

Please indicate County where your project is located here:

Butte

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

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

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

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

Application 1759 Permit 1911 License 845 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 Attachment No. 1
Proposed: See Attachment No. 1

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 Attachment No. 1
Proposed: See Attachment No. 1

Purpose of Use

Present: Recreation, Domestic, Municipal, Industrial, Irrigation
Proposed: Recreation, Domestic, Municipal, Industrial, Irrigation

Instream Flow Dedication - 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).

Upstream Location: Not applicable.
Downstream Location:

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

Table with 12 columns for months (Jan-Dec) and 2 rows for flow quantities.

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

Proposed New User(s)

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

See Attachment No. 1

Amount of Water to be Transferred

3500 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is N/A cubic feet per second or million gallons per day.

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

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

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

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

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

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

District owns the present points of diversion. Access has be or will be acquired for the proposed new, temporary points of diversion by virtue of agreements applicable with the Department of Water Resources, United States Bureau of Reclamation, and/or the buyer Valley Water (Santa Clara Valley Water District).

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 Attachment 1

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

Dated May 24, 2021 at Oroville, California


Right Holder or Authorized Agent Signature

Dustin C. Cooper, Special Counsel
Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(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 No. 1

to Petition for Change Involving Water Transfers

License 345 2492 (Application 1739)

held by Thermalito Water and Sewer District

PURPOSE OF PETITION

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant and Barker Slough Pumping Plant, the Central Valley Project's (CVP) Jones Pumping Plant, and San Luis Reservoir as points of diversion, and (2) add the service area of Valley Water (Santa Clara Valley Water District) as additional places of use to Thermalito Water and Sewer District (District) License 845 (Application 1739). This Petition is being filed to facilitate a temporary transfer (2021 Water Transfer) of up to 3,500 acre-feet (AF) of currently stored surface water from the District's Concow Reservoir during July through November 2021, which will be made available by reoperation of this reservoir for delivery to Valley Water (Santa Clara Valley Water District) ("Buyer") in order to provide an additional water supply for recreational, irrigation, municipal, industrial, and domestic purposes. The Petition would allow the transfer of up to 3,500 AF to the Buyers.

Transfers involving reservoir storage release involve the release of water in excess of what would be released annually under normal operations. Absent the proposed temporary transfer, the District would not make water available at the point of delivery, Concow Reservoir, thence Lake Oroville. The proposed 2021 Water Transfer is consistent with the dry conditions prevailing throughout the State of California and the current extremely low storage conditions and low allocations for the SWP and CVP south-of-delta water users.

POINT OF DIVERSION OR REDIVERSION

Present Point of Diversion:

The present point of diversion is identified on maps filed with the Division of Water Rights and is depicted in Exhibit B.

Proposed Additional Points of Diversion:

No change in the present point of diversion is proposed. The District proposes to add the following points of diversion:

Banks Pumping Plant via the Clifton Court Forebay

N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

Barker Slough Pumping Plant

N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Projected Section 18, T5N, R2E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

CW "Bill" Jones Pumping Plant

N 2,121,505 ft., E 6,255,368 ft., California Coordinate System Zone 3, NAD 83, being within the NE $\frac{1}{4}$ of S W $\frac{1}{4}$ of Projected Section 29, T1S, R4E, MDB&M. The proposed point of rediversion is identified on maps filed with the Division of Water Rights under Map 214-202-84 (CVP).

San Luis Reservoir

37° 4'27.36"N/121° 0'54.55"W California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 7, T10S, R9E, MDB&M. This proposed point of temporary storage and redirection is identified on maps filed with the Division under Application 5630 (SWP) and Map 214-202-84 (CVP) for the use of San Luis Reservoir.

PLACE OF USE

Present:

The present place of use is identified on maps filed with the Division of Water Rights and is included in Exhibits A and B.

Proposed:

No change in the present place of use is proposed. The District proposes to add the service area of Valley Water (Santa Clara Valley Water District) as the proposed additional place of use in order to facilitate the temporary water transfer to the Buyer. This portion of the service area of the SWP is shown on Map 1878 – 1, 2, 3 and 4 on file with the Division under Application 5630, and this portion of the service area of the CVP is shown on Map 214-202-84 on file with the Division of Water Rights.

PROPOSED NEW USERS

The proposed new user is:

Santa Clara Valley Water District
Francis Brewster
5750 Almaden Expressway
San Jose, CA 95118

GENERAL INFORMATION

District's Reservoir Storage Release will be made in accordance with the Draft Technical Information for Preparing Water Transfer Proposals for transfers in 2021 (Draft Technical Information) published by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation). The Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users, instream beneficial uses, and the overall economy and environment. The District's Reservoir Storage Release will also be made in accordance with all current operational requirements.

The District and DWR have agreed to a refill criteria as part of District's last transfer in 2013, and District expects to reach an agreement with DWR on similar refill criteria for the 2021 transfer. This criteria will be consistent with other refill criteria of sellers with reservoir storage facilities situated above Lake Oroville, such as South Feather Water & Power Agency. With this criteria, the proposed transfer and the refill of the storage space vacated due to the proposed transfer does not injure any legal user of water. Draft refill criteria is included in Exhibit C.

As a result of the District's Petition for transfer, the flow into Lake Oroville and thence the Feather River will increase by up to 3,500 AF during the period of the transfer over what would have occurred absent the proposed transfer. There will be no reduction in flow downstream of Lake Oroville as a result of the transfer. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide benefits for fisheries and wildlife and may result in a positive effect to the water users

between the point of delivery and the proposed additional point of diversion. The released water would have been stored by District in accordance with its water rights and would not otherwise be available to any legal user of water. As of 2021, Concow Reservoir had filled and spilled in every year except one.

During a typical year, Concow Reservoir is filled by the end of March with runoff from snow melt and rainfall, and is maintained at full or near full condition throughout the year. The end of the year storage (on or before December 31) in Concow Reservoir is typically 6,367 AF, which represents a full reservoir without flashboards. Flashboards are installed on or about March 15 in each year through end of October, which adds 3 feet of storage to its maximum storage capacity of 7,225 acre-feet. In 2021, in the absence of a transfer, the District's end of year storage target is 6,367 AF (full, without flashboards). The proposed with-transfer carryover level remains above the minimum carryover level of 1,000 AF, per the District's March 22, 1993 Agreement with California Department of Fish and Wildlife. All releases from Concow Reservoir will conform with the District's water rights, District's Exchange Agreement with DWR, and District's 1993 Agreement with the California Department of Fish and Wildlife.

To facilitate the transfer, 3,500 AF in excess of typical operations will be drawn down, while still meeting the District's various responsibilities. This 3,500 AF in excess of typical operations would be released from Concow Reservoir into Concow Creek which flows into the West Branch of the Feather River and where the water will flow into Lake Oroville (See attached Exhibit B depicting District's facilities). The 2021 low-point storage in Concow Reservoir would be drawn down to 2,867 AF (6,367 AF minus 3,500 AF), rather than the non-transfer target of 6,367 AF. The point of transfer or delivery point will be discharge valve at the outlet of Concow Reservoir on Concow Creek.

Thermalito Water and Sewer District License 845
Attachment to Petition for Change Involving Water Transfers

Once transfer water is delivered at Lake Oroville, DWR would deliver the transfer water to buyers on a schedule approved by DWR which will result in no impact to CVP or SWP operations. Transfer water releases from Lake Oroville and exports by DWR shall be made in conformance with all applicable regulatory requirements including those contained in Water Right Decision 1641, the Biological Opinions issued by the National Marine Fisheries Service and U.S. Fish and Wildlife Service (BiOps), the Incidental Take Permit (ITP) of California Department of Fish and Wildlife, as well as any other applicable regulatory obligations, including any 2021 Temporary Urgency Change Petitions affecting operations in the Delta.

Consistent with Water Code § 1726, a copy of the Petition and related documents will be sent to California Department of Fish & Wildlife (DFW). The transfer is similar to transfers from other agencies within the Feather River watershed have occurred over the last 20 plus years. No adverse impacts to those transfers were identified by DFW.

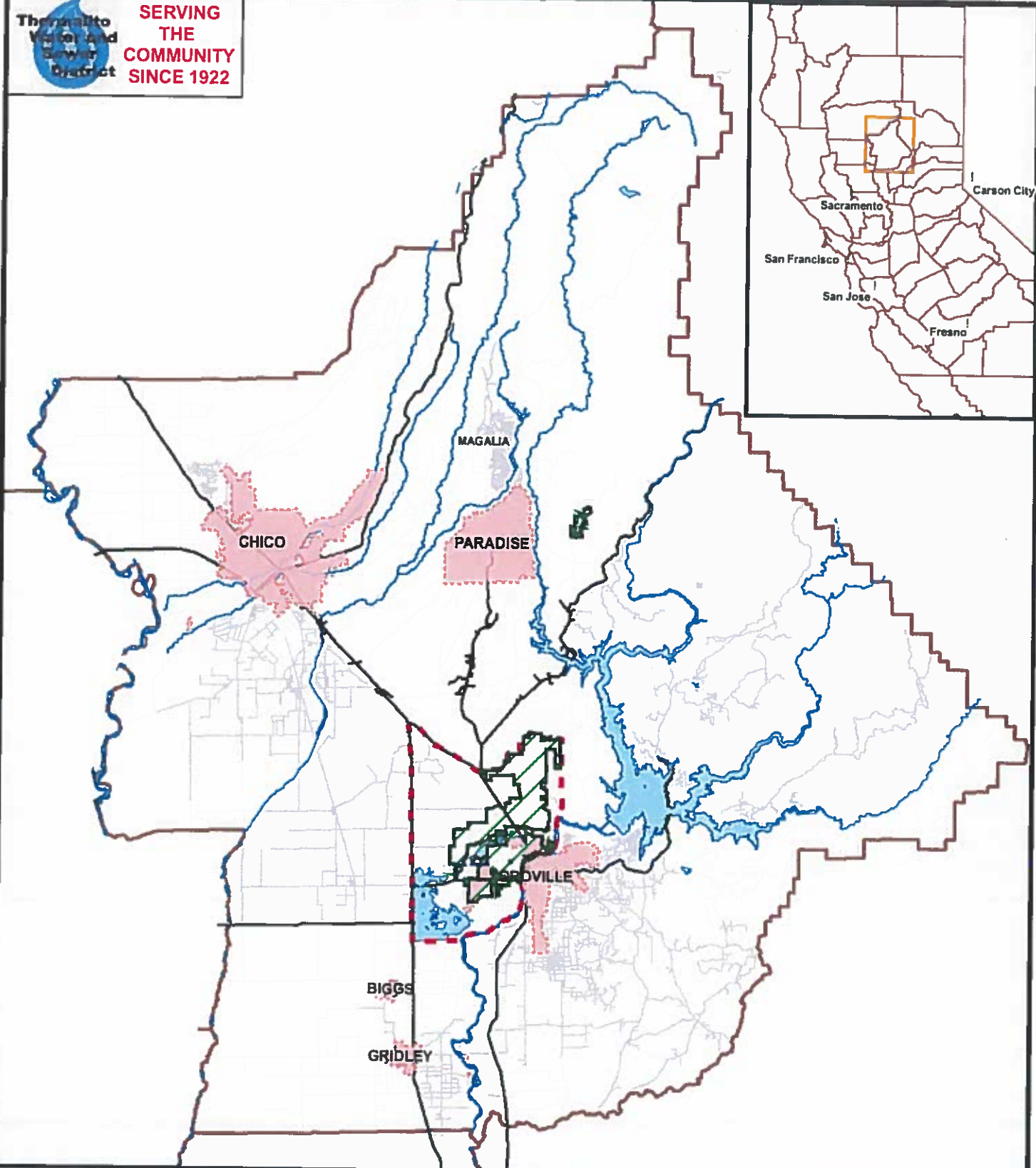
District provided a copy of this petition and related documents to Regional Board staff at the same time this petition was filed with the SWRCB. The water proposed for transfer is very high quality runoff derived from snowmelt and rains falling in predominantly undeveloped portions of the Butte County in the Sierra Nevada mountains. The proposed transfer would not violate any water quality standards or waste discharge requirements. The proposed transfer would use existing reservoirs, streams, and rivers operating within all applicable requirements. Transfer water releases from Lake Oroville and exports by DWR shall be made in conformance with all applicable regulatory requirements including those contained in Water Rights Decision 1641, the Incidental Take Permit, Biological Opinions, applicable to SWP operations as well as all other applicable regulatory obligations.

Thermalito Water and Sewer District License 845
Attachment to Petition for Change Involving Water Transfers

District will provide copies of the Petition and related documents, by certified mail, to the Board of Supervisors for the Counties of Butte, Plumas, and Santa Clara,.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the CVP, the SWP, and the Cities of Sacramento and West Sacramento.

EXHIBIT A



Legend

- TWSD Service Area
- City/Town Limits
- TWSD Sphere of Influence
- Lakes and Reservoirs
- Major Streams
- County Boundary

Miles

0 2 4 8 12 16

1 inch = 7 miles
(printed at 8.5 x 11)

Data Source:
Butte County GIS

Map Date:
14 May 2014

Drawn By:
CJW

NSE Project #
14-101

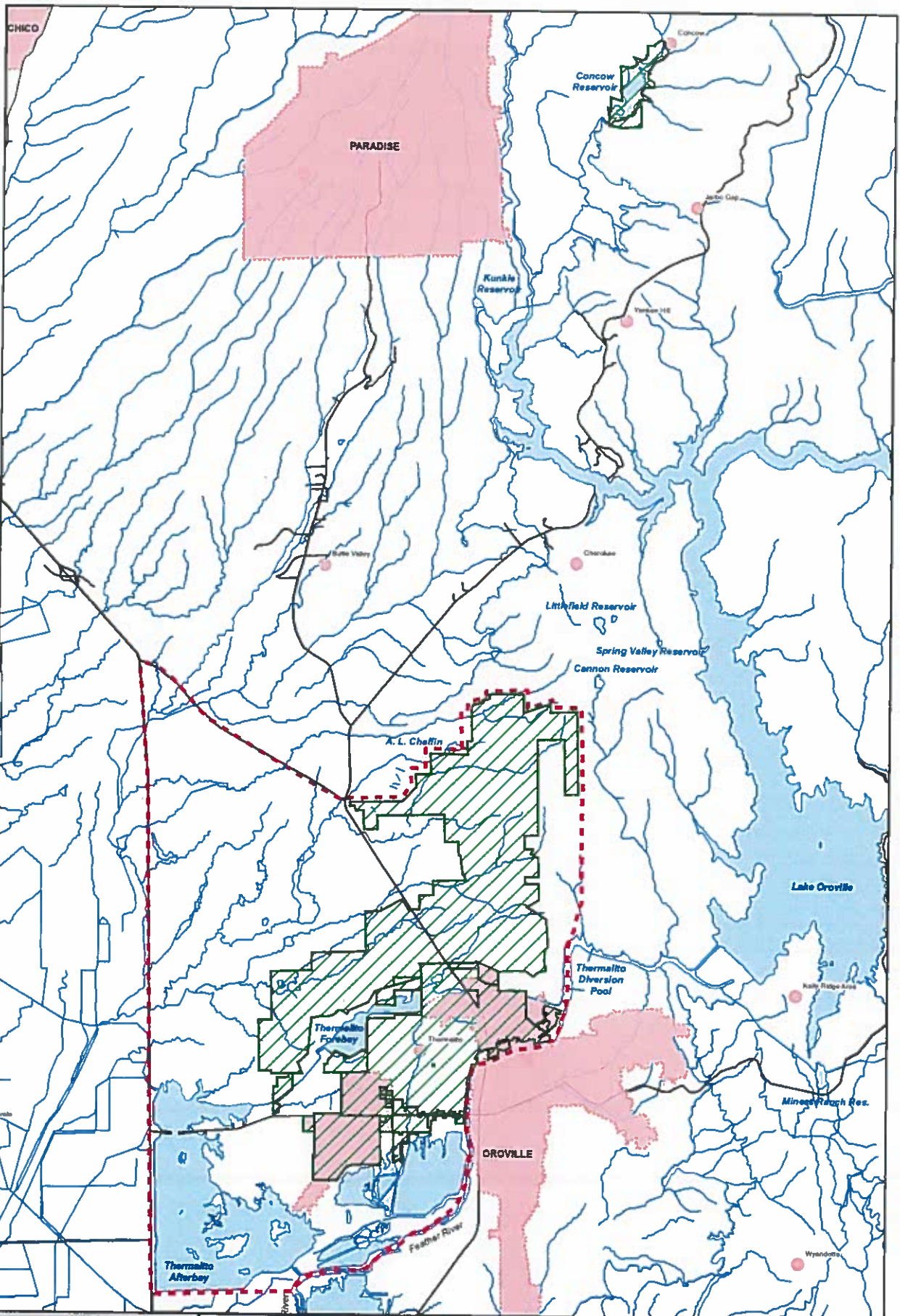
Figure 1: Project Location
 Thermalito Water & Sewer District
 - Urban Water Management Plan -

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ENGINEERING
 Civil Surveying Architecture & Design
 Water Resources Environmental GIS



Legend

- City/Town Limits
- Communities
- TWSD Service Area
- TWSD Sphere of Influence
- Lakes and Reservoirs

Miles

0 0.5 1 2 3 4


1 inch = 8.500 feet
(printed at 11 x 17)

Data Source: Butte County GIS

Map Date: 14 August 2014 Drawn By: C.J.W. NSE Project # 8850

Figure 2: Service Area


Thermalito Water & Sewer District - Urban Water Management Plan



**SERVING
THE
COMMUNITY
SINCE 1922**

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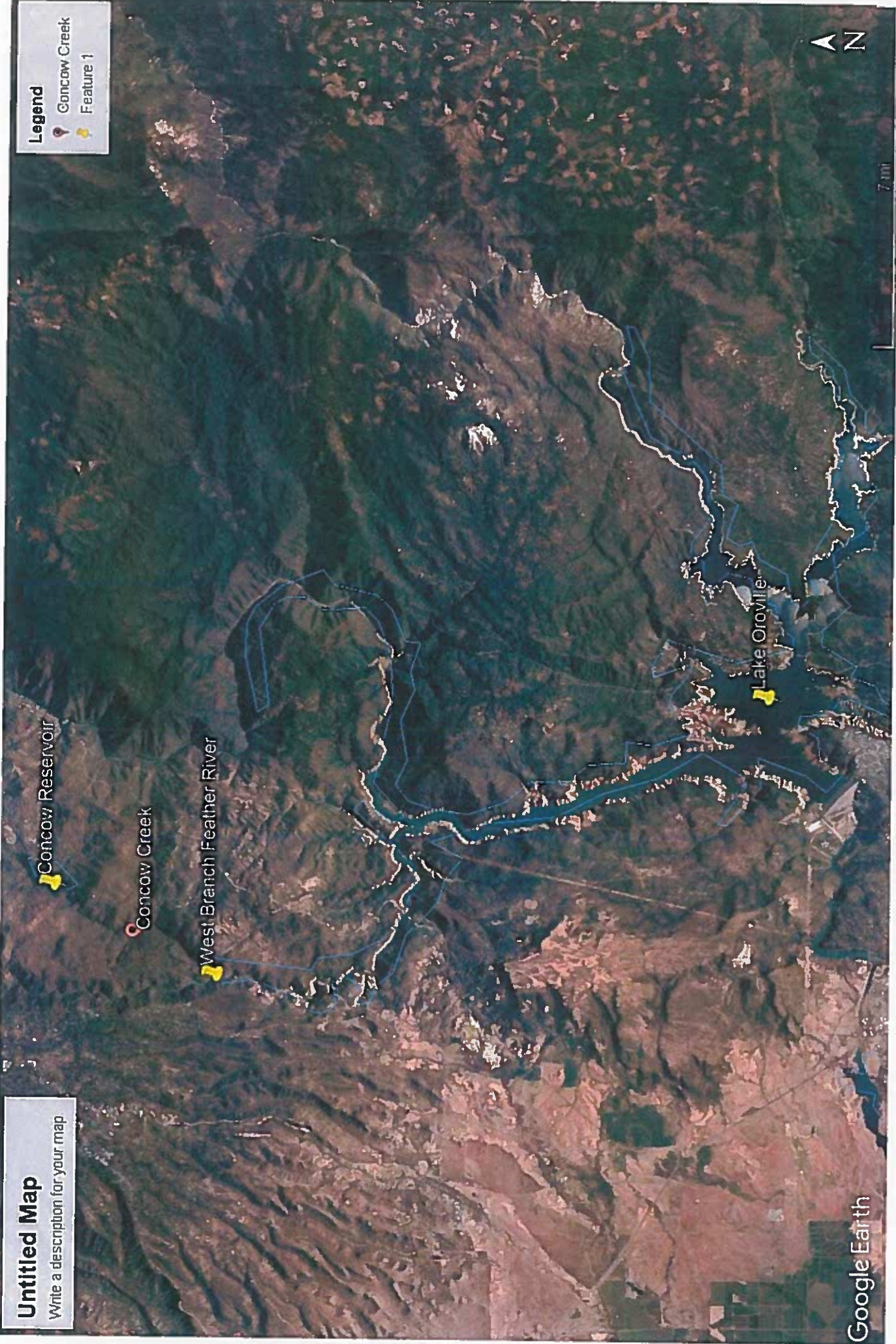
**NorthStar
ENGINEERING**
Civil, Surveying, Architecture & Design,
Water Resources, Environmental, GIS

EXHIBIT B

Untitled Map
Write a description for your map.

Legend

- Concow Creek
- Feature 1



Untitled Map

Write a description for your map.

Legend

 Concow Reservoir

Concow Reservoir 



Exhibit C

Exhibit C
Proposed Thermalito Water and Sewer District (TWSD) 2021 Refill Criteria

Thermalito Water and Sewer District, principally located in Butte County, owns and operates Concow Reservoir and holds Water Rights License 845 (Application 1739). TWSD is willing to release up to 3,500 acre-feet of water stored in its Concow Reservoir for transfer to Valley Water (Santa Clara Valley Water District) in 2021.

1. The Point of Transfer to the buyer shall be the fish release weir at the outlet of Concow Reservoir on Concow Creek. DWR will release the Transfer Water from Lake Oroville on a schedule approved by DWR. DWR shall convey the Transfer Water less any losses as specified in this Agreement to the Valley Water (Santa Clara Valley Water District) service areas.
2. The Maximum Transfer Amount is 3,500 acre-feet. The Transfer Water will be measured by TWSD at the discharge valve at Concow Reservoir into Concow Creek and reported weekly to the DWR contact listed in Article XX of this 2021 Storage and Conveyance Agreement ("Agreement"), and verified by a change in TWSD operations that demonstrates delivery of new water at the Point of Transfer, using gauge records for spill at Concow Reservoir and 2021 low-point reservoir storage at Concow Reservoir. TWSD shall submit the gage rating curves and any other relevant technical information to DWR prior to initiating the transfer. DWR will schedule the release of Transfer Water from Lake Oroville during the Transfer Period.
3. All Transfer Water made available by TWSD is subject to losses as specified in Article XX of this Agreement from the Point of Transfer to the Banks Pumping Plant. The losses will be applied to the water pumped from the Delta. For example, if the losses are 30 percent and the Maximum Transfer Amount of 3,500 acre-feet is made available at the Point of Transfer, losses of 1,050 acre-feet shall be assessed resulting in a net amount of Transfer Water exported of 2,450 acre-feet.
4. The release of Transfer Water shall be in addition to amounts otherwise scheduled to be released from Concow Reservoir by TWSD including, but not limited to, required in-stream flows, water provided under the terms of any agreements or regulatory requirements, and any other water transfers made by TWSD.
5. Refilling of the Concow Reservoir vacated storage resulting from the release of the 2021 Transfer Water pursuant to this Agreement may adversely impact the operations of the Central Valley Project (CVP) and SWP (collectively referred to as the Projects) if it occurs when Lake Oroville has not reached Flood Control Operations. Due to the dry hydrologic conditions in 2021, DWR is willing to

accept a modified refill criteria, as described below in this Article, for a transfer originating above Lake Oroville. There are unique benefits to the proposed water transfer to both SWP Buyers and SWP project operations in 2021 that make a modification of the refill criteria acceptable for the 2021 transfer.

6. These refill criteria shall not establish a precedent for future transfers from TWSD. To avoid potential refill impacts to the SWP and CVP, the following Refill Requirements shall apply to the water transferred under this Agreement.

a. The maximum allowable Concow Reservoir storage amount at its low point in October 2021 shall be XXXX acre-feet in order to obtain credit for the maximum amount of Transfer Water of 3,500 acre-feet. TWSD shall submit to DWR sufficient information demonstrating that its operations have changed and will result in the delivery of an additional up to 3,500 acre-feet of Transfer Water at the Point of Transfer including the 2021 operations plan without the transfer operations. The maximum allowable October low point storage represents a reduction in storage below the initially projected 2021 without project operations.

b. TWSD shall maintain a "Refill Impact Account" to track the refill of Concow reservoir storage vacated as a result of the release of 2021 Transfer Water. The Refill Impact Account balance shall begin to accrue when TWSD storage in Concow Reservoir equals or exceeds the maximum allowable combined storage in any given month as shown in the table below minus the actual transfer quantity. The Refill Account Balance shall not exceed the amount of the transfer. The maximum allowable capacity at the end of each month, is as follows:

Month	Max AF	Month	Max AF	Month	Max AF
January	6,367	May	7,225	September	7,225
February	6,367	June	7,225	October	6,367
March	7,225	July	7,225	November	6,367
April	7,225	August	7,225	December	6,367

c. This Agreement and Exhibit shall not limit TWSD's ability to refill storage vacated as a result of normal, non-transfer operations (Non-transfer Refill). Non-transfer Refill shall be deemed to occur first before filling storage vacated due to transfer.

d. TWSD may refill the storage vacated due to the transfer beginning December 1, 2021 during Delta excess conditions and when Oroville storage is greater than 1.1 MAF. If refill of storage vacated for the transfer occurs before "Flood Control Operations," as hereinafter defined, then the

amount of such refill shall be accounted for in the Refill Impact Account. If there is a balance in the Refill Impact Account on May 31 of any year following the transfer and before Oroville reaches "Flood Control Operations", TWSD shall be required to release the quantity of water in the Refill Impact Account by July 31 of that year whenever the end-of-water year projected storage level in Lake Oroville at a 90% exceedance, as determined by DWR in accordance with its May Operations Plan, is projected to be at or below 1.6 MAF.

- e. The obligation to maintain a Refill Impact Account and to mitigate for any possible impacts from the transfer will apply until Lake Oroville reaches Flood Control Operations. Flood Control Operations, for purposes of determining TWSD transfer refill impact, shall exist when any of the following conditions occur:
 - (1) Actual storage in Lake Oroville encroaches into flood control reservation as defined by the Corps of Engineers Flood Control Diagram dated September 1971, or any other applicable flood operations plan; or
 - (2) Total releases to the Feather River below Thermalito Afterbay outlet are greater than or equal to 10,000 cubic feet per second and the Delta is not in Balanced Conditions;
 - (3) Storage in Lake Oroville exceeds normal maximum storage of 3,500,000 acre-feet.
 - f. The Refill Impact Account will be set to zero if DWR meets any Flood Control Operations (as defined above) from Lake Oroville in an amount at least as great as the then existing Refill Impact Account balance.
 - g. Notwithstanding anything to the contrary in this Agreement, the maximum balance in the Refill Impact Account that TWSD may be required to release in any given year will not exceed the transfer quantity.
7. TWSD will not conduct another water transfer, other than that provided for in this Agreement if such additional transfer could impair TWSD ability to fully comply with the terms of this Agreement.