

March 9, 2022

Mr. Erik Ekdahl
Deputy Director
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814
Erik.ekdahl@waterboards.ca.gov

Re. Petition for Temporary Change Involving Water Transfer– License 5940
(Application 5724)

Dear Mr. Ekdahl:

On behalf of the East Side Canal & Irrigation Company (ESCC), enclosed are the following documents relative to a Petition for Temporary Change Involving Water Transfer under Water Code section 1725 (Petition) under ESCC's License 5940 (Application 5724):

1. Petition for Change Involving Water Transfers Form with Attachments (one original and one copy);
2. Environmental Information Form with Attachments (one original and one copy); and
3. Check in the amount of \$4,500.00 to cover the Petition fees, which is based on a total quantity proposed to be made available for transfer, up to 5,000 acre-feet (AF) annually.
4. Check in the amount of \$850.00 to cover the fee for the Department of Fish and Wildlife.

ESCC is petitioning to temporarily expand the place of use to its License 5940, to transfer up to 5,000 AF for use by the San Luis Canal Company (SLCC). As you are aware, time is of the essence to process this Petition for the implementation of the transfer to SLCC and we appreciate your attention to this temporary transfer petition.

Mr. Erik Ekdahl, State Water Resources Control Board
Re: Petition for Temporary Change – License 5940 (Application 5724)
March 9, 2022
Page 2

Following your review of the Petition, please contact me if you have any questions or require additional information.

Sincerely,



Kelley M. Taber

Enclosures

cc: Robert Kelley, East Side Canal & Irrigation Company
(Via Email: rdk@jjsranch.com)

Mario Martins, Interim General Manager, Stevinson Water District
(Via Email: mmartins@stevinsonwd.org)

John Wiersma, General Manager, San Luis Canal Company
(Via Email: jwiersma@hmr.net)

Patricia Fernandez, State Water Resources Control Board
(Via Email: Patricia.Fernandez@waterboards.ca.gov)

Annette Tenneboe, California Department of Fish and Wildlife
(Via Email: Annette.tenneboe@wildlife.ca.gov)

Via Certified Mail

Merced County Board of Supervisors
2222 M Street
Merced, CA 95340

Via U.S. Mail

Central Valley Regional Water Quality Control Board
1685 "E" Street
Fresno, CA 93706-2007

KMT:mb

Please indicate County where your project is located here:

Merced

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, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication
Application 7524, Permit, License 5940, 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: Intersection of Bear Creek and East Side Canal ((x) - 120.7190657; (y) - 37.2543404 NAD 83 Datum)

Proposed: no change

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 1

Proposed: See Attachment 1

Purpose of Use

Present: Irrigation

Proposed: 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: NA

Downstream Location: NA

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 data entry.

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 Canal Company (SLCC) - 11704 Henry Miller Avenue, Dos Palos, CA 93620. (209) 387-4305

Amount of Water to be Transferred

5,000.00 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 163.00 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.

East Side Canal & Irrigation Company (ESCC) owns the point of diversion. The transfer will occur pursuant to a temporary agreement between ESCC and SLCC.

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.

N/A. No change in point of diversion.

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 03/09/2022 at Sacramento, California



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/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 1

Attachment 1
to
East Side Canal & Irrigation Co.
Petition for Change Involving Water Transfer
(Water Code Section 1725)
(License 5940 (Application 5724))

The purpose of this Petition for Change Involving Water Transfer (Petition) is to add the boundaries of the San Luis Canal Company (SLCC) service area as an additional place of use under East Side Canal & Irrigation Company's (ESCC) License 5940 (Application 5724). This Petition is being filed to facilitate a temporary transfer (2022 Transfer) to SLCC of up to a total of 5,000 acre-feet (AF) of surface water proposed to be made available from ESCC during May through December 2022.

Petitioner ESCC holds water rights under License 5940 (Application 5724) to divert from Bear Creek and Owens Creek. The water proposed for transfer has been made available by conservation projects implemented in 2011. Pursuant to a 2012 Order of the State Water Resources Control Board (State Water Board) approving a petition for a Long-Term Transfer Program to add the SLCC service area to the place of use of License 5940¹ (2012 Order), Petitioner along with Stevinson Water District (SWD) (co-owner of the water rights under License 5940) has transferred up to 5,000 AF per year to SLCC, and the conserved water has been used for irrigation within SLCC's service area. The change in place of use of License 5940 authorized by the 2012 Order expired January 1, 2022.

Approval of the Petition would allow Petitioner to continue to transfer conserved water in 2022. Petitioner therefore proposes to transfer up to 5,000 AF under water right License 5940 to SLCC, using the same point of diversion and same conveyance facilities, for irrigation use in the same expanded place of use. Water will be diverted from Bear Creek into the East Side Canal, the main conveyance facility for SWD, at the existing point of diversion under License 5940. Once diverted, the water will be conveyed to the proposed expanded place of use through existing conveyance facilities. Absent the proposed temporary transfer, this water would be consumptively used within the existing service area of SWD and/or the historic service area of the ESCC.

The surface water that will be provided under the Petition is of higher quality than other water supplies available to SLCC and will provide water quality benefits within SLCC, thus assisting in achievement of sustainable groundwater management under the Sustainable Groundwater Management Act (SGMA).

¹ Corrected Order in the Matter of License 5940 (application 5724) Petition for Long-Term Transfer program involving up to 5,000 Acre-Feet of Water Per Year from East Side Canal & Irrigation Company and Stevinson Water District to San Luis Canal Company (Feb. 8, 2012)

Right Holders (License 5940)

East Side Canal & Irrigation Company
Robert Kelley, Jr.
General Manager
P.O. Box 818
Newman, CA 95360
Phone: (209) 634-2908
Email rdk@jiranch.com

Stevinson Water District
Mario Martins
Interim General Manager
P.O. Box 818
Newman, CA 95360
Phone: (209) 634-2908
Email: mario@stevinsonwd.org

Future correspondence regarding this Petition should be addressed to ESCC’s Authorized Agent:

Kelley M. Taber
Somach Simmons & Dunn
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
Office: (916) 446-7979
Email: ktaber@somachlaw.com

Place of Use

Existing

The place of use under License 5940 is the historic service area of the SWD and ESCC, totaling 18,347 acres within T6S, T7S, and T8S, R9E and 10E.

Proposed:

The proposed expanded place of use is the boundaries of the SLCC, comprising a gross area of 47,350 acres in Merced County with T9S, R10E-13E; T10S, R11E-13E; and T11, R12E-13E, MDB&M, as shown on the attached map. This is the same expanded place of use for the 2022 Transfer as authorized in the 2012 Order.

Proposed User:

San Luis Canal Company
John Wiersma, General Manager
11704 W. Henry Miller Road
Dos Palos, CA 93620
Phone: (209) 826-5112
Email: JWiersma@hmr.com

General Information

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.

The proposed temporary 2022 Transfer consists of up to 5,000 AF of water that ESCC is authorized to divert from Bear Creek under License 5490. The quantity of water proposed for the 2022 Transfer is within the amount of water authorized for use under License 5940 and has been made available by conservation projects completed in 2011 and described in the 2012 Order approving the recently-expired Long-term Transfer Program. In the absence of the proposed 2022 Transfer, the up to 5,000 AF of water would be used for irrigation within SWD/ESCC.

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.

There are no other legal users of the water that ESCC/SWD are entitled to divert and use under License 5940. The 2022 Transfer would occur under the same conditions as the recently-expired Long-term Transfer Program, with no change to the location or timing of diversion or use or return flows, and no effect on any legal users. All water diverted into the East Side Canal is consumptively used, and ESCC/SWD manages its irrigation system so that there are no agricultural return flows.

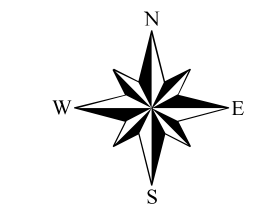
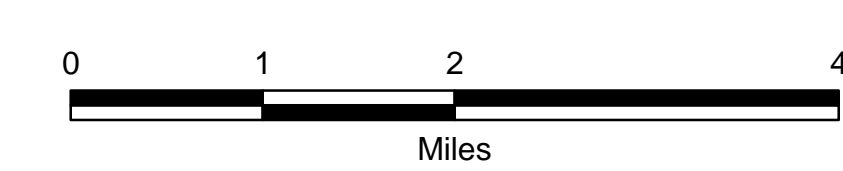
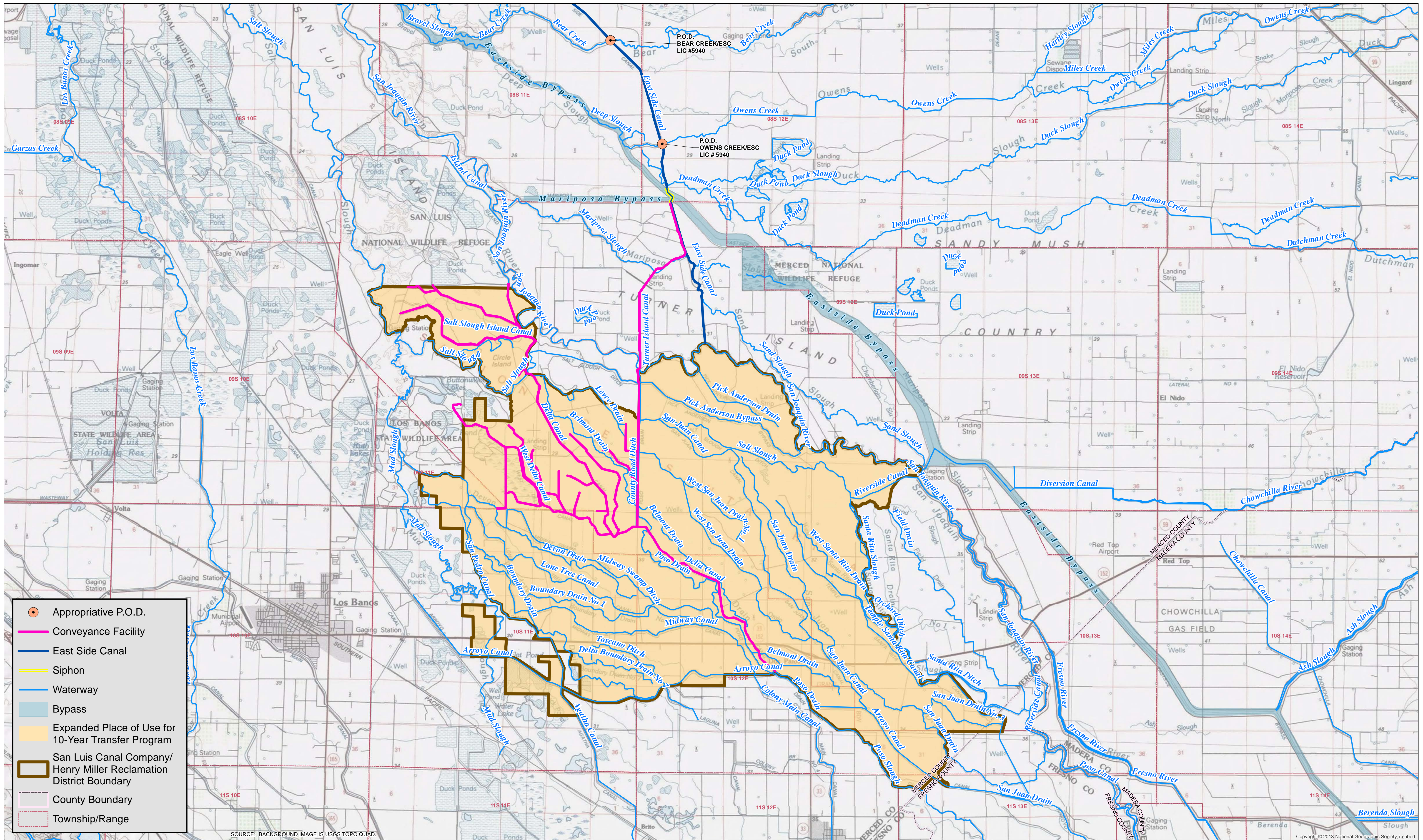
Analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses.

The transfer water has been made available through previously-implemented conservation projects and would be diverted and conveyed through existing facilities for continued irrigation of agricultural lands. No lands would be converted to agricultural use or fallowed because of the 2022 Transfer. No construction is required to implement or will occur as a result of the 2022 Transfer.

An initial study/mitigated negative declaration was prepared for the Long-term Transfer Program which identified no potential adverse environmental effects from the transfer of up to 5,000 AF annually to SLCC for 10 years. The only potentially significant environmental effects were associated with construction of then-proposed conveyance facilities, which have been completed, with all required mitigation. The 2022 Transfer would continue the conditions that have existed for the past 10 years under the provisions of the Long-term Transfer Program.

Because the 2022 Transfer will not alter physical conditions in Bear Creek, or within the existing or proposed place of use, the temporary transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses.

MAP



Merced County, California
Stevenson Water District



ESCC 2022 TRANSFER
March 2022

FIGURE

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.

East Side Canal & Irrigation Company (ESCC) (Petitioner) proposes to transfer up to 5,000 acre-feet under water right License 5940 to San Luis Canal Company (SLCC) between May 1 and December 31, 2022 (2022 Transfer). This temporary transfer would use the same point of diversion and same conveyance facilities for irrigation use in an expanded place of use as previously approved by the State Water Board in the SWD/ESCC Long-term Transfer Program, which expired on January 1, 2022 (Corrected Order in the Matter of License 5940 (Application 5724) Petition for Long -Term Transfer Involving up to 5,000 Acre-Feet of Water Per Year from East Side Canal & Irrigation Company and Stevinson Water District to San Luis Canal Company (Feb. 8, 2012).). Consistent with transfers that have occurred since 2012, under the 2022 Transfer, water will be diverted from Bear Creek into the East Side Canal, the main conveyance facility for Stevinson Water District (SWD) (co-owner of License 5940) and ESCC, at the existing point of diversion for License 5940. There will be no change in diversion timing, amount, use, or place of use. Once diverted into the East Side Canal, the water will be conveyed to the expanded place of use through existing conveyance facilities.

Absent approval of the 2022 Transfer, the water proposed for transfer to SLCC would be consumptively used within the existing service area of the SWD and/or the historic service areas of the ESCC. The water proposed for transfer has been made available through previously implemented conservation projects and would be diverted and conveyed through existing facilities for continued irrigation of agricultural lands. No lands would be converted to agricultural use, or fallowed, because of the transfer. No construction is required to implement, or will occur as a result of, the 2022 Transfer.

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
03/09/2022

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:

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
03/09/2022

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:

N/A

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

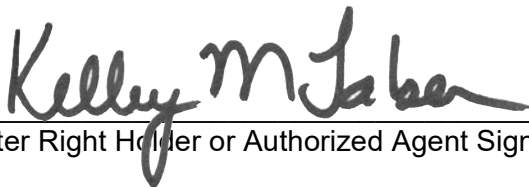
Maps

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 03/09/2022 at Sacramento, California .



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.)

PHOTOS

Stream Channel Immediately Downstream from
Point of Diversion, Bear Creek: March 9, 2022



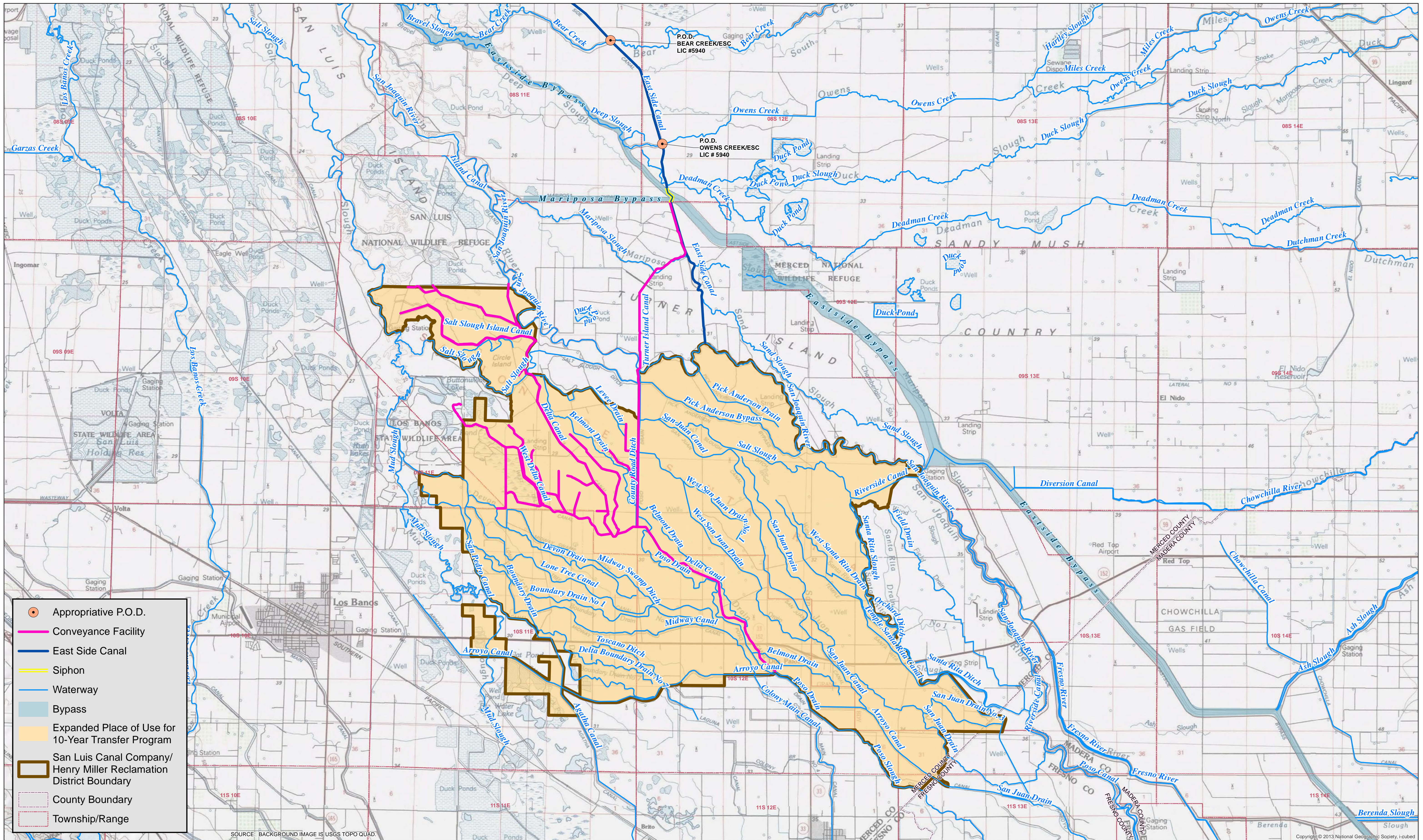
Stream Channel Immediately Upstream from
Point of Diversion, Bear Creek: March 9,
2022













Proposed Place of Use: San Luis Canal Company
(foreground and background): March 9, 2022



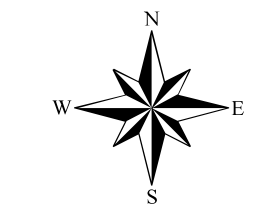
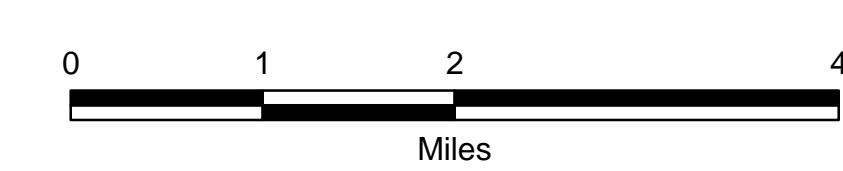
MAP



-  Appropriate P.O.D.
-  Conveyance Facility
-  East Side Canal
-  Siphon
-  Waterway
-  Bypass
-  Expanded Place of Use for 10-Year Transfer Program
-  San Luis Canal Company/Henry Miller Reclamation District Boundary
-  County Boundary
-  Township/Range

SOURCE: BACKGROUND IMAGE IS USGS TOPO QUAD.

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Merced County, California
Stevenson Water District



ESCC 2022 TRANSFER
March 2022

FIGURE