

STATE WATER RESOURCES CONTROL BOARD

2009 JUL 30 PM 1:51

DIV. OF WATER RIGHTS SACRAMENTO

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

### PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435)

\_\_\_\_ Point of Diversion, \_\_\_\_ Point of Rediversion, \_\_\_\_ Place of Use, XX Purpose of Use

Application # 12842 Permit # 10477 License # \_\_\_\_\_ Statement or Other \_\_\_\_\_

I (we) North San Joaquin Water Conservation District hereby petition for a temporary urgency change(s) noted above and shown on the accompanying map and described as follows:  
(Water Right Holders Name)

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or California Coordinates, and the 40-acre subdivision in which the present and proposed points lie.)

Present \_\_\_\_\_

Proposed \_\_\_\_\_

**Place of Use** (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present \_\_\_\_\_

Proposed \_\_\_\_\_

**Purpose of Use** See Attachment A.

Present \_\_\_\_\_

Proposed \_\_\_\_\_

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)? no (yes/no)

The temporary urgency change(s) is to be effective from 8/20/2009 to 2/28/2010  
(Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? yes (yes/no)

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? yes (yes/no)

State the "Urgent Need" (Water Code 1435(c)) that is the basis of this temporary urgency change petition (attach additional information as necessary):

See Attachment A.  
\_\_\_\_\_  
\_\_\_\_\_

Rec'd  
\$1,300.00  
\$550.00 DFG  
7/30/09  
MS

If the point of diversion or redirection is being changed, is any person(s) taking water from the stream between the old point of diversion or redirection and the proposed point?  
no (yes/no) n/a because the point of diversion is not changing.

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? no (yes/no) n/a

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

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I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. yes (yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Kent Smith (916) 358-2382; ksmith@dfg.ca.gov

The Department does not have an issue with the Temporary Change Petition.

(See Attachment B)

**THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.**

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

Dated JULY 29, ~~29~~ 2009 at Stockton, California

(Signature) (209) 333-6706  
Signature(s) Telephone No.

221 WEST PINE STREET, LODI, CA 95240  
(Address)

**NOTE:** All petitions must be accompanied by the **filing fee**, (see fee schedule at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)) made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

**ATTACHMENT A**



ATTACHMENT "A"

**PETITION FOR TEMPORARY URGENCY CHANGE**

**Purpose of Use**

Present: Direct diversion and storage pursuant to Permit 10477 and Division of Water Rights Order WR 2006-0018-DWR.

Proposed: Allow water appropriated for underground storage, at the point of diversion located at SE¼ of NW¼ of Section 33, T4N, R7E, MDBM, to increase from 1,000 acre-feet per annum (afa) to 2,000 afa. This will not increase the total amount of water that can be diverted under permit 10477.

**State the "Urgent Need"**

The Eastern San Joaquin Groundwater Basin is in a state of critical overdraft and the local agencies within the basin are working on replenishing the basin through the recharge of surface water into the groundwater basin. North San Joaquin Water Conservation District (NSJWCD) computed the average annual overdraft of the basin, within District boundaries, at 50,000 acre-feet per year. The NSJWCD estimates the total overdraft in the District between 500,000 to 750,000 acre-feet (af). Groundwater levels in the District have declined by as much as 80-100 feet in some locations.

NSJWCD was too conservative on its estimate of the amount of water that could be diverted and put into underground storage annually when it originally filed its request to add a new point of diversion for the District's CALFED Project. Based on these conservative estimates, the Division of Water Rights issued Order WR 2006-0018-DWR which allows for 1,000 acre feet annually (afa) to be collected to underground storage. The District is in first year of operation at the CALFED site, and in 2009, 600 af has already been put into underground storage. NSJWCD estimates to reach the allotted 1,000 afa for underground storage by August 20, 2009. The groundwater basin needs to be replenished and NSJWCD will have to cease diversions at the CALFED site (for the year) within less than a month, if not allowed to increase the amount of water diverted for underground storage. NSJWCD requests that the water diverted for underground storage be increased from 1,000 afa to 2,000 afa. This does not increase the total amount of water that NSJWCD is allowed to appropriate under permit 10477 and Division of Water Rights Order WR 2006-0018-DWR, but only changes the amount used for underground storage.

**ATTACHMENT B**

## Karna Harrigfeld

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**From:** Kent Smith [KSMITH@dfg.ca.gov]  
**Sent:** Tuesday, July 28, 2009 3:50 PM  
**To:** Joseph Johnson; Karna Harrigfeld  
**Cc:** edandgretchen@aol.com; Kathy Hill; MaryLisa Lynch; Sandra Morey  
**Subject:** RE: Temporary Urgency Change Petition - North San Joaquin WCD

Karna,

Based on the information you have provided, the Department does not have an issue with the Temporary Change Position.

Kent

Kent A. Smith  
Habitat Conservation Program Manager  
CA Department of Fish & Game  
North Central Region  
Phone: (916) 358-2382  
Fax: (916) 358-2912

>>> "Karna Harrigfeld" <KHARRIGFELD@herumcrabtree.com> 7/28/2009 2:59 PM

>>> >>>

This proposal will have no effect on 5,000 AF, we would be happy to add the 300 AF onto the 5,000 AF pulse. When and where is the meeting tomorrow?

KARNA E. HARRIGFELD  
HERUM \ CRABTREE  
T: 209.472.7700 \ F: 209.472.7986  
kharrigfeld@herumcrabtree.com  
2291 WEST MARCH LANE, SUITE B100  
STOCKTON, CA 95207  
herumcrabtree.com

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Thank you.

-----Original Message-----

**From:** Joseph Johnson [mailto:jrjohnson@dfg.ca.gov]  
**Sent:** Tuesday, July 28, 2009 2:54 PM  
**To:** Karna Harrigfeld  
**Cc:** Kathy Hill; Kent Smith  
**Subject:** RE: Temporary Urgency Change Petition - North San Joaquin WCD

Karna,

There is 5000 AF that is due to be released for plus flows in the next month or two. This was a agreement that was made this past Spring to get more salmon back to the hatchery. I want to make sure this proposal does not effect this 5000 AF. There is a MRTAC meeting tomorrow where we hope to work out the timing of these release's. The 300 AF will likely be included in these talks.

Joseph R Johnson



Senior Environmental Scientist  
North Central Region  
Fisheries  
1701 Nimbus Rd  
Rancho Cordova, Ca 95760  
Office (916) 358-2943  
Cell (916) 708-6844

>>> "Karna Harrigfeld" <KHARRIGFELD@herumcrabtree.com> 7/28/2009 2:26 PM  
>>>

Kent:

Approving this will ensure that more water is released to the Mokelumne River during the irrigation season. The water will flow from Camanche to the CALFED diversion point, so fish occupying that reach will have an additional 10 cfs.

Yes, you can we be assured that this action will not result in any decrease in the amount of water that is supposed to be released to the river for fish because water releases specifically for fishery purposes are made pursuant to the JSA, which DFG is a signatory. Water delivery to NSJWCD is water on top of the fishery flow mandated under the JSA.

Pursuant to NSJWCD/DFG bypass flow agreement, DFG has 300 AF of water from NSJWCD supply to be released when and how the fish group would like. We are awaiting direction on how we should release the 300 AF.

Can I inform the State Water Board that DFG does not object to the Temporary Change Petition?

KARNA E. HARRIGFELD  
HERUM \ CRABTREE  
T: 209.472.7700 \ F: 209.472.7986  
kharrigfeld@herumcrabtree.com  
2291 WEST MARCH LANE, SUITE B100  
STOCKTON, CA 95207  
herumcrabtree.com

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-----Original Message-----

From: Kent Smith [mailto:KSMITH@dfg.ca.gov]  
Sent: Tuesday, July 28, 2009 9:44 AM  
To: Karna Harrigfeld  
Cc: edandgretchen@aol.com; Joseph Johnson; Kathy Hill; Mike Healey; MaryLisa Lynch; Lauren Layne  
Subject: Re: Temporary Urgency Change Petition - North San Joaquin WCD

Karna,

Can we be assured that this action will not result in any decrease in the amount of water that is supposed to be released to the river for fish? As you know, every drop, especially at certain times of the year, is precious!

:o)

Kent A. Smith  
Habitat Conservation Program Manager  
CA Department of Fish & Game  
North Central Region  
Phone: (916) 358-2382  
Fax: (916) 358-2912

>>> "Karna Harrigfeld" <KHARRIGFELD@herumcrabtree.com> 7/27/2009 10:56 AM >>>

Kent:

I left you a detailed voicemail message, but also wanted to send you a written request. North San Joaquin Water Conservation District (NSJWCD) is petitioning the State Water Board for a Temporary Urgency Change in the purpose of use for water under our Water Right Permit 10477 that will allow NSJWCD to store up to 2,000 AF in the underground groundwater basin at our CALFED project. When we originally requested the new point of diversion for our CALFED Project, the State Water Board required us to file an underground storage supplement. We conservatively estimated that we would be able to store 1,000 AF annually. However, the infiltration rates at the CALFED site have been very good this year and we will be able to apply an additional 1,000 AF this year. In order to accomplish this, the State Water Board is requiring that we file a Temporary Urgency Change petition. As you know, the CALFED Project diversion is properly screened so there should be no fishery issues. As you also know the Eastern San Joaquin County groundwater basin is in a state of critical overdraft and there is an urgent need to place additional surface water into the groundwater basin. Finally, we are hoping within the next year that the State Water Board will act on our Petition filed in June 2007 which will allow the District to store up 17,000 AF of our permitted right of 20,000 AF in the ground which will address this issue long term.

Do you agree that this proposed temporary urgency change will not adversely affect fish and wildlife?

KARNA E. HARRIGFELD

HERUM \ CRABTREE

T: 209.472.7700 \ F: 209.472.7986

kharrigfeld@herumcrabtree.com <mailto:kharrigfeld@herumcrabtree.com>

2291 WEST MARCH LANE, SUITE B100

STOCKTON, CA 95207

herumcrabtree.com <<http://www.herumcrabtree.com/>>

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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

[X] 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 for the description of the water diversion and use and the project operational changes, including changes in how the water will be used.

[X] See Attachment No. 1 Supplement to Petition for Temporary Urgency Change

ENVIRONMENTAL INFORMATION FOR PETITIONS

**2. COUNTY PERMITS**

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

Person contacted:  N/A  Date of contact:  N/A

Department:  N/A  Telephone: (       )  N/A

County Zoning Designation:  N/A

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):

\_\_\_\_\_

\_\_\_\_\_

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)  N/A

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.



ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Kent Smith (916) 358-2382  
ksmith@dfg.ca.gov

**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: NSJWCD
- 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: \_\_\_\_\_

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? N/A

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

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

N/A because no vegetation will be affected below the diversion point.

**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: July 29, 2009

Signature: 

**ATTACHMENT NO. 1**



## ATTACHMENT NO. 1 – SUPPLEMENT TO PETITION FOR TEMPORARY URGENCY CHANGE

### **Question 1 – Description of Proposed Changes**

There will be no construction, no structures built, no areas graded or excavated, and no changes in land use under the Petition for Temporary Urgency Change. The North San Joaquin Water Conservation District (NSJWCD) requests that the water diverted for underground storage be increased from 1,000 acre feet annually (afa) to 2,000 afa at the point of diversion located at SE¼ of NW¼ of Section 33, T4N, R7E, MDBM. This does not increase the total amount of water that NSJWCD is allowed to appropriate under permit 10477 and Division of Water Rights Order WR 2006-0018, but only changes the amount used for underground storage. The Permit allows the NSJWCD to appropriate a total of 20,000 afa. There would be no project operational changes other than the amount stored to replenish the groundwater basin would increase from 1,000 afa to 2,000 afa. The amount diverted would not exceed that allowed under Division of Water Rights Order WR 2006-0018-DWR, which is 10 cubic feet per second.

The Eastern San Joaquin Groundwater Basin is in a state of critical overdraft and the local agencies within the basin are working on replenishing the basin through the recharge of surface water into the groundwater basin. NSJWCD computed the average annual overdraft of the basin, within District boundaries, at 50,000 acre-feet per year. NSJWCD estimates the total overdraft in the District between 500,000 to 750,000 acre-feet. Groundwater levels in the District have declined by as much as 80-100 feet in some locations.

NSJWCD was too conservative on its estimate of the amount of water that could be diverted and put into underground storage annually when it originally filed its request to add a new point of diversion for the District's CALFED Project. Based on these conservative estimates, the Division of Water Rights issued Order WR 2006-0018-DWR which allows for 1,000 afa to be collected to underground storage. In 2009, 600 afa has already been put into underground storage and NSJWCD estimates to reach the allotted 1,000 afa for underground storage by August 20, 2009. The groundwater basin needs to be replenished and NSJWCD will have to cease diversions at the CALFED site (for the year) within less than a month, if not allowed to increase the amount of water diverted for underground storage.

**NOTICE OF EXEMPTION**  
**(Cal. Code Regs. § 15062)**

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**TO:** State of California  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**FROM:** North San Joaquin Water  
Conservation District  
221 West Pine Street  
Lodi, CA 95240

County Recorder/Clerk  
County of San Joaquin  
Pacific State Bank Building  
6 South El Dorado St., 5<sup>th</sup> Floor  
Stockton, CA 95202

STATE WATER RESOURCES  
CONTROL BOARD  
2009 JUL 30 PM 1:51  
DIV. OF WATER RIGHTS  
SACRAMENTO

**PROJECT TITLE:**

The North San Joaquin Water Conservation District Using an Existing Point of Diversion to increase Underground Water Storage from 1,000 Acre-Feet Per Annum to 2,000 Acre-Feet Per Annum to Replenish the Groundwater Table.

**PROJECT LOCATION:**

The project is located within North San Joaquin Water Conservation District boundaries. The entire project is located within the County of San Joaquin. The existing point of diversion in the Mokelumne River that is already in use is located at SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 33, T4N, R7E, MDBM.

**DESCRIPTION OF THE NATURE, PURPOSE AND BENEFICIARIES OF THE PROJECT:**

The purpose of the project is to increase the amount of water used for underground storage from 1,000 acre-feet per annum (afa) to 2,000 afa. This does not increase the total amount of water that North San Joaquin Water Conservation District is allowed to appropriate under permit 10477 and Division of Water Rights Order WR 2006-0018, but only changes the amount used for underground storage. The need for this stems from the fact that the groundwater basin is in a state of critical overdraft and the North San Joaquin Water Conservation District is trying to help recharge the basin.

**NAME OF THE PUBLIC AGENCY APPROVING PROJECT:**

North San Joaquin Water Conservation District

**NAME OF THE PUBLIC AGENCY CARRYING OUT THE PROJECT:**

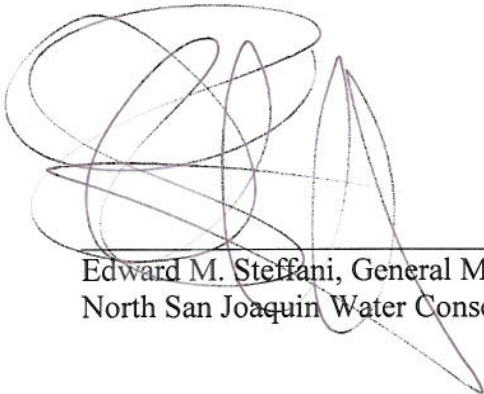
North San Joaquin Water Conservation District

**FINDING OF EXEMPTION:**

The North San Joaquin Water Conservation District, as the lead agency under the California Environmental Quality Act (CEQA), finds the project is categorically exempt from CEQA pursuant to CEQA Guidelines § 15301.

**REASONS WHY EXEMPT:**

North San Joaquin Water Conservation District finds that this project is categorically exempt under Class 1, Existing Facilities, (CEQA Guidelines § 15301) because the project involves the operation of pre-existing point of diversion that is already in use for the same purpose.



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Edward M. Steffani, General Manager  
North San Joaquin Water Conservation District