

Supplement

U.S. Bureau of Reclamation License and Permits for the Central Valley Project

Applications: 23, 234, 1465, 5638, 13370, 13371, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316

Permits: 273, 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735

License: 1986

Requested Change

The United States Bureau of Reclamation (Reclamation) requests that the State Water Resources Control Board (SWRCB) modify the permits and licenses listed in this petition to temporarily change the authorized place of use for municipal and industrial (M&I) purposes of the above Reclamation permits and license to include a portion of the State Water Project (SWP) authorized place of use downstream of the Harvey Banks Pumping Plants as shown on the maps attached to this petition.

Reclamation requests that the above change for the purpose of water exchanges remain in effect for one year from the date of approval under the provisions of Water Code section 1725. The changes are being requested to facilitate water exchanges between Arvin-Edison Water Storage District (a CVP contractor) and Metropolitan Water District of Southern California (a SWP contractor). Metropolitan Water District of Southern California (MWDSC) has previously banked, and continues to bank, its SWP water with Arvin-Edison Water Storage District (AEWSD) under an existing program of groundwater banking and water management. This petition would increase the flexibility of AEWSD to return the banked water to MWDSC. Additionally, the requested change would be used to allow AEWSD to deliver CVP water to MWDSC during wet periods and receive SWP water back in exchange at a later time to facilitate the use of CVP water supplies by AEWSD that have a limited opportunity for use under current CVP operations.

All other provisions of the above permits and license, as modified in accordance with previous petitions¹ submitted by Reclamation to and previously granted by the SWRCB, would remain in effect.

Reason for Requested Change

Currently, California is experiencing unprecedented water management challenges propagated by four years of consecutive drought followed by one of the wettest years of record. Both the SWP and Central Valley Project (CVP) have gone from forecasting low storage conditions in all major reservoirs to all major reservoirs being at or very near full capacity. While the recent drought may be over, the need to strategically and effectively manage these highly variable water resources remains.

¹ See water rights orders WR 2009-0033 and WR 2010-00320DWR.

If requested by MWDSC, AEWS is obligated to return banked SWP water to MWDSC within a one year period under their existing program of groundwater banking. Additionally AEWS is interested in taking advantage of MWDSC's ability to take delivery of and use AEWS's CVP supplies and return SWP supplies at a future time in order to facilitate AEWS's ability to match grower demands with CVP water availability. The SWP place of use already includes both MWDSC and AEWS and thus a change in the SWP place of use is not needed.

The temporary expansion of Reclamation's place of use would allow either Delta CVP or Friant Division water supplies to be delivered into the MWDSC service area. Delivered surface water to MWDSC will be either water previously stored in San Luis Reservoir (San Joaquin River releases recovered and exchanged at Mendota Pool under the San Joaquin River Restoration Program (SJRRP) operations, under a separate petition), or contracted supplies scheduled for delivery to AEWS from Millerton Lake.

Currently, previously banked SWP water must be recovered from AEWS banking facilities via groundwater extraction and then delivered to MWDSC. In return for previously banked MWDSC SWP supplies, AEWS proposes to forego a quantity of its contracted surface water supply (equivalent to MWDSC delivered surface water delivery) and use the groundwater previously banked by MWDSC. The ability to return CVP water pursuant to a temporary change in place of use, in exchange for a like amount of banked SWP water, would enhance the return quantity, timing, and water quality.

This change also allows AEWS to potentially use more of its existing CVP water by shifting the timing of availability of its CVP supplies to better match up with District grower demands, thereby supplementing surface deliveries to AEWS water users which results in decreasing the need to directly recharge and subsequently extract supplemental groundwater.

The benefits of this proposed change could also help to offset the impacts to AEWS of the San Joaquin River Settlement by increasing AEWS's ability to use wet year water supplies and by increasing the opportunities to complete the return of SJRRP releases to AEWS (and potentially other Friant Division contractors).

This change would facilitate a "bucket for bucket" exchange and be limited to 100,000 acre-feet of CVP water over its term.

No Injury to Other Legal Users or the Environment

The change requested by Reclamation will not result in unreasonable impacts to fish and wildlife or the environment and will not result in injury to legal users of water.

This petition will not result in any increase in water appropriated by the CVP. Instead, this petition, if approved, would provide the CVP with more flexibility to deliver water to its contractors in a more efficient manner. All water exported at the SWP and CVP pumping plants will continue to be pumped consistent with the criteria and protective measures contained in D1641, the biological opinions for the protection of Sacramento River Winter-run Chinook salmon, Delta smelt, spring-run Chinook salmon, and steelhead. Approval of Reclamation's petition for a temporary change to place of use will not affect

the compliance with the water quality objectives specified in D1641 over which the projects have control, or any other orders adopted by the SWRCB.

The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic deliveries to any individual water user or be applied to any service areas that do not already receive water from the SWP or CVP. The petition will not result in a reduction in San Joaquin flows, an increase in Delta exports or a change in upstream river or reservoir operations. The petition will not change groundwater pumping levels, as AEWS is proposing to pump water that has been previously stored by MWDSC. None of the agencies involved in the proposed exchange return flow to the San Joaquin River.

For the above reasons, Reclamation believes the facts support a finding that approval of this Petition would not result in injury to other legal water users or unreasonable impacts to the environment.

RESPONSES TO SPECIFIC QUESTIONS

Application/Permit	Direct Use (cfs)	Season of Use	Storage (AF)	Season of Use
23				
234/1185	3,000	2/1-10/31	500,000	11/1-8/31
1465/1186				
5638/1187	5,000	2/1-10/31	1,210,000	11/1-8/31
13370/11315	8,000	11/1-8/1	1,000,000	11/1-7/1
13371/11316	700	11/1-8/1	300,000	11/1-7/1
5628/11967	2,500	1/1-12/31	1,540,000	1/1-12/31
15374/11968	300	1/1-12/31	200,000	1/1-12/31
15375/11969	1,700	1/1-12/31	1,800,000	1/1-12/31
15376/11970	3,525	1/1-12/31	1,800,000	1/1-12/31
16767/11971			700,000	1/1-12/31
16768/11972	175	1/1-12/31	700,000	1/1-12/31
17374/11973	1,500	1/1-12/31		
17376/12364	3,600	11/1-4/1	250,000	11/1-4/1
5626/12721	8,000	9/1-6/30	3,190,000	10/1-6/30
9363/12722	1,000	1/1-12/31	310,000	10/1-6/30
9364/12723	9,000	1/1-12/31	1,300,000	10/1-6/30
9366/12725	200	1/1-12/31		
9367/12726	250	1/1-12/31		
9368/12727	4,000	1/1-12/31		
15764/12860			1,000,000	11/1-4/30
22316/15735			5,400	10/1-6/30

1b. The Amount of Water to be Transferred/Exchanged Would Have Been Consumptively Used or Stored in Absence of the Transfer.

The water to be exchanged under this petition is water that would be consumptively used absent this petition. This petition is to facilitate source shifting– the only change is where the water is consumptively used, not whether it is consumptively used (see Reason for Change, above).

3a. Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions of Use, Return Flows and Effects on Legal Users

The change requested by Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion of use, or return flows. There will be no impact to other legal users of water. The water has been diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and license governing SWP and CVP (including Friant) operations. There are no other legal users downstream of the points of diversion that would be affected by the proposed exchange. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the proposed exchange. The total quantity of water diverted from the watercourse will not change. Exchanges similar to this proposed action were conducted in 2009 and 2010 in accordance with orders WR 2009-0033 and WR 2010-00320DWR approving DWR and Reclamations' Petition to Consolidate the authorized places of use of the SWP and CVP. No measurable affects on other legal users of water, fish and wildlife or the environment were noted from past exchanges.

3b. Reasons the Proposed Temporary Change will not Injure Any Legal User of Water

There will be no impact to other legal users of water. The water has been diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water right permits and license governing those diversions. The quantity of water diverted from the Delta will not change as a result of the proposed transfers/exchanges. The terms and conditions contained in D1641 protect other in-basin diverters from any potential impacts of Project diversions of natural flow. DWR and Reclamation will continue to operate in conformance with D1641. There are no other legal users downstream of the points of diversion that would be affected by the proposed exchange.

All the water to be exchanged is water that would have been consumptively used or stored in the absence of the proposed exchange. The total quantity of water diverted from the watercourse will not change. Exchanges similar to the proposed were conducted in 2009 and 2010 in accordance with orders WR 2009-0033 and WR 2010-00320DWR approving DWR and Reclamations' Petition to Consolidate the authorized places of use of the SWP and CVP.

5b and c. The Transfer Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment

The change requested by Reclamation will not result in unreasonable impacts to fish and wildlife or the environment and will not result in injury to legal users of water.

This petition will not result in any increase in water appropriated by the CVP. Instead, this petition, if approved, would provide the CVP with more flexibility to deliver water to its contractors in a more efficient manner. All water exported at the SWP and CVP pumping plants will continue to be pumped consistent with the criteria and protective measures contained in D1641, the biological opinions for the protection of Sacramento River Winter-run Chinook salmon, Delta smelt, spring-run Chinook salmon, and steelhead. Approval of Reclamation's petition for a temporary change to place of use will not affect the compliance with the water quality objectives specified in D1641 over which the projects have control, or any other orders adopted by the SWRCB.

The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic deliveries to any individual water user or be applied to any service areas that do not already receive water from the SWP or CVP. The petition will not result in a reduction in San Joaquin flows, an increase in Delta exports or a change in upstream river or reservoir operations. The petition will not change groundwater pumping levels, as AEWS is proposing to pump water that has been previously stored by MWDSC. None of the agencies involved in the proposed exchange return flow to the San Joaquin River.

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.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.

The United States Bureau of Reclamation (Reclamation) is requesting that the State Water Resources Control Board (SWRCB) modify its water rights permits to temporarily change the authorized place of use of the Reclamation permits to include a portion of the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks), specifically to facilitate delivery of Central Valley Project (CVP) water to the Metropolitan Water District of Southern California. The changes are being requested to facilitate water exchanges between Arvin-Edison Water Storage District (a CVP contractor) and Metropolitan Water District of Southern California (a SWP contractor). Metropolitan Water District of Southern California (MWDSC) has previously banked, and continues to bank, its SWP water with Arvin-Edison Water Storage District (AEWSD) under an existing program of groundwater banking and water management. This petition would increase the flexibility of AEWSD to return the banked water to MWDSC. Additionally, the requested change would be used to allow AEWSD to deliver CVP water to MWDSC during wet periods and receive SWP water back in exchange at a later time to facilitate the use of CVP water supplies by AEWSD that have a limited opportunity for use under current CVP operations.

See Attachment No. ____

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

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

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

N/A

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. ____

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: _____

The action covered by the petition is limited to the approval by the SWRCB of a Petition for Change in authorized place of use filed by Reclamation to temporarily change the CVP place of use.

See Attachment No. ____

d. Have you contacted the California Department of Fish and Game concerning your project? YES NO

If YES, name and telephone number of contact: Copies of the Petition for Change were submitted to the relevant regional office of DFG.

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: Arvin-Edison Water Storage District

- 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: _____

The project is a Petition for Temporary Change pursuant to the provisions of Water Code Section 1725 et seq. In accordance with Water Code Section 1729, temporary changes filed in accordance with the provisions of Chapter 10.5, Article 1 of the Water Code (Temporary Changes) are exempt from the requirements of Division 13, commencing with Section 21000 of the Public Resources Code. However, a joint Environmental Assessment/Initial Study is being prepared and will be forwarded upon completion.

See Attachment No. ____

* 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 N/A

- 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 N/A

- 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. ____

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: January 3, 2012

Signature: _____

