



STATE WATER RESOURCES CONTROL BOARD
SACRAMENTO

2008 NOV 13 AM 11:40

PROPERTY RIGHTS
SACRAMENTO

10/19 537
8339

Property Reserve California
5 Triad Center, Suite 650
Salt Lake City, Utah 84180-1127
Phone: 1-801-240-5862
Fax: 1-201-240-5881

October 29, 2008

Attn: Kathy Mrowka
Calif. State Water Resources Control Board
Division of Water Rights
1001 "I" Street, 14th Floor
Sacramento, CA 95814-2828

Dear Kathy:

I've enclosed a copy of two signed petition documents related to a temporary transfer of water to Contra Costa Water District from Property Reserve California, Inc.

This water is to be transferred from property we own in Byron California south of Discovery Bay.

Please review these documents and submit them through your review and approval process.

You may contact me with questions or concerns at:

Property Reserve California, Inc.
Richard Wangsgard
5 Triad Center, Suite 650
Salt Lake City, UT 84180
Phone: 801-240-5834

Sincerely,

Rich Wangsgard

Rec'd
11/19/08
4:50 PM (CWC)

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

STATE WATER RESOURCES CONTROL BOARD
2009 NOV 13 AM 11:53
DIVISION OF WATER RIGHTS

PETITION FOR TEMPORARY URGENCY CHANGE
(Water Code 1435)

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

Application # 6587 / 8338 Permit # 3479 / 4651 License # 1605 / 4953 Statement or Other _____

I (we) Property Reserve CA hereby petition for a temporary urgency
(Water Right Holders Name)
change(s) noted above and shown on the accompanying map and described as follows:

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

Present See Attachment

Proposed See Attachment

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present See Attachment

Proposed See Attachment

Purpose of Use

Present See Attachment

Proposed See Attachment

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)? No

The temporary urgency change(s) is to be effective from May 4, 2009 to October 30, 2009
(Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? Yes
(yes/no)

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes
(yes/no)

State the "Urgent Need" (Water Code 1435(c)) which is the basis of this temporary urgency change petition:
See Attachment

If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? Yes, for Rock Slough POD.
(yes/no)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Yes, for Rock Slough POD.
(yes/no)

Rock Slough
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DIVISION OF WATER RIGHTS

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

Department of Water Resources
1416 9th Street, Sacramento CA 95814
Mailing Address:
P.O. Box 942836, Sacramento CA 94236

City of Antioch
City Hall
Third & "H" Streets, Antioch CA 94509
Mailing Address:
P.O. Box 5007, Antioch CA 94531-5007

US Bureau of Reclamation (Sac Fed Office)
Donald R. Glaser, Regional Director
Mid Pacific Regional Office
Federal Office Building
2800 Cottage Way, Sacramento CA 95825-1898

East Contra Costa Irrigation District
626 1st St., Brentwood CA 94513

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes
(yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Brad Burkholder, (209) 948-7800

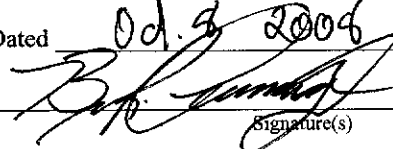
Corin Grey, (707) 944-5526

Messages have been left for both DFG contacts. Responses are pending.

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

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

Dated Oct. 9 2006, 2008 at _____, California

AW 
Signature(s)

Telephone No.

(Address)

NOTE: A \$1000 filing fee, for each Application listed, 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 for change.

\$1,000 State Board Filing Fee
\$850 Fish & Game Fee

Attachment to Petition for Temporary Urgency Change
License #'s 1605 and 4953 (Application #'s 6587 and 8338 and Permit #'s 3479 and
4653) held by Property Reserve CA

Point of Diversion or Rediversion

Present Points of Diversion:

License #1605

- (1) South 72° 17' 17" East, 2,005.04 feet from the NW corner of the SW ¼ of Section 6, T1S, R4E, MDB&M, being within the NW ¼ of SW ¼ of said Section 6.
- (2) East 3,015 feet from the SW corner of the SW ¼ of Section 6, T1S, R4E, MDB&M, being within the SW ¼ of SE ¼ of said Section 6.
- (3) North 64° 11' 15" East, 3,915.69 feet from the SW corner of the NW ¼ of Section 7, T1S, R4E, MDB&M, being within the NW ¼ of NE ¼ of said Section 7.
- (4) South 77° 28' 16" East, 829.75 feet from the NW corner of the SW ¼ of Section 7, T1S, R4E, MDB&M, being within the NW ¼ of SW ¼ of said Section 7.
- (5) South 11° 41' 45" East, 582.08 feet from the NW corner of Section 18, T1S, R4E, MDB&M, being within the NW ¼ of NW ¼ of said Section 18.
- (6) South 4° 10' 18" East, 4,177.07 feet from the NW corner of Section 13, T1S, R3E, MDB&M, being within the SW ¼ of SW ¼ of said Section 13.

License #4953

- (1) Siphon No. 1, South 72° 17' 17" East, 2,005.04 feet from the NE corner of the SE ¼ of Section 1, T1S, R3E, MDB&M, being within the NE ¼ of SW ¼ of said Section 6, T1S, R4E, MDB&M.
- (2) Siphon No. 2, South 46° 32' East, 2,742 feet from the NE corner of the SE ¼ of Section 1, T1S, R3E, MDB&M, being within the SE ¼ of SW ¼ of said Section 6, T1S, R4E, MDB&M.
- (3) Siphon No. 3, North 64° 11' 15" East, 3,915.69 feet from the SE corner of the NE ¼ of Section 12, T1S, R3E, MDB&M, being within the NW ¼ of NE ¼ of said Section 7, T1S, R4E, MDB&M.
- (4) Siphon No. 4, South 40° 44' East, 2,770 feet from the SE corner of Section 1, T1S, R3E, MDB&M, being within the SE ¼ of NW ¼ of said Section 7, T1S, R4E, MDB&M.
- (5) Siphon No. 5, South 11° 41' 45" East, 582.08 feet from the SE corner of the SE ¼ of Section 12, T1S, R3E, MDB&M, being within the NW ¼ of NW ¼ of said Section 18, T1S, R4E, MDB&M.
- (6) Siphon No. 6, South 46° 08' East, 5,050 feet from the NW corner of Section 13, T1S, R3E, MDB&M, being within the NW ¼ of SE ¼ of said Section 13.
- (7) Siphon No. 7, South 19° 52' East, 5,362 feet from the SW corner of Section 12, T1S, R3E, MDB&M, being within the SE ¼ of SW ¼ of said Section 13, T1S, R3E, MDB&M.

- (8) Flapgate and dam in dredger cut and Italian Slough, operated in connection with Point No. 9, South 8° 45' East, 5,215 feet from the NW corner of Section 13, T1S, R3E, MDB&M, being within the SW ¼ of SW ¼ of said Section 13.
- (9) Pump, South 4° 10' 18" East, 4,177.07 feet from the SW corner of Section 12, T1S, R3E, MDB&M, being within the SW ¼ of SW ¼ of said Section 13, T1S, R3E, MDB&M.
- (10) A movable point of diversion along West Bank of Old River on lands of Marie Sproule between limits as follows:
 - a. Point A: Due East 2,040 feet from the W ¼ corner of Section 6, T1S, R4E, MDB&M, being within the NE ¼ of SW ¼ of said Section 6.
 - b. Point B: North 77° 24' East, 1,070 feet from W ¼ corner of Section 7, T1S, R4E, MDB&M, being within the SW ¼ of NW ¼ of said Section 7.
- (11) A movable point of diversion along West Bank of Italian Slough on lands of Marie Sproule between limits as follows:
 - a. Point B: as described above.
 - b. Point C: South 8° 45' East, 5,215 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within the SW ¼ of SW ¼ of said Section 13.
- (12) A movable point of diversion along East Bank of dredger cut on lands of Marie Sproule between limits as follows:
 - a. Point C: as described above.
 - b. Point D: South 4° 10' 18" East, 4,177.07 feet from NW corner of Section 13, T1S, R3E, MDB&M, being within the SW ¼ of SW ¼ of said Section 13.

Proposed Points of Diversion:

The proposed points of diversion are the Contra Costa Water District's (CCWD) intakes located at Rock Slough and Old River.

Rock Slough Intake: By California Coordinates of 1983, Zone 3, North 2,179,904 feet and East 6,232,667 feet, being within SE¼ of NE¼ of section 33, T2N, R3E, MDB&M.

Old River Intake: By California Coordinates of 1983, Zone 3, North 2,156,554 feet and East 6,254,667 feet, being within NW¼ of SE¼ of section 31, T1N, R4E, MDB&M.

Place of Use for License #1605

Present Place of Use:

Irrigation of 2,359.9 acres within Sections 1, 2, 11, 12, 13, and 14, T1S R3E, MDB&M and Sections 6, 7, and 18, T1S, R4E, MDB&M, as shown on Exhibit 1.

Proposed Place of Use:

The proposed addition to the place of use is the service area of the Contra Costa Water District, as shown in Exhibit 2.

Place of Use for License #4953

Present Place of Use:

Irrigation of 2220.62 acres within Sections 1, 2, 11, 12, 13, and 14, T1S R3E, MDB&M and Sections 6, 7, and 18, T1S, R4E, MDB&M, as shown on Exhibit 1.

Proposed Place of Use:

The proposed addition to the place of use is the service area of the Contra Costa Water District, as shown in Exhibit 2.

Purpose of Use for License #1605 and 4953

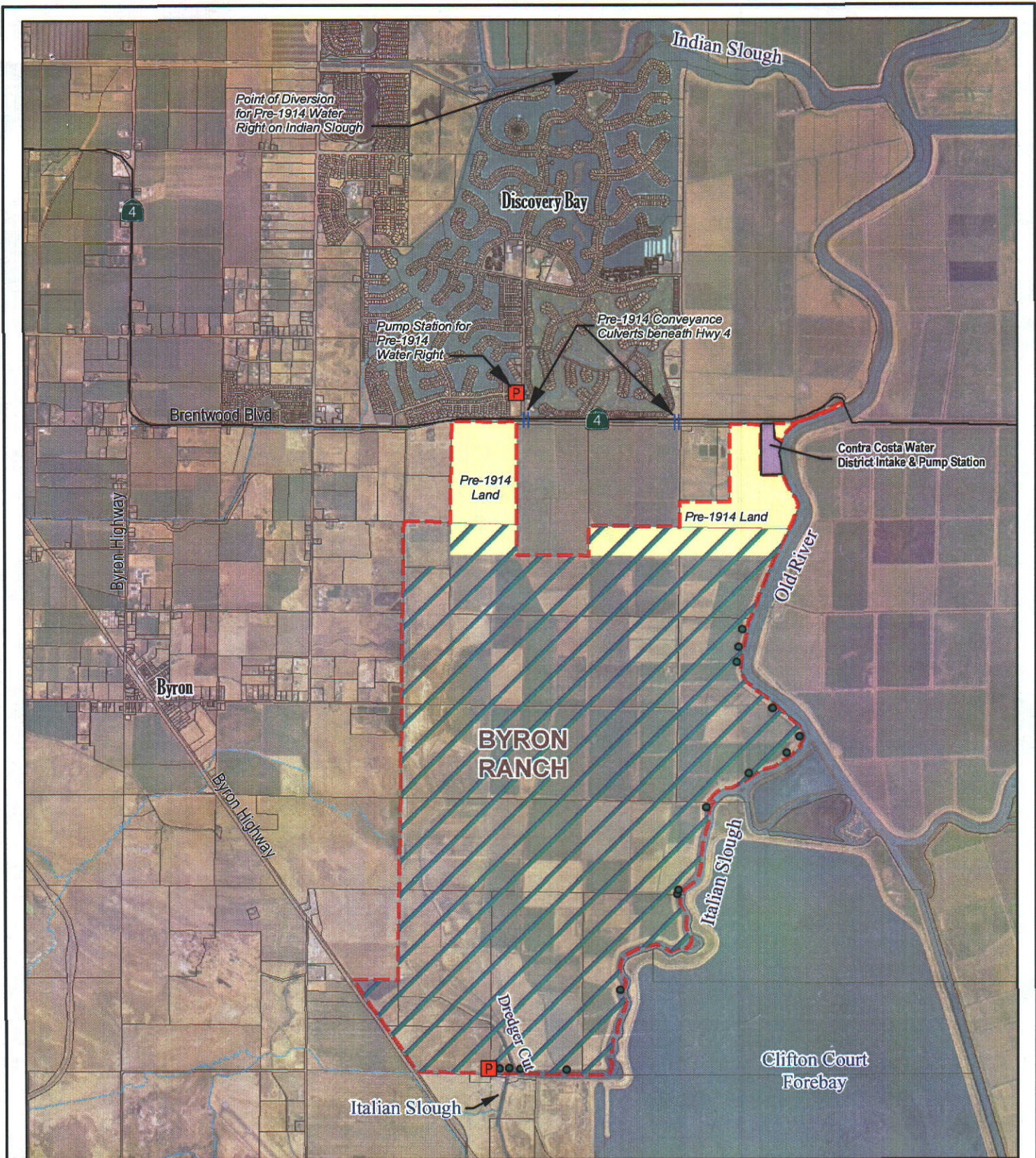
Present Purpose of Use: Irrigation

Proposed Purpose of Use: Municipal and Industrial

Basis of Urgent Need

Statewide rainfall has been below normal in 2007 and 2008, and Northern California experienced the driest spring on record with most communities receiving less than 20 percent of normal rainfall from March through May. Water storage in many of the state's major reservoirs is far below normal including Lake Shasta at 34 percent of capacity and Folsom Lake at 31 percent of capacity, both of which provide water supply for the Central Valley Project (CVP). In June 2008, the Governor issued Executive Order S-06-08 declaring a statewide drought, which directed his state agencies and departments to take immediate action to address the serious drought conditions and water delivery reductions that exist in California.

The primary source of water supply for the Contra Costa Water District (CCWD) is the CVP. In 2008, CCWD received an allocation of 75% of historical use. Given the continuing dry conditions, CCWD anticipates further supply reductions in 2009, potentially at or below health and safety levels. The dry conditions and reduction in the availability of existing supplies has created an urgent need for the proposed temporary transfer.



LEGEND:

- Pump Station
- Siphon
- PRC Lands with post-1914 Appropriate Right Licenses
- Byron Ranch Boundary
- CCWD Intake & Pump Station

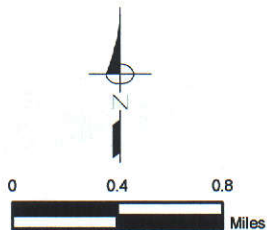


EXHIBIT 1
Property Reserve California
Byron Ranch Petition for
Temporary Urgency Change
SITE MAP

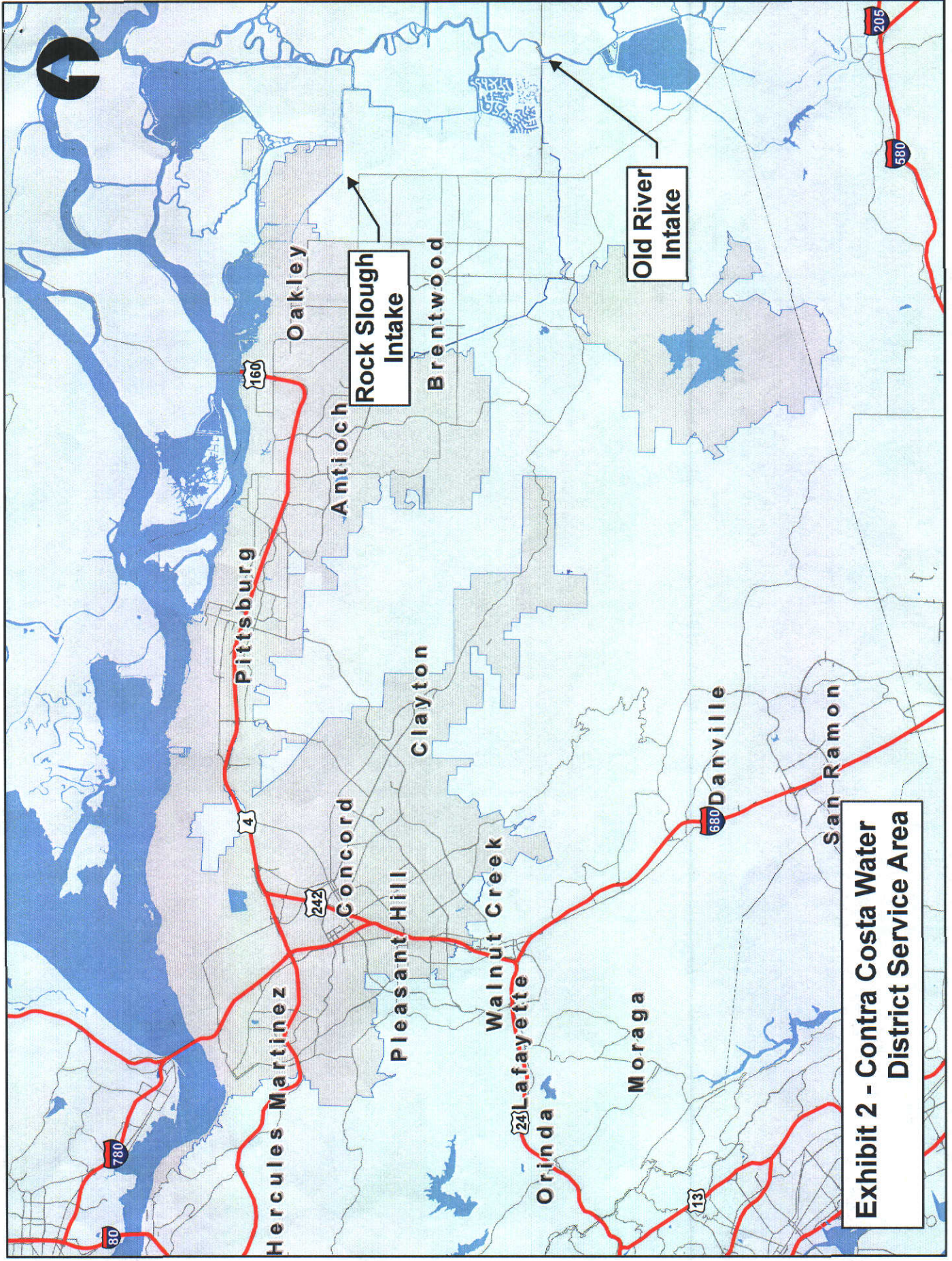


Exhibit 2 - Contra Costa Water District Service Area

California Environmental Protection Agency

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

STATE WATER RESOURCES CONTROL BOARD

2008 NOV 13 AM 11:53

BY: [Signature] DIVISION OF WATER RIGHTS SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

[Lined area for providing a description of proposed changes or work remaining to be completed]

See Attachment No. 1

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ENVIRONMENTAL INFORMATION FOR PETITIONS

2. COUNTY PERMITS

N/A

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 N/A

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

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

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

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.
N/A				

See Attachment No. ____

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. ____

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Brad Burkholder, (209) 948-7800

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 SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

See Attachment No. 2

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

** Note: CEQA requires that the SWRCB, 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 SWRCB, 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. _____

- 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. _____

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: _____

See Attachment No. ____

7. ENVIRONMENTAL SETTING See attachment No. 3

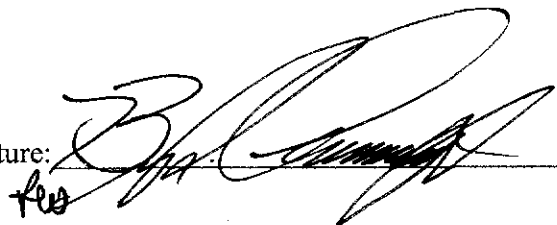
Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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: Oct. 28, 2009

Signature: 

Attachment 1

Property Reserve California, Inc. (PRC) is petitioning to temporarily change the place of use and purpose of use for a portion of its 17,241 acre-feet (af) of water held under its year-round appropriative water right licenses. PRC plans a reduction in diversions from Old River to their property of 12,494 af (see Exhibit 1 Site Map). Deliveries will be reduced on the PRC property through fallowing of approximately 2,200 acres. These lands will be used for spring grazing. Deliveries will continue in 2009 for irrigation of approximately 1,000 acres that will be kept in production. The reduction in diversion amount is based on the average annual total diversions reported to the State Board for the past six years (2002 – through 2007). The place of use would be changed from on-site irrigation of PRC-owned farmland to municipal and industrial use within the service area of Contra Costa Water District (CCWD).

The purpose of this urgent petition is to provide CCWD an additional source of supply with which to supplement its existing Central Valley Project (CVP) water supply during this state-wide drought. Statewide rainfall has been below normal in 2007 and 2008, and Northern California experienced the driest spring on record with most communities receiving less than 20 percent of normal rainfall from March through May. Water storage in many of the state's major reservoirs is far below normal, including Lake Shasta at 34 percent of capacity and Folsom Lake at 31 percent of capacity, both of which provide water supply for the CVP. In June 2008, the Governor issued Executive Order S-06-08 declaring a statewide drought, which directed his state agencies and departments to take immediate action to address the serious drought conditions and water delivery reductions that exist in California.

The primary source of water supply for the CCWD is the CVP. In 2008, CCWD received an allocation of 75% of historical use. Given the continuing dry conditions, CCWD anticipates further supply reductions in 2009, potentially at or below health and safety levels. The dry conditions and reduction in the availability of existing supplies has created an urgent need for the proposed temporary transfer.

Attachment 2

An environmental document is not required for this temporary urgency change because it is statutorily exempt under the California Water Code Chapter 10.5, Article 1, Section 1729.

Attachment 3

The photographs that follow document the following areas:

1. Along the stream channel immediately downstream from the proposed points of diversion at Old River and Rock Slough
2. Along the stream channel immediately upstream from the proposed points of diversion at Old River and Rock Slough

A photograph of the place where the water is to be used is not provided as the water will be used by thousands of customers in CCWD. The CCWD is a well-known public water agency.

1a) Along the stream channel immediately downstream from the proposed points of diversion at Old River





1b) Along the stream channel immediately downstream from the proposed points of diversion at Rock Slough



2a) Along the stream channel immediately upstream from the proposed points of diversion at Old River



2a) Along the stream channel immediately upstream from the proposed points of diversion at Rock Slough

