

State of California
 State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

STATE WATER RESOURCES
 CONTROL BOARD
 08 DEC 31 PM 3:52
 DIV. OF WATER RIGHTS
 SACRAMENTO

**PETITION FOR TEMPORARY TRANSFER
 OF WATER/WATER RIGHTS**
(Water Code 1725)

Point of Diversion Point of Rediversion Place of Use Purpose of Use

Application No(s). 2948 Permit No. 1412 License No. 1405
 Statement or Other No. _____

Present Holder and User of Water Right

Delta Farms RD 756 (Bouldin Island)	David Forkel	(925) 932-0151	
Person or Company name 311 East Main Street, Suite 504	Contact person Stockton	CA	Telephone No. 95202
Address dforkel@deltawetlands.com	City	State	Zip Code
E-MAIL (For noticing purposes)			

Co-petitioner

Delta Wetlands Properties, agent for RD 756	David Forkel	(925) 932-0151	
Person or Company name 1660 Olympic Blvd., Suite 350	Contact person Walnut Creek	CA	Telephone No. 94596
Address dforkel@deltawetlands.com	City	State	Zip Code
E-MAIL (For noticing purposes)			

Proposed New User

Metropolitan Water District of Southern California	Debra Man	(213) 217-6000	
Person or Company name 700 North Alameda Street	Contact person Los Angeles	CA	Telephone No. 90012-2944
Address dman@mwdh2o.com	City	State	Zip Code
E-MAIL (For noticing purposes)			

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows:**

Amount of Water to be Transferred up to 10,401 Acre-feet (AF). If the basis of right is direct diversion, average rate of diversion for the maximum 30 day period of use is 71.56 cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year)

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present See Attachment 1.
 Proposed _____

TRANS-TEMP-PET (11-00) If your answers require more space than provided, please attach additional pages

Place of Use

Present **See Attachment 1.**

Proposed _____

Purpose of Use

Present **See Attachment 1.**

Proposed _____

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	See Attachment 1.	See Attachment 1	_____
Proposed	_____	_____	_____

The proposed transfer/exchange water is presently used or stored within the county/counties of:
San Joaquin

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:
Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? **Yes**
(yes/no) _____
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. **See Attachment 1**
- 2a. If the point of diversion/redirection is being changed, are there any person(s) taking water from the stream between the present point of diversion/redirection and the proposed point? **Yes**
(yes/no) _____
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? **Yes**
(yes/no) _____
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change
See Attachment 1.

- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. **See Attachment 1.**

- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). **See Attachment 1.**

- 4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. **See Attachment 1.**

- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. **See Attachment 1.**

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment 1.
-
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment 1.
-
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred.
-

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: December 31, 2008 at Sacramento, California



Signature(s)

(925) 932-0151

Telephone No.

NOTE: This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

Proof of Service: Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

Fees: The following fees must accompany the petition before the petition will be accepted:

1. A minimum filing fee of \$100, for each application listed in the petition, shall be submitted with the petition (Water Code section 1547). The fee is made payable to the State Water Resources Control Board.
 - a) Water Code section 1547.1 requires an additionally fee of 25% of the amount computed by using the fee schedule in Article 1 (commencing with Water Code section 1525) for use of water outside of the basin from which the water transfer originates. The fee is based on that portion of water transferred under the existing direct diversion or storage right(s) for each application identified in the petition. For direct diversion rights, the rate is typically computed based on the average rate of diversion (cfs) for the maximum 30-day period of use (AF).
 - b) If the petitioner relies on Water Code section 382, the total filing fee shall be based on the amount necessary to cover the reasonable costs of the SWRCB to evaluate and process the petition (Water Code section 386). Please contact the Division if you would like an estimate of the potential cost.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

TRANS-TEMP-PET (11-00)

If your answers require more space than provided, please attach additional pages

Attachment 1
Responses to Petition Form

Overview of Proposed Transfer

Delta Wetlands Properties (Delta Wetlands) proposes a temporary water transfer program, whereby 5,426 acres on Bouldin Island in the Sacramento River – San Joaquin River Delta would be fallowed, and up to 10,401 AF of water not applied by Delta Wetlands on the land would be transferred to the Metropolitan Water District of Southern California (MWD) (see Environmental Information for Petitions, Table 2). The forborne water would be available for transfer during the period from May through September. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year. This petition proposes changes to License 1405 (Bouldin Island) only. Proposed changes to License 1572 (Webb Tract) are described in a separate petition filed contemporaneously with this petition.

Overview of License No. 1405

Delta Wetlands irrigates Bouldin Island using water right License 1405 (A002948) issued to Reclamation District No. 756. License 1405 has a 1922 priority date. Water has been diverted under this license for over 80 years to irrigate a variety of crops. License No. 1405 authorizes the maximum direct diversion of 71.56 cfs (34,766 afa) between March 1 and November 1 for irrigation of 6,006 acres on Bouldin Island. The sources of water for License 1405 are Potato Slough, South Fork Mokelumne River, San Joaquin River, and Little Potato Slough. Delta Wetlands is the authorized agent for Reclamation District No. 756 with respect to this petition.

Point of Diversion or Rediversion

Present¹:

Point of Diversion	Source	Diversion Reference Points	California Coordinate Zone 3 (or as otherwise noted)	Point is within (40 acre subd.)	Project Section	Township	Range	Base & Meridian
Twenty-two existing siphons between Point A and Point B	Mokelumne River	Point A (Mokelumne River and Little Potato Slough) Point B (San Joaquin River)	N 593,600 E 1,690,100 N 581,700 E 1,691,950	SW ¼ NE ¼ NE ¼ SE ¼	7 19	3N 3N	4E 4E	MD MD
One existing siphon between Point B and Point C	San Joaquin River	Point B (above) Point C (Potato Slough)	N 579,250 E 1,692,500	NE ¼ NE ¼	30	3N	4E	MD
Sixteen existing siphons between Point C and Point D	Potato Slough	Point C (above) Point D (Little Potato Slough)	N 574,150 E 1,711,400	NW ¼ NE ¼	35	3N	4E	MD
Six existing siphons between Point D and Point A	Little Potato Slough	Point D (above) Point E (Little Potato Slough)	N 589,350 E 1,713,100	NE ¼ NE ¼	14	3N	4E	MD

Proposed:

Point of Diversion	California Coordinate Zone 3 (or as otherwise noted)	Point is within (40 acre subd.)	Project Section	Township	Range	Base & Meridian
State Water Project Banks Pumping Plant	N 486,035 E 1,695,057	NW ¼ of SE ¼	20	1S	4E	MD
Central Valley Project Jones (Tracy) Pumping Plant	S 76 degrees 39 minutes E, 2674.53 feet from West ¼ Corner of Section 29 T 1 South R 4 East, M D B & M	NE ¼ of SW ¼	29	1S	4E	MD

¹ The points of diversion as shown here were taken from the 1993 Notice of Application to Appropriate Water and Petitions to Change Pending Applications re New Applications 30267, 30268, 30269, 30270 and Petitions to Change Applications 29061, 29062, 29063 and 29066.

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Place of Use**Present:**

Bouldin Island, San Joaquin County

Proposed:

MWD Service Area as described in maps attached to Application 031431 (Application to Appropriate Water on the New River in Southern California) and Application 030661 (Application to Appropriate Water of the Alamo River).

Purpose of Use**Present:**

Irrigation

Proposed:

Irrigation, domestic, power generation, municipal, and industrial.

Season of Use**Present:**

March 1 – November 1

Proposed:

There is no proposed change in the season of use. Surface water not applied to the fallowed land will no longer be diverted from the present points of diversion by Delta Wetlands. The forborne water will be conveyed by the California Department of Water Resources (DWR) or United States Bureau of Reclamation (USBR) to MWD, subject to DWR's or USBR's export and conveyance capacity from the Delta. MWD will bear the responsibility for obtaining DWR or USBR approval to convey the water to the MWD service area. The forborne water will be made available to MWD on the same schedule that the water would have been consumptively used by the crops absent the fallowing. Water from the temporary transfer will be made available within the authorized season as shown above.

Direct Use**Present:**

Delta Wetlands would directly divert up to 71.56 cfs, and consumptively use at least 10,401 AF of water total, in 2009 to irrigate 5,426 acres on Bouldin Island in the absence of the transfer.

Proposed:

A total of not more than 10,401 AF will be delivered through the CVP and/or SWP Pumping Plants to the MWD service area at a maximum rate of diversion not to exceed 59.6 cfs.

1b.

Under the proposed project, the idling or temporary fallowing of 5,426 acres of corn, tomatoes, and rice will result in a savings of 10,401 AF of water over that which would occur in 2009 absent the fallowing program (see Environmental Information for Petitions, Table 2). The forborne water will be made available to convey to MWD “on schedule,” that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR (see Environmental Information for Petitions, Table 3).

2a.-2c.

Delta Wetlands proposes to add the SWP Banks Pumping Plant and CVP Tracy Pumping Plant as points of diversion. The proposed transfer will increase the flow between Delta Wetlands’ present points of diversion and the South Delta pumping facilities. The Delta water diverters between the present points of diversion and the proposed points of diversion have been identified in other transfers utilizing the South Delta pumping plants.

3a-3b.

Delta Wetland proposes a program of crop fallowing and forbearance of diversions on Bouldin Island consistent with the DWR “ETAW” methodology for determining conserved water described in the DWR white paper, “Introduction to Water Transfers and Crop Idling/Crop Substitution for Sacramento Valley 2009”. This paper addresses the concerns of DWR relative to the potential impacts water transfers may have on other legal users and the environment.

If the proposed transfer is approved, the fallowing and forbearance program on Bouldin Island will result in a net reduction of consumptive use of at least 10,401 AF during 2009. This forborne water will be new water in Delta channels available for transfer that would not occur in the absence of the fallowing program. Delta Wetlands will not substantially change its cropping patterns and water use on lands not included in the transfer program thereby ensuring that the water saved on the fallowed lands results in a net water savings on its properties.

This conserved water will be made available to convey to MWD “on schedule,” that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR. The water will be conveyed out of the Delta to the MWD service area in accordance with regulatory requirements and available pumping capacity.

Although the quantity of water proposed for transfer would be a small percentage of the total Delta inflow, the reduction of diversions and consumptive use on Bouldin Island will have a positive effect on in-Delta water quality and flow.

Because this petition proposes the transfer of water that would be consumptively used on schedule, no legal users will be injured.

4 and 5a.

Consultation with CDFG (Corinne Gray, 707/944-5526) and RWQCB (Anne Hopkinson, 916/464-4825) has been requested.

5c and d.

Bouldin Island covers approximately 5,426 acres of land, including 4,295 acres of corn, 640 acres of rice, and 310 acres of tomatoes. Small amounts of fallow agricultural land, herbaceous upland, open water habitat, and other land types also exist.

Bouldin Island provides limited suitable habitat for western pond turtles; high quality habitat for this species is limited to areas not subject to active agriculture, e.g., wide canals and water ways and fallowed fields. Western pond turtles have been observed in these areas of Bouldin Island. No giant garter snakes have been reported.

Bouldin Island provides suitable foraging habitat for: northern harriers; Swainson's hawk; and greater sandhill cranes. Suitable nesting and wintering habitat for the western burrowing owls is present; however, no burrowing owls were observed during bird surveys. Loggerhead shrikes were observed on Bouldin Island through the spring, summer, fall and winter during surveys. The primary loggerhead shrike habitat is on interior levees that contain utility lines or fences. Loggerhead shrikes were observed only in areas with above ground utility lines located near levees on Bouldin Island, where they move up and down the levees hunting for prey. Suitable nesting habitat for tricolored blackbirds, consisting of emergent marsh, willow scrub, riparian woodlands, and Himalayan blackberry brambles; however no tricolored blackbirds were observed on Bouldin Island during surveys. Bouldin Island also provides suitable foraging and/or wintering habitat for Cooper's hawk, ferruginous hawk, bald eagle, white-tailed kite, American peregrine falcon, and short-eared owl. Cooper's hawk, white-tailed kite, and American peregrine falcon were observed on Bouldin Island during surveys.

Herbaceous upland habitat and levee areas would be unaffected by the proposed fallowing program.

Bouldin Island is located in San Joaquin County, California. In 2008, 4,295 acres of corn were planted on Bouldin Island. According to the most current (2007) data available from the National Agriculture Statistics Service, 145,900 acres of corn were planted in the five Delta counties (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties) (http://www.nass.usda.gov/Statistics_by_State/California/index.asp). Fallowing Bouldin Island would reduce the acreage of corn planted in the region by less than 3 percent. Delta Wetlands is aware of only one other fallowing-transfer request proposed in the Delta, i.e., Webb Tract, which could result in fallowing 4,189 acres of corn. More than 94% of the land in the region historically used for corn production would be unaffected by anticipated fallowing programs. Given that the vast majority of the land in the region historically used for corn production would be unaffected by anticipated fallowing programs and that the petition requests only a 1-year transfer of the consumptive use portion of the water, no unreasonable effect on wildlife would occur. For species that may forage in the actively farmed areas, some would benefit from the fallowing program (e.g., raptors, such as Swainson's hawks which are unable to hunt in tall corn).

The proposed transfer may provide environmental benefits through increased flows downstream of Delta Wetlands' present points of diversion due to the reduction of in-Delta diversions. The fallowing program will also reduce agricultural drainage into the Delta from Bouldin Island. In addition, the transfer will take place within the constraints set forth in the May 22, 1995 Water Quality Control Plan for the Bay-Delta to protect fish and wildlife.


PROOF OF SERVICE

I, Teresa Chan, declare as follows:

I am employed in the City and County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within cause. My business address is ELLISON, SCHNEIDER & HARRIS L.L.P.; 2600 Capitol Avenue; Sacramento, California 95816-5905; telephone (916) 447-2166.

On December 31, 2008, I served the attached *Petition for Temporary Transfer of Water/Water Rights for Application No. 2948* by putting a true copy thereof in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed to each person shown on the attached service list and by personal service to the SWRCB.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 31, 2008, at Sacramento, California.



Teresa Chan

Service List

California Department of Fish and Game
Donald Koch, Director
1416 Ninth Street
Sacramento, CA 95814

Riverside County
Board of Supervisors
County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, CA 92501

San Joaquin County
Board of Supervisors
Courthouse, Room 701
222 East Weber Avenue
Stockton, CA 95202

San Bernardino County
Board of Supervisors
385 N. Arrowhead Ave.
2nd floor
San Bernardino, CA 92415-0130

Los Angeles County
Board of Supervisors
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

San Diego County
Board of Supervisors
1600 Pacific Hwy, Rm 335
San Diego, CA 92101

Orange County
Board of Supervisors
333 W. Santa Ana Blvd , Room 465
P.O. Box 687
Santa Ana, CA 92702-0687

Ventura County
Board of Supervisors
800 South Victoria Avenue
Ventura, CA 93009-1920

ENVIRONMENTAL INFORMATION FOR PETITIONS

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**ENVIRONMENTAL INFORMATION
FOR PETITIONS**

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to 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.

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: _____

Department: _____ Telephone: (____) _____

County Zoning Designation: _____

Are any county permits required for your project? YES NO

If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit Change of zoning

General plan change Other (explain): _____

ENVIRONMENTAL INFORMATION FOR PETITIONS

- b. Have you obtained any of the required permits described above? YES NO
 If YES, provide a complete copy of each permit obtained.
 See Attachment No. ____.

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project:
 Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
 Soil Conservation Service Dept of Water Resources (Div. of Safety of Dams) Reclamation Board
 Coastal Commission State Lands Commission Other (specify) (see chart below)
- b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. ____

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO
 If YES, explain:

See Attachment No. ____

- d. Have you contacted the California Department of Fish and Game concerning your project? * YES NO
 If YES, name and telephone number of contact: Corinne Gray; 707-944-5526

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? YES NO
 If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____

- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: Metropolitan Water District of Southern California (transferee)

ENVIRONMENTAL INFORMATION FOR PETITIONS

See Attachment No. ____

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

a. 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

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used? _____

See Attachment No. _____

6. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? YES NO

b. Will you be preparing an archeological report to satisfy another public agency? YES NO

c. Do you know of any archeological or historic sites located within the general project area? YES NO

If YES, explain: _____

See Attachment No. ____.

7. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

Along the stream channel immediately downstream from the proposed point(s) of diversion.

ENVIRONMENTAL INFORMATION FOR PETITIONS

- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: December 31, 2008

Signature: _____



Attachment No. 1

Forbearance of Water

Delta Wetlands Properties (Delta Wetlands) proposes a temporary water transfer program, whereby up to 5,426 acres on Bouldin Island in the Sacramento River – San Joaquin River Delta would be fallowed, and up to 10,401 AF of water not applied by Delta Wetlands on the land would be transferred to the Metropolitan Water District of Southern California (MWD). The forborne water would be available for transfer during the period from May through September. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year. This petition proposes changes to License 1405 (Bouldin Island) only.

Under the proposal, the SWP or the CVP would operate so as to deliver water made available as a result of Delta Wetland's forbearance of diversions to MWD. During balanced conditions in the Delta (as defined in the Coordinated Operations Agreement), DWR or USBR would, to the extent possible, directly divert the water forborne at Tracy or Banks Pumping Plants (assuming there is unused pumping capacity and all conditions necessary for joint point of diversion are met), or would, to the extent that operational conditions upon the Sacramento River permit, back the forborne water into upstream storage so that it can be released and diverted in the Delta at a later time when export capacity becomes available.

Delta Wetlands would make up to 10,401 acre-feet of water available for sale as a result of this proposed fallowing program on Bouldin Island.

Methods of Making Water Available

Delta Wetland proposes a program of crop fallowing and forbearance of diversions on Bouldin Island consistent with the DWR "ETAW" methodology for determining conserved water described in the DWR white paper, "Introduction to Water Transfers and Crop Idling/Crop Substitution for Sacramento Valley 2009". No new construction or improvements to facilities owned or operated by Delta Wetlands would be necessary for the production and forbearance of this water.

In 2008, the irrigated acreage on Bouldin Island was planted in corn (4,295 acres), rice (640 acres), and tomatoes (310 acres). If the fallowing program is not approved for 2009, Bouldin Island will remain planted in corn, rice and tomatoes. Based upon the cropping pattern in 2008 and DWR's estimates of consumptive use for corn, rice and tomatoes, 2009 water usage absent the water transfer is estimated to be up to 10,401 AF, see tables 1 and 2.

The saved water will be made available to convey to Buyer "on schedule," that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR, see Table 3. Delta Wetlands will not substantially change its cropping patterns and water use on lands not included in the transfer program thereby ensuring that the water saved on the fallowed lands results in a net water savings on its properties.

Sources of the Transferable Water

Delta Wetlands irrigates Bouldin Island using water right License 1405 (A002948) issued to Reclamation District No. 756. License 1405 has a 1922 priority date. License No. 1405 authorizes the maximum direct diversion of 71.56 cfs (34,766 afa) between March 1 and November 1 for irrigation of 6,006 acres on Bouldin Island. The sources of water for License 1405 are Potato Slough, South Fork Mokelumne River, San Joaquin River, and Little Potato Slough. Delta Wetlands is the authorized agent for Reclamation District No. 756 with respect to this petition.

ENVIRONMENTAL INFORMATION FOR PETITIONS

Table 1
2008 Water Use per Crop – Bouldin Island
(2009 Estimated Water Use without Fallowing)

Crop	Gross Acres	Net Acres	ETAW	Usage
Corn		4,295	1.8	7,732
Rice		640	3.3	2,112
Tomatoes		310	1.8	558
Fallow		181	-	-
Total	5,952	5,426		10,401

ENVIRONMENTAL INFORMATION FOR PETITIONS

Table 2
Transferable Water – Bouldin Island

Crop	2008 Farm Plan			With Following		
	Net Acres	ETAW	Usage	Net Acres	ETAW	Usage
Corn	4,295	1.8	7,732	-	1.8	-
Rice	640	3.3	2,112	-	3.3	-
Tomatoes	310	1.8	558	-	1.8	-
Fallow	181	-	-	5,426	-	-
Subtotal	5,426		10,401	5,426		-
Net Water Savings			10,401			

ENVIRONMENTAL INFORMATION FOR PETITIONS

Table 3
Consumptive Use Pattern for Transferable Water

Month	CU Pattern ¹						
	Corn (af/ac)	Tomatoes (af/ac)	Rice (af/ac)	Corn (af)	Tomatoes (af)	Rice (af)	Total (af)
May	0.000	0.270	0.495	-	84	317	400
June	0.324	0.396	0.726	1,392	123	465	1,979
July	0.702	0.432	0.792	3,015	134	507	3,656
August	0.522	0.432	0.792	2,242	134	507	2,883
September	0.252	0.270	0.495	1,082	84	317	1,483
Total	1.800	1.800	3.300	7,732	558	2,112	10,401

¹ CU pattern for Corn based on Bulletin 113-2 Table 22; pattern for Rice and Tomatoes based on pattern used by DWR in previous transfers