

KDM  
A014443

Please indicate County where your project is located here:

See Supplement

MAIL FORM AND ATTACHMENTS TO:  
State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
http://www.waterboards.ca.gov/waterrights

### PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion Wat. Code, § 1701
- Point of Rediversion Wat. Code, § 1701
- Place of Use Wat. Code, § 1701
- Purpose of Use Wat. Code, § 1701
- Temporary Urgency Wat. Code, § 1435
- Temporary Change Wat. Code, § 1725
- Long-term Transfer Wat. Code, §§ 382, 1735
- Instream Flow Dedication Wat. Code, § 1707

Application  Permit  License  Statement

I (we) hereby petition for change(s) noted above and described as follows:

**Point of Diversion or Rediversion** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

**Place of Use** – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

**Purpose of Use**

Present:

Proposed:

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Proposed New User(s)**

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Supplement

5/27/14  
Rec'd  
Chk #4810  
\$3977.00  
Chk #4811  
\$250.00  
MIS

**Amount of Water to be Transferred**

6,600 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is \_\_\_\_\_ cubic feet per second or million gallons per day.

**General Information** – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

\_\_\_\_\_

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

None

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated May 27, 2014 at Sacramento, California

Mary D  
Right Holder or Authorized Agent Signature

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

## **SUPPLEMENT TO 2014 PETITION FOR CHANGE TO TEMPORARILY ADD THE SAN LUIS & DELTA MENDOTA WATER AUTHORITY 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 service area of the San Luis & Delta Mendota Water Authority (SLDMWA) to DWR's authorized place of use. The requested change will facilitate the transfer of water from Garden Highway Mutual Water Company (GHMWC), a water user on the Feather River downstream of Oroville Dam which has a water right settlement agreement with DWR, to SLDMWA. SLDMWA is an organization which represents a number of Central Valley Project (CVP) agricultural contractors located in western San Joaquin Valley.

### **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 Sacramento/San Joaquin Delta (Delta) in 2014. The districts within SLDMWA are experiencing severe water supply shortages within their service areas. SLDMWA negotiated a one-year agreement with GHMWC for the transfer of up to 6,600 acre-feet to augment the limited water supplies available within SLDMWA's service area. Under the agreement, the transfer water will be made available through groundwater substitution and will be delivered by the U.S. Bureau of Reclamation or DWR to SLDMWA's service area through the Delta Mendota Canal or California Aqueduct June 1 through October 30, 2014. Any export of Transfer Water outside July through September will require the concurrence of the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS) and Department of Fish and Wildlife (DFW).

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

GHMWC diverts water from the Feather River below Oroville Dam under License 2033 and a water rights settlement agreement between DWR and GHMWC dated May 17, 1977 (Settlement Agreement). The water available to GHMWC under the Settlement Agreement is comprised of water available its water rights license and water developed under DWR's Feather River water rights.

A portion of the water made available for the GHMWC to SLDMWA transfer will rely on the water rights held by DWR including any water stored in Lake Oroville, as well as any transfer water provided after the date of any curtailment notice issued by the SWRCB on License 2033 as a result of the critically dry hydrologic conditions in the Feather River watershed. The SLDMWA service area is located outside the SWP authorized place of use. The addition of the SLDMWA service area to the SWP place of use will allow delivery of the transfer water made available through groundwater substitution undertaken by GHMWC during the 2014 irrigation season. The requested change will

to some extent alleviate the impacts of the severe water shortages within the service areas of the SLDMWA districts.

### **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. The districts within SLDMWA will have critical unmet demands throughout the irrigation season and their 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, GHMWC diverts water from the Feather River under water right License 2033 and the settlement agreement. Under the terms of the Settlement Agreement, GHMWC has been allocated its full supply for 2014. GHMWC will continue its typical agricultural practices, but in lieu of meeting the majority of its demand with surface water diversions it will pump groundwater to supply a portion of the crop demand within its service area. GHMWC and SLDMWA negotiated a purchase agreement whereby GHMWC will make transfer water available for delivery to SLDMWA. The transfer water will be exported from the Delta at either Reclamation's Jones Pumping Plant (Jones) or DWR's Banks Pumping Plant (Banks) in the Delta.

The amount of transfer water made available through groundwater substitution is based on the amount of additional water pumped by the seller above their normal baseline pumping adjusted by a streamflow depletion factor. The streamflow depletion factor is intended to account for depletions in surface water during the period when the Delta is in balanced conditions that may occur as a result of the increased groundwater pumping in order to minimize potential impacts to other legal users of water and the environment. Therefore, the transfer water represents only water that would have been consumptively used in the absence of the 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. As noted above, the water will be made available through groundwater substitution. Any transfer water made available will accrue in Lake Oroville or be directly exported at Jones or Banks on the same pattern as the water is made available from the additional groundwater pumping. DWR and Reclamation limit the quantity of Transfer Water from groundwater substitution to the amount of additional groundwater pumped for the transfer less a streamflow depletion factor to avoid a reduction in the quantity of water available for diversion by other legal users of water downstream of the point of transfer. The release of any stored Transfer Water or direct conveyance of transfer water will be coordinated between DWR and Reclamation to coincide with availability of export capacity.

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 Jones or Banks if the export will impact SWP and/or CVP (collectively Projects) operations, including the Projects' 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 requirements contained in the applicable Biological Opinions issued by the NMFS and the FWS for the protection of Delta Smelt, anadromous fish and Marine mammal species (BiOps). DWR and Reclamation, will continue to meet the objectives specified in D-1641, as modified by Water Right Order 2008-0029 EXEC over which the Projects have control, and as modified by any subsequent orders in effect at the time of the export as well as the requirements of the 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 previously diverted at Oroville and exported at Jones or Banks in conformance with the provisions of DWR's water rights permits governing SWP operations. In the absence of the transfer, growers within GHMWC would have diverted surface water in an amount equivalent to the transfer water, and that surface water diverted would have been consumptively used within the GHMWC service area. None of the water would have been available to other downstream users or would have contributed to streamflow. DWR and Reclamation limit the quantity of Transfer Water from groundwater substitution to the amount of additional groundwater pumped for the transfer less a streamflow depletion factor to avoid a reduction in the quantity of water available downstream of the point of transfer. Conveyance of the transfer water will result in a slight increase in streamflow from the GHMWC diversion facilities on the Feather River to Jones.

The surface water foregone will be exported from the Delta by DWR at Banks or by Reclamation at Jones. All water exported at Jones and 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 the SLDMWA districts as a result of the proposed transfer.

State of California  
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DIVISION OF WATER RIGHTS  
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http://www.waterboards.ca.gov/waterrights

STATE WATER RESOURCES  
CONTROL BOARD

MAY 27 PM 4:01

DIV OF WATER RIGHTS

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all 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.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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 Department of Water Resources (DWR) requests that the State Water Resources Control Board (SWRCB) modify Permit 16479 to temporarily add the service area of the San Luis & Delta Mendota Water Authority (SLDMWA) to DWR's authorized place of use. The requested change will facilitate the transfer of water from Garden Highway Mutual Water Company (GHMWC), a water user on the Feather River downstream of Oroville Dam which has a water right settlement agreement with DWR, to SLDMWA. SLDMWA is an organization which represents a number of Central Valley Project (CVP) agricultural contractors located in western San Joaquin Valley. 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 Sacramento/San Joaquin Delta (Delta) in 2014. The districts within SLDMWA are experiencing severe water supply shortages within their service areas. SLDMWA negotiated a one-year agreement with GHMWC for the transfer of up to 6,600 acre-feet to augment the limited water supplies available within SLDMWA's service area. Under the agreement, the transfer water will be made available through groundwater substitution and will be delivered by the U.S. Bureau of Reclamation or DWR to SLDMWA's service area through the Delta Mendota Canal or California Aqueduct June 1 through October 30, 2014. Any export of Transfer Water outside July through September will require the concurrence of the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS) and Department of Fish and Wildlife (DFW).

A portion of the water made available for the GHMWC to SLDMWA transfer will rely on the water rights held by DWR. The SLDMWA service area is located outside the SWP authorized place of use. The addition of the SLDMWA service area to the SWP place of use will allow delivery of the transfer water made available through groundwater substitution undertaken by GHMWC during the 2014 irrigation season. The amount of water to be transferred is limited to the quantity that would have been consumptively used in the absence of the transfer. The amount of transfer water made available through groundwater substitution is based on the amount of additional water pumped by the seller above their normal baseline pumping adjusted by a streamflow depletion factor. The streamflow depletion factor is intended to account for depletions in surface water during the period when the Delta is in balanced conditions that may occur as a result of the increased groundwater pumping in order to minimize potential impacts to other legal users of water and the environment. The water will be stored or directly exported on the same pattern it is made available and will only be exported at times when it will not adversely impact State Water Project or Central Valley Project operations or affect the ability of DWR and Reclamation to meet the objectives specified in D-1641, as modified by Water Right Order 2008-0029 EXEC over which the Projects have 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 NMFS and the FWS for the protection of Delta Smelt, anadromous fish and Marine mammal species.

Insert the attachment number here, if applicable:

**Coordination with Regional Water Quality Control Board**

STATE WATER RESOURCES  
CONTROL BOARD  
MAY 27 PM 1:01  
DIV OF WATER RIGHTS  
SACRAMENTO

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs. tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request  
[ ]

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

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

[ ]

Insert the attachment number here, if applicable: [ ]

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

[ N/A ]

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: [ N/A ]

Date of Contact: [ ]

Department: [ ]

Phone Number: [ ]

County Zoning Designation: [ ]

Are any county permits required for your project? If yes, indicate type below.  Yes  No

- Grading Permit
- Use Permit
- Watercourse
- Obstruction Permit
- Change of Zoning
- General Plan Change
- Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.  Yes  No

If necessary, provide additional information below:

[ ]

Insert the attachment number here, if applicable: [ ]

**Federal and State Permits**

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board       Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams       California Coastal Commission
- State Reclamation Board       U.S. Army Corps of Engineers       U.S. Forest Service
- Bureau of Land Management       Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.       Yes       No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?       Yes       No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:



**Archeology**

STATE WATER RESOURCES  
CONTROL BOARD  
2014 MAY 27 PM 4:02  
DIV OF WATER RIGHTS  
SACRAMENTO

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

**Maps**

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated May 27, 2014 at Sacramento, California.

Nancy J...  
Water Right Holder or Authorized Agent Signature

\_\_\_\_\_  
Water Right Holder or Authorized Agent Signature

**NOTE:**

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)