



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MAY 14 2019

MP-440
WTR-4.10

Mr. Erik Ekdahl
Deputy Director for Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Petitions for Temporary Urgency Change – License 1986 and Permits 11885, 11886, and 11887 (Applications 23, 234, 1465, and 5638), Friant Division, Central Valley Project, California

Dear Mr. Ekdahl:

Please find the enclosed temporary urgency change petitions involving the subject permits and license, filed pursuant to Water Code Section 1435 (Petitions). Reclamation has filed these Petitions in order to take advantage of water stored in Millerton Reservoir and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release. Reclamation proposes to deliver this water to wildlife refuges designated in the Petitions.

The enclosed Petitions each contains a pre-printed statement that an \$850.00 fee made payable to the California Department of Fish and Wildlife (CDFW) must accompany each Petition. Therefore a check for \$850.00 made payable to the CDFW is enclosed with the Petitions. Since all Petitions will be reviewed and considered together for the same action, only one fee is enclosed pursuant to Section 10005(e) of the California Public Resources Code.

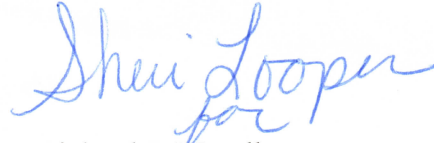
Reclamation understands that the administrative filing fee required to process these Petitions is covered by the water right fees program to the extent that sufficient funds are available. Any administrative costs incurred as a result of processing Reclamation's Petitions that exceed the funds available under the water right fees program will be covered under the existing contract between Reclamation and the State Water Board (Board) for services rendered by Board staff.

Reclamation appreciates the assistance that the Division will be providing in processing these Petitions.

Reclamation's point of contact for these Petitions is Mr. Bob Colella, Water Rights Specialist, at (916) 978-5256 and by email at rcolella@usbr.gov

Sincerely,

ACTING FOR



Richard J. Woodley
Regional Resources Manager

Enclosures - 2

- 1) Four Temporary Urgency Change Petitions with Environmental Information
- 2) Check Payable to California Department of Fish and Wildlife

cc: Attached List
(each w/the first enclosure)

Department of Fish and Wildlife
Attn: Gerald Hatler
1234 E. Shaw Avenue
Fresno, CA 93710

Central Valley Regional
Water Quality Control Board
Attn: David Sholes
1685 E Street
Fresno, CA 93706

Friant Water Authority
Attn: Jeffrey Payne
1107 Ninth Street, Suite 640
Sacramento, CA 95814

San Joaquin River Exchange Contractors
Attn: Steve Chedester
P.O. Box 2115
Los Banos, CA 93635

San Luis National Wildlife Refuge
Complex, U.S. Fish and Wildlife Service
Attn: Kim Forrest
P.O. Box 2176
Los Banos, CA 93635

San Luis & Delta Mendota Water
Authority
Attn: Frances Mizuno
P.O. Box 2157
Los Banos, CA 93635

Lower San Joaquin Levee District
Attn: Reggie Hill
11704 Henry Miller Ave
Dos Palos, CA 93620

San Joaquin Area Flood Control Agency
22 East Weber Avenue, Suite 301
Stockton CA 95202

San Joaquin Tributaries Authority
c/o Tim O'Laughlin
2617 K Street, Suite 100
Sacramento, CA 95816

Stockton East Water District
c/o Karna E. Harrigfeld
5757 Pacific Avenue, Suite 222
Stockton, CA 95207

South Delta Water Agency
c/o John Herrick
4255 Pacific Avenue, Suite 2
Stockton, CA 95207

South Valley Water Association
Attn: Dan Vink
3746 W. Mineral King Ave
Visalia, CA 93291

Grassland Water District
Attn: Ric Ortega
200 West Willmott Ave
Los Banos, CA 93635

Dale Garrison
U.S. Fish and Wildlife Service
2800 Cottage Way
Sacramento, CA 95825

Please indicate County where your project is located here:

Madera, Fresno

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

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, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other
Application 23 Permit 273 License 1986 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 1/4 1/4 level and California Coordinate System (NAD 83)

Present: See Supplement
Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Supplement
Proposed: See Supplement

Purpose of Use

Present: See Supplement
Proposed: See Supplement

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for listing names, addresses, and phone numbers for all proposed water right holders.]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

9/30/19

~~7/31/19~~

See 6/10/19 email KMG

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

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.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? 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.

See Supplement

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.

See Supplement

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at .

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, including required attachments, available at: 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/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

Supplement to Temporary Urgency Change Petition

Present Water Right Holder

Bureau of Reclamation
Mid-Pacific Region, MP-440
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825
Telephone: (916) 978-5256
Email: rcolella@usbr.gov

<u>Application</u>	<u>Permit</u>	<u>License</u>
23	273	1986
234	11885	N/A
1465	11886	N/A
5638	11887	N/A

Point of Diversion/Rediversion

Present: San Joaquin River, Tributary to Suisun Bay

Coordinate Description

Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed:

Points of rediversion are proposed to be added at the following location.

Mendota Dam, Located N 1745375 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M.,

Place of Use

Present: The places of use are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638. See Map 1785-202-50, 214-212-37, and 214-208-3331, and 1785-202-14, on file with the State Water Board.

Proposed: Same.

Purpose of Use

Present: The combined purposes of use for all three permitted and licensed applications are irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and enhancement of fish and wildlife, and recreational, as on file with the State Water Board.

Proposed: Same.

Requested Change

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the below-listed refuges. Temporary addition of the listed PORD to the permits and license listed in this petition is necessary in order to make these deliveries. Rediverted flows would be conveyed through canal intakes off Mendota Dam and delivered to the refuges pursuant to agreements with various entities that take water from Mendota Pool into their conveyance systems and then convey it to the refuges.

Consequently, Reclamation requests that the State Water Board modify the permits and license listed in this petition to temporarily add the point of rediversion (PORD) below Friant Dam listed above in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife Service refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area
LOS BANOS WILDLIFE AREA

Other refuge:

Grassland Resource Conservation District

The conveyance of Level 2 (L2) and Level 4 (L4) supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S.

per 6/14/19 email KMLB

Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).

https://www.usbr.gov/mp/cvpia/3406d/env_docs/

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.

https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Urgent Need

There is an urgent need for this change in order to put CVP water released from Millerton Reservoir to beneficial use that would otherwise be wasted. The snowpack in the San Joaquin basin is currently 152 % of the April 1 average. Runoff into Millerton Reservoir is estimated to be 113% to 145% of average (1,927 to 2,422 thousand acre-feet); therefore, Reclamation will have additional CVP water available to put to beneficial use this year. However, Reclamation will have limited control of this additional supply; in order to make maximum beneficial use of this water, Reclamation will have to release CVP water previously stored in Millerton Reservoir sometime during the April – June timeframe. This water is not needed to meet the demand of the Friant Division contractors or the SJRRP at that time; therefore, delivery to wildlife refuges allows Reclamation to maximize beneficial use of this water.

Water released from storage in Millerton may be the only source of CVP water for the above-listed refuges during this period. Abnormally high runoff from the San Joaquin and Kings Rivers could cause Reclamation to stop delivery of CVP water from the Delta-Mendota Canal (DMC) to the Mendota Pool. CVP water delivered from the DMC is the main source of supply to the refuges; if this water is not available in the Mendota Pool, no water can be delivered to the refuges. It is uncertain whether hydrologic conditions will cause Reclamation to stop delivery of CVP water from the DMC to the Mendota Pool in 2019; if so, water released from storage in Millerton may be the only source of CVP water for the refuges.

Reclamation has various contracts and agreements for the conveyance of water to certain wildlife refuges, including the above. (See: https://www.usbr.gov/mp/cvpia/3406d/env_docs/) These contracts and agreements implement refuge water supply requirements under Section 3406(d) of the Central Valley Project Improvement Act (Title 34, P.L. 102-575) (CVPIA). They provide, among other things and subject to stated conditions and provisions, that during each year Reclamation shall convey CVP water to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife in quantities of CVP water required to provide each refuge with L2 and L4 supplies as set forth in Exhibit B to those contracts and agreements. Approval of this action would assist Reclamation in meeting its obligations to deliver L2 and L4 supplies pursuant to the requirements of each refuge listed above.

The State Water Board issued a Temporary Order dated March 6, 2018 (in response to Reclamation's December 7, 2017, temporary transfer change petitions) approving the temporary addition of Banta-Carbona and Patterson Irrigation District facilities for the recapture of SJRRP Restoration Flows dedicated for instream purposes under Reclamation's water rights for the

operation of Friant Dam. In that Order, the Board added a term providing that the PORs cited in Reclamation's Millerton water rights are for the recapture of SJRRP Restoration Flows. The discussion section of the March 6 Order provides that the PORs shown on the amended Millerton water rights in 2013 as part of the permanent change petition implementing the SJRRP (2013 Order) are solely for recapture of Restoration Flows. The State Board's interpretation of this Order is that these PORs could not be used for any other purpose, such as delivery of Millerton releases to the refuges. Fundamentally, the State Water Board has attempted to condition the exercise of an element of Reclamation's permanent water rights (in this case, point of diversion) on the basis of the water right holder's water management program being implemented at the time of need for downstream diversion.

Reclamation disagrees with the State Water Board's interpretation of the 2013 Order (as expressed in our Petitions for Reconsideration of the March 6, 2018 Order). However, in an abundance of caution, and without waiving any of its rights or arguments as to the use of the PORs added in the 2013 Order, Reclamation is filing this Temporary Urgency Change petition in order to assure there are no complications with the use of this POR for delivery of CVP water released from Millerton Reservoir to wildlife refuges.

No Injury to Other Legal Users

The water released from storage in Millerton reservoir is water appropriated to storage under the water right permits and license for Millerton Reservoir. However, this water is in excess of the demands for the CVP's Friant Division contractors and delivery of this water to the refuges does not injure them by diminishing their supply; Friant Division contractors potentially could be offered uncontrolled season deliveries, SJRRP Recovered Water Account Water, and Section 215 deliveries before making any necessary releases downstream of Friant Dam that would be subsequently delivered to the above listed refuges. The water involved in this proposed action could not be carried over but would need to be released in order for Millerton Reservoir to remain in accordance with flood control requirements during the upcoming snowmelt.

The proposed transfer/exchange would not affect water delivery obligations to other contractors and refuges. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Nor would it adversely impact Reclamation's ability to meet terms and conditions of its water rights for the operation of the CVP. Reclamation expects under current hydrological conditions that it is unlikely that diverters downstream would have a need to divert these springtime Millerton storage releases.

The proposed action would not alter other CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. In addition, CVP water released from storage and delivered to the refuges will not affect the amount of water used by the SJRRP.

Therefore, the proposed action would not injure or unreasonably affect any legal user of water, nor increase the amount of water Reclamation is entitled to use under the subject CVP Applications.

No unreasonable effects to fish and wildlife

Rediversion of flows at the proposed point of rediversion will not have an unreasonable effect upon fish and wildlife resources. The SJRRP will continue to function as required, and Reclamation will comply all applicable biological opinions.

State of California
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>

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.

See Attachment

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

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. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

See Cover Letter

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:

[Empty text box for additional information]

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

[Empty text box for Date of Contact]

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

Person Contacted: 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:

[Empty text box for additional information]

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:

Reclamation is providing a copy of its petitions to the Central Valley Regional Water Quality Control Board. See cover letter.

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

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

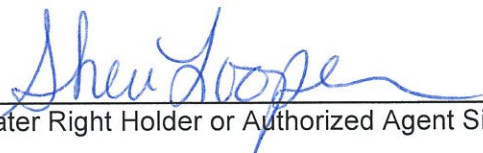
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, 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 at .

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.)

Description of Proposed Changes

Reclamation requests that the State Water Board modify the permits and licenses listed in this petition to temporarily add the point of diversion (POD) below Friant Dam identified in the petition in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area

Other Refuge:

Grassland Resource Conservation District

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the above-listed refuges. Rediverted flows would be conveyed to refuges through canal intakes off Mendota Dam. The flows would be used toward meeting the requirements of the above refuges pursuant to long-term contracts and agreements executed by Reclamation for the conveyance and delivery of Level 2 (L2) and Level 4 (L4) supplies.

The conveyance of L2 and L4 supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).
https://www.usbr.gov/mp/cvpia/3406d/env_docs/

Per 6/14/19
email
KML

LOS BANOS WILDLIFE AREA

Attachment to Environmental Information for Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.
https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Federal and State Permits

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board.

Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Haller, 559-243-4005, ext. 127.

Photographs

The proposed points of diversion using existing facilities and proposed places of use are well known with the State Water Board. Therefore, no representative photographs have been provided here and are presumed to be on file already with the State Water Board.

Maps

Map 1785-202-50 depicts the existing places of use and proposed point of diversion. This map is on file with the State Water Board.

Please indicate County where your project is located here:

Madera, Fresno

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

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, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other

Application 234 Permit 11885 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 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Supplement
Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Supplement
Proposed: See Supplement

Purpose of Use

Present: See Supplement
Proposed: See Supplement

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for split holder information]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

9/30/19

~~7/31/19~~

See 6/10/19 email know

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

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.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? 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.

See Supplement

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

See Supplement

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

Shen Lopez

NOTE: All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, including required attachments, available at: 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/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

Supplement to Temporary Urgency Change Petition

Present Water Right Holder

Bureau of Reclamation
Mid-Pacific Region, MP-440
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825
Telephone: (916) 978-5256
Email: rcollella@usbr.gov

<u>Application</u>	<u>Permit</u>	<u>License</u>
23	273	1986
234	11885	N/A
1465	11886	N/A
5638	11887	N/A

Point of Diversion/Rediversion

Present: San Joaquin River, Tributary to Suisun Bay

Coordinate Description

Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed:

Points of rediversion are proposed to be added at the following location.

Mendota Dam, Located N 1745375 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M.,

Place of Use

Present: The places of use are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638. See Map 1785-202-50, 214-212-37, and 214-208-3331, and 1785-202-14, on file with the State Water Board.

Proposed: Same.

Purpose of Use

Present: The combined purposes of use for all three permitted and licensed applications are irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and enhancement of fish and wildlife, and recreational, as on file with the State Water Board.

Proposed: Same.

Requested Change

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the below-listed refuges. Temporary addition of the listed PORD to the permits and license listed in this petition is necessary in order to make these deliveries. Rediverted flows would be conveyed through canal intakes off Mendota Dam and delivered to the refuges pursuant to agreements with various entities that take water from Mendota Pool into their conveyance systems and then convey it to the refuges.

Consequently, Reclamation requests that the State Water Board modify the permits and license listed in this petition to temporarily add the point of rediversion (PORD) below Friant Dam listed above in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife Service refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area
LOS BANOS WILDLIFE AREA

Other refuge:

Grassland Resource Conservation District

The conveyance of Level 2 (L2) and Level 4 (L4) supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S.

per 6/14/19 email KMLB

Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).

https://www.usbr.gov/mp/cvpia/3406d/env_docs/

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.

https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Urgent Need

There is an urgent need for this change in order to put CVP water released from Millerton Reservoir to beneficial use that would otherwise be wasted. The snowpack in the San Joaquin basin is currently 152 % of the April 1 average. Runoff into Millerton Reservoir is estimated to be 113% to 145% of average (1,927 to 2,422 thousand acre-feet); therefore, Reclamation will have additional CVP water available to put to beneficial use this year. However, Reclamation will have limited control of this additional supply; in order to make maximum beneficial use of this water, Reclamation will have to release CVP water previously stored in Millerton Reservoir sometime during the April – June timeframe. This water is not needed to meet the demand of the Friant Division contractors or the SJRRP at that time; therefore, delivery to wildlife refuges allows Reclamation to maximize beneficial use of this water.

Water released from storage in Millerton may be the only source of CVP water for the above-listed refuges during this period. Abnormally high runoff from the San Joaquin and Kings Rivers could cause Reclamation to stop delivery of CVP water from the Delta-Mendota Canal (DMC) to the Mendota Pool. CVP water delivered from the DMC is the main source of supply to the refuges; if this water is not available in the Mendota Pool, no water can be delivered to the refuges. It is uncertain whether hydrologic conditions will cause Reclamation to stop delivery of CVP water from the DMC to the Mendota Pool in 2019; if so, water released from storage in Millerton may be the only source of CVP water for the refuges.

Reclamation has various contracts and agreements for the conveyance of water to certain wildlife refuges, including the above. (See: https://www.usbr.gov/mp/cvpia/3406d/env_docs/) These contracts and agreements implement refuge water supply requirements under Section 3406(d) of the Central Valley Project Improvement Act (Title 34, P.L. 102-575) (CVPIA). They provide, among other things and subject to stated conditions and provisions, that during each year Reclamation shall convey CVP water to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife in quantities of CVP water required to provide each refuge with L2 and L4 supplies as set forth in Exhibit B to those contracts and agreements. Approval of this action would assist Reclamation in meeting its obligations to deliver L2 and L4 supplies pursuant to the requirements of each refuge listed above.

The State Water Board issued a Temporary Order dated March 6, 2018 (in response to Reclamation's December 7, 2017, temporary transfer change petitions) approving the temporary addition of Banta-Carbona and Patterson Irrigation District facilities for the recapture of SJRRP Restoration Flows dedicated for instream purposes under Reclamation's water rights for the

operation of Friant Dam. In that Order, the Board added a term providing that the PORs cited in Reclamation's Millerton water rights are for the recapture of SJRRP Restoration Flows. The discussion section of the March 6 Order provides that the PORs shown on the amended Millerton water rights in 2013 as part of the permanent change petition implementing the SJRRP (2013 Order) are solely for recapture of Restoration Flows. The State Board's interpretation of this Order is that these PORs could not be used for any other purpose, such as delivery of Millerton releases to the refuges. Fundamentally, the State Water Board has attempted to condition the exercise of an element of Reclamation's permanent water rights (in this case, point of rediversion) on the basis of the water right holder's water management program being implemented at the time of need for downstream rediversion.

Reclamation disagrees with the State Water Board's interpretation of the 2013 Order (as expressed in our Petitions for Reconsideration of the March 6, 2018 Order). However, in an abundance of caution, and without waiving any of its rights or arguments as to the use of the PORs added in the 2013 Order, Reclamation is filing this Temporary Urgency Change petition in order to assure there are no complications with the use of this POR for delivery of CVP water released from Millerton Reservoir to wildlife refuges.

No Injury to Other Legal Users

The water released from storage in Millerton reservoir is water appropriated to storage under the water right permits and license for Millerton Reservoir. However, this water is in excess of the demands for the CVP's Friant Division contractors and delivery of this water to the refuges does not injure them by diminishing their supply; Friant Division contractors potentially could be offered uncontrolled season deliveries, SJRRP Recovered Water Account Water, and Section 215 deliveries before making any necessary releases downstream of Friant Dam that would be subsequently delivered to the above listed refuges. The water involved in this proposed action could not be carried over but would need to be released in order for Millerton Reservoir to remain in accordance with flood control requirements during the upcoming snowmelt.

The proposed transfer/exchange would not affect water delivery obligations to other contractors and refuges. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Nor would it adversely impact Reclamation's ability to meet terms and conditions of its water rights for the operation of the CVP. Reclamation expects under current hydrological conditions that it is unlikely that diverters downstream would have a need to divert these springtime Millerton storage releases.

The proposed action would not alter other CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. In addition, CVP water released from storage and delivered to the refuges will not affect the amount of water used by the SJRRP.

Therefore, the proposed action would not injure or unreasonably affect any legal user of water, nor increase the amount of water Reclamation is entitled to use under the subject CVP Applications.

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

No unreasonable effects to fish and wildlife

Rediversion of flows at the proposed point of rediversion will not have an unreasonable effect upon fish and wildlife resources. The SJRRP will continue to function as required, and Reclamation will comply all applicable biological opinions.

State of California
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>

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.

See Attachment

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

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. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

See Cover Letter

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:

[Empty text box for additional information]

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

[Empty text box for Date of Contact]

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

Person Contacted: 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:

[Empty text box for additional information]

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:

Reclamation is providing a copy of its petitions to the Central Valley Regional Water Quality Control Board. See cover letter.

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

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

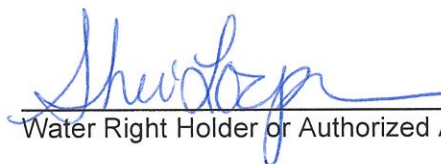
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, 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 at .

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.)

Description of Proposed Changes

Reclamation requests that the State Water Board modify the permits and licenses listed in this petition to temporarily add the point of diversion (POD) below Friant Dam identified in the petition in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area

Other Refuge:

Grassland Resource Conservation District

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the above-listed refuges. Rediverted flows would be conveyed to refuges through canal intakes off Mendota Dam. The flows would be used toward meeting the requirements of the above refuges pursuant to long-term contracts and agreements executed by Reclamation for the conveyance and delivery of Level 2 (L2) and Level 4 (L4) supplies.

The conveyance of L2 and L4 supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).
https://www.usbr.gov/mp/cvpia/3406d/env_docs/

Per 6/14/19
email
KML

LOS BANOS WILDLIFE AREA

Attachment to Environmental Information for Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.
https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Federal and State Permits

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board.

Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Hatler, 559-243-4005, ext. 127.

Photographs

The proposed points of redirection using existing facilities and proposed places of use are well known with the State Water Board. Therefore, no representative photographs have been provided here and are presumed to be on file already with the State Water Board.

Maps

Map 1785-202-50 depicts the existing places of use and proposed point of redirection. This map is on file with the State Water Board.

Please indicate County where your project is located here:

Madera, Fresno

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

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, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other

Application 1465 Permit 11886 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 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Supplement
Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Supplement
Proposed: See Supplement

Purpose of Use

Present: See Supplement
Proposed: See Supplement

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for listing water right holders]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

9/30/19

~~7/31/19~~

See 6/12/19 email KMS

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

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.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? 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.

See Supplement

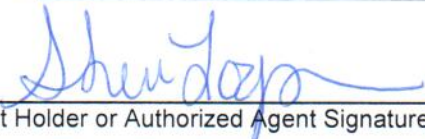
Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

See Supplement

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at

Right Holder or Authorized Agent Signature _____

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NOTE: All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, including required attachments, available at: 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/
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Supplement to Temporary Urgency Change Petition

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Bureau of Reclamation
Mid-Pacific Region, MP-440
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825
Telephone: (916) 978-5256
Email: rcolella@usbr.gov

<u>Application</u>	<u>Permit</u>	<u>License</u>
23	273	1986
234	11885	N/A
1465	11886	N/A
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Point of Diversion/Rediversion

Present: San Joaquin River, Tributary to Suisun Bay

Coordinate Description

Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed:

Points of rediversion are proposed to be added at the following location.

Mendota Dam, Located N 1745375 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M.,

Place of Use

Present: The places of use are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638. See Map 1785-202-50, 214-212-37, and 214-208-3331, and 1785-202-14, on file with the State Water Board.

Proposed: Same.

Purpose of Use

Present: The combined purposes of use for all three permitted and licensed applications are irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and enhancement of fish and wildlife, and recreational, as on file with the State Water Board.

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Freitas Unit

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LOS BANOS WILDLIFE AREA

Other refuge:

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per 6/14/19 email KMLB

Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).

https://www.usbr.gov/mp/cvpia/3406d/env_docs/

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.

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Urgent Need

There is an urgent need for this change in order to put CVP water released from Millerton Reservoir to beneficial use that would otherwise be wasted. The snowpack in the San Joaquin basin is currently 152 % of the April 1 average. Runoff into Millerton Reservoir is estimated to be 113% to 145% of average (1,927 to 2,422 thousand acre-feet); therefore, Reclamation will have additional CVP water available to put to beneficial use this year. However, Reclamation will have limited control of this additional supply; in order to make maximum beneficial use of this water, Reclamation will have to release CVP water previously stored in Millerton Reservoir sometime during the April – June timeframe. This water is not needed to meet the demand of the Friant Division contractors or the SJRRP at that time; therefore, delivery to wildlife refuges allows Reclamation to maximize beneficial use of this water.

Water released from storage in Millerton may be the only source of CVP water for the above-listed refuges during this period. Abnormally high runoff from the San Joaquin and Kings Rivers could cause Reclamation to stop delivery of CVP water from the Delta-Mendota Canal (DMC) to the Mendota Pool. CVP water delivered from the DMC is the main source of supply to the refuges; if this water is not available in the Mendota Pool, no water can be delivered to the refuges. It is uncertain whether hydrologic conditions will cause Reclamation to stop delivery of CVP water from the DMC to the Mendota Pool in 2019; if so, water released from storage in Millerton may be the only source of CVP water for the refuges.

Reclamation has various contracts and agreements for the conveyance of water to certain wildlife refuges, including the above. (See: https://www.usbr.gov/mp/cvpia/3406d/env_docs/) These contracts and agreements implement refuge water supply requirements under Section 3406(d) of the Central Valley Project Improvement Act (Title 34, P.L. 102-575) (CVPIA). They provide, among other things and subject to stated conditions and provisions, that during each year Reclamation shall convey CVP water to the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife in quantities of CVP water required to provide each refuge with L2 and L4 supplies as set forth in Exhibit B to those contracts and agreements. Approval of this action would assist Reclamation in meeting its obligations to deliver L2 and L4 supplies pursuant to the requirements of each refuge listed above.

The State Water Board issued a Temporary Order dated March 6, 2018 (in response to Reclamation's December 7, 2017, temporary transfer change petitions) approving the temporary addition of Banta-Carbona and Patterson Irrigation District facilities for the recapture of SJRRP Restoration Flows dedicated for instream purposes under Reclamation's water rights for the

operation of Friant Dam. In that Order, the Board added a term providing that the PORs cited in Reclamation's Millerton water rights are for the recapture of SJRRP Restoration Flows. The discussion section of the March 6 Order provides that the PORs shown on the amended Millerton water rights in 2013 as part of the permanent change petition implementing the SJRRP (2013 Order) are solely for recapture of Restoration Flows. The State Board's interpretation of this Order is that these PORs could not be used for any other purpose, such as delivery of Millerton releases to the refuges. Fundamentally, the State Water Board has attempted to condition the exercise of an element of Reclamation's permanent water rights (in this case, point of rediversion) on the basis of the water right holder's water management program being implemented at the time of need for downstream rediversion.

Reclamation disagrees with the State Water Board's interpretation of the 2013 Order (as expressed in our Petitions for Reconsideration of the March 6, 2018 Order). However, in an abundance of caution, and without waiving any of its rights or arguments as to the use of the PORs added in the 2013 Order, Reclamation is filing this Temporary Urgency Change petition in order to assure there are no complications with the use of this POR for delivery of CVP water released from Millerton Reservoir to wildlife refuges.

No Injury to Other Legal Users

The water released from storage in Millerton reservoir is water appropriated to storage under the water right permits and license for Millerton Reservoir. However, this water is in excess of the demands for the CVP's Friant Division contractors and delivery of this water to the refuges does not injure them by diminishing their supply; Friant Division contractors potentially could be offered uncontrolled season deliveries, SJRRP Recovered Water Account Water, and Section 215 deliveries before making any necessary releases downstream of Friant Dam that would be subsequently delivered to the above listed refuges. The water involved in this proposed action could not be carried over but would need to be released in order for Millerton Reservoir to remain in accordance with flood control requirements during the upcoming snowmelt.

The proposed transfer/exchange would not affect water delivery obligations to other contractors and refuges. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Nor would it adversely impact Reclamation's ability to meet terms and conditions of its water rights for the operation of the CVP. Reclamation expects under current hydrological conditions that it is unlikely that diverters downstream would have a need to divert these springtime Millerton storage releases.

The proposed action would not alter other CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. In addition, CVP water released from storage and delivered to the refuges will not affect the amount of water used by the SJRRP.

Therefore, the proposed action would not injure or unreasonably affect any legal user of water, nor increase the amount of water Reclamation is entitled to use under the subject CVP Applications.

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

No unreasonable effects to fish and wildlife

Rediversion of flows at the proposed point of rediversion will not have an unreasonable effect upon fish and wildlife resources. The SJRRP will continue to function as required, and Reclamation will comply all applicable biological opinions.

State of California
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
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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.

See Attachment

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

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. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

See Cover Letter

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:

[Empty text box for additional information]

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

[Empty text box for Date of Contact]

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

Person Contacted:

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:

[Empty text box for additional information]

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:

Reclamation is providing a copy of its petitions to the Central Valley Regional Water Quality Control Board. See cover letter.

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

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

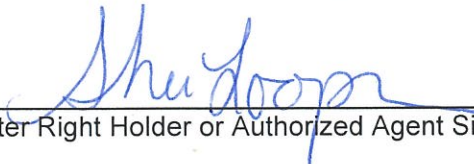
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, 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 at .

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.)

Description of Proposed Changes

Reclamation requests that the State Water Board modify the permits and licenses listed in this petition to temporarily add the point of diversion (POD) below Friant Dam identified in the petition in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area

Other Refuge:

Grassland Resource Conservation District

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the above-listed refuges. Rediverted flows would be conveyed to refuges through canal intakes off Mendota Dam. The flows would be used toward meeting the requirements of the above refuges pursuant to long-term contracts and agreements executed by Reclamation for the conveyance and delivery of Level 2 (L2) and Level 4 (L4) supplies.

The conveyance of L2 and L4 supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).
https://www.usbr.gov/mp/cvpia/3406d/env_docs/

Per 6/14/19
email
KML

LOS BANOS WILDLIFE AREA

Attachment to Environmental Information for Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.
https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Federal and State Permits

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board.

Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Hatler, 559-243-4005, ext. 127.

Photographs

The proposed points of diversion using existing facilities and proposed places of use are well known with the State Water Board. Therefore, no representative photographs have been provided here and are presumed to be on file already with the State Water Board.

Maps

Map 1785-202-50 depicts the existing places of use and proposed point of diversion. This map is on file with the State Water Board.

Please indicate County where your project is located here:

Madera, Fresno

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

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, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other

Application 5638 Permit 11887 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 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Supplement
Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Supplement
Proposed: See Supplement

Purpose of Use

Present: See Supplement
Proposed: See Supplement

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

[Empty box for listing water right holders]

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to ~~7/31/19~~

See 6/10/19 email encls

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

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.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? 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.

See Supplement

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.

See Supplement

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at .

Right Holder or Authorized Agent Signature _____

Sheldon
Right Holder or Authorized Agent Signature _____

NOTE: All petitions must be accompanied by:

- (1) the form Environmental Information for Petitions, including required attachments, available at: 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/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

Supplement to Temporary Urgency Change Petition

Present Water Right Holder

Bureau of Reclamation
Mid-Pacific Region, MP-440
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825
Telephone: (916) 978-5256
Email: rcolella@usbr.gov

<u>Application</u>	<u>Permit</u>	<u>License</u>
23	2/3	1986
234	11885	N/A
1465	11886	N/A
5638	11887	N/A

Point of Diversion/Rediversion

Present. San Joaquin River, Tributary to Suisun Bay

Coordinate Description

Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed:

Points of rediversion are proposed to be added at the following location.

Mendota Dam, Located N 1745375 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M.,

Place of Use

Present: The places of use are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638. See Map 1785-202-50, 214-212-37, and 214-208-3331, and 1785-202-14, on file with the State Water Board.

Proposed: Same.

Purpose of Use

Present: The combined purposes of use for all three permitted and licensed applications are irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and enhancement of fish and wildlife, and recreational, as on file with the State Water Board.

Proposed: Same.

Requested Change

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the below-listed refuges. Temporary addition of the listed PORD to the permits and license listed in this petition is necessary in order to make these deliveries. Rediverted flows would be conveyed through canal intakes off Mendota Dam and delivered to the refuges pursuant to agreements with various entities that take water from Mendota Pool into their conveyance systems and then convey it to the refuges.

Consequently, Reclamation requests that the State Water Board modify the permits and license listed in this petition to temporarily add the point of rediversion (PORD) below Friant Dam listed above in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife Service refuges:

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West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

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Salt Slough Unit
Mendota Wildlife Area
LOS BANOS WILDLIFE AREA

Other refuge:

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per 6/14/19 email KMLB

Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).

https://www.usbr.gov/mp/cvpia/3406d/env_docs/

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.

https://www.usbr.gov/mp/cvpia/docs_reports/fpcis/index.html

Urgent Need

There is an urgent need for this change in order to put CVP water released from Millerton Reservoir to beneficial use that would otherwise be wasted. The snowpack in the San Joaquin basin is currently 152 % of the April 1 average. Runoff into Millerton Reservoir is estimated to be 113% to 145% of average (1,927 to 2,422 thousand acre-feet); therefore, Reclamation will have additional CVP water available to put to beneficial use this year. However, Reclamation will have limited control of this additional supply; in order to make maximum beneficial use of this water, Reclamation will have to release CVP water previously stored in Millerton Reservoir sometime during the April – June timeframe. This water is not needed to meet the demand of the Friant Division contractors or the SJRRP at that time; therefore, delivery to wildlife refuges allows Reclamation to maximize beneficial use of this water.

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Reclamation disagrees with the State Water Board's interpretation of the 2013 Order (as expressed in our Petitions for Reconsideration of the March 6, 2018 Order). However, in an abundance of caution, and without waiving any of its rights or arguments as to the use of the PORs added in the 2013 Order, Reclamation is filing this Temporary Urgency Change petition in order to assure there are no complications with the use of this POR for delivery of CVP water released from Millerton Reservoir to wildlife refuges.

No Injury to Other Legal Users

The water released from storage in Millerton reservoir is water appropriated to storage under the water right permits and license for Millerton Reservoir. However, this water is in excess of the demands for the CVP's Friant Division contractors and delivery of this water to the refuges does not injure them by diminishing their supply; Friant Division contractors potentially could be offered uncontrolled season deliveries, SJRRP Recovered Water Account Water, and Section 215 deliveries before making any necessary releases downstream of Friant Dam that would be subsequently delivered to the above listed refuges. The water involved in this proposed action could not be carried over but would need to be released in order for Millerton Reservoir to remain in accordance with flood control requirements during the upcoming snowmelt.

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The proposed action would not alter other CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. In addition, CVP water released from storage and delivered to the refuges will not affect the amount of water used by the SJRRP.

Therefore, the proposed action would not injure or unreasonably affect any legal user of water, nor increase the amount of water Reclamation is entitled to use under the subject CVP Applications.

Attachment to Supplement to Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

No unreasonable effects to fish and wildlife

Rediversion of flows at the proposed point of rediversion will not have an unreasonable effect upon fish and wildlife resources. The SJRRP will continue to function as required, and Reclamation will comply all applicable biological opinions.

State of California
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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.

See Attachment

Insert the attachment number here, if applicable:

1

Coordination with Regional Water Quality Control Board

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. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

See Cover Letter

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:

[Empty text box for additional information]

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

[Empty text box for Date of Contact]

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

Person Contacted: 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:

[Empty text box for additional information]

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:

Reclamation is providing a copy of its petitions to the Central Valley Regional Water Quality Control Board. See cover letter.

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

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

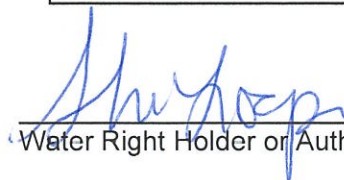
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, 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 at .

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.)

Description of Proposed Changes

Reclamation requests that the State Water Board modify the permits and licenses listed in this petition to temporarily add the point of diversion (POVD) below Friant Dam identified in the petition in order to deliver up to 60,000 acre-feet to the following wildlife refuges.

U.S. Fish and Wildlife refuges:

San Luis Unit
West Bear Creek Unit
Kesterson Unit
Freitas Unit

California Department of Fish and Wildlife refuges:

China Island Unit
Salt Slough Unit
Mendota Wildlife Area

Other Refuge:

Grassland Resource Conservation District

Reclamation seeks to take advantage of water stored pursuant to the listed permits and license in Millerton Reservoir (Central Valley Project water, or so-called "CVP water") and subsequently released from storage that is not needed by Friant Division contractors or the San Joaquin River Restoration Program (SJRRP) at the time of release by delivering this water to the above-listed refuges. Rediverted flows would be conveyed to refuges through canal intakes off Mendota Dam. The flows would be used toward meeting the requirements of the above refuges pursuant to long-term contracts and agreements executed by Reclamation for the conveyance and delivery of Level 2 (L2) and Level 4 (L4) supplies.

The conveyance of L2 and L4 supplies to the above refuges was evaluated in the following documents.

- Draft and Final National Environmental Policy Act (NEPA) Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, San Joaquin River Basin, January 2001 (U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Game, and Grassland Water District).
https://www.usbr.gov/mp/cvpia/3406d/env_docs/

Per 6/14/19
email
KML

LOS BANOS WILDLIFE AREA

Attachment to Environmental Information for Petitions for 2019 Temporary Transfer Permitted Applications 234, 1465, 5638 and Licensed Application 23

- Central Valley Project Improvement Act Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999.
https://www.usbr.gov/mp/cvpia/docs_reports/fpeis/index.html

Federal and State Permits

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board.

Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Hatler, 559-243-4005, ext. 127.

Photographs

The proposed points of diversion using existing facilities and proposed places of use are well known with the State Water Board. Therefore, no representative photographs have been provided here and are presumed to be on file already with the State Water Board.

Maps

Map 1785-202-50 depicts the existing places of use and proposed point of diversion. This map is on file with the State Water Board.