
State Water Resources Control Board

NOTICE OF PETITIONS FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 10,366 ACRE-FEET OF WATER FROM THE CITY OF SACRAMENTO TO SANTA CLARA VALLEY WATER DISTRICT AND VARIOUS STATE WATER PROJECT CONTRACTORS

Notice is hereby given that on May 5, 2022, the City of Sacramento (Sacramento or petitioner), filed with the State Water Resources Control Board (State Water Board) Petitions for Temporary Change under Water Code section 1725, et seq. for Permit 11359 and Permit 11360. The petitions request the transfer of up to a total of 10,366 acre-feet (af) of water for use within the Santa Clara Valley Water District and various State Water Project (SWP) Contractors' service areas. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

DESCRIPTION OF THE TRANSFERS

Sacramento proposes to transfer water to provide an additional water supply to Santa Clara Valley Water District, Metropolitan Water District of Southern California, Kern County Water Agency, Alameda County Water District, Napa County Flood Control and Water Conservation District, Kings County Water District, Palmdale Water District, Dudley Ridge Water District, Zone 7 Water Agency, Central Coast Water Authority, and Antelope Valley-East Kern Water Agency. The total amount of water intended for transfer pursuant to the two petitions is up to 10,366 af. Table 1. List of Petitioner, Water Right, and Details of Proposed Transfers below identifies the specific water right permit under which each petition was filed, the amount of water proposed for transfer, the corresponding rate of diversion, and the transfer type.

In order to make water available for transfer, Sacramento has proposed to reduce its consumptive use (CU) of surface water, rediverted from previously stored water, by a like amount. This reduction will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution, or GW).

Sacramento proposes to rely on SWP facilities to convey water. Sacramento has stated that the proposed transfers will be in accordance with the guidelines contained in the Department of Water Resource's "Draft Technical Information for Preparing Water Transfer Proposals", published December 2019 and available at: [Department of Water Resources Water Transfers website](#).

Table 1. List of Petitioner, Water Right, and Details of Proposed Transfers

Petitioner	Application No.	Permit No.	Transfer Amount (af)	Transfer Rate (cfs)	Transfer Type
Sacramento	12321	11359	5,183	310	GW
Sacramento	12622	11360	5,183	150	GW

PROPOSED CHANGES

Sacramento requests the following temporary changes to its respective water right permits.

1. Add portions of the SWP service area to the place of use;
2. Add the Banks Pumping Plant and the Barker Slough Pumping Plant as points of diversion and points of rediversion;
3. Add San Luis Reservoir, Castaic Dam, Perris Dam, and Pyramid Dam as points of rediversion; and
4. Add municipal, industrial, domestic, and irrigation to the authorized purposes of use.

The transfers are proposed to occur between July 1 and November 30, 2022. A copy of the notice is available on the State Water Board's website at: [2022 Notices](#).

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses; and

4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of these petitions and seeking information to assist in the evaluation of the proposed temporary changes. Comments should identify the application or permit number being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioner has the burden of establishing that the proposed temporary changes will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since at this time the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

The 30-day comment period per Water Code section 1726 subdivision (f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation will help expedite processing of water transfers. Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on May 31, 2022.

Send comments to both:

Michael Meza
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812
michael.meza@waterboards.ca.gov

City of Sacramento
c/o Brett Ewart
Department of Utilities
1395 35th Avenue
Sacramento, CA 95822
BEwart@cityofsacramento.org

For more information regarding this matter, please contact Michael Meza by email at michael.meza@waterboards.ca.gov.

Date of Notice: **May 16, 2022**