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## State Water Resources Control Board

### **NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 4,598 ACRE-FEET OF WATER FROM THE SOUTH SUTTER WATER DISTRICT TO WOODLAND-DAVIS CLEAN WATER AGENCY**

Notice is hereby given that on July 8, 2022, the South Sutter Water District (SSWD or petitioner), filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change (petition) under Water Code section 1725, et seq. for License 11118. The petition requests the transfer of up to a total of 4,598 acre-feet (af) of water for use within the Woodland-Davis Clean Water Agency. SSWD originally proposed to transfer the water from November 1, 2022 through March 30, 2023. On July 22, 2022, SSWD requested an amendment to the petition. The amended petition requested the transfer season to begin when the transfer Order is issued.

#### **DESCRIPTION OF THE TRANSFER**

SSWD proposes to transfer water to provide an additional water supply to Woodland-Davis Clean Water Agency. The total amount of water intended for transfer pursuant to the petition is up to 4,598 af. The transfer water would be made available at proposed additional point of rediversion by groundwater substitution through reservoir release of previously stored water from Camp Far West Reservoir and Camp Far West Diversion Dam under SSWD's License 11118. SSWD proposes to transfer the water from the date of Order issuance through March 30, 2023.

#### **PROPOSED CHANGES**

SSWD requests the following temporary changes to water right License 11118.

1. Add Woodland-Davis Clean Water Agency Pumping Plant as a point of rediversion;
2. Add the Woodland-Davis Clean Water Agency service area as an additional place of use; and
3. Add Municipal and Industrial uses to the authorized purposes of use.

The transfer is proposed to occur from the date of Order issuance through March 30, 2023. 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 this petition and seeking information to assist in the evaluation of the proposed temporary changes. Comments should identify the application or license 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 August 10, 2022.**

Send comments to both:

Steve Marquez  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812  
[steve.marquez@waterboards.ca.gov](mailto:steve.marquez@waterboards.ca.gov)

South Sutter Water District  
c/o Kyle Knutson  
MBK Engineers  
455 University Avenue, Suite 100  
Sacramento, CA 95825  
[knutson@mbkengineers.com](mailto:knutson@mbkengineers.com)

For more information regarding this matter, please contact Steve Marquez by email at [steve.marquez@waterboards.ca.gov](mailto:steve.marquez@waterboards.ca.gov).

Date of Notice: **July 26, 2022**