

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Specified License and Permits¹ of

THE STATE WATER PROJECT AND THE CENTRAL VALLEY PROJECT

**ORDER APPROVING A PETITION FOR TEMPORARY CHANGE IN THE PLACE OF USE OF
LICENSE AND PERMITS OF THE CALIFORNIA DEPARTMENT OF WATER RESOURCES
AND UNITED STATES BUREAU OF RECLAMATION**

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 INTRODUCTION

On April 20, 2017, the Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) (hereinafter jointly referred to as Petitioners) filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), a Petition for Temporary Change under Water Code Section 1725, et seq. With the petition, DWR requests a one-year modification of Permit 16479 and Reclamation requests a one-year modification of License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 to temporarily change the authorized place of use of: (1) the DWR permit to include the Central Valley Project (CVP) authorized place of use downstream² of Jones Pumping Plant (Jones); and (2) the Reclamation license and permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks). The maximum total transfer quantity requested is up to 360,232 acre-feet (af).

The changes requested will temporarily consolidate the authorized places of use of the SWP and CVP (hereinafter jointly referred to as the Projects). DWR and Reclamation indicate that the changes will more effectively and efficiently utilize the operational flexibility of the combined Projects to supply water south of Banks and Jones (Delta Pumps). The Petitioners state that the requested changes will facilitate the delivery of available Project supplies south of the Sacramento-San Joaquin Delta (Delta) and maximize the beneficial use of available supplies. The Petitioners indicate approval of the petition will not increase the quantity or alter the timing of diversions from the Delta or San Joaquin River.

The temporary changes become effective upon issuance of the Order and remain in effect for one year from the date of approval. The total transfer quantity consists of many transfers/exchanges detailed in Section 3.3 below.

¹ The petition was filed for Permit 16479 (Application 14443) of the Department of Water Resources' State Water Project and License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15764, 16767, 17374 and 17376, respectively) of the United States Bureau of Reclamation's Central Valley Project.

² The Petitioners use the term "downstream" to identify that portion of the SWP and CVP that is served by water diverted from the Jones and Banks Pumping Plants. These areas are served via a system of canals and holding reservoirs that is within the petitioners' control. These areas are not within the downstream water supply as defined in Water Code section 1725.

The SWP and CVP license and permits subject to the proposed changes are listed in the table below.

SWP and CVP License and Permits Subject to Temporary Change

SWP Water Rights		
Application Number	License (L) or Permit (P) Number	Description
14443	P16479	Oroville Project
CVP Water Rights		
23	L1986	Friant Project
234	P11885	Friant Project
1465	P11886	Friant Project
5626	P12721	Shasta Project
5628	P11967	Trinity Project
5638	P11887	Friant Project
9363	P12722	Shasta Project
9364	P12723	Shasta Project
9368	P12727	Jones Pumping Plant
13370	P11315	Folsom Project
13371	P11316	Folsom Project
15374	P11968	Trinity Project
15375	P11969	Trinity Project
15764	P12860	San Luis Reservoir
16767	P11971	Trinity Project
17374	P11973	Trinity Project
17376	P12364	Whiskeytown Lake

On May 17, 2016, the State Water Board approved a similar petition filed by the same Petitioners to transfer/exchange up to 257,900 af of water to primarily the same buyers. The requested amount of 305,820 af was reduced by 47,920 af due to a denial of the proposed transfer/exchange between Kern-Tulare Water District (Kern-Tulare) and the San Joaquin River Exchange Contractors (SJREC). On June 28, 2016 the State Water Board approved a request for an additional transfer/exchange requested by Kern-Tulare (5,000 af) which would not exceed the approved amount of 257,900 af. On July 21, 2016, the State Water Board approved another request for additional transfers/exchanges requested by Kern County Water Agency (KCWA) and Arvin Edison Water Storage District (AEWSD). The AEWSD 12,000 af exchange was a portion of the amount originally described in the approved 2016 Order. An increase in the transfer/exchange cap by 50,000 af was also approved to include the additional 50,000 af exchange between KCWA and SJREC based on confirmation from Reclamation that the releases from Friant Dam constituted withdrawal from storage. The Petitioners indicated in the requests that the approved amounts of 257,900 af and 307,900 af, respectively, would not be exceeded with the additional transfers/exchanges. As of May 17, 2017 (end of transfer period), 48,543 af of water was transferred/exchanged.

2.0 CALIFORNIA'S ONGOING DROUGHT CONDITIONS SOUTH OF DELTA

2.1 Governor's Executive Orders

This Order is consistent with the Governor's Executive Order B-21-13 (Executive Order) issued on May 20, 2013 for the purpose of expediting review and processing of water transfers to address the dry conditions and water delivery limitations to protect California's agriculture, municipal and industrial

water users. The State Water Board and DWR are directed to make all efforts to coordinate with relevant federal agencies, water districts, and water agencies to expedite the review and approval of water transfers in California.

California has endured a severe multi-year drought. Despite improved 2016-2017 winter precipitation in some parts of the state, the effects of the drought still persist in areas of the Central Valley, and some parts of Southern California. On April 7, 2017 the Governor issued an Executive Order B-40-17 that declared the end of the Drought State of Emergency for all counties throughout California except the counties of Fresno, Kings, Tulare, and Tuolumne.

2.2 SWP and CVP Operations Supply

California is experiencing improved water supply conditions following five consecutive years of drought. Although hydrologic conditions in 2017 improved over the previous years, part of California is still experiencing severe drought conditions, especially south of the Delta. The U.S. Drought Monitor updated on May 30, 2017 continued to classify approximately 24 percent of the state in Abnormally Dry Conditions, mainly in Southern California. The current allocation to SWP contractors is 85 percent of their requested amounts. On April 11, 2017, Reclamation announced full allocations for agricultural, municipal and industrial water service contractors south-of-Delta, with conditions on San Luis Reservoir operations. It is therefore still critical for DWR and Reclamation to maximize the efficiencies of SWP and CVP deliveries to assist in continued drought recovery.

The proposed changes in place of use will not result in diversion of additional water from the Delta, a change in timing of SWP or CVP diversions, or the delivery of more Project water 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 to make the most efficient use of the available water supplies, as well as to aid in the continued recovery from the extended drought.

3.0 SUBSTANCE OF TEMPORARY CHANGE PETITION

3.1 Existing Place of Use of DWR and Reclamation Water Rights

The service area of the SWP is shown on maps 1878-1, 1878-2, 1878-3, and 1878-4 (on file under Application 5629) and the service area of the CVP is shown on map 214-208-12581 (on file under Application 5626).

3.2 Place of Use under the Proposed Temporary Change Petition

In order to consolidate the SWP and CVP authorized places of use, the Petitioners have requested: 1) the temporary addition of the CVP service area downstream of Jones to the place of use under DWR's Permit 16479; and 2) the temporary addition of the SWP service area downstream of Banks to Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364. These temporary additions would be for the purpose of completing the transfers/exchanges described below and would be effective for one year following the date the petition is approved. The areas to be added to the SWP are shown on Map 214-202-83 and the areas to be added to the CVP are shown on Map 214-202-84 submitted with the petition.

3.3 Transfers/Exchanges Proposed

The petition includes the following transfers/exchanges:

a. 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 2017 and 2018, there are several operational and maintenance issues that may require the delivery of the SCVWD's CVP or SWP supplies through an exchange. Also in 2017 and 2018, SCVWD may need to recover previously stored CVP water from Semitropic Water Storage District (SWSD) by exchange. Up to 100,000 af of the SCVWD's CVP, SWP, and/or previously stored CVP supplies may require delivery through these alternative conveyance approaches. The need for this flexibility is described in more detail below:

- Based on historic 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 SCVWD 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 in the San Felipe Division, which could result in both planned and unplanned facility shutdowns for maintenance and repair. In addition to San Luis Reservoir water level issues and potential infrastructure repairs, the following may limit SCVWD's ability to receive water through the San Felipe Division and therefore, may require delivery of SCVWD's CVP water through an exchange with the SWP; (1) work at Pacheco Pumping Plant; (2) work on SCVWD-maintained facilities, including shutdown of the Santa Clara Tunnel and Pacheco Conduit, which are the major raw water pipelines, scheduled from November 2017 to February 2018; (3) work on the Almaden Valley Pipeline from January 2018 to April 2018. SCVWD may also need to move its CVP water through the SBA by exchange in order to balance its operations if there is insufficient SWP water moving through the SBA. Reclamation and DWR are therefore requesting approval to exchange CVP and SWP water to allow SCVWD's CVP water to be pumped at Jones and delivered to DWR at O'Neill Forebay for use within the SWP service area south of O'Neill, and in exchange, an equal amount of SWP water would be pumped at Banks and delivered through the SBA. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.
- Possible shutdowns on the SBA as well as within SCVWD's service area may prevent deliveries of SWP water through the SBA. The SBA is planned to have limited operations through June 2017. Work at SCVWD's Penitencia Water Treatment Plant, currently scheduled for January to June 2017, will also limit SCVWD's ability to utilize SWP supplies from the SBA. In addition, aging infrastructure may require unplanned shutdowns that could further limit SCVWD's ability to receive SWP water through the SBA. SCVWD may also need to move its SWP water through the CVP San Felipe Division by exchange in order to balance its operations if there is insufficient CVP water through the San Felipe Division. Reclamation and DWR are requesting an exchange of CVP and SWP water to allow the delivery of SCVWD's SWP water through an exchange with CVP water. SWP water would be pumped at Banks and delivered to the CVP at O'Neill Forebay for use within the CVP service area south of O'Neill Forebay. In exchange, an equal amount of CVP water would be pumped at Jones and delivered to SCVWD through the CVP San Felipe Division. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.
- SCVWD has previously banked CVP water supplies in the SWSD groundwater bank. Recovery of the stored CVP water must be accomplished by exchange. In order to return the previously stored CVP water to SCVWD, SWSD will either pump the stored water into the California Aqueduct and deliver that water to DWR for use within the SWP service area south of SWSD's turn-in facilities, or use SCVWD's previously stored water within its own service area. In exchange, an equal amount of SWP water would be delivered to SCVWD through either the SBA and/or 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 CVP San Felipe Division and the SBA, and allow SCVWD to recover previously stored CVP water from SWSD groundwater bank by exchange. 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 region's groundwater basin, and local environmental resources.

b. Oak Flat Water District/Del Puerto Water District Exchange

Oak Flat Water District (OFWD), a SWP contractor, and Del Puerto Water District (DPWD), 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 supplies 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' CVP supplies through SWP turnouts on the California Aqueduct to lands within OFWD and /or delivery of the landowner's SWP supplies through CVP turnouts on the Delta-Mendota Canal to lands within DPWD. The proposed exchange would result in no increase in total SWP or CVP allocations to either district.

In addition to the exchange above, OFWD and DPWD propose an even exchange with SWP and CVP water to allow the delivery of up to 2,000 af of DPWD's CVP water. A portion of the lands within DPWD adjacent to OFWD are more efficiently served from OFWD's turnouts on the California Aqueduct. DPWD proposes to deliver a portion of its CVP supply to the lands adjacent to OFWD through an even exchange with the SWP. Up to 2,000 af of SWP water will be delivered through the OFWD turnouts on the California Aqueduct. An equal amount of CVP water will be delivered to the SWP at O'Neill Forebay. The exchange will not result in any increase in pumping from the Delta by either the SWP or CVP. There will be no increase in total deliveries to DPWD.

c. Kern County Water Agency/Central Valley Project

Sun World International:

Kern County Water Agency (KCWA) proposes to deliver up to 3,442 af of CVP Cross Valley Canal (CVC) water to lands within KCWA but outside of the CVP place of use. Sun World International has agricultural operations within KCWA and it acquired 3,442 af of CVP Friant Division (Friant) Class 1 water supplies from Porterville and Tulare Irrigation Districts. Sun World International has exchanged the Friant Class 1 water supplies with Pixley Irrigation District (Pixley) for a like amount of Pixley's CVC water in San Luis Reservoir. Pixley's CVC water will be delivered to Sun World International within KCWA but outside of the CVP place of use. This petition will expand the CVP place of use to include the SWP place of use that covers Sun World International's service area.

Rosedale-Rio Bravo Water Storage District Groundwater Bank:

KCWA proposes to deliver up to 29,750 af of its CVP Friant water to lands outside of the CVP place of use but inside the SWP place of use that covers the service areas of Castaic Lake Water Agency (Castaic), Coachella Valley Water District (Coachella), and Metropolitan Water District of Southern California (MWDSC) on behalf of its member agency Irvine Ranch Water District (Irvine) to facilitate the delivery of previously stored SWP and Kern River water in

Rosedale-Rio Bravo Water Storage District (Rosedale). Castaic has banked SWP and Kern River water supplies in Rosedale's groundwater bank and plans to recover up to 8,250 af of their previously stored SWP and Kern River water. Coachella has banked Kern River water supplies in Rosedale and plans to recover up to 16,500 af of their previously stored Kern River water. Irvine has banked SWP and Kern River water supplies in Rosedale and plans to recover up to 5,000 af of their previously stored SWP and Kern River water. Delivery of the SWP and Kern River water currently stored in Rosedale will be accomplished through exchange. KCWA will deliver up to 29,750 af of the CVP Friant water to Castaic's, Coachella's, and Irvine's California Aqueduct turnouts. An equivalent amount of Castaic's, Coachella's, and Irvine's water stored in Rosedale's groundwater bank will be transferred to Rosedale.

d. Arvin-Edison Water Storage District/Metropolitan Water District Program

Groundwater Banking:

MWDSC stores a portion of its SWP supply in the Arvin-Edison Water Storage District (AEWSD, a CVP contractor) groundwater banking facilities depending on annual allocations. When requested, AEWSD is obligated to return previously banked SWP water to MWDSC. In the absence of this proposed exchange, previously banked SWP water can only be recovered from AEWSD banking facilities through groundwater extraction. The expansion of the CVP place of use will allow AEWSD the option and flexibility to return MWDSC's banked water through an exchange of its available surface water supplies, including CVP Delta, San Luis Reservoir, or Friant surface supplies (CVP water supplies). The exchange will allow AEWSD greater flexibility in the scheduling and use of its CVP water supplies as well as a reduction in energy and costs associated with the groundwater extraction. The ability for AEWSD to return surface water through exchange would enhance the operational flexibility, water quality, and timing of water returned to MWDSC. CVP water supplied to MWDSC by AEWSD in lieu of extraction to recover previously stored SWP water will result in a balanced exchange or bucket-for-bucket (one-for-one) reduction of MWDSC's groundwater banking account with AEWSD. The exchange will occur only to the extent MWDSC has a positive water bank balance. Upon return of water to MWDSC, an equivalent amount of MWDSC's previously banked SWP water residing in AEWSD's water banking facilities would transfer to AEWSD.

Regulation Program:

Additionally, the requested change to a consolidated place of use would allow AEWSD to deliver its CVP water supplies to MWDSC first and receive back SWP water supplies in exchange at a later time. This program better facilitates the use of AEWSD's CVP water supplies that have a limited opportunity for use under current CVP operations. AEWSD is interested in utilizing MWDSC's ability to take delivery of and use or store AEWSD's CVP water supplies and return SWP water supplies to AEWSD at a future time in order to enhance AEWSD's ability to match supply to grower demands. The ability to regulate water in this manner reduces the need to directly recharge and subsequently extract supplemental groundwater. This exchange mechanism would also be on a balanced exchange or bucket-for-bucket (one-for-one) basis.

Spill Prevention Program:

In the event that hydrologic conditions are such that AEWSD believes that there may be limited availability to carry over 2017 CVP water supplies in CVP reservoirs, AEWSD's CVP water supplies would be delivered to MWDSC to reduce risk of spill and subsequent potential loss of water supplies. The CVP water will be delivered to MWDSC by exchange in San Luis Reservoir or directly into the California Aqueduct via the Friant Kern Canal and AEWSD or CVC facilities. MWDSC is willing to provide water management services to assist in regulating the available contract supplies.

MWDSC would receive AEWS's CVP water prior to spill and, at a later time, return a lesser amount (return 2 af for every 3 af regulated) to AEWS. The unbalanced nature of the exchange reflects the compensation to MWDSC for their water management services, which will protect the water from spilling. In the absence of the exchange with MWDSC, AEWS would attempt to avoid spilling the water by delivering the available CVP contract supplies to groundwater banking programs within the AEWS service area or other areas that are within the CVP place of use.

The benefits of the above proposed exchanges provide, among other things, offsets to the impacts to AEWS of the San Joaquin River Restoration Program by increasing AEWS's ability to efficiently use water supplies and by increasing the opportunities to complete the return of SJRRP releases to AEWS. In addition, the exchange could result in a reduction in energy and costs associated with groundwater recharge and extraction.

The proposed exchanges would be up to a total of 150,000 af of CVP water supplies for all three programs described above.

CVP Delta supplies will be provided as stated above.

If available, Friant Division CVP water will be provided directly via delivery from the Friant-Kern Canal and AEWS's distribution system, including its connections to the California Aqueduct at Milepost 227 (Reach 14C) or via its capacity in the CVC to the California Aqueduct at Tupman/Milepost 238 (Reach 12E).

e. Kern County Water Agency/Westlands Water District

Semitropic Water Storage District Recovery

KCWA proposes to deliver up to 6,800 af of its SWP water to lands within the Westlands Water District (Westlands) to facilitate the delivery of previously stored CVP water in the Semitropic Water Storage District (SWSD) groundwater bank. Two landowners, Poso Creek LLC, and Harris Farms Inc., have agricultural operations in both KCWA and Westlands and have both a SWP and CVP contract supply. The landowners have banked CVP water in SWSD. The landowners plan to recover up to 6,800 af of their previously stored CVP water. Delivery of the CVP water currently stored in SWSD will be accomplished through exchange. KCWA will deliver up to 6,800 af of SWP water to Westlands turnouts on the joint use facilities. An equivalent amount of the landowners' water stored in SWSD will be transferred to KCWA.

f. Byron Bethany Irrigation District/Musco Olive Products Inc.

Byron Bethany Irrigation District (BBID) contracts with Reclamation for a water supply from CVP. BBID provides up to 450 af per year under contract, to Musco Olive Products Inc. (Musco). Musco is not connected to BBID's distribution system. Neither BBID nor Reclamation can physically convey CVP water to Musco. Musco is located near SWP Reach 2A on the California Aqueduct (north of O'Neill Forebay). The Consolidated Place of Use will allow DWR to deliver up to 450 af of SWP water to Musco for BBID in exchange for an equivalent amount of CVP water delivered by Reclamation to DWR at O'Neill Forebay.

g. Tulare Lake Basin Water Storage District – Westlands Water District/San Luis Water District

Due to the current uncertainties in hydrologic, regulatory and operational conditions, Westlands and San Luis Water District (San Luis) could be subject to reduction. Growers within Westlands and San Luis will execute an agreement with J.G. Boswell Company (Boswell), a local landowner within Tulare Lake Basin Water Storage District (TLBWS), for the purchase of up to 60,000 acre-feet of pre-1914 Kings River water. TLBWS proposes to facilitate the transfer of its SWP water to Westlands and San Luis in exchange for up to 60,000 af of pre-1914 Kings

River water. TLBWSD's SWP water in San Luis Reservoir will be conveyed through the California Aqueduct and delivered to the growers within Westlands and San Luis that are within the CVP place of use.

h. Castaic Lake Water Agency/San Luis Water District

Castaic Lake Water Agency (Castaic), a SWP contractor, has a long-term agreement with the Buena Vista Water Storage District (BVWSD) and Rosedale for up to 11,000 af per year of Kern River water appropriated under BVWSD's pre-1914 water rights to high flows on the Kern River. The Kern River water is diverted and placed in groundwater storage for later extraction. Kern River water purchased by Castaic prior to 2017 is stored in Kern County or exchanged for Rosedale's SWP supplies in San Luis Reservoir via an exchange agreement with Rosedale. Castaic is proposing to transfer up to 5,940 af of its purchased Kern River water to San Luis and to be delivered by SWP facilities to San Luis's turnouts on Reaches 3 and/or 4 of the California Aqueduct. This transfer could be accomplished by exchange whereby Castaic would provide up to 5,940 af of its 2017 SWP supply to San Luis and Castaic will retain up to 5,940 af of its Kern River water.

i. Department of Veterans Affairs – San Joaquin Valley National Cemetery

The Department of Veterans Affairs – San Joaquin Valley National Cemetery (VA Cemetery) contracts with Reclamation for up to 850 af of CVP supply. The VA Cemetery is located near Reach 2B on the California Aqueduct (north of O'Neill Forebay). Reclamation is unable to directly convey CVP water to the VA Cemetery when the use of Joint Point of Diversion (JPOD) operations authorized under Water Right Decision 1641 (D-1641) or the California Aqueduct-Delta Mendota Canal intertie is not available. The Consolidated Place of Use would allow DWR to deliver up to 850 af of SWP water to the VA Cemetery in exchange for an equivalent amount of CVP water delivered by Reclamation to DWR at O'Neill Forebay.

j. Potential Additional Transfers/Exchanges

The above transfers include all the specific transfers requested as of the date of the petition. However, SWP and CVP contractors will continue to explore other opportunities to retrieve previously stored Project supplies and optimize the delivery (quantity and timing) of their Project supplies from all available sources. The Petitioners anticipate that throughout the year more needs and opportunities for exchanging SWP and CVP water may be developed. The Petitioners request that any Order approving this petition includes the approval of potential future projects that meet certain specific criteria. In order to allow the State Water Board to make the findings required by Water Code Section 1725, the Petitioners have indicated that any project not specifically detailed in the transfers listed above will be conducted in accordance with the following criteria:

1. The transfer or exchange would not result in any increase in the amount of water diverted from the Delta. The water to be exchanged would be part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta.
2. The water to be transferred or exchanged would have been consumptively used or stored in the absence of the transfer.
3. The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries.
4. The transfer or exchange will not result in the net loss of San Joaquin River or Sacramento River flow.

5. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.
6. Prior to initiating any transfer or exchange not specifically listed above, DWR or Reclamation will provide the State Water Board with a description of the proposed transfer or exchange for review and approval.
7. DWR and Reclamation will develop, in coordination with State Water Board staff, a reporting plan that will account for all water transferred or exchanged under the provisions of any order approving the consolidated place of use. The reporting plan will include the parties to the transfer or exchange, how much water was to be transferred, how the water was made available, and the facilities required to affect the transfer.

4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY CHANGES

Pursuant to Water Code Section 1725, DWR and Reclamation have applied for temporary changes involving a transfer/exchange of water. The State Water Board shall approve temporary changes involving the transfer/exchange of water under Water Code Section 1725 et seq. if it determines that a preponderance of the evidence shows both of the following:

- a. The proposed changes would not injure any legal user of the water, during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed changes, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of water or return flows.
- b. The proposed changes would not unreasonably affect fish, wildlife, or other instream beneficial uses. (Wat. Code, § 1727, subd. (b).)

In addition, the proposed changes must involve only the amount of water that would have been consumptively used or stored in the absence of the temporary changes. (*Id.*, § 1726, subd.(e).)

Temporary changes pursuant to Water Code Section 1725 may be effective for a period of up to one year from the date of approval. (Wat. Code, § 1728.) “The one-year period does not include any time required for monitoring, reporting, or mitigation before or after the temporary change is carried out.” (*Ibid.*)

The State Water Board also has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) The State Water Board considers the evaluation of public trust resources as part of its evaluation of impacts to fish, wildlife, or other instream beneficial uses under Water Code § 1727, subdivision (b)(2).

5.0 COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

DWR and Reclamation filed the petition for a temporary transfer and change under Water Code Section 1725 et seq. Water Code Section 1729 exempts temporary changes involving a transfer or exchange of water from the requirements of CEQA (Pub. Resources Code, § 21000 et seq.). The State Water Board will file a Notice of Exemption.

6.0 PUBLIC NOTICE AND COMMENTS

On May 1, 2017, a 30-day public notice of the petition for temporary change was provided as follows: 1) via first class mail to interested parties; 2) by posting on the Division’s website; 3) via the State

Water Board's electronic subscription mailing list; and 4) by publication in the Fresno Bee.

7.0 REQUIRED FINDINGS OF FACT FOR PROPOSED TRANSFERS/EXCHANGES IN PETITION

The following discussion and findings are applicable to the following transfers/exchanges proposed in the petition: 100,000 af to SCVWD; 3,000 af to OFWD/DPWD; 33,192 af to KCWA-Sun World International/Castaic/Coachella/MWDSC(Irvine); 150,000 af to AEWSD/MWDSC; 6,800 af to KCWA/Westlands; 450 af to Musco; 60,000 af to TLBWSD-Westlands/San Luis; 5,940 af to Castaic/San Luis; and 850 af to the VA Cemetery.

7.1 Transfer Only Involves Water That Would Have Been Consumptively Used or Stored

Before approving a temporary change due to a transfer or exchange of water pursuant to Chapter 10.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the transfer/exchange would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change or conserved pursuant to Section 1011. (Wat. Code, §§ 1725, 1726.) Water Code Section 1725 defines "consumptively used" to mean "the amount of water which has been consumed through use by evapotranspiration, has percolated underground, or has been otherwise removed from use in the downstream water supply as a result of direct diversion."

According to the petition, the temporary changes proposed 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. The transfers/exchanges proposed by the petition, including any potential future transfers/exchanges meeting the criteria outlined above, involve water that is part of the SWP or CVP contractors allocated supplies, was diverted to storage and diverted from the Delta consistent with all applicable regulatory requirements, has been exported from the basin in which it was developed, and would clearly be consumptively used or stored in the absence of the transfers/exchanges.

The requested changes will provide the operational flexibility the Projects need to get available supplies where they are needed most and in the most efficient manner possible. The transfers/exchanges will allow agencies experiencing water supply restrictions to recover previously stored water, or optimize the beneficial use of their existing limited water supplies. The water proposed for transfer/exchange consists of either:

- a) Water stored pursuant to the specified permits of the CVP and SWP; or
- b) Water directly diverted pursuant to the specified license and permits of the CVP and SWP for use outside of the Delta watershed, and thus removed from use in the downstream water supply.

The direct diversion and collection of water to storage under the license and permits held by DWR and Reclamation may be subject to curtailment notices during the term of this transfer order. However, releases of water collected to storage prior to issuance of the curtailment notices are not subject to curtailment.

In light of the above, I find in accordance with Water Code Section 1726, subdivision (e) that the water proposed for transfer/exchange of DWR's Permit 16479 and Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 pursuant to this Order would be consumptively used or stored in the absence of the proposed temporary change.

7.2 No Injury to Other Legal Users of the Water

Before approving a temporary change due to a transfer or exchange of water pursuant to Article 1 of Chapter 10.5 of Part 2 of Division 2 of the Water Code, the State Water Board must find that the temporary change would not injure any legal user of the water during any potential hydrologic condition that the State Water Board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows. (Wat Code, section 1727, subd. (b)(1).)

The changes proposed by DWR and Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. 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 right license and permits governing those diversions. There are no other legal users downstream of the points of diversion that would be affected by the transfers/exchanges.

The quantity and timing of diversions from the Delta will not change, however 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 transfers/exchanges.

The transfers/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 transfers/exchanges. There could be some shift in the timing of deliveries of SWP and CVP supplies. Transfers/exchanges similar to those proposed above were conducted in 2009, 2010, 2012, 2013, 2014, 2015, and 2016 consistent with the provisions of Order WR 2009-0033, Order WR 2010-0032-DWR, and the July 6, 2012; July 1, 2013; March 28, 2014; April 27, 2015; and May 17, 2016 State Water Board Orders approving DWR's and Reclamation's petitions for change to consolidate the authorized places of use of the SWP and CVP. No measureable effects on other legal users of water were noted from those transfers/exchanges.

In light of the above, I find in accordance with Water Code section 1727, subdivision (b)(1) that the proposed temporary change of DWR's Permit 16479 and Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 will not injure any legal user of the water.

7.3 No Unreasonable Effect on Fish, Wildlife, or Other Instream Beneficial Uses

Before approving a temporary change in order to facilitate a transfer or exchange of water, the State Water Board must find that the proposed change would not unreasonably affect fish, wildlife, or other instream beneficial uses. (Wat. Code, section 1727, subd. (b)(2).) In accordance with California Code of Regulations section 794 (c), Petitioners provided California Department of Fish and Wildlife (CDFW) and the applicable Regional Water Quality Control Board (Regional Board) with a copy of the petition. CDFW and the Regional Board did not provide any information regarding potential effects of the proposed changes on water quality, fish, wildlife, and other instream beneficial uses.

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

The transfers/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 transfers/exchanges. There could be some shift in the timing of deliveries of SWP and CVP allocated supplies south of the Delta; however, this will not significantly affect streamflow.

Transfers/exchanges similar to those proposed above have been implemented in previous years by both DWR and Reclamation. No measureable effects on fish, wildlife or other instream beneficial uses were noted from those transfers/exchanges.

In light of the above, I find in accordance with Water Code section 1727, subdivision (b)(2) that the proposed temporary change of DWR's Permit 16479 and Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 will not unreasonably affect fish, wildlife, or other instream beneficial uses.

8.0 STATE WATER BOARD'S DELEGATION OF AUTHORITY

On June 5, 2012, the State Water Board adopted Resolution 2012-0029, delegating to the Deputy Director for Water Rights the authority to act on petitions for temporary change if the State Water Board does not hold a hearing. This Order is adopted pursuant to the delegation of authority in Section 4.4.2 of Resolution 2012-0029.

9.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1727, and therefore I find as follows regarding DWR's Permit 16479 and Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364, for the following transfers/exchanges proposed in the petition: 100,000 af to SCVWD; 3,000 af to OFWD and DPWD; 33,192 af to KCWA-Sun World International/Castaic/Coachella/MWDSC(Irvine); 150,000 af to AEWSD/MWDSC; 6,800 af to KCWA/Westlands; 450 af to Musco; and 60,000 af to TLBWSD-Westlands/San Luis; 5,940 af to Castaic/San Luis; and 850 af to the VA Cemetery.

I conclude that, based on the available evidence:

1. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.
2. The proposed temporary change will not injure any legal user of the water.
3. The proposed temporary change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed for temporary change in the place of use, under DWR's Permit 16479 and Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 for transfer of up to 360,232 af of water involving transfers or exchanges outlined below is approved.

All existing terms and conditions of DWR's and Reclamation's subject license and permits remain in effect, except as temporarily amended by the following provisions:

1. The transfers/exchanges of water are limited to the period commencing on the date of this approved Order, and continuing for one year from the date of approval.
2. The place of use under DWR's Permit 16479 is temporarily expanded to include portions of the CVP service area shown on the map titled *Petition for Temporary Change to Modify SWP and CVP Places of Use, Areas to be added to SWP Authorized Place of Use*, Map 214-202-83.

3. The place of use under Reclamation's License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973 and 12364 is temporarily expanded to include portions of the SWP service area as shown on the map titled *Petition for Temporary Change to Modify SWP and CVP Places of Use, Areas to be added to CVP Authorized Place of Use, Map 214-202-84*.
4. Water transferred/exchanged pursuant to this Order shall be limited to 360,232 af within the following locations: (a) 100,000 af to SCVWD; (b) 3,000 af to OFWD/DPWD; (c) 33,192 af to KCWA-Sun World International/Castaic/Coachella/MWDSC(Irvine); (d) 150,000 af to AEWS/MWDSC; (e) 6,800 af to KCWA/Westlands; (f) 450 af to Musco; (g) 60,000 af to TLBWS/Westlands/San Luis; (h) 5,940 af to Castaic/San Luis; and (i) 850 af to the VA Cemetery. Although the transfer limits water service as noted herein, the one-for-one repayment of exchanged transfer water is not limited to service areas (a) through (i), but may occur within the more general service areas shown on Maps 214-202-83 and 214-202-84.
5. This approval is limited to the transfers/exchanges identified and described in this Order and as specified in Condition 4 and, upon approval, additional south-of-Delta transfers/exchanges that meet the criteria set forth in this Order. This approval does not extend to any transfers/exchanges under DWR's or Reclamation's water rights in excess of the total of 360,232 af authorized under this Order. Criteria for additional transfers/exchanges include: 1) The transfer or exchange would not result in any increase in the amount of water diverted from the Delta; 2) The water to be exchanged would be part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta; 3) The water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer; 4) The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries; 5) The transfer or exchange will not result in the net loss of San Joaquin River or Sacramento River flow; 6) The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.

If a south-of-Delta transfer/exchange is not specifically identified and described in this Order, the transfer/exchange may occur only after the Deputy Director of Water Rights determines that the transfer/exchange will be implemented in accordance with the conditions of this Order. Requests should be addressed to the Deputy Director of Water Rights. Petitioners should anticipate a determination on the requests no sooner than 5 full business days after submittal. Requests should be submitted on the form entitled "Petition for Change Involving Water Transfers" available on the Division's website. Petitioners should annotate "Request per Consolidated Place of Use Order" at the top of the form. The request shall include a description of the total amount authorized by this Order, and how the amount authorized of 360,232 af will not be exceeded with the additional transfers/exchanges.

6. If at any time prior to, or during the period of the transfer, the State Water Board issues a notice of water unavailability pursuant to the water rights involved in the transfer/exchange, only water collected to storage prior to issuance of the notice of water unavailability may be transferred.
7. DWR and Reclamation shall not increase their allocation of water to the transfer/exchange parties beyond the quantities authorized by existing contract for purposes of this transfer/exchange.
8. Carriage loss shall be deducted from any water transferred through the Delta and delivered under this Order.
9. Diversion of water at the Delta Pumps is subject to compliance by the operators with the objectives currently required of DWR and Reclamation set forth in Tables 1, 2, and 3 on pages 181-187 of D-1641, or any future State Water Board Order or decision implementing Bay-Delta water quality objectives at those points of diversion/rediversion, including compliance with the various plans required under D-1641 as prerequisites for the use of the Joint Points of Diversion by DWR and Reclamation, as amended by the documents cited in Condition 10. Diversion of water is also subject to compliance by DWR and Reclamation with all applicable Biological Opinions (BOs) and

court orders and any other conditions imposed by other regulatory agencies applicable to these operations.

10. Diversion of water at the Delta Pumps is also subject to compliance with any State Water Board Orders establishing temporary or interim operating conditions during the transfer period, except if the State Water Board has specifically exempted conveyance of transfer water from the Order.
11. The transfer period authorized above is further limited to the period allowed pursuant to any applicable BO or Endangered Species Act (ESA) consultations (or informal consultations) related to transfers at the Delta Pumps. Petitioners shall provide documentation of the diversion period allowed pursuant to the BOs or consultations prior to transfer of water. Such documentation may include an electronic link to any transfer BOs or ESA consultations, informal ESA consultations, opinions, or other documents issued by CDFW, National Marine Fisheries Service or U.S. Fish and Wildlife Service.
12. By the 20th day of each month following approval of this Order, the Petitioners shall electronically submit a monthly report detailing the amounts transferred or exchanged in the previous month. All water transferred/exchanged shall also be documented and accounted for by each purpose of use. The report shall document, listed by specific transfer/exchange, the dates of the transfers/exchanges that have occurred, the transaction method (transfer or exchange), the amount transferred/exchanged between each project (CVP or SWP), gains or losses in groundwater banks, how much remains in each authorized transaction, and how much remains of the total authorized amount.
13. Within 90 days of the completion of the transfer, the Petitioners shall provide to the Deputy Director for Water Rights a report describing the transfer authorized by this Order. The report shall include the following information:
 - a. The monthly and total amounts of transfer water delivered to SCVWD, OFWD/ DPWD, KCWA-Sun World International/Castaic/Coachella/MWDSC(Irvine), AEWSD/ MWDSC, KCWA/Westlands, Musco, TLBWSD-Westlands/San Luis, Castaic/San Luis, the VA Cemetery, and any entities receiving transfer water in accordance with Condition 5.
 - b. The monthly and total amounts of Delta and delivered water to SCVWD, OFWD/DPWD, KCWA-Sun World International/Castaic/Coachella/MWDSC(Irvine), AEWSD/MWDSC, KCWA/Westlands, Musco, TLBWSD-Westlands/San Luis, Castaic/San Luis, the VA Cemetery, and any entities receiving transfer water in accordance with Condition 5 for the period covered by this transfer. This total shall include SWP and CVP deliveries, other water transfers, and any other amount of Delta water each location received.
 - c. Documentation that the water transferred/exchanged did not result in any increase in water diverted to SWP and CVP facilities from the source waters of DWR's permit and Reclamation's license and permits beyond the quantities that would otherwise have been diverted absent the transfer.
14. Pursuant to Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change order, including method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the State Water Board also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

15. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the

California ESA (Fish & G. Code, §§ 2050-2097) or the federal ESA (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any act authorized under this transfer, the Petitioners shall obtain authorization for an incidental take permit prior to construction or operation. Petitioners shall be responsible for meeting all requirements of the applicable ESA for the temporary transfer authorized under this Order.

16. The Deputy Director for Water Rights reserves jurisdiction to supervise the transfer, exchange, and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD

ORIGINAL SIGNED BY:

*Leslie F. Grober, Deputy Director
Division of Water Rights*

Dated: JUN 08 2017