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STATE WATER RESOURCES  
CONTROL BOARD

2012 MAY 18 PM 2:34

DIV OF WATER RIGHTS  
SACRAMENTO

To: Ms. Barbara Evoy, Chief  
Division of Water Rights  
State Water Resources Control Board  
Post Office Box 2000  
Sacramento, California 95812-2000

From: Rob Cooke, Chief  
State Water Project Analysis Office  
Department of Water Resources

Subject: 2012 Petition for Temporary Change to Modify the State Water Project, Central Valley  
Project Authorized Places of Use

Enclosed is the Department of Water Resources (DWR) and the United States Bureau of Reclamation's (Reclamation) Petition for Temporary Transfer to facilitate exchanges of State Water Project (SWP) and Central Valley Project (CVP) water south of the Delta. The petition requests that the Board temporarily modify the authorized Place of Use of the listed USBR permits to include the State Water Project (SWP) authorized place of use downstream of the Harvey O. Banks Pumping Plant, and the DWR permits to include the Central Valley Project (CVP) authorized places of use downstream of the Jones Pumping Plant.

The changes will allow DWR and Reclamation to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of Banks and Jones. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the water supply reductions imposed on SWP and CVP contractors in 2012.

Also included are (1) a check for the \$17,693.00 fee to the State Water Resources Control Board, (2) a check for \$850 to the Department of Fish and Game. If you or your staff wish to discuss this petition further, please contact me at (916) 653-4313 or Nancy Quan of my staff at (916) 653-0190 or you may contact Ray Sahlberg, Mid Pacific Region, Bureau of Reclamation at (916) 978-5249.



Robert B. Cooke, Chief  
State Water Project Analysis Office  
(916) 653-4313

**Attachments**

cc: (See attached list.)

KDM  
STATE WATER RESOURCES  
CONTROL BOARD  
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SACRAMENTO

**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 TRANSFER  
OF WATER/WATER RIGHTS**  
(Water Code 1725)

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

Application No(s) 14443    Permit No. 16479    License No. \_\_\_\_\_  
Statement or Other No. \_\_\_\_\_

**Permits of the US Bureau of Reclamation as shown on the Supplement**

**Present Holder and User of Water Right**

Department of Water Resources	Nancy Quan	(916) 653-0190
Person or Company name	Contact person	Telephone No.
P.O. Box 942836, 1416 9 <sup>th</sup> St, Sacramento	California	94236
Address	State	Zip Code
nquan@water.ca.gov		
E-MAIL (For noticing purposes)		

**Co-petitioner**

US Bureau of Reclamation	Richard Woodley, Regional Resources Manager	(916) 978-5201
Person or Company name	Contact person	Telephone No.
2800 Cottage Way,	Sacramento	California
Address	State	Zip Code
rwoodley@usbr.gov		
E-MAIL (For noticing purposes)		

**Proposed New User**

See Supplement

Person or Company name	Contact person	Telephone No.
Address	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. The changes are **shown on the accompanying map and described as follows** (attach additional pages, as needed):

**Amount of Water to be Transferred** up to 52,320 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is \_\_\_\_\_ cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year) June 2012 through May 2013

**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.

4/19/12  
Rec.  
ch#8322 DFG# 850.00  
ch# 82016 # 17693.00

Present Banks Pumping Plant and Jones (formerly Tracy) Pumping Plant as described in D1641  
 Proposed No Change

**Place of Use**

Present See Supplement  
 Proposed See Supplement

**Purpose of Use**

Present Municipal, Domestic, Irrigation, Fish & Wildlife Enhancement, Recreation, Streamflow, Enhancement, Salinity Control, Incidental Power  
 Proposed No Change

<b>Season of Use</b>	<b>Direct Use (cfs)</b>	<b>Storage (ac-ft)</b>
Present <u>June 2012 – May 2013</u>	_____	_____
Proposed <u>June 2012 – May 2013</u>	_____	_____

The proposed transfer/exchange water is presently used or stored within the county/counties of: Fresno, Kern, Kings, Merced, Riverside, San Joaquin, Santa Clara, Stanislaus, Tulare, Ventura, Orange, Los Angeles, San Bernardino, San Benito and San Diego

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties: Fresno, Kern, Kings, Merced, Riverside, San Joaquin, Santa Clara, Stanislaus, Tulare, Ventura, Orange, Los Angeles, San Bernardino, San Benito and San Diego.

- 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 Supplement
- 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? No  
(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? No  
(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.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- 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 Supplement
- 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 Supplement
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. David Sholes; Region 5, (559) 445-6279; dsholes@waterboards.ca.gov

- 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. Annette Tenneboe, atenneboe@dfg.ca.gov, DFG Central Region, 1234 E. Shaw Ave, Fresno, Ca 93710
- 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) ? No  
(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 Supplement
- 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 Supplement
- 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 STATE WATER BOARD 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: May 18, 2012 at Sacramento, California

  
Signature(s)

(916) 653-0190  
Telephone No.

Dated: May 9, 2012 at Sacramento, California

  
Signature(s)

(916) 978-5201  
Telephone No.

**NOTE:** This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board 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.

**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.

## SUPPLEMENT

### **U.S. Bureau of Reclamation Permits for the Central Valley Project**

Application Numbers: 5626, 5628, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374, 17376

Permit Numbers: 12721, 11967, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973, 12364

### **Requested Change**

The Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) request that the State Water Resources Control Board (SWRCB) modify the permits listed in this petition to temporarily change the authorized place of use of (1) the above Reclamation permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks) as shown on the maps on file with the SWRCB, and (2) the above DWR permits to include the Central Valley Project (CVP) authorized place of use downstream of Jones Pumping Plant (Jones) as shown on the maps on file with the SWRCB and as shown on the attached maps. DWR and Reclamation request that the above changes remain in effect for one year from the date of any order approving this petition. The changes will allow DWR and Reclamation to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of the Banks and Jones. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the significant reductions in Project water supply in 2012. The changes will facilitate the exchanges noted in this petition which are intended to maximize the beneficial use of available supplies within areas experiencing reductions in their SWP and CVP supplies. All other provisions of the above permits protecting other legal users of water and the environment will remain in effect as will all other regulatory restrictions governing SWP and CVP operations.

### **Reason for the Requested Changes**

Water supply conditions are currently classified as "Dry" for the Sacramento River basin and "Critical" for the San Joaquin River basin. The dry conditions in the 2011/2012 water year to date have resulted in allocations of 60 percent of contract Table A amounts to the SWP contractors and only 40 percent of contract amounts to CVP agricultural contractors south of Jones.

In addition to annual hydrology, the ability of DWR and Reclamation to deliver Project water south of the Delta is affected by current operational restrictions affecting the ability to divert water from the Delta, including those contained in State Water

Resources Control Board (SWRCB) Decision 1641 and the current biological opinions issued for the protection of Delta smelt and anadromous fishes and marine mammal species. Operational limitations severely restrict Project exports through June, impact the ability of the Projects to capture excess spring flows and move water from upstream storage to contractors south of the Delta.

DWR and Reclamation believe that the requested change is necessary to allow the SWP and CVP to help alleviate impacts of the water shortages to users within the SWP and CVP service areas downstream of the Delta pumping facilities, and to facilitate the most efficient use of water that is already in storage. Due to the combination of the increased regulatory restrictions on exports, and future uncertainty, water transfers and exchanges are more important than ever. The consolidation of the SWP and CVP places of use will provide an important tool that will help the Projects and water suppliers and users to manage the water supplies that are currently available as effectively and efficiently as possible.

The change will not result in the diversion of additional water from the Delta or the delivery of more water to any individual water supplier or user than has been delivered historically. Instead, the requested change will provide the operational flexibility the Projects need to get available supplies where they are needed most and in the most efficient manner possible.

### **Proposed Projects Requiring Change in Authorized Place of Use**

All exchanges covered by this petition will occur south of the Delta and total amount of water transferred will not exceed 52,320 acre-feet. The following exchanges are proposed by SWP and CVP contractors south of the Delta to alleviate anticipated water supply shortages. In all cases the water supply of the receiving agency will not exceed historic deliveries.

### **CVP-SWP Exchange under a Consolidated Place of Use Petition to Facilitate Conveyance of Water to Santa Clara Valley Water District**

Santa Clara Valley Water District (SCVWD) contracts for a water supply from both the SWP and CVP. The SWP water is delivered through the South Bay Aqueduct (SBA) and the CVP water is delivered from San Luis Reservoir through the San Felipe Division. In 2012, there are several operational and maintenance issues that may require the delivery of the SCVWD's CVP or SWP supplies through an exchange. Up to 30,000 AF of the SCVWD's CVP and/or SWP supplies may be subject to these alternative conveyance approaches. The need for this flexibility is described in more detail below:

- Based on projected operating conditions, total storage in San Luis Reservoir may drop to levels that result in operational and/or water quality problems. When this occurs, SCVWD's pumping capacity through the San Felipe Division can be limited, potentially impacting the ability to meet district demands. In addition, low water levels can result in reduced water quality causing water treatment problems which could result in severe reductions in the quantity of CVP supplies conveyed through the San Felipe Division, as well as increased water treatment costs. Another issue is the aging infrastructure on the San Felipe Division, which could result in both planned and unplanned facility shutdowns for maintenance and repair. Both San Luis Reservoir water level issues and potential infrastructure repairs may require delivery of SCVWD's CVP water through an exchange with the SWP. Reclamation and DWR are therefore requesting approval to exchange CVP and SWP water to allow SWP water to be pumped at Banks Pumping Plant and delivered to SCVWD through the SBA. In exchange, an equal amount of CVP water will be pumped at Jones Pumping Plant and delivered to the SWP at the O'Neill Forebay for use within the SWP service area south of O'Neill. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.
- Planned and unplanned shutdowns on the SBA as well as within SCVWD's service area may prevent deliveries of SWP water through the SBA. Critical maintenance on the SBA is scheduled to take place in November and December 2012, and the SCVWD's aging infrastructure may require unplanned shutdowns that limit the ability to receive SWP water through the SBA. Reclamation and DWR are requesting an exchange of CVP and SWP water to allow the delivery of SCVWD's SWP through an exchange with the CVP. SWP water would be pumped at Banks Pumping Plant and delivered to the CVP at O'Neill Forebay for use within the CVP service area south of O'Neill. In exchange, an equal amount of CVP water would be pumped at Jones Pumping Plant and delivered to SCVWD through the San Felipe Division. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.

The added flexibility provided by the proposed exchanges will allow SCVWD to manage operational and maintenance uncertainties on both the San Felipe Division and the SBA. Approval of the petition will allow the continued delivery of water to SCVWD and provide operational flexibility, thus minimizing negative impacts to the economy of the SCVWD service area, water levels within the regions groundwater basin and local environmental resources.

### **Oak Flat Water District/Del Puerto Water District Exchange**

Oak Flat Water District, a SWP contractor, and Del Puerto Water District, a CVP contractor, are adjacent districts located north of San Luis Reservoir in San Joaquin, Stanislaus and Merced Counties. The districts share common landowners. Landowners with water supply allocations from both projects have requested the ability to optimize the application of available supplies on their combined properties. The proposed exchange would allow the delivery of up to 1,000 af of the landowners' allocated CVP supplies through SWP turnouts on the California Aqueduct to lands within DPWD, delivery of a portion of their allocated CVP supply to lands within OFWD and delivery of a portion of their allocated SWP supplies through CVP turnouts on the Delta Mendota Canal to lands within DPWD. The proposed exchanges would result in no increase in total SWP or CVP allocations to either district.

### **Kern County Water Agency-Kern Tulare Water District Exchange**

Kern County Water Agency (KCWA) is a SWP contractor with numerous member units within Kern County. Kern Tulare Water District (KTWD) is a CVP contractor located in Kern County with a contract for water through the Cross Valley Canal (CVC). Due to limited capacity at Jones Pumping Plant, conveyance of CVP-CVC water through SWP facilities is often required to affect deliveries to the CVC contractors. DWR and Reclamation have an agreement to pump CVC water at Banks Pumping Plant for delivery to the CVC when capacity is available. As a result of projected hydrologic conditions and anticipated operational restrictions, it is possible there will be no capacity to move CVC water through Jones or Banks until fall 2012. In order to assist KTWD in meeting peak irrigation demands this summer, KCWA will deliver up to 21,320 acre-feet of SWP water to KTWD through the summer months. In exchange, KTWD will deliver an equivalent amount of CVP-CVC water to KCWA in the fall for delivery to KCWA member units. KTWD is within the SWP place of use, however several of the KCWA member units to receive the fall CVP water are outside the CVP place of use. The exchange will not result in an increase in allocations to either district.

## **RESPONSES TO SPECIFIC QUESTIONS**

### **1b. The Amount of Water to be Transferred/Exchanged Would Have Been Consumptively Used or Stored in the Absence of the Transfer**

With SWP allocations at 60 percent and CVP allocations to south of Delta Ag contractors at 40 percent, available supplies remain below contractor demands. Even with the supplemental supplies provided by the proposed exchanges, some contractors will have unmet demands. Recent restrictions on pumping from the Delta substantially limit SWP and CVP exports in all years and can result in severe shortages in dry years. The projects proposed under this petition involve water that would have been



consumptively used or stored in the absence of the exchanges. The SWP-CVP exchange for Santa Clara is only to allow delivery of allocated CVP supply to Santa Clara in the event San Luis low point results in water quality or water supply problems. It is a one for one exchange. The exchange will not increase the SWP or CVP water allocated to SCVWD for use within its service area. The Oak Flat/Del Puerto exchange will allow common landowners to deliver water allocated under either their SWP or CVP contract to land owned by those same landowners and currently farmed within the adjacent district. In the absence of the transfer the water would be used within the applicable SWP or CVP contractor service area. The KCWA-KTWD exchange will assist KTWD in meeting peak irrigation demands in the event pumping capacity is insufficient to deliver allocated CVC water during the summer months. In the absence of the transfer, the CVC water would have been placed in surface or groundwater storage south of the Delta.

### **3.a. Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions or Use, Return Flows, or Effects on Legal Users**

The change requested by DWR and Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. There will be no impact to other legal users of water. The water to be transferred or exchanged is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions. There will be no increase in quantity or timing of diversions from the Delta. There are no other legal users downstream of the points of diversion that would be affected by the exchanges. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. Exchanges similar to those proposed above were conducted in 2009 and 2010 consistent with the provisions of WR 2009-0033 and WR 2010-0032-DWR approving DWR and Reclamations' Petition for Change to consolidate the authorized places of use of the SWP and CVP. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers.

### **3.b. Reasons the Proposed Temporary Change will not Injure Any Legal User of Water**

There will be no impact to other legal users of water. The water is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions. The quantity of water diverted from the Delta will not change as a result of the proposed exchanges. The terms and conditions contained in D1641 protect other in-basin diverters from any potential impacts of Project diversions of natural flow. DWR and Reclamation will continue to operate in conformance with D1641 and all other applicable regulatory

restrictions governing SWP and CVP operations. There are no other legal users downstream of the points of diversion that would be affected by the exchanges.

All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. The total quantity of water diverted from the Delta will not change. Exchanges similar to those proposed above were conducted in 2009 consistent with the provisions of Order WR 2009-0033 and in 2010 consistent with the provisions of WR 2010-0032-DWR.

#### **5.b and c. The Transfer Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment**

The change requested by DWR and Reclamation will not result in unreasonable impacts to fish and wildlife or the environment. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. The water is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions. The total quantity of water diverted will not change. The timing of deliveries to specific SWP or CVP contractors will change, and in the case of the Oak Flat/Del Puerto exchange, there may be minor changes in the total quantity delivered to either district, but the aggregate quantity delivered to both districts will not change.

There will be no change in the amount of SWP or CVP water diverted at the Banks or Jones Pumping Plants. Therefore, there will be no change in flow or water quality conditions in the Delta. All water exported at the SWP and CVP pumping plants is pumped consistent with the criteria contained in D1641 and all other applicable regulatory restrictions governing SWP and CVP operations.

Although the total amount of pumped at Banks and Jones will not change, the delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and Reclamation so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and will not be adversely impacted as a result of the exchanges.

The exchanges will not result in a measurable change in quantity or quality of return flows. There will be no increase in either SWP or CVP allocations as a result of the proposed exchanges. There could be some shift in the timing of deliveries of SWP and CVP allocated supplies, and in the case of the Oak Flat/Del Puerto exchange, some localized, very minor shifts in return flow pattern. The exchanges will not result in an increase in deliveries to any drainage impaired lands.

Exchanges similar to those proposed above have been implemented in previous years by both DWR and Reclamation. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers. For the above reasons, DWR and Reclamation believe the facts support a finding that approval of this Petition would not result in injury to other legal water users or unreasonable impacts to the environment.