

## State Water Resources Control Board

### NOTICE OF REQUEST TO MODIFY AND RENEW A TEMPORARY URGENCY CHANGE PETITION FILED BY CALIFORNIA DEPARTMENT OF WATER RESOURCES AND THE UNITED STATES BUREAU OF RECLAMATION REGARDING PERMITS AND LICENSE OF THE STATE WATER PROJECT AND THE CENTRAL VALLEY PROJECT

The Department of Water Resources and the United States Bureau of Reclamation (collectively referred to as Petitioners) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board or Board), Division of Water Rights on January 29, 2014, pursuant to California Water Code section 1435. In order to address critically dry conditions associated with California's ongoing drought, the TUCP requested that the State Water Board temporarily modify the Petitioners' permit and license<sup>1</sup> terms for the Central Valley Project and State Water Project (Projects) that are included in State Water Board [Decision 1641<sup>2</sup>](#) and require the Projects to meet specified flow and water quality objectives included in the Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta Estuary. The TUCP requested the modifications for a period of 180 days.

On January 31, 2014, the State Water Board's Executive Director issued an Order conditionally approving the January 29, 2014 TUCP (Order). The Executive Director indicated that further modifications to the Order may be made based on public input or changed circumstances. As the result of changed circumstances and subsequent requests from the Petitioners, the Executive Director modified the Order on February 7, February 28, March 18, April 9, April 11, and April 18, 2014, to extend and change the conditions of the Order. The April 9, 11, and 18 modifications addressed some of the proposed changes included in the Petitioners' [April 8, 2014 Drought Operations Plan](#) (DOP) needed through April, but not the changes for the May through mid-November time frame. The DOP was developed in consultation with the Real-Time Drought Operations Management Team (RTDOMT) established to coordinate Project operations pursuant to the Order, and lays out the Petitioners' proposed range of coordinated operations from April through mid-November. The DOP also identifies proposed changes to the Order and Endangered Species Act requirements.

On April 29, 2014, the Petitioners submitted a request to the State Water Board to modify and renew the TUCP Order pursuant to Water Code section 1441, which allows for temporary

<sup>1</sup> The petition was filed for Permits 16478, 16479, 16481, 16482 and 16483 (Applications 5630, 14443, 14445A, 17512 and 17514A, respectively) of the Department of Water Resources' State Water Project and License 1986 and Permits 11315, 11316, 11885, 11886, 11887, 11967, 11968, 11969, 11970, 11971, 11972, 11973, 12364, 12721, 12722, 12723, 12725, 12726, 12727, 12860, 15735, 16597, 20245, and 16600 (Applications 23, 234, 1465, 5638, 13370, 13371, 5628, 15374, 15375, 15376, 16767, 16768, 17374, 17376, 5626, 9363, 9364, 9366, 9367, 9368, 15764, 22316, 14858A, 14858B, and 19304, respectively) of the United States Bureau of Reclamation's Central Valley Project.

<sup>2</sup> State Water Board Decision 1641 was revised March 15, 2000, in accordance with [Order WR 2000-02](#).

change orders to be renewed for up to 180 additional days. The April 29 request replaces the request made on April 9 for the June through mid-November period that was not yet acted on.

Petitioners did not resubmit information contained in their original January 29, 2014 TUCP as permitted by Water Code section 1441. This notice, the Petitioners' original TUCP, Petitioners' subsequent requests to modify the TUCP, the Order approving the TUCP, and subsequent modifications to that Order, and related project information can be viewed at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/tucp.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/tucp.shtml).

On May 2, 2014, the Executive Director of the State Water Board, acting under delegated authority, issued an Order approving the April 29, 2014 TUCP modification and renewal pursuant to Water Code section 1438(a), which allows the State Water Board to issue a temporary change order in advance of public noticing requirements. The April 29, 2014 Order: (1) extends a change to Delta outflow requirements to May and July; (2) changes the Western Delta electrical conductivity requirement by moving the compliance point from Emmatton to Threemile Slough during May through August 15; and (3) changes the Sacramento River at Rio Vista flow requirement from 3,000 cubic feet per second (cfs) to 2,000 cfs during September through November 15. Any subsequent modifications to the Order approving the TUCP will be posted on the above State Water Board website. For email notification of any modifications to the TUCP Order subscribe to our Drought Updates email subscription list (appears in the "Water Rights Topics" section) at:

[http://www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml#dwr](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr).

Modifications to the TUCP Order addressed some of the issues raised in objections and protests to the TUCP Order received to date. Modifications to the Order were also responsive to some of the issues raised in the petitions for reconsideration that have been received. Those who have filed petitions for reconsideration on past versions of the TUCP Order are asked to notify the Board in writing **no later than 12 noon, on Tuesday, May 13, 2014** whether the issues raised in their petitions for reconsideration have been resolved based on the modifications to the TUCP Order, or if their petitions still should be considered pending.

On May 6, 2014, the State Water Board will hold a workshop to receive public input on the TUCP Order as it has been modified. The workshop notice was issued on April 25, 2014 and can be found on the State Water Board's website at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/drought/docs/tucp/20140506\\_notice\\_tucp.pdf](http://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/docs/tucp/20140506_notice_tucp.pdf).

Pursuant to California Water Code section 1438(d), any interested person may file an objection to the May 2, 2014 Order. Water Code section 1438 describes the procedure for addressing an objection. **Objections filed in response to this notice should be received by the State Water Board and provided to the petitioners no later than 12 noon, on Monday, June 2, 2014.** Please file objections using the [petition protest form](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_protest.pdf), which can be downloaded at:

[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_protest.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_protest.pdf).

Send objections or correspondence to the following: 1) State Water Resources Control Board, c/o Michael Buckman, P.O. Box 2000, Sacramento, CA 95812-2000 or via email at [Michael.Buckman@waterboards.ca.gov](mailto:Michael.Buckman@waterboards.ca.gov); 2) Department of Water Resources, c/o James Mizell, P.O. Box 942836, Sacramento, CA 94236-0001 or via email at [James.Mizell@water.ca.gov](mailto:James.Mizell@water.ca.gov); 3) Regional Solicitor's Office, c/o Amy Aufdemberge, 2800 Cottage Way, Rm. E-1712, Sacramento, CA 95825 or via email at [Amy.Aufdemberge@sol.doi.gov](mailto:Amy.Aufdemberge@sol.doi.gov); and 4) U.S. Bureau of

Reclamation, Paul Fujitani, 3310 El Camino Ave., Room 300, Sacramento, CA 95821, or via email at [pfujitani@usbr.gov](mailto:pfujitani@usbr.gov).

For questions regarding this notice, please contact Michael Buckman at (916) 341-5448 or [Michael.Buckman@waterboards.ca.gov](mailto:Michael.Buckman@waterboards.ca.gov).

DATE OF NOTICE: May 2, 2014