



State Water Resources Control Board

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FROM: ORIGINAL SIGNED BY:
Erik Ekdahl, Deputy Director
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STATE WATER RESOURCES CONTROL BOARD

DATE: MAR 11 2021

SUBJECT: REQUEST FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO DIVISION OF WATER RIGHTS JULY ORDER APPROVING CONSOLIDATED PLACE OF USE UNDER SPECIFIED LICENSE AND PERMITS OF THE STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (2020 CPOU ORDER)

On July 15, 2020, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an Order (2020 CPOU Order) approving a petition¹ from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation), collectively Petitioners, requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP), collectively the Projects. The 2020 CPOU Order temporarily approved a consolidated place of use for DWR's SWP with Reclamation's CVP allowing for transfer/exchange of up to 400,675 acre-feet (af) of water for projects that were detailed in the original petition.

Condition 5 of the 2020 CPOU Order provides a process for DWR and Reclamation to request the approval of transfers/exchanges not specifically identified in the petition if

¹ The petition was filed for Permit 16479 (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.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

the proposed transfer/exchange meets certain criteria as detailed in the 2020 CPOU Order as follows:

1. The transfer or exchange would not result in any increase in the amount of water diverted from the Delta.
2. The water to be exchanged would be part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta.
3. The water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer.
4. The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries.
5. The transfer or exchange will not result in the net loss of San Joaquin River or Sacramento River flow.
6. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.

On February 16, 2021, Petitioners submitted a request to the Division pursuant to Condition 5 of the 2020 CPOU Order to approve a modified water exchange. Petitioners' request involves a modification to an approved exchange requested by Kern County Water Agency (Kern County WA) and Westlands Water District (Westlands). Petitioners described the exchange as follows:

Kern County WA – Westlands Exchange of Banked CVP Water in Semitropic's Groundwater Bank

Under the 2020 CPOU Order, Westlands, a CVP contractor outside of the SWP place of use, has stored CVP water in Semitropic's groundwater bank. Poso Creek LLC (Poso Creek) and Harris Farms Inc. own lands in both Westlands and Kern County WA. DWR proposes to make available up to 17,000 af of Kern County WA's SWP water at O'Neill Forebay for Reclamation. Reclamation will then deliver up 7,000 af to Westlands for delivery to lands of Poso Creek's and Harris Farms Inc's (up to 5,000 af for Poso Creek and up to 2,000 af for Harris Farms) through the Joint-Use San Luis Canal; up to 5,000 af to San Luis Water District (San Luis WD) for delivery to lands of Poso Creek; and up to 5,000 af to Panoche Water District (Panoche WD) for delivery to lands of Poso Creek. In return, an equivalent amount of Westlands' CVP water stored in Semitropic's groundwater bank will be delivered to Kern County WA to use in its service area.

To date, Reclamation has not delivered SWP water to San Luis WD or Panoche WD for delivery to Poso Creek LLC (Poso Creek) under the 2020 CPOU Order. Instead of the proposed deliveries of SWP water to Panoche WD (5,000 acre-feet) and San Luis WD (5,000 acre-feet), Reclamation proposes to deliver the 10,000 acre-feet of SWP water to Westlands for delivery to Poso Creek. Combined with the existing approved 5,000 acre-feet of SWP water to Westlands for delivery to Poso Creek under the 2020 Order, the proposed exchanges will result in a total delivery of up to 15,000 acre-feet of SWP water to Westlands for delivery to Poso Creek.

Poso Creek's lands within Westlands, San Luis WD, and Panoche WD are primarily located in Fresno County. Petitioners have stated that the proposed changes will not significantly change the delivery location to Poso Creek.

The proposed changes to this exchange will not change the volume of SWP water Poso Creek receives (15,000 acre-feet), the total exchange volume covered under this action (17,000 acre-feet), or the overall volume of the approved exchange amount (400,675 af) authorized under the 2020 Order.

Compliance with 2020 CPOU Order

Petitioners indicated that the proposed modified exchange meets the criteria identified under Condition 5 of the 2020 CPOU Order as follows:

1. Petitioners' operations in the Delta will not change as a result of the proposed exchange. All the water proposed for exchange is already in storage downstream of the Delta. There will be no change in inflows to or exports from the Delta as a result of the proposed exchange. Kern County WA's SWP water is currently stored in San Luis Reservoir. Westlands' CVP water has been previously placed in Semitropic's underground storage south of the Delta.
2. The quantity of the exchange will not exceed the amount of SWP or CVP water currently scheduled for delivery to Westlands or Kern County WA. No change in SWP or CVP allocations will be made. The water that the Projects will deliver to Westlands and Kern County WA is water that the Projects previously stored under their water rights in San Luis Reservoir and Semitropic's groundwater bank. The Projects will not pump additional water from the Delta to recover the storage in San Luis Reservoir that was vacated by the exchange.
3. The water stored in San Luis Reservoir and Semitropic's groundwater bank that the Projects would deliver to Westlands and the Kern County WA, respectively is water that the Projects previously stored under their water rights. The water is water that would have otherwise been delivered to SWP or CVP contractors or remained in storage in San Luis Reservoir or Semitropic's groundwater bank.
4. There will be no increase in allocations to any SWP or CVP contractors as a result of the exchange. Therefore, no exceedance of historic average deliveries.
5. The water that the Projects would deliver to Westlands and Kern County WA is water that the Projects have already stored in San Luis Reservoir and Semitropic's groundwater bank. Since there is no additional export pumping, the Sacramento River or San Joaquin River will not experience any losses.
6. There are no potential additional return flows to the San Joaquin River because of the exchange. The exchanged water to be received will be used to irrigate lands which otherwise would have used well water to irrigate, resulting in the same amount of water to the San Joaquin River with or without the exchange, thus no increase in saline drainage.

Approval of Condition 5 Request

Pursuant to Condition 5 of the 2020 CPOU Order, the modification of the Kern County WA and Westlands exchange of 17,000 af as described above is approved.

Per Condition 10 of the 2020 CPOU Order, we require that Petitioners 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 400,675 af.

If you require further assistance, please contact Patricia Fernandez at patricia.fernandez@waterboards.ca.gov.

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