



Water Resources ♦ Flood Control ♦ Water Rights

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June 23, 2010

Greg Wilson
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Response to Protests Against Garden Highway Mutual Water Company's Petition for Temporary Transfer during 2010

Dear Mr. Wilson:

In accordance with our discussions, the purpose of this letter is to provide a response to the items requested by the Division of Water Rights (Division) relative to the protests filed against Garden Highway Mutual Water Company's (Company) Petition for Temporary Transfer (Petition), dated April 9, 2010. As we discussed, this response is to address the items identified below, based on the protests filed by the California Sportfishing Protection Alliance (CSPA), and the California Water Impact Network and AquAlliance (collectively referred to herein as C-WIN):

1. Water Code Section 1745.10, and alleged groundwater overdraft within Sutter County;
2. Factual correction regarding evaporation losses; and
3. Potential third party impacts.

In order to provide a response to the protests, we have not identified particular sections or items independently for each protest. Instead, we have responded to both protests to address the items listed above, as identified further below.

ITEM 1

Sutter County is in the process of preparing a groundwater management plan; however the final groundwater management plan (GMP) preparation was delayed due to a temporary suspension in funding assistance. Efforts have recently resumed on the Sutter County GMP and it is scheduled for completion in August 2011. In accordance with Water Code Section 1745.10, the Company identified in its Petition that it does not believe the proposed temporary transfer will result in an overdraft of the underlying groundwater basin. The assertion that overdraft exists within this portion of Sutter County, based on a comparison between groundwater elevations during 1912-1913 and groundwater elevations during 2007, is inappropriate. Figure 1, attached, identifies groundwater elevations during these two periods. Figure 1 indicates that groundwater elevations during 2007 near the vicinity of the Company are within approximately five feet (plus and minus) of the groundwater elevations during 1912-1913 and that groundwater elevations in this portion of Sutter County have generally increased over the past 96 years. Figure 2, attached, shows the groundwater elevation data during approximately a 55-year period between 1950 and 2005 for the Department of Water

Resources Monitoring Well No. 13N/3E-13 D001M, which is located less than two miles north of the Company's boundary. Figure 2 indicates that groundwater elevations have fluctuated seasonally each year with greater fluctuations during drier periods; however, the groundwater elevations within this portion of Sutter County have remained relatively stable during this 55-year period. In addition to this information, the Company is allowing DWR to install a new groundwater monitoring well within the Company's service area, which will further assist in documenting groundwater levels.

ITEM 2

Relative to evaporation during irrigation, it is correct to claim that evaporation will occur from the ground surface; however, it is incorrect to protest that such evaporation is unaccounted and/or unique to water transfer operations. The crops produced within the Company and the associated irrigation practices would occur with or without the proposed temporary water transfer. Therefore, the evaporation from fields during 2010 with the Company's proposed temporary water transfer is the same as the evaporation that would have occurred absent the water transfer.

ITEM 3

Relative to potential third-party impacts, the Company's proposed temporary water transfer during 2010 will be conducted consistent with the Company's Groundwater Pumping Proposal, Monitoring, and Reporting Plan, and Groundwater Mitigation Plan developed cooperatively with the Department of Water Resources (DWR). The Company implemented similar plans for its water transfer during 2009 and is not aware of any adverse impacts from its participation in DWR's 2009 Drought Water Bank.

We believe that the information contained in this letter addresses the items requested by the Division to be addressed by the Company relative to the protests filed by CSPA and C-WIN. Following your review of this letter, please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS

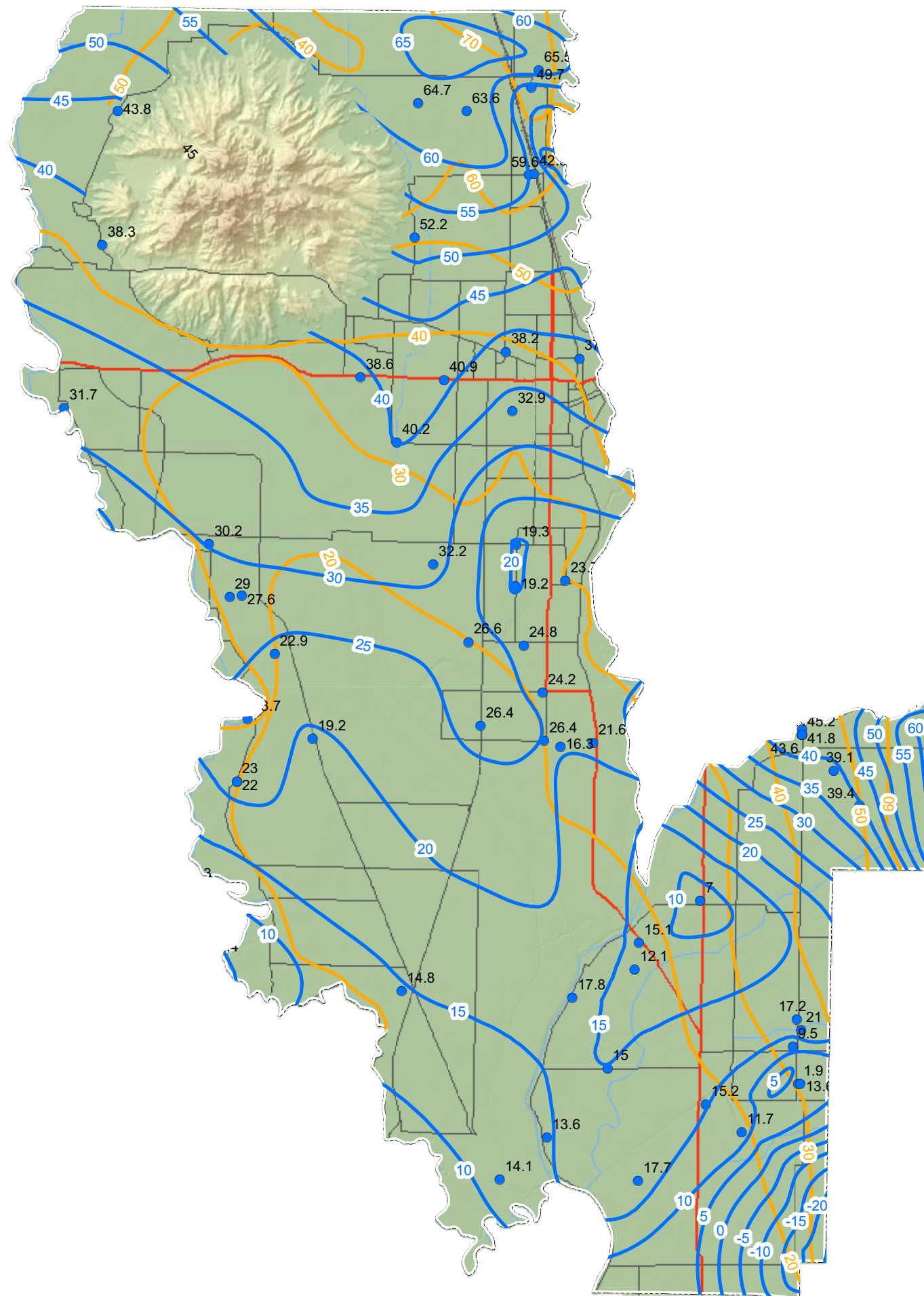


Darren Cordova

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2875.10/GREG WILSON 2010-06-23.DOC

Enclosures

cc: Nicole Van Vleck
Al Montna
Andrew Hitchings
Jacqueline McDonald
Larry Ernst



Legend

- DWR Monitored Wells Used for Contour Data
- Groundwater Contour of Equal Elevation Fall 2007
- Groundwater Contour of Equal Elevation Fall 1912 - 1913

Note: Water level data is from the California Department of Water Resources Water Data Library. The data attached is provisional and subject to change. The DWR will not be held liable for any activity involving the use of the data, nor the results obtained from such use. Contours depict the approximate groundwater surface elevation and are not necessarily indicative of conditions at a specific site.

SOURCES: Contour interpretation and data provided by the California Department of Water Resources, Central District and USGS



**SUTTER COUNTY
GROUNDWATER MANAGEMENT PLAN**

GROUNDWATER ELEVATION CONTOUR MAP
FALL 1912 - 1913 vs. FALL 2007



FIGURE 1

Groundwater Hydrograph
State Well Number 13N/3E-13 D001M

