

## **SUPPLEMENT TO 2014 PETITION FOR CHANGE TO TEMPORARILY ADD THE WESTLANDS WATER DISTRICT SERVICE AREA TO SWP PLACE OF USE**

### **Requested Change**

The Department of Water Resources (DWR) requests that the State Water Resources Control Board (SWRCB) modify Permit 16479 to temporarily add the Westlands Water District (WWD) to DWR's authorized place of use. The requested change will facilitate the transfer of water from Biggs-West Gridley Water District, a member unit of the Joint Water District Board (Joint Board) which has a water right settlement agreement with DWR, to WWD. WWD is a Central Valley Project (CVP) agricultural contractor located in Fresno and Kings Counties.

### **Background**

Water supply conditions are critically dry for both the Sacramento and San Joaquin River basins. The critically dry conditions in 2014 follow two previous dry years. The Bureau of Reclamation (Reclamation) allocated no CVP water to its agricultural contractors south of the Delta in 2014, including WWD. WWD is experiencing a severe water supply shortage within their service area. West Hills Farm Services (West Hills), a water user within WWD, negotiated a one-year agreement with BWGWD for the transfer of 15,224.95 AF to augment the limited water supplies available within WWD. Under the agreement, the transfer water will be made available through crop idling of land historically planted to rice and will be delivered by DWR to WWD's service area through the California Aqueduct July 1 through September 30, 2014.

### **Reason for the Requested Changes**

BWGWD diverts water from the Feather River at Thermalito Afterbay under pre-1914 water rights and a water rights settlement agreement between DWR and the Joint Board dated May 27, 1969 (Settlement Agreement). The individual districts within the Joint Board, through a 1970 Joint Operations Agreement, are entitled to divert water under the Settlement Agreement. DWR makes releases to Thermalito Afterbay for the districts consistent with the terms of the Settlement Agreement. The water available to the Joint Board under the Settlement Agreement is comprised of water available under the districts' pre-1914 water rights and water developed under DWR's Feather River water rights.

A portion of the water made available for the BWGWD to WWD transfer will rely on the water rights held by DWR including any water stored prior to July 1, 2014, the date when DWR can begin to export transfer water at Banks Pumping Plant (Banks), as well as any transfer water provided at times when the natural flow of the Feather River at Thermalito Afterbay is not sufficient to supply the Transfer Water under the Seller's rights due to the critically dry hydrologic conditions in the Feather River watershed. WWD is located outside the SWP authorized place of use. The addition of the WWD service area to the SWP place of use will allow DWR to deliver the transfer water made available through crop idling undertaken by growers within BWGWD during the 2014

irrigation season. The requested change will help alleviate to some extent the impacts of the severe water shortages within the Westland Water District's service area.

**The Amount of Water to be Transferred Would Have Been Consumptively Used or Stored in the Absence of the Transfer**

Due to the historically dry conditions, available water supplies to districts in the San Joaquin Valley are extremely limited. WWD will have critical unmet demands throughout the irrigation season and its growers will rely heavily on the availability of transfer water and groundwater pumping to meet the minimum demands for valuable permanent crops.

As noted above, BWGWD diverts water from Thermalito Afterbay under the terms of the Joint Board Agreement. BWGWD's entitlement to Feather River water under the Joint Board Agreement for 2014 is 160,950 acre-feet. BWGWD is an agricultural district whose land is primarily devoted to the production of rice. Growers within BWGWD have agreed to idle land that would have been planted to rice in the absence of the transfer thereby reducing the amount of water it will divert under the Joint Board Settlement Agreement. Under the transfer conveyance agreement executed between DWR, BWGWD and WWD, DWR will convey the transfer through the State Water Project (SWP) to WWD's service area.

The calculation of water made available through crop idling is based on the reduction in evapotranspiration on the idled acreage. Transfer water will accrue in Lake Oroville or be made available at the point of transfer during the transfer window on the same pattern as the water would have been consumptively used had the idled acreage been planted to rice in 2014. Therefore, only water that would have been consumptively used will be approved for transfer.

**The transfer can be made without injuring other legal users of water.**

The change in place of use requested by DWR can be made without injuring other legal users of water. The water to be transferred is limited to the quantity that would have been consumptively used in the absence of the transfer. The water will be made available through crop idling. Transfer water will accrue in Lake Oroville or be made available at the point of transfer during the transfer window on the same pattern as the water would have been consumptively used had the idled acreage been planted to rice in 2014. DWR limits the quantity of Transfer Water from crop idling to the reduction in consumptive use on the same pattern as the water would have been used had the land been planted to rice to avoid a reduction in the quantity of water available for diversion by other legal users of water downstream of Thermalito Afterbay. The Transfer Water will be released from Lake Oroville for export at Banks when DWR determines pumping capacity is available to convey the water.

The water to be transferred or exchanged is diverted out of the watershed from which it originates in conformance with the provisions of the DWR's water right. Water made available through the proposed transfers cannot be exported at Banks if the export will impact SWP operations, including the Project's ability to comply with all applicable

regulatory requirements. All water exported at the SWP and CVP Delta facilities is pumped consistent with the criteria contained in D-1641 and the Biological Opinions. DWR, in coordination with the U.S. Bureau of Reclamation (Reclamation), will continue to meet the objectives specified in D-1641, as modified by Water Right Order 2008-0029 EXEC over which DWR has control, and as modified by any subsequent orders in effect at the time of the export as well as the requirements contained in the applicable Biological Opinions issued by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service for the protection of Delta Smelt, anadromous fish and Marine mammal species (BiOps).

**The conveyance can be made without unreasonably affecting fish, wildlife, or other instream beneficial uses.**

The change requested by DWR will not result in unreasonable impacts to fish and wildlife or the environment. The SWP water conveyed for the transfer is water that will be diverted at Oroville and exported at Banks in conformance with the provisions of DWR's water rights permits governing SWP operations. In the absence of the transfer, growers within BWGWD would have planted the idled fields to rice in 2014, and the quantity to be transferred would have been consumptively used within the district. None of the water would have been available to other downstream users or would have contributed to streamflow. DWR limits the quantity of Transfer Water from crop idling to the reduction in consumptive use on an irrigation pattern to avoid a reduction in the quantity of water available for diversion by other legal users of water downstream of Thermalito Afterbay. Conveyance of the transfer water will result in a slight increase in streamflow from Thermalito Afterbay to Banks.

The surface water foregone will be exported from the Sacramento/San Joaquin Delta at Banks. All water exported at Banks is pumped in accordance with the criteria contained in D-1641 and the BiOps. DWR and USBR will continue to meet the objectives specified in D-1641, as modified by Water Right Order 2008-0029 EXEC over which we have control, or as modified by any subsequent orders in effect at the time of the export, as well as the requirements contained in the BiOps. The quantity of transfer water to be conveyed through the Delta, including other currently planned transfers, is well within the quantities analyzed in the environmental documents issued for the BiOps.

The exchanges will not result in a measurable change in quantity or quality of return flows. There will be no increase in CVP allocation to WWD as a result of the proposed transfer. The transfer is similar to water transfers conducted by BWGWD in prior years including 2009, 2010, and 2012. No adverse impacts were identified as a result of those transfers.