

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

DIVISION OF WATER RIGHTS

In the Matter of Permit 20281 (Application 30358)

Woodland-Davis Clean Water Agency

ORDER APPROVING TEMPORARY URGENCY CHANGE

SOURCE: Sacramento River

COUNTY: Yolo

BY THE DEPUTY DIRECTOR FOR WATER RIGHTS:

1.0 SUBSTANCE OF TEMPORARY URGENCY CHANGE PETITION

On August 26, 2025, Woodland-Davis Clean Water Agency (Woodland-Davis) filed a Temporary Urgency Change Petition (TUCP) with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) requesting approval of a temporary change to the subject permit pursuant to California Water Code section 1435. The petition seeks authorization to add two points of rediversion to Woodland-Davis' Permit 20281 to conduct an aquifer storage and recovery (ASR) pilot study at two existing wells in the Yolo Groundwater Subbasin, from the date of approval, through a term of 180 days.

This temporary change is requested to aid in local community water supply resiliency. The City of Davis has historically relied on a combination of groundwater and surface water from the Sacramento River for potable water supply. Hexavalent chromium concentration in some of the community wells have been in excess of Maximum Containment Level (MCL) adopted by the State Water Board, resulting in multiple supply wells being taken offline, with a high likelihood that additional wells will be decommissioned in the future. In addition, the City of Davis maintains Permit 20281 in partnership with the City of Woodland that is subject to Term 91 curtailments. The combination of well closures and Term 91 curtailments leave Woodland-Davis limited water resources during drought conditions.

Approval of the TUCP would authorize the use of water for ASR pilot testing at two City of Davis wells. The ASR pilot test will use existing infrastructure to deliver treated water to the well sites. The total amount of recharge and recovery of up to 500 acre-feet of water is anticipated.

2.0 BACKGROUND

2.1 Water Right Permit 20281

Permit 20281 was issued on April 14, 2011, pursuant to water right Application 30358, which was filed on April 19, 1994. Permit 20281 allows a 30-day average diversion rate of 80.1 cubic feet per second (cfs) and an instantaneous diversion rate of 100 cfs, by direct diversion, and up to 5,700 acre-feet per annum (afa) to underground storage, to be diverted from January 1 to December 31 of each year from the Sacramento River in Yolo County. The maximum amount that can be diverted under the permit is 45,000 afa. The water may be used for municipal, irrigation, and fisheries and aquaculture research purposes within the City of Davis, the University of California, Davis, and the City of Woodland. Diversions under Permit 20281 are required to occur through a fish-screened intake to the diversion structure.

2.2 Consultation with Other Agencies

Woodland-Davis has consulted with the California Department of Fish and Wildlife (CDFW) regarding the TUCP and the effects of the proposed change.

CDFW staff conveyed that this pilot study and TUCP is not of concern as long as operations do not exceed the volumes estimated for this project and permitted under the appropriate water right.

3.0 PROCEDURAL REQUIREMENTS CONCERNING THE TEMPORARY URGENCY CHANGE PETITION

On September 3, 2025, the State Water Board issued and delivered to Woodland-Davis a notice of the TUCP pursuant to Water Code section 1438, subdivision (a). Pursuant to Water Code section 1438, subdivision (b)(1), Woodland-Davis is required to publish the notice in a newspaper having a general circulation, and that is published within the counties where the points of diversion lie within 20 days from the date of issuance of the notice by the State Water Board. Woodland-Davis published the notice in the *Woodland Daily Democrat* on September 10, 2025. In addition, the State Water Board posted the notice of the TUCP on its website and distributed the notice through its electronic notification system.

Any interested person may file an objection to a temporary urgency change. (Wat. Code, § 1438, subd. (d).) The State Water Board must promptly consider the objection and may hold a hearing on any objection. (*Id.*, § 1438, subd. (e).) The State Water Board exercises continuing supervision over temporary urgency change orders and may modify or revoke temporary urgency change orders at any time. (*Id.*, §§ 1439, 1440.) Temporary urgency change orders automatically expire 180 days after issuance, unless they are revoked, an earlier expiration date is specified, or they are renewed. (*Id.*, §§ 1440, 1441.)

Objections to Woodland-Davis' TUCP were due by October 3, 2025. The State Water Board received no objections to the TUCP.

4.0 CRITERIA FOR APPROVING THE PROPOSED TEMPORARY URGENCY CHANGE

Water Code section 1435 provides that a right holder who has an urgent need to change the point of diversion, place of use, or purpose of use from that specified in the water right may petition for a conditional temporary change order. The State Water Board's regulations set forth the filing and other procedural requirements applicable to TUCPs. (Cal. Code Regs., tit. 23, §§ 805, 806.) The State Water Board's regulations also clarify that requests for changes to permits or licenses other than changes in point of diversion, place of use, or purpose of use may be filed, subject to the same filing and procedural requirements that apply to changes in point of diversion, place of use, or purpose of use. (*Id.*, § 791, subd. (e).)

Before approving a TUCP, the State Water Board must make the following findings: (1) the right holder has an urgent need to make the proposed change; (2) the proposed change may be made without injury to any other lawful user of water; (3) the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and (4) the proposed change is in the public interest. (Wat. Code, § 1435, subd. (b) (1-4).)

A temporary change order does not result in the creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation in the discretion of the State Water Board. (Wat. Code, § 1440.)

4.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an "urgent need" means "the existence of circumstances from which the [State Water Board] may in its judgment conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented . . ."

An urgent need exists for the proposed change. The City of Davis has historically relied on a combination of groundwater and surface water from the Sacramento River for potable water supply. The City of Davis has nine supply wells completed in the intermediate and deep aquifer systems beneath the city, and use of water in the deep aquifer is limited. The city's population fluctuates greatly due to the U.C. Davis student population. Hexavalent chromium concentrations in some of the intermediate aquifer wells have been in excess of the MCL recently adopted by the State Water Board. The city has taken multiple public supply wells offline and will likely decommission more due to water quality concerns from hexavalent chromium. Additionally, Permit 20281, maintained in a partnership between the City of Woodland and City of Davis, is subject to Term 91 curtailments. A reduction in available water supply wells and Term 91 curtailment leaves the City of Davis with limited available resources during drought conditions.

To bolster the City of Davis' water supply resiliency, ASR pilot testing will be implemented in the intermediate aquifer with the goal to adopt a long-term ASR program in the future. During long-term ASR operations, if implemented, treated surface water would be injected into the intermediate aquifer for storage that would be used at a later date when surface water resources are limited. To improve water supply resiliency, the City of Davis requests this temporary urgency change to conduct an ASR pilot test at its two wells, City of Davis's Well 11 and Well 27 in the Yolo Groundwater Subbasin. This study will help quantify the benefits of storing surplus water available in the winter in the aquifer to offset a portion of the summer demands on the Sacramento River and native groundwater.

Water Code section 1435, subdivision (c) also states that the State Water Board shall not find a petitioner's need to be urgent if it concludes that the petitioner has not exercised due diligence either in petitioning for a change pursuant to provisions other than a TUCP or in pursuing that petition for change. In this case, Woodland-Davis desires to test the efficacy of the recharge area prior to making a long-term commitment, and the 180-day period authorized by the TUCP is sufficient to conduct the proposed pilot study.

Given the short-term nature of the pilot study and Woodland-Davis' need to increase its water supply resiliency due to groundwater well contamination and closure, reoccurring drought, and water rights curtailments, the State Water Board finds that Woodland-Davis has exercised due diligence to this point and that there is an urgent need for the TUCP.

4.2 No Injury to Any Other Lawful User of Water

Under the terms and conditions of its water rights permit, Woodland-Davis is required to adhere to the maximum rate of diversion and permitted location of storage identified in Permit 20281. Woodland-Davis anticipates a re-diversion of up to 500 acre-feet of water for this pilot study. Therefore, due to the small scale of the project and the fact that

Woodland-Davis will continue to comply with all terms and conditions of Permit 20281, it is anticipated that all other lawful users of water will still be able to divert and use the amounts of water that they are legally entitled to during the period specified in this temporary urgency change order.

Based on the information available, granting the TUCP will not result in injury to any other lawful user of water.

4.3 No Unreasonable Effect upon Fish, Wildlife, or Other Instream Beneficial Uses

Prior to approval of a TUCP, the State Water Board must find that the proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses. In addition, the State Water Board has an independent obligation to consider the effect of approval of Woodland-Davis' petition on public trust resources and to protect those resources to the extent feasible and in the public interest. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419.) Public trust resources may include, but are not limited to, wildlife, fish, aquatic habitat, and recreation in navigable waterways, as well as fisheries located in non-navigable waterways. It is also the policy of this state that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall use their authority in furtherance of the purposes of the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). State agencies should not approve projects that would jeopardize the continued existence of any endangered species or threatened species if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat that would prevent jeopardy. (Fish & G. Code, §§ 2053 & 2055.)

Permit 20281 currently authorizes Woodland-Davis to divert up to 5,700 afa of water to underground storage in the Yolo Groundwater Subbasin at nine well location sites within the community of Woodland. Granting the proposed temporary change adds two wells located within the City of Davis. In the absence of approval of this petition, Woodland-Davis would be allowed to store the water at its currently authorized storage sites, therefore approval of this TUCP Order is not expected to result in a change in use of water under Permit 20281. Additionally, Woodland-Davis' Environmental Information form filed with the petition states that CDFW was consulted on the proposed project and CDFW staff conveyed that this pilot study and TUCP is not of concern as long as operations do not exceed the volumes estimated for this project and permitted under the appropriative water right. Therefore, the proposed change is not expected to cause unreasonable effects on fish, wildlife, or other instream beneficial uses.

The State Water Board finds that granting the proposed temporary change will not have an unreasonable effect on fish or wildlife, or other instream beneficial uses and public trust resources will be protected to the extent feasible and in the public interest.

4.4 The Proposed Change Is in the Public Interest

The TUCP is focused on authorizing temporary changes that will help Woodland-Davis determine the efficacy of an ASR project in the Yolo Groundwater Subbasin. If the results of the ASR pilot study are favorable, the two well sites will add capacity to recharge and recover water, helping to provide additional water supply and to reduce impacts to fish and wildlife during drought emergencies.

Therefore, the State Water Board finds that granting the proposed temporary change will be in the public interest.

5.0 COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The State Water Board must comply with applicable requirements of CEQA (Pub. Resources Code, § 21000 et seq.) prior to issuance of any order approving a TUCP. (Cal. Code Regs., tit. 23, § 805.) Woodland-Davis determined that the project is exempt from the provisions of CEQA because it is consistent with the statutory exemption criteria for proposed projects involving only feasibility of planning studies for possible future actions, and it falls within a categorical exemption covering data collection and research activities. Woodland-Davis filed a Notice of Exemption (NOE) on July 1, 2025.

The State Water Board has reviewed the information submitted by Woodland-Davis and has made its own independent finding that CEQA is suspended to the extent that it would otherwise apply to the Board's approval of the TUCP, and the requested change is exempt from CEQA for the following reasons:

- 1) The Feasibility and Planning Studies Statutory Exemption (Cal. Code of Regs., tit.14, § 15262.) consists of "a project involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or Negative Declaration but does require consideration of environmental factors." In this case, in order to advance and demonstrate the feasibility of groundwater recharge projects, Woodland-Davis proposes a project involving a pilot study for planning purposes to determine the feasibility of using wells for ASR and demonstrate performance of said wells.
- 2) A Class 6 categorical exemption consists of "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." (Cal. Code Regs., tit. 14, § 15306.) The proposed project is a pilot study that would consist of data collection to determine the efficacy of ASR activities that would not result in serious or major disturbance ensure the maintenance of a natural resource. In addition, the regulatory process governing TUCPs requires

consideration of potential impacts to the environment and findings that the changes will be in the public interest and will not unreasonably affect fish, wildlife, or other instream beneficial uses. Accordingly, these changes are categorically exempt from CEQA pursuant to a Class 6 exemption.

- 3) Public Resources Code section 21080, subdivision (b)(4) provides that specific actions necessary to prevent or mitigate an emergency are exempt from CEQA. The ASR pilot project is necessary to prevent or mitigate a drought emergency by potentially expanding Woodland-Davis' water supply resiliency by providing the ability to store and later extract water during dry surface water conditions. Future drought conditions are likely to be exacerbated by climate change and the decommissioning of wells due to elevated hexavalent chromium concentrations further reduces Woodland-Davis water supplies.

The State Water Board will issue an NOE for the temporary urgency change petition within 5 days of issuance of this Order.

6.0 CONCLUSIONS

The State Water Board has adequate information in its files to make the evaluation required by Water Code section 1435. I conclude that, based on the available evidence:

1. The right holder, Woodland-Davis, has an urgent need to make the proposed change;
2. The proposed change will not operate to the injury of any other lawful user of water;
3. The proposed change will not have an unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public interest.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT: the petition filed by Woodland-Davis Clean Water Agency (Woodland-Davis) for a temporary urgency change in Permit 20281 is approved and effective from the date of this Order for a period of 180 days.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following terms:

1. The following City of Davis wells are added to this permit as points of redirection to and withdrawal from underground storage:
 - a. City of Davis Well 11, located by California Coordinate System of 1983, Zone 2, North 1,964,875 feet and East 6,634,830 feet, being within the northwest quarter of the northwest quarter of Section 10, T8N, R2E, MDB&M.
 - b. City of Davis Well 27, located by California Coordinate System of 1983, Zone 2, North 1,968,794 feet and East 6,628,329 feet, being within the northwest quarter of the northwest quarter of Section 4, T8N, R2E, MDB&M.
2. Woodland-Davis shall measure and record the amount of water redirected to underground storage and withdrawn from underground storage from City of Davis Well 11 and Well 27 under Permit 20281. Within 60 days of the expiration of this Order, Woodland-Davis shall submit a report documenting the quantity of water placed in underground storage and the quantity later recovered under the provisions of this Order.
3. This Order does not authorize any act that results in the taking of a candidate, threatened or endangered species, or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C.A. § 1531 et seq.). If a "take" will result from any act authorized under this Order, Woodland-Davis Water shall obtain authorization for an incidental take permit prior to operation of the project. Woodland-Davis shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary urgency changes authorized under this Order.

4. The State Water Resources Control Board reserves jurisdiction to supervise the temporary urgency changes 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

*Robert P. Cervantes, Acting Assistant Deputy Director
Division of Water Rights*

Dated: October, 15, 2025