this period are the most susceptible to operational changes from water transfers. This is largely due to the fact that the normal winter storms that alter and often dominate the hydrology of the Delta and its tributaries do not usually occur until November and later.

Lower American River, Sacramento River, and Delta

As explained below, this transfer involves a very small quantity of water compared to the volumes of water moving through these river systems. The following table is derived from data in Attachment 7 of the related Environmental Information Form submitted with this petition. The table presents the average daily Delta outflow, river flows, and SWP and CVP pumping rates in acre-feet during the period May through October, which will likely constitute the primary portion of the proposed transfer period.

The May – October data provided in this application are the most recent data for the relevant months provided by Reclamation’s Central Valley Operations Office in its monthly reports (available at [http://www.usbr.gov/mp/cvo/pub\\_rpts.html](http://www.usbr.gov/mp/cvo/pub_rpts.html)). Furthermore, these data are considered representative of likely conditions in 2009 because both 2007 and 2008 were also dry hydrological years. Also, 2007 and 2008 were years in which the SWP and CVP were subject to restrictions on allowable reverse flows in Old and Middle Rivers, which restricted SWP and CVP Delta pumping in order to prevent “take” of the Delta smelt under the U.S. Endangered Species Act. Similar restrictions on reverse flows and related pumping constraints, imposed by the U.S. Fish and Wildlife Service, will likely apply in 2009 as well. Thus, these data provide the Board with information to review the proposed transfer in light of the potential hydrologic conditions likely to occur during the proposed transfer as required by Water Code § 1727(b)(1).

**2007-2008 Average Daily Delta Outflow and Combined SWP/CVP Pumping in Acre-Feet per Day.\***

	May	June	July	August	September	October
Lower American River	2,592	6,795	7,464	5,631	3,431	2,636
Sacramento River at Freeport	17,077	21,996	37,753	34,016	31,023	21,253
Delta Inflow	25,614	26,976	41,983	38,261	34,793	25,479



Combined SWP/CVP Pumping	3,945	4,344	22,575	22,298	19,507	14,953
Delta Outflow	17,093	15,300	11,466	8,051	10,726	8,011

\* Data from Reclamation operations reports (see text above and Environmental Information Form, pp. 9 – 11 for explanation).

The 12,000 AF of Transfer Water will not be transferred all at once, but will be released from Folsom Reservoir and conveyed across the Delta to the SWP and CVP Facilities over a period of time during the remainder of 2009, all within existing pumping and other regulatory constraints. As indicated from the table above, in comparison to the amount proposed for transfer, much larger volumes of water are expected to move through the American and Sacramento Rivers and the Delta. Thus, the transfer of an additional 12,000 AF would increase flows by only a very small amount of the total in any of the water bodies listed and would also cause only a very small increase to SWP and CVP Delta pumping. Thus, while the exact operations required to implement the proposed transfer cannot be stated with precision at this time, the transfer will only negligibly affect streamflows, water quality, timing of diversion or use, return flows, and effect on legal users of water.

The hydrologic systems and project operations affected by this transfer experience wide fluctuations in river stages and pumping operations due to natural events and because of other water project operations such as compliance with D-1641. The data presented represent the low flow and low pumping circumstances that are likely to occur in 2009, but the fact that the river flows and pumping rates are greater in average and wetter years also supports the conclusion that slightly increased flows, with a concomitant increase in SWP and CVP pumping rates, will not significantly or unreasonably affect streamflow, water quality, timing of diversion or use, return flows, or other legal users of water.

Because the only change from existing conditions will be the releases of Transfer Water from Folsom Reservoir and its conveyance across the Delta to the State or Federal pumps, other legal users of water will not be adversely affected by this transfer project. The only effects of this transfer on other legal users of water will be a very slight increase in river flows from Folsom Reservoir the proposed points of rediversion at the SWP and CVP Facilities. Furthermore, when the Transfer Water is diverted by the SWP and CVP Facilities, DWR and Reclamation will redivert all water in compliance with all existing state and federal regulations, including Decision 1641, State and Federal endangered species acts, all biological opinions and take permits, and existing court orders.

**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).**

No legal user of water will be injured because PCWA's release of Transfer Water will be the same as would have been released to provide SSWD with water under its long-term water service contract. PCWA normally would deliver the 12,000 AF of proposed Transfer Water to

SSWD for withdrawal from Folsom Reservoir for treatment and delivery to retail customers via pipelines. Because PCWA already releases this amount of water into the upper American River for SSWD, there would be no impact to legal users in that watershed. Downstream of Folsom Reservoir, this quantity of water would not be available to any other legal user of water with or without this proposed transfer. There is no evidence that adding this small increment of water to the lower American and Sacramento Rivers within the range of historical flows would work any injury to a legal user of water.

Although DWR may convey water sold to the Drought Water Bank through SWP or CVP facilities, it is expected that most water made available to the Drought Water Bank will be conveyed through SWP facilities because of available capacity. A recent DWR analysis shows the availability of pumping capacity at the SWP's Banks Pumping Plant given various hydrological conditions. (Exhibit 1.) According to this data, the SWP has ample conveyance capacity to pump the proposed Transfer Water. Specifically, given DWR's current 2009 SWP allocation of 30% and even with the most restrictive limitations on negative flows in Old and Middle Rivers to protect Delta smelt, DWR's analysis shows that the SWP has capacity to convey up to 500,000 acre-feet of non-project water such as PCWA's proposed Transfer Water.

**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.**

PCWA has not contacted the Regional Board staff, but intends to do so during the review process if Division of Water Rights staff requests it. PCWA has executed similar transfers in the past without any adverse change in water quality. The MFP water proposed for transfer is very high quality runoff derived predominantly from snowmelt and rains falling in largely undeveloped higher elevation portions of Placer County in the Sierra Nevada, and is the same water that would otherwise be released for delivery and redirection by SSWD at Folsom Reservoir.

**5a. Consult with the California Department of Fish and Game pursuant to 14 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.**

A copy of this petition was sent to the DFG North Central Regional Manager Sandra Morey at 1701 Nimbus Road, Rancho Cordova, CA 95670 Phone: (916) 358-2899, FAX: (916) 358-2899. PCWA has not received DFG's opinion regarding the project, but will provide this information to the appropriate SWRCB staff when available. PCWA expects DFG to indicate that the transfer will not unreasonably affect fish or wildlife resources because very similar transfers have been done in the past with no adverse impacts identified by DFG. In fact, in the past DFG has advocated such transfers as part of the transfer of water to the CAL-FED Environmental Water Account ("EWA"). DFG also reviewed a similar transfer from PCWA to Westlands Water District in 2008, and did not indicate that instream beneficial uses would be adversely affected.

**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)?**

Generally no. The Transfer Water will be consumptively used within the SWP and CVP service areas, most likely for municipal and industrial use. However, DWR may designate some portion of the water made available to the Drought Water Bank to enhance instream beneficial uses. Additionally, the addition of the Transfer Water into the SWP and CVP Facilities may incrementally improve wetlands, fish and wildlife habitat, or recreational opportunities or aesthetics in San Luis Reservoir or other particular SWP terminal reservoirs.

**5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change.**

As explained in response to Question 5a, the proposed transfer may improve water quality and thereby benefit instream beneficial uses including fish and wildlife resources. There is no evidence that the proposed transfer will negatively affect fish and wildlife or other beneficial instream uses in any unreasonable, significant, or measurable way.

When the Transfer Water is diverted at the SWP and CVP Facilities, all existing state and federal regulations will be complied with, including Decision 1641, State and Federal endangered species acts, all biological opinions and take permits, and any outstanding court orders. Reclamation has agreed to implement all reasonable and prudent alternatives that will be triggered in 2009 contained in the U.S. Fish and Wildlife Service's 2008 Biological Opinion on effects of combined SWP and CVP operations on the Delta smelt. Additionally, there is close monitoring and coordination between DWR, Reclamation, USFWS, and the National Marine Fisheries Service ("NMFS"), and the California Department of Fish and Game ("DFG") regarding the effects of combined project operations on the host of species inhabiting the Delta. This allows the relevant agencies to quickly deal with circumstances as they arise, and to avoid significant impacts to species of special concern (i.e., listed and protected under state or federal laws).

Given the small amount of water involved in this transfer relative to the amount of water in the system and pumped by the projects, it is not expected that any fish species will be adversely affected by the proposed additional releases from Folsom Reservoir. Similar change petitions and transfers have been granted by the SWRCB in the past to support acquisition of water assets by the EWA. For instance, in 2001 the SWRCB issued Order WR 2001-18-DWR, which approved the transfer of 20,000 AF from PCWA's Middle Fork Project reservoirs to the California Department of Water Resources to support the EWA. A copy of this order is attached to the Environmental Information Form submitted with this petition. Notably, that order found that because "the water proposed for transfer would temporarily benefit fishery resources by providing increased flows and decreased water temperatures in a critically dry year there is no apparent reason why increased flows during the summer would harm fishery resources." Similar circumstances exist this year, and if the proposed transfer causes any effect on fish, the effect should be the same beneficial effect noted by the SWRCB in Order 2001-18-DWR approving the 2001 transfer.

The transfer period at issue here occurs during a time when delta smelt and longfin smelt are not at high risk of entrainment at the SWP and CVP Facilities because during the July to September period when a majority of the Transfer Water is likely to be conveyed through the Delta, the majority of the populations of both species are further downstream at the confluence of the Sacramento and San Joaquin Rivers or in the Suisun Marsh or Napa River areas, all of which are beyond the zone of influence of the SWP and CVP Facilities. This means that slightly increased SWP or CVP pumping will not have a meaningful effect of populations of these species.

Additionally, salmonid entrainment by the SWP and CVP Facilities is generally low or absent during the summer and early fall months during which time the majority of Transfer Water will be conveyed through the Delta and diverted for export to SWP and CVP water users. This is partially due to the fact that outmigrating smolts have already left the freshwater system by this time, and the projects do not entrain a high number of adult salmonids because they are strong swimmers able to avoid entrainment influences of pumping. This fact, coupled with the fact that any SWP or CVP pumping will only be slightly increased and well within the range of current and past pumping rates, leads to a conclusion that salmonids will not be unreasonably or significantly affected by the proposed transfer.

Other wildlife and plant species in the project area should not be affected by the slight changes in streamflows caused by this transfer.

(See Environmental Information Form for more details.)

**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 response to Question 5c above. (See Environmental Information Form for more details.)

**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. PCWA and SSWD have independent legal authority for this transfer under their organic acts. (See Water Code Appx. Ch. 81; Water Code sections 31001, 31004 and 31023.)

**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.

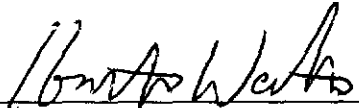
A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE

SWRCB 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.*

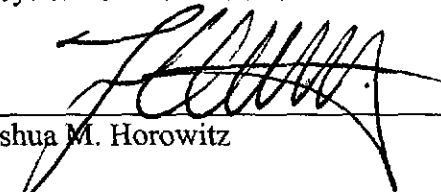
Dated: May 15, 2009, at Sacramento, California.

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD,  
Attorneys for Petitioner Placer County Water Agency

By:  \_\_\_\_\_  
Hanspeter Walter

Dated: May 15, 2009, at Sacramento, California.

BARTKIEWICZ, KRONICK & SHANAHAN,  
Attorneys for Co-Petitioner Sacramento Suburban Water District

By:  \_\_\_\_\_  
Joshua M. Horowitz

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1011 22<sup>nd</sup> Street, Sacramento, California 95816-4907. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On May 18, 2009, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**PETITION FOR TEMPORARY TRANSFER OF  
WATER/WATER RIGHTS/ENVIRONMENTAL  
INFORMATION FOR PETITIONS**

in a sealed envelope, postage fully paid, addressed as follows:

Sandra Morey, Manager  
North Central Region  
California Department of Fish and Game  
1701 Nimbus Road  
Rancho Cordova, CA 95670

Board of Supervisors  
County of Placer  
175 Fulweiler Avenue  
Auburn, CA 95603

Board of Supervisors  
County of Sacramento  
700 H Street, Suite 2450  
Sacramento, CA 95814

Board of Supervisors  
County of Alameda  
Administration Building  
1221 Oak Street, #536  
Oakland, CA 94612

Board of Supervisors  
County of Contra Costa  
651 Pine Street  
Martinez, CA 94553

Board of Supervisors  
County of Fresno  
2281 Tulare  
Hall of Records, Room 301  
Fresno, CA 93721-2198

Board of Supervisors  
County of Kern  
1115 Truxton Avenue, 5<sup>th</sup> Floor  
Bakersfield, CA 93301

Board of Supervisors  
County of Kings  
1400 West Lacey Boulevard  
Hanford, CA 93230

Board of Supervisors  
County of Los Angeles  
500 West Temple Street, Room 383  
Kenneth Hahn Hall of Administration  
Los Angeles, CA 90012

Board of Supervisors  
County of Madera  
200 West 4<sup>th</sup> Street  
Madera, CA 93637

Board of Supervisors  
County of Merced  
2222 M Street  
Merced, CA 95340

Board of Supervisors  
County of Orange  
333 W. Santa Ana Boulevard  
Santa Ana, CA 92701

Board of Supervisors  
County of San Benito  
481 4<sup>th</sup> Street, First Floor  
Hollister, CA 95023-3840

Board of Supervisors  
County of San Diego  
Administration Center  
1600 Pacific Highway, Room 260  
San Diego, CA 92101

Board of Supervisors  
County of San Luis Obispo  
County Government Center, Room D-430  
1055 Monterey Street  
San Luis Obispo, CA 93408

Board of Supervisors  
County of Santa Clara  
County Government Center  
70 West Hedding Street, East Wing, 10<sup>th</sup> Floor  
San Jose, CA 95110

Board of Supervisors  
County of Stanislaus  
City/County Administration Building  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

Board of Supervisors  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

Board of Supervisors  
County of Napa  
County Administration Building  
1195 Third Street, Suite 310  
Napa, CA 94559

Board of Supervisors  
County of Riverside  
4080 Lemon Street-4<sup>th</sup> Floor  
Riverside, CA 92501

Board of Supervisors  
County of San Bernardino  
385 N. Arrowhead  
San Bernardino, CA 92415-0110

Board of Supervisors  
County of San Joaquin  
222 East Weber Avenue  
Stockton, CA 95202

Board of Supervisors  
County of Santa Barbara  
105 East Anapamu Street  
Santa Barbara, CA 93101

Board of Supervisors  
County of Solano  
Solano County Government Center  
675 Texas Street, Suite 6500  
Fairfield, CA 94533

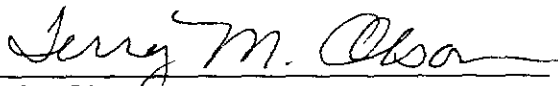
Board of Supervisors  
County of Tulare  
2800 West Burrel  
Visalia, CA 93291

Board of Supervisors  
County of Yolo  
County Administration Building  
625 Court Street  
Woodland, CA 95695

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

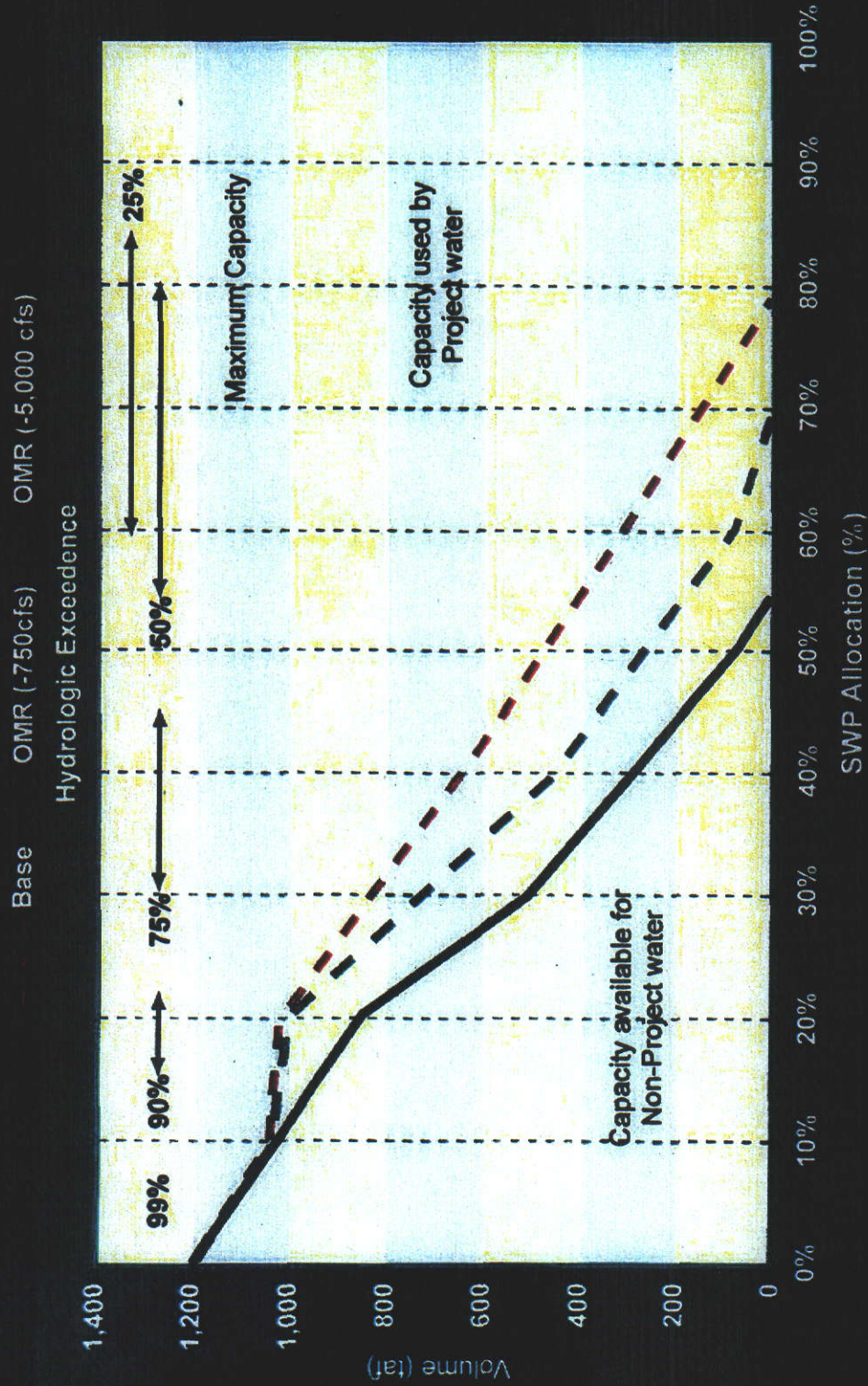
I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 18, 2009, at Sacramento, California.

  
\_\_\_\_\_  
Terry M. Olson



# Total Estimated Conveyance Capacity at Banks Between July - September 2009



• Based on September's Allocation Analysis for 2009, dated 9/15/2009.

•• Assumed maximum capacity of 6,680 cfs at Clinton Court Forebay.

••• Capacity may be further reduced up to a maximum of 1/3 TAP for the OVC Contractors.