
State Water Resources Control Board

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FROM: ORIGINAL SIGNED BY:

Barbara Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board

DATE: JUL 08 2016

SUBJECT: REQUEST FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO
DIVISION OF WATER RIGHTS MAY 17, 2016 ORDER APPROVING
CONSOLIDATED PLACE OF USE UNDER SPECIFIED PERMITS OF THE
STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (2016 CPOU
ORDER)

On May 17, 2016, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an order approving a petition¹ from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP). The 2016 CPOU Order temporarily approved a consolidated place of use for DWR's SWP with Reclamation's CVP allowing for transfer/exchange of up to 257,900 acre-feet (af) of water for projects that were detailed in the original petition. Condition 5 of the 2016 CPOU Order provides a process for DWR and Reclamation to request the approval of transfers/exchanges not specifically identified in the petition if the proposed transfer/exchange meets certain criteria as detailed in the 2016 CPOU Order as follows:

- a) The total quantity of water delivered to any SWP or CVP contractor under this order shall not exceed historic average deliveries to the contractor as stated in the attachments provided with the petition for change.

¹ The petition was filed for Permit 16489 (Application 14443) of the Department of Water Resources' State Water Project and License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15764, 16767, 17374 and 17376, respectively) of the United States Bureau of Reclamation's Central Valley Project.

- b) Transfers or exchanges under this order shall not result in the net decrease of San Joaquin River or Sacramento River flow over the period of the transfer. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.
- c) Transfers or exchanges shall not result in any increase in the amount of water diverted from the Delta. The water to be exchanged is part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta. Further, the water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer.

On June 28, 2016, DWR submitted a request to the Division pursuant to Condition 5 of the 2016 CPOU Order. DWR's request is based on additional exchanges requested by the Kern County Water Agency (KCWA) and the Kern-Tulare Water District (Kern-Tulare). The total quantity of transfers and exchanges implemented under the 2016 CPOU Order shall not exceed 257,900 af, as authorized in the Order. DWR described the exchange as follows:

Kern-Tulare Proposed Exchange

Kern-Tulare proposes to exchange up to 5,000 af of CVP water previously banked in the Rosedale-Rio Bravo Water Storage District (Rosedale-Rio Bravo) for a like amount of Fresno Irrigation District (FID) Pre-1914 Kings River water acquired by Westlands Water District (Westlands). Under the exchange, the FID Kings River water will be made available to Westlands, CVP water previously banked by Kern-Tulare in Rosedale-Rio Bravo would be exchanged with KCWA for a like amount of SWP water available in San Luis Reservoir consistent with their banking and exchange agreements. The exchanged water would be released from San Luis Reservoir and delivered to Westlands via the California Aqueduct.

DWR has indicated that the proposed exchange meets all criteria identified under Condition 5 of the 2016 CPOU Order as described below:

- a) SWP and CVP water supplies are critically short in 2016. There will be no increase in allocation to Westlands as a result of the exchange. The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries.

The quantity of the exchange with Reclamation at San Luis Reservoir will not exceed the amount of SWP water currently scheduled for delivery to KCWA. No change in SWP or CVP allocations will be made.

- b) There will not be a net loss of San Joaquin River or Sacramento River flows. The proposed exchange does not involve any San Joaquin River water and does not involve the use of facilities on the San Joaquin River.

The exchange will not result in an increase in saline drainage to the San Joaquin River. Westlands CVP supplies are limited to 5% of contract amounts in 2016. Delivery of the exchange water will allow a slight reduction in the amount of groundwater required to meet critical crop demands. In addition, Westlands has an aggressive drainage management plan.

- c) No new water will be diverted from the Delta to complete the exchange. The water proposed for exchange is already in storage downstream of the Delta.

The purpose of the exchange is to allow Reclamation to deliver water previously stored in the Rosedale-Rio Bravo Water Storage District and purchased by Westlands. The water cannot be directly delivered to Westlands as the proposed place of use is upstream of Rosedale-Rio Bravo. The water to be exchanged would have been consumptively used in the absence of the transfer.

Approval of Condition 5 Request

Pursuant to Condition 5 of the 2016 CPOU Order, the exchange totaling up to 5,000 af as described above is approved.

The authorized amount of transfers and exchanges per the 2016 CPOU Order is 257,900 af which is equal to the sum of the approved transfers and exchanges per the original petition. Therefore, in order to proceed with additional transfers and exchanges requested per Condition 5 of the 2016 CPOU Order, the actual amount of transferred water for the proposed transfers and exchanges per the original petition must be less than authorized. DWR staff have confirmed that the total amount authorized of 257,900 af will not be exceeded with the additional exchange.

The Division is concerned that approval of the additional exchange appears to pose the risk of exceeding the total amount authorized. Thus, per Condition 12 of the 2016 CPOU Order, we require that DWR and Reclamation continue to submit an interim report via email on a monthly basis during the transfer period to document transfers and exchanges that have occurred to date, any transfers and exchanges that proceeded for less than the full amount requested, and how much remains of the authorized amount of 257,900 af.

If you require further assistance, please contact Patricia Fernandez at (916) 319-9141 or by email at patricia.fernandez@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Patricia Fernandez, P.O. Box 2000, Sacramento, CA, 95812-2000.

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