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BEN TUSTISON, P.E.
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ANGUS NORMAN MURRAY
1913-1985
JOSEPH I. BURNS
1926-2021

CONSULTANTS:
DONALD E. KIENLEN, P.E.

February 18, 2022

SWRCB - DWR
'22 FEB 18 PM 4:31

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

Subject: Reclamation District No. 1004 Petition for Change Involving Water Transfer under License 3165 (Application 27)

Dear Mr. Ekdahl:

On behalf of Reclamation District No. 1004 (District), enclosed are the following documents relative to a Petition for Change Involving Water Transfer (Petition) under the District's License 3165 (Application 27):

1. Petition for Change Involving Water Transfers Form with an Attachment (one original and one copy).
2. Environmental Information Form with an Attachment (one original and one copy).
3. Check in the amount of \$12,995.00 to cover the Petition fees which is based on a total quantity proposed to be made available for transfer, up to 22,000 acre-feet (AF).
4. Check in the amount of \$850.00 to cover the fee for the Department of Fish and Wildlife.

The District is petitioning to temporarily add points of diversion, points of rediversion, places of use, and purposes of use to its License 3165 in order to transfer up to a total of 22,000 AF for use by East Bay Municipal Utility District (EBMUD) and participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA). The District proposes to make surface water available for transfer through groundwater substitution and crop idling/shifting. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer to the SLDMWA and EBMUD; and we appreciate your attention to this temporary transfer Petition.

Please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS



Patrick Neu

PN/

R:\4175.00 RD 1004\Water Transfers\2022 Water Transfer\Petition\FINAL

Enclosures

cc: Terry Bressler, Reclamation District No. 1004
Dustin Cooper, Minasian, Meith, Soares, Sexton & Cooper, LLP
Samuel Boland-Brien, Division of Water Rights
Anna Fock, Department of Water Resources
Andy Chu, Department of Water Resources
Adam Nickels, U.S. Bureau of Reclamation
Natalie Taylor, U.S. Bureau of Reclamation
Michelle Snapp, CVRWQCB
Briana Seapy, Department of Fish and Wildlife
Bridget Gibbons, Department of Fish and Wildlife
Board of Supervisors, County of Colusa (via certified mail)
Board of Supervisors, County of Glenn (via certified mail)
Board of Supervisors, County of Fresno (via certified mail)
Board of Supervisors, County of Kings (via certified mail)
Board of Supervisors, County of Merced (via certified mail)
Board of Supervisors, County of San Joaquin (via certified mail)
Board of Supervisors, County of San Benito (via certified mail)
Board of Supervisors, County of Santa Clara (via certified mail)
Board of Supervisors, County of Stanislaus (via certified mail)

Please indicate County where your project is located here:

Glenn / Colusa

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

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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, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication

Application 27 Permit 31 License 3165 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: Irrigation
Proposed: Irrigation, Municipal, Industrial, Domestic

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:

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

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.

San Luis & Delta-Mendota Water Authority
Attn: Frances Mizuno
P.O. Box 2157
Los Banos, CA 93635
(209) 832-6200
East Bay Municipal Utility District (EBMUD)
375 11th Street
Oakland, CA 94607-4240
1-866-403-2683

RECEIVED 2/18/22
chk# 17318 \$850.00
chk# 17346 \$12,995.00
MS

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.

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.

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


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(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 3165 (Application 27)
Held by Reclamation District No. 1004**

GENERAL

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add Shasta Dam as a point of diversion, (2) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant, the Central Valley Project's (CVP) CW "Bill" Jones Pumping Plant, and Freeport Regional Water Project Intake, as points of diversion and points of rediversion, (3) add San Luis Reservoir as a point of rediversion, (4) add the East Bay Municipal Utility District (EBMUD) service area and a portion of the service area of the CVP as additional places of use, and (5) add municipal, industrial, and domestic purposes of use under Reclamation District No. 1004 (District) License 3165 (Application 27). This Petition is being filed to facilitate a temporary transfer (2022 Water Transfer) of up to a total of 22,000 acre-feet (AF) of surface water proposed to be made available from the District during May through September 2022. This proposed transfer quantity will be made available by groundwater substitution (up to 4,000 AF¹ prior to subtracting streamflow depletion loss) and by crop idling/shifting (up to 20,000 AF¹), for use by participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA) and EBMUD in order to provide an additional water supply for irrigation, municipal, industrial, and domestic purposes. The proposed transfer to SLDMWA involves groundwater substitution and/or crop idling/shifting; and the proposed transfer to EBMUD involves crop idling/shifting. Groundwater substitution involves the use of groundwater pumped to produce crops within the District in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. The quantity of surface water to be made available for transfer by crop idling/shifting involves only the consumptive use savings as a result of actions within the District's boundaries. Water made available for transfer will remain instream for diversion at the proposed additional points of diversion, or when necessary, temporarily retained in Shasta Reservoir for rediversion at the proposed additional points of rediversion. Absent the proposed temporary transfer, the District would divert the entire quantity of surface water proposed for transfer from the Sacramento River pursuant to its water right and in accordance with its Sacramento River Settlement Contract with the U.S. Bureau of Reclamation (Reclamation). Annual water right reports submitted to the Division of Water Rights (Division) for License 3165, covering the period of 2016-2020 which are years of full water supply under the Settlement Contract, demonstrate that the District typically diverts and uses more surface water under that license than the amount proposed for the 2022 Water Transfer. The District accounts for its surface water diversions and use under its water rights, including License 3165, in accordance with accounting methods relied upon by the Division considering several factors associated with each water right. Those factors include, but are not limited to, water right

¹ The District is currently coordinating with growers to determine the volume of water to be transferred by groundwater substitution and crop idling/shifting. The quantities above are up-to limits for each transfer mechanism and total 24,000 AF; however, the District will limit the actual transfer quantity to not more than a total combined quantity of 22,000 AF under License 3165 (Example: The transfer may be comprised of 18,000 AF by crop idling/shifting and 4,000 AF by groundwater substitution, the amount transferred by groundwater substitution will be limited to a quantity that can be reasonably applied on the remaining eligible net place of use under this License after accounting for the crop idling/shifting acreage). These initial up-to limits are included to allow for flexibility. The District will submit a Proposal for review by Reclamation and the Department of Water Resources which will include refined volumes and meet other requirements explained further below.

priorities, seasons of diversion, direct diversion rates, places of use, points of diversion, annual diversion limitations, and other relevant terms and conditions associated with each of the District's water rights. For example, diversions from the Sacramento River are accounted under License 3165 during the authorized season under that water right, identifying a diversion quantity that is the lesser of the diversion or the authorized rate of direct diversion. In the case that the diversion rate is greater than the authorized direct diversion rate, then the diversions over the authorized rate are accounted for under the District's other water rights in order of priority and in accordance with the associated point of diversion using the same methodology. Collectively, the diversions reported under the District's water rights are equal to the quantities diverted by the District.

POINT OF DIVERSION OR REDIVERSION

POINT OF DIVERSION

Present Points of Diversion:

(1)

North 680 feet and West 880 feet from SE corner of projected Section 18, T18N, R2W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 18 (California Coordinate System, Zone 2 = North 634,100 feet and East 1,998,325 feet).

(2)

South 1,300 feet and West 1,500 feet from NE corner of Section 29, T16N, R1W, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 29 (California Coordinate System, Zone 2 = North 563,100 feet and East 2,002,750 feet).

(3)

South $80^{\circ}31'47''$ East, 1,292 feet from center of Section 34, T16N, R1W, MDB&M being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 34 (California Coordinate System, Zone 2 = North 556,150 feet and East 2,013,450 feet).

Proposed Additional Points of Diversion:

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

Shasta Dam

S $39^{\circ}58'13''$ W, 1,626.41 feet from E $\frac{1}{4}$ Corner of Section 15, T33N, R5W, MDB&M, being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 15, in Shasta County. This proposed additional point of diversion is identified on maps filed with the Division under Application 5626.

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 ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the 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 ¼ of SW ¼ of Projected Section 29, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under Application 5626.

Freeport Regional Water Project Intake

This point of diversion is located 38°28'21.28" N; 121°30'23.44" W, California Coordinate System Zone 3, NAD 83, being within the SW ¼ of NE ¼ of Section 11, T7N, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under the Reclamation CVP Water Rights.

POINT OF REDIVERSION

Proposed Additional Points of Rediversion:

The District proposes to add the following points of rediversion, which will assist in the temporary retention of transfer water for later use by the participating entities within SLDMWA and EBMUD during periods that coincide with demands or other operational constraints:

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 ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of rediversion is identified on maps filed with the 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 ¼ of SW ¼ of Projected Section 29, T1S, R4E, MDB&M. This proposed additional point of rediversion is identified on maps filed with the Division under Application 5626.

San Luis Reservoir

N 1,845,103 ft., E 6,393,569 ft., California Coordinate System Zone 3, NAD 83, being within the SW ¼ of SE ¼ of Projected Section 15, T10S, R8E, MDB&M. This proposed

additional point of diversion is identified on maps filed with the Division under Application 5630.

Freeport Regional Water Project Intake

This point of diversion is located 38°28'21.28" N; 121°30'23.44" W, California Coordinate System Zone 3, NAD 83, being within the SW ¼ of NE ¼ of Section 11, T7N, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under the Reclamation CVP Water Rights.

PLACE OF USE

Present:

The present place of use is a net 7,000 acres within the 22,838 acre gross place of use, as shown on the map filed with the Division dated December 22, 1977.

Proposed:

No change in the present place of use is proposed. The District proposes to add (1) a portion of the service area of the CVP and (2) the service area of EBMUD as the proposed additional place of use in order to facilitate the temporary water transfer to the SLDMWA and EBMUD. The portion of the service area of the CVP is shown on Map 214-208 – 12581 on file with the Division under Application 5626 and the service area of EBMUD is shown on EBMUD Map 1932-R dated December 6, 2010 filed with the Division.

GENERAL INFORMATION

Surface water will be made available for transfer from the District by groundwater substitution and by crop idling/shifting, consistent with the current *Draft Technical Information for Preparing Water Transfer Proposals*, dated December 2019 (Draft Technical Information) published by the Department of Water Resources (DWR) and 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 will submit a proposal to DWR and Reclamation for a water transfer to EBMUD and participating entities within the SLDMWA during 2022, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, historical cropping data, and associated maps. The proposed transfer to EBMUD involves crop idling/shifting; and the proposed transfer to SLDMWA involves groundwater substitution and/or crop idling/shifting. DWR and Reclamation will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by the District meets the relevant criteria to demonstrate a reduction in surface water use will occur

as a result of the proposed temporary transfer. Absent the proposed temporary transfer to SLDMWA, groundwater would not be pumped by the District for groundwater substitution and crops would not be idled/shifted to make surface water available for SLDMWA and EBMUD; thus, the District would have diverted surface water to meet its irrigation demands. The District will provide the Division with a copy of the executed agreements with Reclamation and/or DWR identifying the terms and conditions for the 2022 Water Transfer to document that the relevant findings are made by those agencies, in accordance with the Draft Technical Information and other requirements. Those executed agreements will identify an up-to transfer quantity to be made available by crop idling/shifting and/or groundwater substitution, which will be less than or equal to the quantities identified in this Petition.

Only wells which have been approved by DWR and Reclamation will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, the District does not believe the proposed transfer to SLDMWA by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the proposed temporary transfer, the District has developed groundwater monitoring, reporting, and mitigation plans to ensure the proposed transfer does not result in any unreasonable and adverse effects, such as impacts to other legal users of water, land subsidence, groundwater-dependent vegetation, and groundwater quality. As described above, the requirements of the monitoring program and mitigation plan are outlined in the Draft Technical Information and will be implemented by the District accordingly. The monitoring program also includes recurring review of groundwater level monitoring data obtained prior to, during, and following periods when surface water is made available by the District for the proposed water transfer, in accordance with the Draft Technical Information. To account for anticipated streamflow depletion, DWR and Reclamation will apply a factor of 13% to the amount of groundwater pumped pursuant to the District's proposed groundwater substitution transfer in accordance with the Draft Technical Information. Thus, the net quantity of surface water made available by the District's groundwater substitution is up to 3,480 AF after subtracting assumed depletion losses. Evaluation and approval by DWR and Reclamation of the groundwater monitoring, reporting, and mitigation plans will be obtained for the District's groundwater substitution program. In addition, the District is providing notification to the Reclamation District No. 1004 – Butte 1 Groundwater Sustainability Agency, which is the groundwater sustainability agency formed pursuant to the Sustainable Groundwater Management Act that covers the area where groundwater substitution pumping is proposed to occur within the District. Documentation of the District's notification to the Reclamation District No. 1004 – Butte 1 Groundwater Sustainability Agency (GSA), including a determination from the GSA that the proposed 2022 Water Transfer is consistent with the Groundwater Sustainability Plan, will be provided to DWR and Reclamation, in accordance with the Draft Technical Information.

As indicated above, the District conducts water transfers in accordance with the Draft Technical Information and other relevant requirements. The monitoring requirements associated with the District's proposed groundwater substitution water transfer will be incorporated to agreements with DWR and Reclamation. Following the proposed water transfer, the District will prepare a monitoring report summarizing the results. The District's 2020 groundwater substitution transfer proposed similar quantities compared to the quantity

proposed in this Petition. In accordance with the monitoring requirements of the Draft Technical Information and the *Final Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report* (Final EIS/EIR) prepared by SLDMWA and Reclamation, dated September 2019, current monitoring of the groundwater basin in and around the District show trending recovery from the effects of the 2020 transfer. Therefore, we expect the hydrologic data to show a similar recovery pattern for the proposed 2022 Water Transfer.

Crop idling/shifting water transfers involve surface water made available for transfer by reducing the consumptive use of surface water applied for irrigation. As indicated above, the District is preparing a water transfer proposal for submittal to DWR and Reclamation to provide the information required pursuant to the Draft Technical Information, which includes supporting documentation to determine the quantity of surface water to be made available by crop idling/shifting. Details regarding specific fields and crops to be idled/shifted for the transfer are currently being decided by growers within the District. In order to make 20,000 AF of surface water available for transfer, a maximum of 6,667 acres of rice will be idled for the proposed 2022 Water Transfer based on the current evapotranspiration of applied water rate for rice identified by DWR and Reclamation (3.0 AF/acre, which for 6,667 acres of rice results in a quantity of 20,000 AF). If crops other than rice are included in the transfer, then the participating acreage will be in proportion to the evapotranspiration of applied water for crops as defined in the Draft Technical Information. The reported acreages of crops irrigated by the District under License 3165 are proportional to the total crops irrigated within the District in order to allocate irrigated acreage under the District's water rights and claims. The proportional approach to allocate irrigated acreage is an attempt to address the net place of use under License 3165, up to 7,000 acres. During recent years, the reported acreage of rice irrigated under License 3165 has been a portion of the total rice planted within the eligible gross place of use under License 3165, which is 22,838 acres. The annual water right reports for License 3165 show irrigation of rice for approximately 4,000 acres, although the actual acreage of rice planted within the 22,838 acre place of use within the District has been in excess of 9,000 acres in recent years. The reason for the difference between the reported irrigated acreage of rice under License 3165 and the total irrigated acreage of rice within the District is because the water diverted by the District under this License is commingled with water diverted under the District's riparian and pre-14 water rights. Therefore, the crop acreages reported under this License are a proportion of the District's entire cropping pattern (which includes rice and other irrigated lands), limited to the 7,000 acre net place of use under the License. In 2022, the District has the ability to reduce the amount of irrigated rice within the eligible place of use under this License by up to 6,667 acres for the proposed Water Transfer, resulting in a 20,000 AF reduction in surface water use under License 3165. Following determination of specific fields participating in the proposed transfer, including the associated crop history for those fields, the District will submit a proposal for the 2022 Water Transfer to DWR and Reclamation; and those agencies will evaluate the fields proposed to be idled/shifted for the temporary transfer. Evaluation and approval by DWR and Reclamation of the lands to be idled/shifted and verification of the quantity of surface water made available will ensure the proposed transfer does not result in any unreasonable and adverse impacts to the environment or third parties. In accordance with the Draft Technical Information and the Final

EIS/EIR, the District's crop idling/shifting will incorporate relevant mitigation measures that minimize impacts on threatened species, including the Giant Garter Snake.

As a result of the proposed temporary transfer, the flow in the Sacramento River downstream of the District's present points of diversion will increase by up to 20,870 AF² over what would have occurred absent the proposed transfer, after subtracting streamflow depletion losses associated with the portion proposed to be made available by groundwater substitution. These increases will occur during the period that surface water is made available by the District or if possible, during the following months thereafter through releases by Reclamation for conveyance to SLDMWA and EBMUD. If excess capacity is available in Shasta Reservoir, the Delta is in balanced conditions, and regulatory requirements are being met, Reclamation may temporarily hold the quantity of surface water made available by the District, until export capacity at the SWP's Banks Pumping Plant, the CVP's Jones Pumping Plant, or Freeport Intake is available, which is typically during July, August, or September. This "backing up" of transfer water would decrease releases from Shasta Reservoir early in the irrigation season, such as during May and June, and increase releases later in the season when conditions and operations permit, such as possibly during October or November. Reclamation would only consider operations to facilitate and accommodate "backing up" of transfer water if those operations avoid temperature impacts, and possibly aid with overall temperature management, consistent with the Final EIS/R and other relevant requirements. In fact, this temporary retention of water in Shasta Reservoir, as a result of surface water made available by the District, may provide an incidental benefit for fisheries during the early portion of the irrigation season as a result of the temporary retention of transfer water in Shasta Reservoir that would not have existed absent the transfer. The benefits associated with potential temporary retention of transfer water in Shasta Reservoir are considered by Reclamation through its planning efforts during late spring, generally following decisions by growers regarding quantities planned to be made available for transfer as indicated in water transfer proposals. Shasta Reservoir would continue to be operated in accordance with regulatory requirements, such as flow and temperature requirements established by various agencies including the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration's National Marine Fisheries Service, Federal Energy Regulatory Commission, and State Water Resources Control Board, for the protection of downstream resources. During the period when it is possible for the increased flows in the Sacramento River to reach the proposed downstream additional points of diversion for the proposed transfer, these flows will be a small percentage of the total flow and will be water that would be diverted by the District absent this proposed transfer. The District's reduced diversions will provide additional flows during the proposed transfer period, up to a maximum of approximately 166 cfs. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide incidental benefits for fisheries and wildlife and may result in a positive effect to the water users between the present points of diversion and the proposed downstream additional points of diversion.

² This is the maximum volume assuming that 20,000 AF is made available via crop idling/shifting and 1,000 AF is made available via groundwater substitution (870 AF after subtracting the 13% streamflow depletion factor).

Reclamation District No. 1004 License 3165
Attachment No. 1 to Petition for Change Involving Water Transfers

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 Central Valley Project, and the SWP. Discussions with the Department of Fish and Wildlife (DFW) staff regarding the Petition occurred on February 14, 2022 in order to discuss the proposed water transfer, including the overall process/review of the Petition and associated documentation by DFW and other agencies. DFW staff provided no additional comments relative to crop idling/shifting. In regard to groundwater substitution, initial comments received from DFW staff included concerns relative to streamflow depletion factor and consistency with/consideration of Groundwater Sustainability Plans. Future discussions relative to streamflow depletion are planned, and as mentioned above, a determination from the GSA that the proposed 2022 Water Transfer is consistent with the Groundwater Sustainability Plan will be obtained. The Central Valley Regional Water Quality Control Board (CVRWQCB) has also been contacted and were provided information regarding the proposed temporary water transfer. DFW and CVRWQCB have been provided a copy of this Petition for review. Specifically, copies of this Petition have been provided to Briana Seapy (916-508-3345 and Bridget Gibbons (916-767-3993) of DFW and Michelle Snapp (916-464-4824) of the CVRWQCB for review and comment.

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 No. 1

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

02/14/2022

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:

Michelle Snapp (916-464-4824) of the Central Valley Regional Water Quality Control Board was contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. A copy of this petition has been provided to Ms. Snapp concurrently with the submittal of this petition to the Division of Water Rights.

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

02/18/2022

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:

Not Applicable.

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
Not Applicable.				

If necessary, provide additional information below:

Not Applicable.

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:

Not Applicable.

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:

Not Applicable.

Insert the attachment number here, if applicable:

Photographs See Attachment No. 1.

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

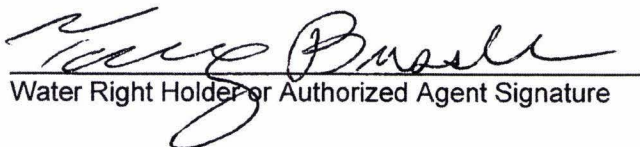
Maps See Attachment No. 1.

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.)

Attachment No. 1
to Environmental Information for
Petition for Change Involving Water Transfers
License 3165 (Application 27)
Held by Reclamation District No. 1004

DESCRIPTION OF PROPOSED CHANGES

Reclamation District No. 1004 (District) is petitioning to temporarily add points of diversion, points of rediversion, additional places of use, and purposes of use to the water right identified above in order to transfer up to 22,000 AF for use by East Bay Municipal Utility District (EBMUD) and participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA) by groundwater substitution and by crop idling/shifting. The State Water Project's (SWP) Banks Pumping Plant, the Central Valley Project's (CVP) CW "Bill" Jones Pumping Plant, and Freeport Regional Water Project Intake (Freeport) are proposed to be added as points of diversion and rediversion; Shasta Reservoir is proposed to be added as a point of diversion and San Luis Reservoir is proposed to be added as a point of rediversion; and EBMUD service area and a portion of the service area of the CVP are proposed to be added as places of use. The purposes of use proposed to be added are municipal, industrial, and domestic, in addition to the existing purpose of use for irrigation. These proposed additions would authorize the transfer of water to SLDMWA and EBMUD in order to provide an additional water supply during the current drier hydrologic conditions. There are no changes to the District's existing points of diversion, place of use, or purpose of use.

The quantity of surface water proposed to be made available by groundwater substitution, up to 4,000¹ AF prior to subtracting streamflow depletion loss, involves the use of groundwater pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. The quantity of surface water proposed to be made available for transfer by crop idling/shifting, up to 20,000 AF¹, involves only the consumptive use savings as a result of actions within the District's boundaries. The proposed transfer to SLDMWA involves groundwater substitution and/or crop idling/shifting; and the proposed transfer to EBMUD involves crop idling/shifting. These proposed quantities would be made available by the District during May through September 2022. Absent the proposed temporary transfer, the District would have diverted the total proposed transfer quantity of 22,000 AF from the Sacramento River pursuant to its License 3165 and in accordance with its Sacramento River Settlement Contract with the U.S. Bureau of Reclamation (Reclamation). The proposed temporary transfer does not involve any construction or other physical changes to the District's facilities.

¹ The District is currently coordinating with growers to determine the volume of water to be transferred by groundwater substitution and crop idling/shifting. The quantities above are up-to limits for each transfer mechanism and total 24,000 AF; however, the District will limit the actual transfer quantity to not more than a total combined quantity of 22,000 AF under License 3165 (Example: The transfer may be comprised of 18,000 AF by crop idling/shifting and 4,000 AF by groundwater substitution, the amount transferred by groundwater substitution will be limited to a quantity that can reasonably be applied on the remaining eligible net place of use under this License after accounting for the crop idling/shifting acreage). These initial up-to limits are included to allow for flexibility. The District will submit a Proposal for review by Reclamation and the Department of Water Resources which will include refined volumes and meet other requirements explained further below.

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from the California Environmental Quality Act (CEQA). Reclamation and SLDMWA have prepared a *Final Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report* (Final EIS/EIR), dated September 2019, pursuant to the requirements under the National Environmental Policy Act (NEPA) and CEQA. A copy of the Final EIS/EIR, dated September 2019, is available at: < https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=18361 > Based on the requirements associated with the Final EIS/EIR, and in accordance with the Draft Technical Information for Preparing Water Transfer Proposals, dated December 2019 published by the Department of Water Resources and Reclamation, the District will implement the relevant, applicable measures for the proposed 2022 Water Transfer.

PHOTOGRAPHS

The present points of diversion and the proposed additional points of diversion and rediversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the present and proposed places of use are also well known and documented with the Division. Therefore, for these reasons, the District respectfully requests that said documentation be made a part of the record for the petition.

MAPS

The present points of diversion and place of use are shown on a map filed with the Division for License 3165. The proposed additional points of diversion and rediversion for the SWP's Banks Pumping Plant and the proposed additional point of rediversion for San Luis Reservoir are shown on maps filed with the Division for Application 5630. The proposed additional point of diversion for the CVP's Jones Pumping Plant is shown on maps filed with the Division for Application 5626. The proposed additional point of diversion for the Freeport Regional Water Project Intake is shown on maps filed with the Division for Reclamation Application 13370. The proposed additional place of use being a portion of the CVP service area, as shown on Map 214-208 – 12581 on file with the Division under Application 5626. The proposed additional place of use being the EBMUD service area as shown on EBMUD Map 1932-R dated December 6, 2010 filed with the Division. The District respectfully requests that said maps be made a part of the record for the petition.

2/18 17346

RECLAMATION DISTRICT #1004

317 4TH STREET
Colusa, Ca. 95932
530-458-8247

 1-866-4UMPQUA
(1-866-486-7782)
www.umpquabank.com
90-4181/1211



2/16/2022

PAY TO THE
ORDER OF State Water Board


\$ **12,995.00

Twelve Thousand Nine Hundred Ninety-Five and 00/100*****

DOLLARS

State Water Board
P. O. Box 1888
Sacramento, CA 95812-2000



VOID AFTER 90 DAYS


AUTHORIZED SIGNATURE

MEMO

2022 Water Transfer Petition Fee *Account*

⑈017346⑈ ⑆121141819⑆ 991920646⑈

RECLAMATION DISTRICT #1004

17346

Date	Type	Reference	Original Amt.	Balance Due	2/16/2022 Discount	Payment
2/9/2022	Bill	2022 Wtr Petition	12,995.00	12,995.00		12,995.00
					Check Amount	12,995.00

Security features. Details on back.

17318
2/18

RECLAMATION DISTRICT #1004

317 4TH STREET
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(1-866-486-7782)
www.umpquabank.com
90-4181/1211



2/9/2022

PAY TO THE
ORDER OF Department of Fish & Game

\$ **850.00

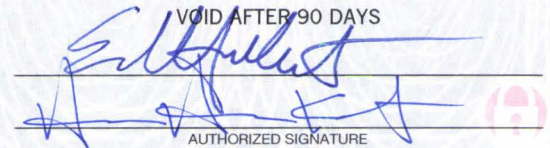
Eight Hundred Fifty and 00/100*****

DOLLARS

Department of Fish & Wildlife

VOID AFTER 90 DAYS




AUTHORIZED SIGNATURE

MEMO

2022 Water Transfer Petition *A000027*

⑈017318⑈ ⑆121141819⑆ 991920646⑈

RECLAMATION DISTRICT #1004

17318

Department of Fish & Game

2/9/2022

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/9/2022	Bill	202 Wtr Petition	850.00	850.00		850.00
					Check Amount	850.00

Security features. Details on back.