

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791

**VIA EMAIL**

July 26, 2021

Mr. Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
Post Office Box 2020
Sacramento, California 95812-2000
Erik.Ekdahl@waterboards.ca.gov

Subject: 2021 REQUEST TO CONSOLIDATE PROJECTS PLACE OF USE TO EXCHANGE SUPPLIES IN SAN LUIS RESERVOIR DUE TO DRY HYDROLOGY

Dear Mr. Ekdahl,

In 2021, the California Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) have been diligently taking actions to manage limited water resources while meeting operational requirements and protecting environmental resources. The continued extreme drought conditions have necessitated the need to further expand exchange of stored water in the San Luis Reservoir among the Central Valley Project (CVP) and the State Water Project (SWP) places of use as part of the overall operational approach to meet peak demands within the CVP place of use. In accordance with the San Luis Supplemental Agreement, dated January 12, 1972, Reclamation and DWR may exchange water and power.

Enclosed is DWR and Reclamation's Petition for Change to consolidate the authorized places of use of SWP and CVP. Approval of the Petition would change (1) the DWR permit to include the CVP authorized place of use downstream of Jones Pumping Plant (Jones) and (2) the Reclamation permits to include the SWP authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks). The maximum volume of water subject to this request is 200,000 acre-feet.

DWR and Reclamation request that the above changes become effective as soon as possible. This action is being pursued in conjunction with other actions that will reduce water demand from the Sacramento – San Joaquin Delta consistent with the proclaimed state of emergency and drought mitigation efforts declared by Governor Newsom.

Mr. Erik Ekdahl

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If you or your staff wish to discuss this petition further, please contact Andy Chu of my staff at (916) 653-0190 or you may contact Lisa Holm, Mid-Pacific Region, Reclamation at (916) 978-5250.

Sincerely,



John Leahigh
State Water Project
Water Operations Executive Manager

Attachments

cc:

Jennifer Pierre
General Manager
State Water Contractors
Via email: jpierre@swc.org

Adam Nickels
Regional Resources Manager
U.S. Bureau of Reclamation
Via email: anickel@usbr.gov

Lisa Holm
U.S. Bureau of Reclamation
Via email: lholtm@usbr.gov

Please indicate County where your project is located here:

See Supplement

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

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

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

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

Application Permit License Statement

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

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

Present: Harvey O. Banks Pumping Plant and Jones (formerly Tracy) Pumping Plant as described in Water Rights Decision 1641, San Luis Dam
 Proposed: No Change

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

Present: As shown in maps on file with the State Water Resources Control Board for respective permits
 Proposed: See Supplement

Purpose of Use

Present: Municipal, industrial, domestic, irrigation, fish & wildlife enhancement, recreation, stream-flow enhancement, salinity control, incidental power
 Proposed: No Change

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: Not applicable
 Downstream Location: Not applicable

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

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

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

Proposed New User(s)

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

See Supplement

Amount of Water to be Transferred

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

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

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

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

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

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

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

None

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

None

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

Dated at

ADAM NICKELS
Digitally signed by ADAM NICKELS
Date: 2021.07.26 10:38:26 -07'00'



Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at: http://www.waterboards.ca.gov/waterrights/publications_publications_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)

2021 REQUEST TO CONSOLIDATE PROJECTS PLACE OF USE TO EXCHANGE SUPPLIES IN SAN LUIS RESERVOIR DUE TO DRY HYDROLOGY

California Department of Water Resources

Application Number 14443, Permit 16479

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

Application Numbers: 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15764, 16767, 17374, 17376

License Number 1986 and Permit Numbers: 11885, 11886, 12721, 11967, 11887, 12722, 12723, 11315, 11316, 11968, 11969, 12727, 12860, 11971, 11973, 12364

Requested Change

The California Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) request the State Water Resources Control Board (State Water Board) modify the permits listed above to temporarily change the authorized places of use of: (1) the above Reclamation permits to include the State Water Project (SWP) authorized place of use downstream of the Harvey O. Banks Pumping Plant (Banks), and (2) the above DWR permit to include the Central Valley Project (CVP) authorized place of use downstream of the Jones Pumping Plant (Jones) as shown on the enclosed map. The authorized SWP and CVP places of use are located within Fresno, Kern, Kings, Los Angeles, Merced, Orange, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, Santa Clara, Stanislaus, Tulare, and Ventura counties. This document collectively refers to the SWP and CVP as the Projects. The maximum volume of water subject to this request is 200,000 acre-feet for the followings:

- Exchange of 150,000 acre-feet of stored Project water in San Luis Reservoir during the term of this temporary change, and
- Return of 50,000 acre-feet of CVP water to the SWP place of use before December 31, 2021 for SWP water delivered to the CVP place of use under the July 8, 2021 approval under the 2020 annual combined place of use petition.

Reason for the Requested Change

In 2021, DWR and Reclamation have been diligently taking actions to manage limited water resources while meeting operational requirements and protecting environmental resources. The continued extreme drought conditions have necessitated the need to further expand exchange of stored water in the San Luis Reservoir among the CVP and SWP places of use as part of the overall operational approach to meet peak

demands (including water right settlements with San Joaquin River Exchange Contractors, and minimal wildlife refuge and municipal and industrial demands) within the CVP place of use. In accordance with the San Luis Supplemental Agreement, dated January 12, 1972, Reclamation and DWR may exchange water and power.

Each Project operates its share of storage in San Luis Reservoir to last through the summer until water is available to divert again. However, there are inherent differences between the Projects due to the different types of users within each (irrigation, municipal and industrial, and refuge). Driven primarily by an irrigation demand pattern, Reclamation typically has filled its share of San Luis Reservoir by early April, and then draws on its share of San Luis Reservoir through the summer months to meet peak irrigation demands (including water right settlement demands of the Exchange Contractors), while meeting the much smaller peak municipal demands and preparing to meet refuge deliveries that peak in September. A full reservoir combined with maximum Delta pumping allows Reclamation to meet all south of Delta CVP demands, with potential to carryover storage in San Luis Reservoir. In these types of years, Reclamation can also begin to red divert upstream storage withdrawals from Shasta Lake to CVP San Luis Reservoir as capacity becomes available at Jones Pumping Plant when peak demands ebb.

DWR's operation of the SWP share of San Luis Reservoir is similar to Reclamation's operation of the CVP share. However, SWP contractors comprise more municipal and industrial use under contract. Because of the flatter demand curve associated with municipal and industrial use, DWR will not reach its lowest point of annual storage in San Luis Reservoir until late September to early October at the earliest.

Due to the differences in operations, SWP has flexibility to provide up to 150,000 acre-feet of previously stored SWP water in San Luis Reservoir to assist CVP meeting its peak demands within the CVP place of use, and Reclamation will return CVP water to DWR for use within SWP place of use based on mutually agreeable increments and timeframes.

For the reasons stated above, on June 22, 2021, DWR and Reclamation requested an additional exchange of 50,000 acre-feet of SWP and CVP water at the San Luis Reservoir under the 2020 Consolidated Place of Use Order. On July 8, 2021, the State Water Board approved the transfer of 50,000 acre-feet of SWP water previously stored in San Luis Reservoir to CVP place of use through July 15, 2021. However, the return of the 50,000 acre-feet of CVP water to SWP place of use requires approval of this Petition as it needs to occur by December 31, 2021.

This exchange of 200,000 acre-feet, including the return of 50,000 acre-feet of CVP water to SWP and the exchange of the 150,000 acre-feet of Project water, would

require the State Water Board to approve a consolidation of CVP and SWP places of use. The exchanged water will not be used to increase the total water supply available to the CVP this contract year (through February 2022).

Reclamation has been closely coordinating deliveries with CVP water supply customers this year in order to efficiently utilize extremely limited CVP water supplies, facilitate transfers of non-project water supplies in an ecologically supportive timeframe, and to reduce the economic damages to San Joaquin Valley agriculture and impacts to wildlife refuges south of the Delta due to the extreme drought. This includes commitments by the Exchange Contractors to take actions to reduce their overall deliveries this year by 25,000 to 35,000 acre-feet and Reclamation is working to provide CVP Friant Unit water to support other Exchange Contractors demands. These actions are consistent with the proclaimed state of emergency and drought mitigation efforts declared by Governor Newsom.

DWR and Reclamation request that the above changes become effective as soon as possible and remain in effect for one year from the date of any order approving this Petition.

General Information

The Amount of Water to be Exchanged Would Have Been Consumptively Used or Stored in the Absence of the Exchange

The proposed exchange under this Petition involves water that is part of the SWP and/or CVP contractors 2021 and 2022 allocated supplies diverted from the Delta consistent with all applicable regulatory requirements and exported from the basin in which it was developed. Absent the proposed exchange, the SWP water would have been stored in July and delivered to SWP contractors in fall; the CVP water would have been stored to meet CVP contractors 2022 demand.

Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions or Use, Return Flows, or Effects on Legal Users

The water to be exchanged is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and regulatory restrictions governing those diversions, including those contained in D-1641, the current Biological Opinions, and the Incidental Take Permit. The change in place of use requested by DWR and Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. There will be no impact to other legal users of water. There are no other legal users downstream of the points of diversion that would be affected by the proposed exchange.

The quantity and timing of diversions from the Delta will not change. There will be no increase in either SWP or CVP allocations as a result of the proposed exchange. The proposed action avoids using water from Friant Dam to meet the Exchange Contract, and therefore also avoids significant conveyance losses as well as temperature impacts on fishery. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. Therefore, the proposed exchanges will not result in a measurable change in quantity or quality of return flows.

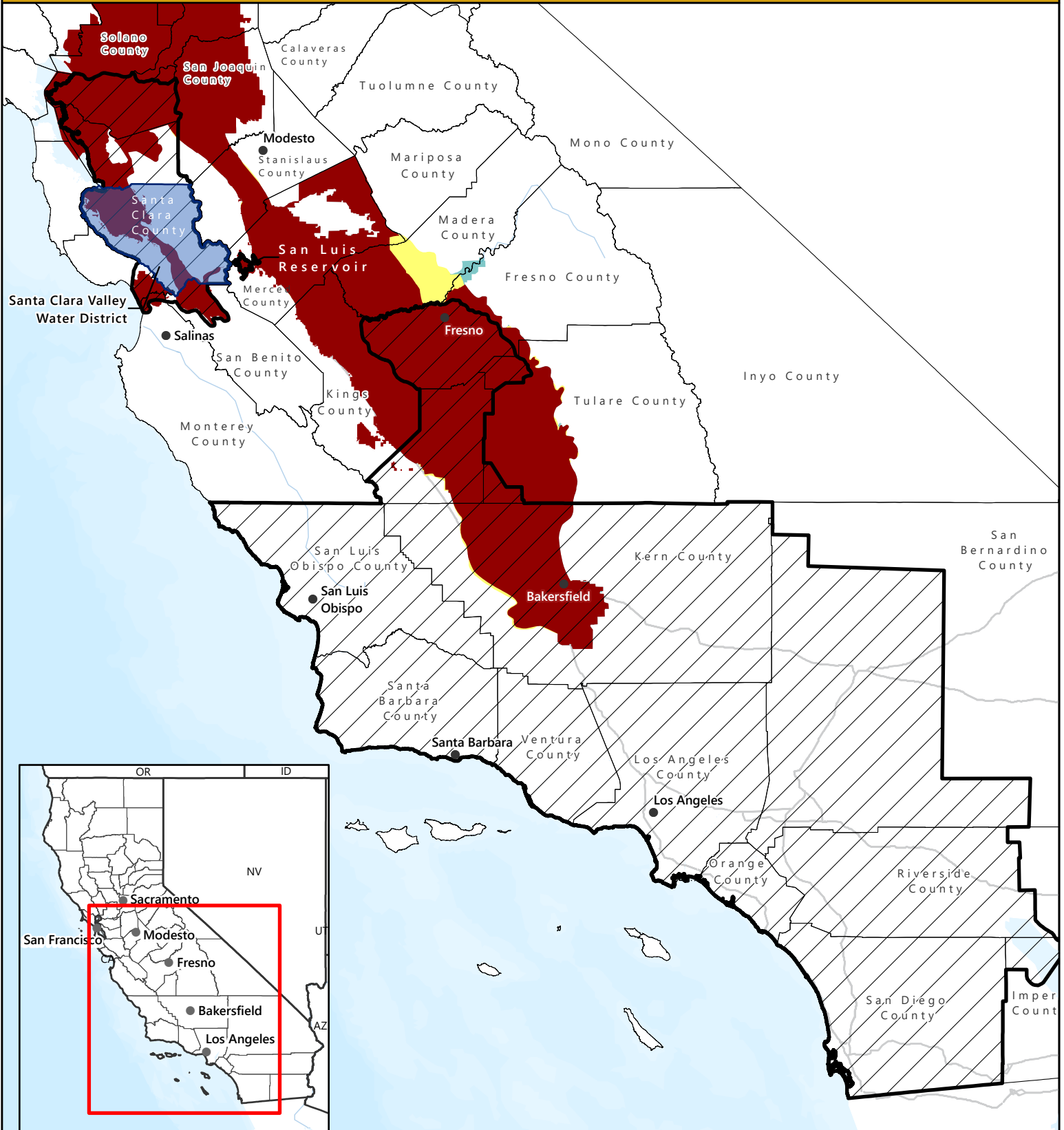
A similar exchange was conducted in 2015 consistent with the State Water Board orders approving DWR's and Reclamation's Petitions for Change to consolidate the SWP and CVP places of use. No measurable effects on other legal users of water, fish and wildlife or the environment were noted from that exchange.

The Exchanges Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment






The water to be exchanged was previously or will be diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and regulatory restrictions governing those diversions, including those contained in D-1641, the current Biological Opinions, and the Incidental Take Permit. The proposed exchange is conducted south of the Delta and while pumping from the Delta is expected not to change, the crediting of that pumping will. There will be no change in the pumping schedule or the amount of SWP or CVP water diverted at the Banks or Jones. Therefore, there will be no change in flow or water quality conditions in the Delta. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. The change requested by DWR and Reclamation will not result in unreasonable impacts to fish and wildlife or the environment.

There will be no increase in either SWP or CVP allocations as a result of the proposed exchanges. The proposed exchanges will not result in a change in quantity or quality of return flows.

A similar exchange was conducted in 2015 consistent with the State Water Board orders approving the agencies' Petition to Consolidate Places of Use. No measurable effects on other legal users of water, fish and wildlife or the environment were noted from those exchanges. For the above reasons, DWR and Reclamation believe the facts support a finding that approval of this Petition would not result in injury to other legal water users or unreasonable impacts to the environment.



Data Attribution: USBR and Esri Basemaps

-  Existing State Water Project POU
-  Santa Clara Valley Water District Boundary
-  Central Valley Project POU
-  Friant POU (Irrigation and M&I)
-  Friant POU (Irrigation only)



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.

Petition for Change to Permits and Licenses of California Department of Water Resources and U.S. Bureau of Reclamation

California Department of Water Resources (DWR) Permit for the State Water Project (SWP)
Application Number 14443, Permit 16479

U.S. Bureau of Reclamation Permits for the Central Valley Project
Application Numbers: 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15764, 16767, 17374, 17376
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- Return of 50,000 acre-feet of CVP water to the SWP place of use before December 31, 2021 for SWP water delivered to the CVP

This exchange would require the State Water Resources Control Board to approve a consolidation of CVP and SWP places of use. The exchanged water will not be used to increase the total water supply available to the CVP this contract year.

Insert the attachment number here, if applicable:

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

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

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

Date of Contact

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:

Insert the attachment number here, if applicable:

Federal and State Permits

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

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

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

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

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

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

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

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 .

ADAM NICKELS Digitally signed by ADAM NICKELS
Date: 2021.07.26 10:40:18 -07'00'

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.)