



## United States Department of the Interior

BUREAU OF RECLAMATION  
2800 Cottage Way  
Sacramento, CA 95825-1898



IN REPLY REFER TO:

MP-440  
2.2.4.21

SWRCB - DWR  
'22 MAR 11 AM 11:02

Mr. Erik Ekdahl  
Deputy Director for Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Subject: Petitions for Temporary Transfer – License 1986 and Permits 11885, 11886, and 11887  
(Applications 23, 234, 1465, and 5638), Friant Division, Central Valley Project,  
California

Dear Mr. Ekdahl:

Please find the enclosed Petitions for Temporary Transfer involving the subject permits and license, filed pursuant to Water Code Section 1725 (Petitions). Reclamation has filed these Petitions in order to implement the Stipulation for Settlement dated September 13, 2006, in the matter of *Natural Resources Defense Council et al. v. Kirk Rodgers, et al.*, United States District Court, Eastern District of California, Civ. Case No. S-88-1658-LKK/GGH (Settlement), as authorized and directed by the San Joaquin River Restoration Settlement Act, Public Law 111-11, 123 Stat. 1349 (Settlement Act). The purpose of the change is to assist in implementing Paragraph 16 of the settlement. Paragraph 16 calls for the development and implementation of a plan for the recirculation, recapture, reuse, exchange, or transfer of Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Contractors caused by Restoration Flows.

On October 21, 2013, the State Water Board amended the subject permits and license to authorize the dedication of instream flows, pursuant to Cal. Water Code §1707, to facilitate implementation of the San Joaquin River Restoration Program (SJRRP). This proposed transfer is for additional points of diversion of dedicated instream flows at Patterson Irrigation District and Banta-Carbona Irrigation District facilities.

The enclosed Petitions each contains a pre-printed statement that an \$850.00 fee made payable to the California Department of Fish and Wildlife (CDFW) must accompany each Petition. Since Reclamation is unable to provide a check to pay this fee, Reclamation has paid this fee electronically to the State Board, who will forward it to CDFW. Since all Petitions will be reviewed and considered together for the same action, only one fee is required pursuant to Section 10005(e) of the California Public Resources Code.

INTERIOR REGION 10 • CALIFORNIA-GREAT BASIN

CALIFORNIA\*, NEVADA\*, OREGON\*

\* PARTIAL

Reclamation understands that the administrative filing fee required to process these Petitions is covered by the water right fees program to the extent that sufficient funds are available. Any administrative costs incurred as a result of processing Reclamation's Petitions that exceed the funds available under the water right fees program will be covered under the existing contract between Reclamation and the State Water Board (Board) for services rendered by Board staff.

Reclamation appreciates the assistance that the Division will be providing in processing these Petitions. Reclamation's point of contact for these Petitions is Mr. Ray Sahlberg, California Great Basin Region Water Rights Officer, at (916) 978-5249 and by email at [rsahlberg@usbr.gov](mailto:rsahlberg@usbr.gov). Reclamation's point of contact for implementation of the Settlement and Settlement Act is Mr. Donald Portz, SJRRP Manager, at (916) 978-5464 and by email at [dportz@usbr.gov](mailto:dportz@usbr.gov). The project manager is Erika Kegel, at (916) 978-5458 and by email at [ekegel@usbr.gov](mailto:ekegel@usbr.gov).

Sincerely,

**ADAM  
NICKELS**

Adam M. Nickels  
Regional Resources Manager

Digitally signed by  
ADAM NICKELS  
Date: 2022.03.10  
14:17:41 -08'00'

Enclosures – 2

- 1) Four Petitions with Supplemental Statement and Environmental Information
- 2) Check Payable to CDFW

cc: Attached List  
(each w/the first enclosure)

Please indicate County where your project is located here:

Madera, Fresno

MAIL FORM AND ATTACHMENTS TO:
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DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

SWRCB - DWR
22 MAR 11 AM 11:02

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication
Application 5638, Permit 11887, License, Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). Present: See Supplement

Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: See Supplement

Proposed: See Supplement

Purpose of Use Present: See Supplement

Proposed: See Supplement

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location: See Supplement

Downstream Location: See Supplement

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Table with 12 columns for months (Jan-Dec) and rows for 'See' and 'Supp.'.

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Supplement

**Amount of Water to be Transferred**

See Supp. acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is See Supplement cubic feet per second or million gallons per day.

**General Information** – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.  
See Supplement

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.  
See Supplement

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.  
Dated \_\_\_\_\_ at Sacramento CA

**ADAM NICKELS** Digitally signed by ADAM NICKELS  
Date: 2022.03.08 14:11:20 -08'00'

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:  
[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

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Application 1465 Permit 11886 License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). Present: See Supplement

Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: See Supplement

Proposed: See Supplement

Purpose of Use Present: See Supplement

Proposed: See Supplement

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location: See Supplement

Downstream Location: See Supplement

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Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s) Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Supplement

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See Supplement

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.  
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Dated \_\_\_\_\_ at Sacramento CA

**ADAM NICKELS** Digitally signed by ADAM NICKELS  
Date: 2022.03.08 14:12:42 -08'00'

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

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(1) the form Environmental Information for Petitions, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
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Application 234, Permit 11885, License, Statement

I (we) hereby petition for change(s) noted above and described as follows:

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Proposed: See Supplement

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: See Supplement

Proposed: See Supplement

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**ADAM NICKELS** Digitally signed by ADAM NICKELS  
Date: 2022.03.08 14:11:50 -08'00'

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Right Holder or Authorized Agent Signature

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Application 23, Permit 273, License 1986, Statement

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Proposed: See Supplement

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Present: See Supplement

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Purpose of Use

Present: See Supplement

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See Supplement

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.  
Dated \_\_\_\_\_ at Sacramento CA

**ADAM NICKELS** Digitally signed by ADAM NICKELS  
Date: 2022.03.08 13:57:31 -08'00'

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:  
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(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

## **Present Holder and User of Water Right**

Bureau of Reclamation  
Mid-Pacific Region, CGB-440  
Attention: Mr. Ray Sahlberg  
2800 Cottage Way  
Sacramento, CA 95825

Telephone: (916) 978-5249  
Email: rsahlberg@usbr.gov

## **Background and Proposed New User**

On October 21, 2013, the State Water Board amended the subject permits and license to authorize the dedication of instream flows, pursuant to *Cal. Water Code* §1707, and the redirection of those flows at specified locations to facilitate implementation of the San Joaquin River Restoration Program (SJRRP). The October 21, 2013, Order approving those amendments recognized that it is anticipated that recapture and recirculation of flows may occur in the future at Patterson Irrigation District (PID) and Banta-Carbona Irrigation District (BCID) facilities. On March 23, 2016, the State Water Board approved Reclamation's petitions under *Cal. Water Code* §§1725-1732, for temporary changes to add two points of redirection at PID and BCID facilities, authorizing Reclamation to transfer up to 76,069 acre-feet (af) of dedicated instream flows (Restoration Flows). On April 3, 2017, the State Water Board approved Reclamation's petitions under *Cal. Water Code* §§1725-1732, and §1707, for temporary changes to add these same two points of redirection, authorizing Reclamation to transfer up to 56,758 af of Restoration Flows for instream flow dedication. The State Water Board approved Reclamation's petitions on March 6, 2018 for a transfer of up to 55,885 af, on April 8, 2019, for a transfer of up to 57,313 af, and on April 20, 2020 and April 30, 2021, for up to 76,069 af.

This proposed transfer is for the redirection at PID and BCID facilities of Restoration Flows pursuant to the existing terms and conditions of the subject water right Permits and License. These are flows that, pursuant to *Cal. Water Code* § 1707, are and remain under the dominion and control of Reclamation after having been (a) released from Millerton Reservoir following collection to storage, or (2) taken control of using direct diversion rights at Friant Dam, but allowed to pass into the river channel in lieu of being conveyed into the Madera and Friant-Kern Canals. Authorization for instream flow dedication has been received pursuant to the October 21, 2013, Order. Reclamation will make use of instream conveyance by means of the San Joaquin River. Constraints and priorities at the existing authorized points of redirection at Jones and Banks pumping plants often preclude recapture of Restoration Flows. The temporary transfer would facilitate a change in CVP operations that would provide water for currently authorized instream beneficial uses in a longer reach of the San Joaquin River than would occur from recapturing the same portion of Restoration Flows upstream at the Mendota Pool authorized points of redirection instead.

Implementation of the proposed transfer is authorized and directed by, and would be implemented in accordance with, the San Joaquin River Restoration Settlement Act (P.L. 111-11) (Settlement Act). The purpose of this change is to assist in implementing Paragraph 16 of the settlement in *NRDC, et al., v. Kirk Rodgers, et al.*, as authorized in the Settlement Act. Paragraph 16 calls for the development and implementation of a plan for the recirculation, recapture, reuse, exchange, or transfer of Restoration Flows for the purpose of reducing or avoiding impacts to water deliveries to all of the Friant Contractors caused by Restoration Flows.

The subject permits and license provide that "Reclamation shall document that it has taken all practicable measures to provide contract water to the Friant Division Contractors, while complying with all other conditions of this water right. One of these practicable measures shall include implementation of the February 2011 Draft Plan for the Recirculation, Recapture, Reuse, Exchange or Transfer of Interim and Restoration Flows..." (Permit Terms 26; License Term 22)

Terms and conditions addressing the availability, modification, and recapture of instream flows for implementation of the SJRRP are currently contained in the subject permits and license. The proposed action only involves the addition of other points of rediversion, involving a transfer, to the ongoing implementation of the SJRRP pursuant to the subject Permits and License. This action involves the location of the recapture of Restoration Flows released and dedicated pursuant to the October 21, 2013, Order.

Reclamation has prepared a Final Environmental Assessment (FEA), dated July, 2016, covering the recapture of up to 76,069 AF of Restoration Flows at PID and/or BCID from March 23, 2016 through March 22, 2017 (*One Year Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District*) and issued a Finding of No Significant Impact (FONSI) (Number 16-03-SJRRP) on July 29, 2016. Reclamation had again determined that none of the conditions underlying the FEA had changed, and therefore it issued additional FONSI on March 7, 2017, February 27, 2018 (18-02-SJRRP), February 25, 2019 (19-01-SJRRP), March 16, 2020 (20-01-SJRRP), and December 15, 2021 (21-01-SJRRP). The FEA incorporates the affected environment and the environmental analysis in the *SJRRP Programmatic Environmental Impact Statement/Environmental Impact Report* (PEIS/R) finalized in July 2012 and for which a corresponding Record of Decision was issued on September 28, 2012. The recapture of Restoration Flows at existing facilities on the lower San Joaquin River is included among actions analyzed at the program-level in the PEIS/R. The FEA/FONSI can be found at:

[https://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=24095](https://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=24095).

The recirculation of recaptured water at existing facilities, using Central Valley Project, Department of Water Resources, and private facilities, back to Friant Division contractors was covered in *the Recirculation of Recaptured Water Year 2013-2017 SJRRP Flows Environmental Assessment* (Recirculation EA) which, along with its corresponding Recirculation FONSI, is dated April, 2013. Coverage under the Recirculation EA extended through the contract year ending February 28, 2018. Reclamation issued a new FONSI for recapture on February 27, 2018 for the Short Term Recirculation of

Recaptured SJRRP Restoration Flows as analyzed in the Recirculation EA, until completion of the long-term plan for recapture and recirculation and associated environmental documentation. Reclamation has again determined that, at this time, none of the conditions underlying the Recirculation EA has changed, and therefore it intends to utilize the existing Recirculation EA. The Recirculation EA/FONSI and Short Term Recirculation FONSI can be found at [https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=12690](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=12690).

Reclamation is currently preparing environmental compliance document(s) to address long-term recapture and recirculation of Restoration Flows. In July 2015, Reclamation published a Notice of Intent to prepare an Environmental Impact Statement to identify a set of alternatives for the recapture and recirculation of Restoration Flows to long-term contractors of the Friant Division of the CVP.

Reclamation expects to submit the environmental document for public comment sometime in 2023. Reclamation is working toward filing water right change petitions at that time for the subject permitted and licensed applications, pursuant to *Cal. Water Code* §1701 and supported by that environmental document, that would identify points of rediversion at locations including these PID and BCID facilities in order to facilitate the long-term recapture of dedicated flows. Reclamation intends to submit a petition pursuant §1701 as soon as practicable. However, in the interim, Reclamation notes that *Cal. Water Code* § 1725 et seq. and State Water Board regulations (temporary change involving transfer of water) contain no language prohibiting the sequential filing of a series of temporary change petitions for the same or similar action for which a temporary change petition was previously filed and approved; the 1999 SB 970 (Costa) water code amendments specifically repealed the requirement that a petitioner for a temporary change exercise due diligence in seeking a long-term or permanent change.

### **Period of Transfer/Exchange**

The period for the proposed temporary transfer is for one year.

### **Points of Diversion and Rediversion**

#### Present Points of Diversion and Rediversion

The points of diversion and rediversion are the same as on file with the State Water Board for Applications 23, 234, 1465, and 5638.

#### Proposed Points of Rediversion to be Added

The proposed points of rediversion to be added are as follows and as shown on Map 1785-202-176, on file with the State Water Board:

Intake facility for PID, Located N2004071 E6392678 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 15, T 5S, R8E, M.D.B.&M.

Intake facility for BCID, Located N2083018 E6327281 California Coordinate System,  
Zone 3, NAD 83, being within the SE ¼ of Section 33, T2S, R6E, M.D.B.&M.

### **Places of Use**

#### Present Places of Use

The places of use are the same as on file with the State Water Board for Applications 23,  
234, 1465, and 5638. See Map 1785-202-50, on file with the State Water Board.

#### Proposed Places of Use to be Added

No change. The water recaptured by rediversion from the San Joaquin River would be  
used within the places of use authorized for the subject permits and license.

### **Purposes of Use**

#### Present Purposes of Use

The combined purposes of use for all three permitted and licensed applications are  
irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and  
enhancement of fish and wildlife, and recreational, as on file with the State Water Board.

#### Proposed Purpose of Use to be Added

No change.

### **Season of Use, Direct Use, and Storage**

#### Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in  
these permitted applications and license on file with the State Water Board.

#### Proposed Season of Use, Direct Use, and Storage

No change.

### **Proposed New Users (transferees)**

Implementation of the proposed transfer includes the following proposed new users  
(transferees), consistent with implementation of the proposed transfer as authorized and  
directed by, and in accordance with, the Settlement Act.

Rediverted flows would be conveyed through PID and BCID facilities to the Delta-Mendota Canal (DMC). Reclamation's CVP contractors capable of receiving CVP supply in the San Luis Unit would receive this water as transferees. In addition, the rediverted water in the San Luis Canal would be conveyed through the Cross-Valley Canal to the Friant Division service area, or would be provided to entities in the Tulare Lake region for exchange.

Proposed new users of the rediverted water also include: 1) the public, through the protection and enhancement of instream beneficial uses held in the public trust, and 2) the California Department of Fish and Wildlife, whose mission is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.

### **Counties of Storage and Use**

The proposed transfer water is presently used and stored within the following counties:

Madera; Fresno; Tulare; Kern; Merced; Stanislaus; Contra Costa; Alameda; San Joaquin; Sacramento.

The proposed transfer water will be placed to beneficial use within the following counties within the existing authorized places of use:

Fresno; Merced; Kings, Tulare, Kern,

### **Amount of Water to be Transferred**

A total maximum of up to 28,979 acre-feet of water is proposed for transfer through rediversion at the PID facility. Table 2-1 of the FEA shows potential capacity available for rediversion at the PID facility for delivery into the DMC. The maximum rate of rediversion at the PID facility is 40 cubic feet per second (cfs).

A total maximum of up to 47,090 acre-feet of water is proposed for transfer through rediversion at the BCID facility. Table 2-2 of the FEA shows potential capacity available for rediversion at the BCID facility for delivery into the DMC. The maximum rate of rediversion at the BCID facility is 65 cfs.

A total combined maximum recapture of 76,069 acre-feet of water is proposed for transfer through both PID and BCID facilities up to a combined rediversion rate of 105 cfs.

In the absence of the proposed transfer, the released Restoration Flows, as currently authorized for dedication pursuant to the October 21, 2013, Order to the subject permitted and licensed applications, would continue to remain under the dominion and control of Reclamation.

### **Instream Flow Dedication**

An instream flow dedication, pursuant to Cal. Water Code §1707, is included as part of this petition.

The location of the upstream location for this transfer is Friant Dam. The location of the downstream locations for this transfer are the intakes to the PID and BCID facilities. The protected reach is as shown on Map 1785-202-176, and the existing dedication and places, also, are shown on Map 1785-202-50, both on file with the State Water Board.

For purposes of tracking protected instream flows, Reclamation will monitor river stage and flow conditions during all periods when SJRRP flows are likely to be flowing at the locations specified in Condition 5 of the October 21, 2013, Order.

### **General Information**

The total quantity of water proposed to be transferred will be up to 76,069 acre-feet of dedicated instream flows previously taken under control at Friant Dam.

Reclamation would make the recaptured Restoration Flows available in south-of-Delta facilities (for example, such as San Luis Reservoir, O'Neill Forebay, Delta-Mendota Canal, California Aqueduct, Cross-Valley Canal) for recirculation and beneficial use by the Friant Contractors. Recirculation to the Friant Contractors would be accomplished through direct delivery, exchange, and/or transfer. This could require the exchange and/or transfer of recaptured Restoration Flows among Friant Contractors or non-Friant Contractors. The Proposed Action would assist in Reclamation meeting its obligation pursuant to the Settlement Act to reduce or avoid adverse water supply impacts on all of the Friant Contractors that may result from Restoration Flows.

Recapture is subject to availability of Restoration Flows and the available capacity of the districts' facilities and within the CVP and/or the SWP storage and conveyance facilities, including the California Aqueduct, DMC, San Luis Reservoir, and related pumping facilities. Available capacity is capacity that is available after all statutory and contractual obligations are satisfied to existing south-of-Delta water service or supply contracts, exchange contracts, settlement contracts, transfers, or other agreements involving or intended to benefit CVP/SWP contractors served through CVP/SWP facilities. The proposed transfer would not affect water delivery quantities to contractors and refuges outside the Friant Division, including the San Joaquin River Exchange Contractors. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies.

The proposed transfer would be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) will be cultivated with the water involved in this action.
- The purposes of water use are consistent with existing authorized purposes of use.



- The recapture of Restoration Flows will be limited to existing supply and will not increase overall consumptive use.
- The recapture of Restoration Flows will not lead to any land conversion.
- The recapture of Restoration Flows will comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets (ITAs).
- The recapture of Restoration Flows will not alter the flow regime of streams, creeks, ponds, pools, wetlands, etc.
- The Proposed Action does not include construction or modification of facilities.

The proposed recapture of Restoration Flows on the San Joaquin River downstream from the Merced River at existing facilities on the San Joaquin River (PID and BCID facilities) is described and analyzed at the program-level under Alternatives B and C of the PEIS/R.

The proposed recapture will not change or affect the manner in which Reclamation will make Recapture and Recirculation Water available to Friant Contractors under the Recirculation EA/FONSI. The Recirculation EA/FONSI states that the short term recirculation and recapture of Restoration Flows was found to have no adverse impact on water resources, land use, air quality, ITAs, socioeconomic resources, or (nor be affected by) global climate change, and has no potential to cause effects on historic properties. The proposed recapture is consistent with the Draft Plan for Recirculation, Recapture, Reuse, Exchange, or Transfer of Interim and Restoration Flows (February 2011) referenced in Term 26 of the subject Permits and Term 22 of the subject License.

Based upon CalSim II water operations simulation, Table 3-1 of the FEA provides the estimated portion of the water contract year 2022 Restoration Flows that would reach PID and BCID facilities and be available for recapture. Tables 3-2 and 3-3 show the maximum percentage of average San Joaquin River Flow at Vernalis able to be recaptured at the PID and BCID facilities, respectively. Table 3-4 shows the maximum percentage of average San Joaquin River Flow at Vernalis to be recaptured in the aggregate at PID and BCID facilities. The portion of flows that could be recaptured at PID and BCID is minimal in comparison to the availability of flows in the San Joaquin River. The FEA provides that recapture at the PID and BCID facilities would not result in any violations of existing water quality standards or substantial water quality changes that would adversely affect beneficial uses, or have substantive impacts on public health.

Recapture would occur only at screened facilities. The proposed transfer will be conducted to comply with applicable United States Fish and Wildlife (USFWS) and National Marine Fisheries Service (NMFS) operations biological opinions. Reclamation is currently required to comply with Term 42 of the subject License and Term 47 of the subject Permits as follows: "Consistent with the Settlement and Settlement Act, Reclamation shall coordinate any flow modifications with the USFWS and NMFS, as

applicable. Recapture of water dedicated for instream flow shall be in compliance with the USFWS and NMFS biological opinions." This condition would continue to remain in place during the proposed transfer period as a term within the subject Permits and License.

### **Proposed Term**

The proposed transfer operations with rediversion at the BCID Pumping Plant would be outside the current assumptions of State Water Board Water Right Decision 1641. Such an operation would increase the Net Delta Outflow Index as currently defined by Revised D-1641. Consequently, Reclamation requests that the following term be included in the order approving Reclamation's petitions:

- During the times that water is being rediverted at the BCID facility pursuant to this temporary transfer order, San Joaquin River flows used to inform conditions in D-1641 will be reduced by the quantity of water rediverted by the BCID facility pursuant to this temporary transfer order.

### **Access**

Reclamation proposes to obtain access to the proposed points of rediversion by virtue of seeking and entering into a one-year agreement with PID and with BCID for the recapture of up to 76,090 AF of Restoration Flows.

### **Persons Taking Water**

Diverters between Friant Dam and the confluence of the Merced River, and from the confluence of the Merced River to and through the Delta, are on file with the Board. Many assumed riparian water right holders between Friant Dam and Gravelly Ford have executed Holding Contracts with Reclamation. Also, the San Joaquin River Exchange Contractors divert water downstream of Friant Dam.

### **Other Persons Who May Be Affected**

The proposed transfer involves the recapture, at two new locations, of water that has been dedicated to instream flow. These two locations are within the river reaches authorized for instream flow dedication under existing permit and license terms and conditions. Other than PID and BCID whose facilities are proposed to be utilized, Reclamation is unaware of other persons who may be affected by the recapture of its dedicated flows.

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board.

Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Hatler, 559-243-4005, ext. 127.

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Tel: (916) 341-5300 Fax: (916) 341-5400  
<http://www.waterboards.ca.gov/waterrights>

## **ENVIRONMENTAL INFORMATION FOR PETITIONS**

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### **DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED**

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment

Insert the attachment number here, if applicable: 1

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request  
See cover letter

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes  No

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

See Reclamation's EA/FONSI and Recirculation EA/FONSI.

Insert the attachment number here, if applicable: 1

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

Yes  No

Grading Permit

Use Permit

Watercourse

Obstruction Permit

Change of Zoning

General Plan Change

Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

**Federal and State Permits**

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board       Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams       California Coastal Commission
- State Reclamation Board       U.S. Army Corps of Engineers       U.S. Forest Service
- Bureau of Land Management       Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.       Yes       No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
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If necessary, provide additional information below:

Reclamation is providing a copy of its petitions to the Central Valley Regional Water Quality Control Board. See cover letter.

Reclamation will seek and enter into agreements with Patterson Irrigation District and Banta-Carbona Irrigation District.

Insert the attachment number here, if applicable: 1

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?       Yes       No

If necessary, provide additional information below:

A/FONSI and Recirculation EA/FONSI.

Insert the attachment number here, if applicable: 1

**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

Insert the attachment number here, if applicable: 1

**Photographs**

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

**Maps**

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated \_\_\_\_\_ at Sacramento CA

**ADAM NICKELS** Digitally signed by ADAM NICKELS  
Date: 2022.03.08 14:12:18 -08'00'

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

**NOTE:**

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

### **Description of Proposed Changes**

This proposed temporary transfer is for the redirection at Patterson Irrigation District (PID) and Banta-Carbona Irrigation District (BCID) facilities of flows dedicated for instream use pursuant to the terms and conditions of the subject water right Permits and License and the San Joaquin River Restoration Settlement Act (P.L. 111-11) (Restoration Flows). These are flows that, pursuant to *Cal. Water Code* § 1707, are and remain under the dominion and control of Reclamation after having been (1) released from Millerton Reservoir following collection to storage, or (2) taken control of using direct diversion rights at Friant Dam, but allowed to pass into the river channel in lieu of being conveyed into the Madera and Friant-Kern Canals to implement the San Joaquin River Restoration Program (SJRRP). Authorization for instream flow dedication to implement the SJRRP has been received pursuant to the Division of Water Rights Order Dated October 21, 2013. Reclamation will make use of instream conveyance by means of the San Joaquin River. The temporary transfer will facilitate a change in CVP operations that will provide water for instream beneficial uses in a longer reach of the San Joaquin River than would occur from recapturing the same portion of Restoration Flows upstream at Mendota Pool instead. An instream flow dedication pursuant to *Cal. Water Code* §1707 is included as part of this petition.

Rediverted flows would be conveyed through PID and BCID facilities to the Delta-Mendota Canal (DMC). Reclamation's CVP contractors capable of receiving CVP supply in the San Luis Unit would receive this water. In addition, the rediverted water in the San Luis Canal would be conveyed through the Cross-Valley Canal to the Friant Division service area, or would be provided to entities in the Tulare Lake region for exchange. Reclamation would make these recaptured SJRRP Restoration Flows available in south-of-Delta facilities (for example, such as San Luis Reservoir, O'Neill Forebay, Delta-Mendota Canal, California Aqueduct, Cross-Valley Canal) for recirculation and beneficial use by the Friant Contractors. Recirculation to the Friant Contractors would be accomplished through direct delivery, exchange, and/or transfer.

A total maximum of up to 28,979 acre-feet (AF) of water is proposed for transfer through redirection at the PID facility. Table 2-1 of the below described Final Environmental Assessment (FEA) shows potential capacity available for the redirection at the PID facility for delivery into the Delta Mendota Canal. The maximum rate of redirection at the PID facility is 40 cubic feet per second (cfs). A total maximum of up to 47,090 AF of water is proposed for transfer through redirection at the BCID facility. Table 2-2 of the FEA shows potential capacity available for the redirection at the BCID facility for delivery into the Delta Mendota Canal. The maximum rate of redirection at the BCID facility is 65 cfs. A total combined maximum recapture of 76,069 AF of water is proposed for transfer through both PID and BCID facilities up to a combined redirection rate of 105 cfs. The period for the proposed temporary transfer is for one year.

Reclamation has prepared an FEA (*One Year Recapture of San Joaquin River Restoration Flows at Patterson Irrigation District and/or Banta-Carbona Irrigation District*) and issued a Finding of No Significant Impact (FONSI) (Number 16-03-SJRRP) on July 29, 2016, that incorporates the affected environment and environmental analysis in the *SJRRP Programmatic Environmental Impact Statement/Environmental Impact Report* (PEIS/R) finalized in July 2012 and for which a corresponding Record of Decision was issued on September 28, 2012. The recapture of Restoration Flows at existing facilities on the lower San Joaquin River is included among actions analyzed at the program-level in the PEIS/R. Reclamation had again determined that none of the conditions underlying the FEA had changed, and therefore it issued additional FONSI on March 7, 2017, February 27, 2018, February 25, 2019, March 16, 2020, and December 15, 2021. The FEA/FONSI can be found at:

[https://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=24095](https://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=24095).

Recirculation of recaptured water at existing facilities, using Central Valley Project, Department of Water Resources, and private facilities, back to Friant Division contractors was covered in the *Recirculation of Recaptured Water Year 2013-2017 SJRRP Flows Environmental Assessment* (Recirculation EA) which, along with the corresponding Recirculation FONSI, is dated April, 2013. The proposed recapture will not change or affect the manner in which Reclamation will make Recapture and Recirculation Water available to Friant Contractors under the Recirculation EA. Reclamation issued a new FONSI for recapture on February 27, 2018 for the Short-Term Recirculation of Recaptured SJRRP Restoration Flows as analyzed in the Recirculation EA, until completion of the long-term plan for recapture and recirculation and associated environmental documentation. The Recirculation EA/FONSI states that the short-term recirculation and recapture of Restoration Flows was found to have no adverse impact on water resources, land use, air quality, Indian Trust Assets, socioeconomic resources, or (nor be affected by) global climate change, and has no potential to cause effects on historic properties. The Recirculation EA/FONSI can be found at:

[https://www.usbr.gov/mp/nepa/nepa\\_project\\_details.php?Project\\_ID=12690](https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=12690).

### **Federal and State Permits**

Reclamation's point of contact is David Sholes, 559-445-6279 at the Central Valley Regional Water Quality Control Board. Reclamation's point of contact at the California Department of Fish and Wildlife is Gerald Hatler, 559-243-4005, ext. 127.

### **Photographs**

The proposed points of diversion using existing facilities and proposed places of use are well known with the State Water Board. Therefore, no representative photographs have been provided here and are presumed to be on file already with the State Water Board.



Attachment to Environmental Information for Petitions for 2022 Temporary Transfer  
Permitted Applications 234, 1465, 5638 and Licensed Application 23

**Maps**

Map 1785-202-176 displays the locations of the proposed points of rediversion. Map 1785-202-50 depicts the existing SJRRP instream dedication and the places of use. Both maps are on file with the State Water Board.