



# State Water Resources Control Board

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**Linda S. Adams**  
*Secretary for  
Environmental Protection*

**Division of Water Rights**  
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**Arnold Schwarzenegger**  
*Governor*

**NOTICE OF PETITIONS FOR TEMPORARY CHANGE  
INVOLVING THE TRANSFER OF UP TO A TOTAL OF  
39,018 ACRE-FEET OF WATER  
FROM TWELVE SACRAMENTO VALLEY WATER RIGHT HOLDERS  
TO THE 2009 DROUGHT WATER BANK**

Notice is hereby given that on April 10 and 16, 2009, ten parties represented by

MBK Engineers  
c/o Darren Cordova  
2450 Alhambra Boulevard, 2nd Floor  
Sacramento, CA 95817

as well as

Sacramento River Ranch, LLC  
c/o Amy M. Steinfeld  
Brownstein Hyatt Farber Schreck, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

Reclamation District No. 108  
c/o Lewis Bair, General Manager  
975 Wilson Bend Road  
Grimes, CA 95950-0050

each filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The parties represented by MBK Engineers are Reclamation District No. 1004 (RD 1004), Garden Highway Mutual Water Company (GHMWC), DL Goose Farms, LLC and Teichert Aggregates (GF), Greg Amaral Ltd. Pension Plan and Trust and Tule Basin Farms, LLC (Guisti Ranch), Pelger Mutual Water Company (PMWC), and five member landowners of the Pleasant Grove-Verona Mutual Water Company (PGVMWC). Petitions were also submitted by Sacramento River Ranch, LLC (SRR) and Reclamation District No. 108 (RD 108). The petitions request the transfer of a combined total of up to 39,018 acre-feet (af) of water to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) for use within the Central Valley Project (CVP) and the State Water Project (SWP) service areas. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

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*California Environmental Protection Agency*

## **BACKGROUND**

In response to Governor Schwarzenegger's June 4, 2008 Executive Order, the DWB was initiated in the summer of 2008 to help alleviate the drought conditions should they continue into 2009. DWR established the DWB to purchase water from willing sellers upstream of the Sacramento-San Joaquin Delta. This water will be transferred using SWP or CVP facilities to water suppliers that are at risk of experiencing water shortages in 2009 due to drought conditions and that require supplemental water supplies to meet anticipated demands. Additional information regarding the DWB is available online at: <http://www.water.ca.gov/drought/bank/>

Due to similarities in the requested changes, the State Water Board is issuing one public notice for these twelve petitions.

## **DESCRIPTION OF THE TRANSFER**

The petitioners propose to transfer water to the DWB in order to provide an additional water supply for participating agencies. The total amount of water intended for transfer pursuant to these twelve petitions is 39,018 af. The petitioners hold twelve water right licenses cumulatively authorizing the direct diversion of approximately 424 cubic feet per second (cfs) of water from the Sacramento River or its tributaries (between the cities of Colusa and Sacramento) for irrigation use. Table 1, on page 3, identifies the specific water right licenses under which each of the twelve petitions were filed, the amount of water each Petitioner proposes to transfer, the corresponding rate of diversion, and the transfer type.

In order to make water available for transfer, the petitioners have proposed to reduce their consumptive use (CU) by a like amount. The majority of this reduction will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution). The remaining CU reduction will be achieved by voluntary fallowing of lands which, absent the transfer, would have been planted (crop idling) and varying the types of crops planted to reduce water demand (crop shifting). The petitioners have stated that groundwater substitution and crop shifting/idling for the proposed transfers will be in accordance with the guidelines contained in DWR's Water Transfer Papers, at: <http://www.watertransfers.water.ca.gov/geninfo/geninfo.cfm>.

Since water is being transferred for use by the DWB, DWR and the United States Bureau of Reclamation (USBR) will be reviewing each transfer proposal.

**Table 1**

Petitioner	Application No.	License No.	Transfer Amount (af)	Transfer Rate (cfs)	Transfer Type
RD 1004 (S)	27	3165	7,220	166	Groundwater substitution
RD 108 (S)	1589	3067	4,331	23	2,500 af (Crop shifting) 1,831 af (Groundwater substitution)
GHMWC	1699	2033	4,000	39	Groundwater substitution
GF	3206	8267	4,783	20.3	Crop idling and crop shifting
SRR	4901	9995	2,752.59	22	121.59 af (Crop idling) 2,631 af (Groundwater substitution)
E.D. Willey & Sons* (S)	7641A	6389A	2,445	17.8	Groundwater substitution
River Ranch Partnership* (S)	7641C	6389C	1,022	7.7	Groundwater substitution or crop idling
Guisti Ranch	10030	2840	3,765	21.05	Groundwater substitution
PMWC (S)	12470B	8547B	1,750	25	Groundwater substitution
Scheidel & Osterli* (S)	15606	11001	2,653	14.54	Groundwater substitution
Nicoli Nicholas* (S)	15856A	7064A	2,148	11.77	Groundwater substitution
Maria Kelly* (S)	15856B	7064B	2,148	11.77	Groundwater substitution or crop idling

\* indicates a party owning land located within the PGVMWC  
 (S) indicates a Sacramento River Settlement Contractor

**PROPOSED CHANGES**

Each petition requests the following temporary changes, shown in Table 2, below, to their respective water right license:

1. Add the SWP and CVP service areas to the place of use;
2. Add the Jones Pumping Plant, the Banks Pumping Plant, the Barker Slough and the Contra Costa Canal as points of diversion; and
3. Add domestic, power, municipal, industrial, salinity control, fish and wildlife enhancement, water quality control, and stockwatering (as needed) to the authorized purposes of use.

## PETITIONERS' WATER RIGHTS

Relevant information from the twelve water right licenses under which the petitions were submitted is summarized in Table 2, below. Additional information regarding each petitioner's water rights is contained in the individual petitions which are posted online with this notice at:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/).

**Table 2**

Licensee	App.	License No.	Auth DD (cfs)	Season		Source	Purpose(s) of Use
	No.			Start	End		
RD 1004 (S)	27	3165	166	4/1	10/15	Sacramento River	I
RD 108 (S)	1589	3067	255.25	5/1	10/1	Sacramento River	I
GHMWC	1699	2033	39	4/15	10/31	Feather River	I
GF	3206	8267	20.3	4/1	10/15	Feather River and Sacramento Slough	I
SRR	4901	9995	22	4/1	10/31	Sacramento River and Knights Landing Ridge Cut	I
E.D. Willey, et al * (S)	7641A	6389A	26.4	4/1	9/30	Sacramento River	I
RRP * (S)	7641C	6389C	7.7	4/1	9/30	Sacramento River	I
Guisti Ranch	10030	2840	21.05	4/1	11/1	West Borrow Pit of Sutter Bypass	I
PMWC (S)	12470B	8547B	53.5	4/1	11/1	Sacramento River	I
Scheidel & Osterli * (S)	15606	11001	14.54	4/1	9/30	Natomas Cross Canal	I
Nicoli Nicholas * (S)	15856A	7064A	11.77	3/15	11/15	Natomas Cross Canal	I
Maria Kelly * (S)	15856B	7064B	11.77	3/15	11/15	Natomas Cross Canal	I

\* indicates a party owning land located within the PGVMWC  
 (S) indicates a Sacramento River Settlement Contractor

### Legend

Auth DD = Maximum authorized rate of direct diversion  
 Season Start, End = Authorized season of diversion  
 Purpose of Use = Present purpose of use  
 I = Irrigation Use

## **ENVIRONMENTAL CONSIDERATIONS**

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

## **STATUTORY PROVISIONS**

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses;  
and
4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

## **OPPORTUNITY FOR COMMENTS**

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the twelve petitions for temporary change listed above. Any person may file comments concerning the petitions for temporary change. Comments may address individual petitions or, if appropriate, may address multiple petitions. The comments must address the required findings numbered 1., 2., 3., and 4., set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, persons commenting on a petition should provide sufficient information to support claims of injury or affects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division of Water Rights (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/).

Persons considering commenting on a petition are strongly urged to check the website for such information prior to filing a comment. Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the address listed below by **2:00 p.m. on June 5, 2009**. Additionally, **the comments must be accompanied by proof of service of a separate copy of the materials on the petitioners, (as appropriate)** at the address listed below. Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received for the State Water Board to consider your concerns.

Mailing Addresses

Division of Water Rights  
c/o Greg Wilson  
P.O. Box 2000  
Sacramento, CA 95812-2000  
FAX: (916) 341-5400

MBK Engineers  
c/o Darren Cordova  
2450 Alhambra Boulevard  
Sacramento, CA 95817  
FAX: (916) 456-0253

Sacramento River Ranch, LLC  
c/o Amy M. Steinfeld  
21 East Carrillo Street  
Santa Barbara, CA 93101  
FAX: (805) 965-4333

Reclamation District No. 108  
c/o Lewis Bair  
P.O. Box 50  
Grimes, CA 95950-0050  
FAX: (530) 437-2248

Please direct questions regarding this notice to Greg Wilson at (916) 341-5427. Questions regarding the Petitioners should be directed as follows:

Petitioners:	Darren Cordova:	(916) 456-4400
	Amy Steinfeld:	(805) 882-1409
	Lewis Bair:	(530) 437-2221

*Original signed by James W. Kassel for*

Leslie F. Grober, Manager  
Hearings and Special Programs Section

Dated: May 4, 2009