

State Water Resources Control Board

NOTICE OF PETITIONS FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 213,856.9 ACRE-FEET OF WATER FROM WATER RIGHT HOLDERS IN THE SACRAMENTO VALLEY TO VARIOUS STATE WATER PROJECT AND CENTRAL VALLEY PROJECT CONTRACTORS

Notice is hereby given that on February 18, 2022, parties represented by MBK Engineers each filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The parties represented by MBK Engineers are Reclamation District No. 1004 (RD 1004), Princeton-Codora-Glenn Irrigation District (PCGID), Provident Irrigation District (Provident ID), Garden Highway Mutual Water Company (Garden Highway MWC), Plumas Mutual Water Company (Plumas MWC), Tule Basin Farms (TBF), River Garden Farms (RGF), Reclamation District No.108 (RD 108), Sutter Mutual Water Company (Sutter MWC), Conaway Preservation Group (Conaway), Natomas Central Mutual Water Company (Natomas Central MWC), Jack W. Baber (Baber), Sycamore Mutual Water Company (Sycamore MWC), Windswept Orchards, LLC (Windswept), David and Alice Te Velde Family Revocable Trust (Te Velde), Henle Family Farms (Henle), and Pelger Mutual Water Company (Pelger MWC), referred to collectively as the petitioners. The petitions request the transfer of a combined total of up to 213,856.9 acre-feet (af) of water for use within various Central Valley Project (CVP) and State Water Project (SWP) service areas, including East Bay Municipal Utility District (EBMUD), and San Luis & Delta-Mendota Water Authority. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

Due to similarities in the requested changes and proximity in filing dates, the State Water Board is issuing one public notice for the petitions.

DESCRIPTION OF THE TRANSFERS

The petitioners propose to transfer water to provide an additional water supply for participating agencies. The total amount of water intended for transfer pursuant to these petitions is up to 213,856.9 af. The petitioners hold water right licenses authorizing the direct diversion of approximately 1,416 cubic feet per second (cfs) of water from the Sacramento River or its tributaries (between the cities of Colusa and Sacramento) for irrigation use. Table 1 below identifies the specific water right licenses under which each of the petitions was filed, the amount of water each petitioner proposes to transfer, the corresponding rate of diversion, and the transfer type.

In order to make water available for transfer, the petitioners have proposed to reduce their consumptive use (CU) by a like amount. The majority of this reduction will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution, or GW). The remaining CU reduction will be achieved either by voluntary fallowing of lands which, absent the transfer, would have been planted (crop idling, or CI) or varying the types of crops planted to reduce water demand (crop shifting, or CS).

The petitioners propose to rely on SWP or CVP facilities to convey water. The petitioners have 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 Petitioners, Water Rights, and Details of Proposed Transfers

Petitioner	Application No.	License No.	Transfer Amount (af)	Transfer Rate (cfs)	Transfer Type
RD 1004 (S)	27	3165	22,000	166	CI/CS and GW
PCGID (S)	244	2646	10,000	120	CI/CS
Provident ID (S)	462	7205	10,000	250	CI/CS
Plumas MWC (F)	480	7296	5,500	37	GW
Garden Highway MWC (F)	1699	2033	6,500	39	GW
TBF (F)	10030	2840	3,520	21	GW
RGF (S)	575	1718	7,500	32	CI/CS and GW
RGF (S)	577	3123	8,500	35	CI/CS and GW
RD 108 (S)	576	3065	55,000	180	CI/CS and GW
Sutter MWC (S)	878	2818	36,000	116.72	CI/CS and GW
Conaway (S)	1199B	904B	10,088	40	CI/CS
Natomas Central MWC (S)	1203	3109	20,000	160	GW
Baber (S)	1617	1407	1,200	5.37	CI/CS
Sycamore MWC (S)	1659	8129	10,000	108.27	CI/CS
Windswept (S)	3247	4255	1,300	9.63	GW
Te Velde ¹ (S)	3423	9994	2,298.9	7.25	GW
Te Velde ¹ (S)	4901	9995	2,298.9	22	GW
Henle (S)	6146	1484	700	9.6	GW
Pelger MWC (S)	1765A	613A	1,000	4	GW
Pelger MWC (S)	12470B	8547B	2,750	53.5	GW

(S) indicates a Sacramento River Settlement Contractor

(F) indicates a Feather River Settlement Contractor

¹ Only a combined amount of up to 2,298.9 af total will be transferred between A003423 and A004901.

PROPOSED CHANGES

The petitioners request the following temporary changes to their respective water right licenses.

1. Add portions of the CVP service area (Sacramento River Settlement Contractors only), portions of the SWP service area (Feather River Contractors only), and the EBMUD service area (RD 1004 and Sycamore MWC only) to the place of use;
2. Add the Shasta Reservoir (Sacramento River Settlement Contractors only), and the Oroville Reservoir (Feather River Settlement Contractors only), as points of diversion.
3. Add the Freeport Regional Water Project Intake as a point of diversion and rediversion (RD 1004 and Sycamore MWC only);
4. Add Barker Slough as a point of diversion (TBF, Plumas MWC, and Garden Highway MWC only);
5. Add the Banks Pumping Plant, and the Jones Pumping Plant as points of diversion and rediversion;
6. Add the San Luis Reservoir as a point of rediversion;
7. Add Castaic Dam, Perris Dam, and Pyramid Dam (TBF, Plumas MWC, and Garden Highway MWC only) as points of rediversion; and
8. Add municipal, industrial, and domestic to the authorized purposes of use.

Each transfer is proposed to occur starting between April to July and continue through September. Petitions submitted by Sacramento River Settlement Contractors propose that the U.S. Bureau of Reclamation may hold the quantity of water made available by the petitioners in Shasta Lake until export capacity at the State Water Project or Central Valley Project pumping facilities is available, which is typically during July, August, or September. A link to all petition submittals for the temporary changes listed above 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 may address individual or multiple petitions; comments should identify the application or license number(s) 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 change 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 petitions identified above present prima facie cases, 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(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 March 15, 2022.

Send comments to both:

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812
DWR-Petitions@waterboards.ca.gov

MBK Engineers
c/o Darren Cordova
455 University Avenue, Suite 100
Sacramento, CA 95825
cordova@mbkengineers.com

For more information regarding this matter, please contact Patricia Fernandez by email at patricia.fernandez@waterboards.ca.gov.

Date of Notice: **February 28, 2022**