



Linda S. Adams
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State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

**NOTICE OF AMENDED ORDER WR 2010-0032-DWR
INVOLVING THE TRANSFER/EXCHANGE
OF UP TO 220,000 ACRE-FEET OF WATER
UNDER THE DEPARTMENT OF WATER RESOURCES'
PERMIT 16482 (APPLICATION 17512)
AND THE SPECIFIED LICENSE AND PERMITS
OF THE UNITED STATES BUREAU OF RECLAMATION**

On August 18, 2010,

Department of Water Resources
c/o Nancy Quan, Chief
Program Development and Water Supply and Transfers
P.O. Box 942836
Sacramento, CA 94236-0001

and

United States Bureau of Reclamation
c/o Richard Stevenson, Acting Regional Manager
2800 Cottage Way
Sacramento, CA 95825

filed with the State Water Resources Control Board (State Water Board), Petitions for Temporary Change under Water Code section 1725, et seq. The petitions request the temporary addition of the Central Valley Project (CVP) place of use downstream of the Jones Pumping Plant to Permit 16482 (Application 17512) and the temporary addition of the State Water Project (SWP) place of use downstream of the Banks Pumping Plant to the specified permits and license of the CVP (listed in Table 1, shown on page 3 of this notice). These changes are intended to facilitate three specific transfers/exchanges involving a total of up to 220,000 acre-feet (AF) of water. The petitions request the changes be effective from October 1, 2010 through September 30, 2011.

Order WR 2010-0032-DWR (Order) was issued for the temporary transfers/exchanges on November 5, 2010. On April 20, 2011, the State Water Board received a letter from Diepenbrock Harrison on behalf of Westlands Water District (Westlands) and San Luis Water District (San Luis) requesting elimination of Condition 5 of the Order. Specifically, Westlands and San Luis request that the State Water Board eliminate the 871,296 AF limitation on water delivered to Westlands, and the 85,705 AF limitation on water delivered to San Luis. The parties state the term was imposed, "because of apparent concerns that deliveries to Westlands and San Luis would increase salinity in the San Joaquin River." The parties state that there is no evidence to support inclusion of the limitation and request that the State Water Board exercise its jurisdiction to amend Condition 5 pursuant to Condition 9 of the Order. Condition 9 states that the Deputy Director for the Division of Water Rights (Division) reserves jurisdiction to modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

California Environmental Protection Agency

After review of the request and all available evidence submitted in support of the requested revision, the Deputy Director has revised Sections 1.4 and 4.2 and Condition 5 of the Order. The Division has contacted the Department of Water Resources (DWR) and the United States Bureau of Reclamation (USBR) and both agencies concur with the proposed revision. The Deputy Director will issue an amended Order that reflects the Division's findings in support of amending the Order to relax the limitation on deliveries to Westlands and San Luis. The amended Order and correspondence related to the amended Order can be viewed at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_or_ders/

DESCRIPTION OF THE TRANSFERS/EXCHANGES

The SWP and CVP permits and license subject to the proposed changes are listed in Table 1, on the following page. DWR and USBR submitted the petitions to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of the Banks and Jones Pumping Plants. The petitions request approval for three separate "south-of-Delta" transfers/exchanges of CVP or SWP water. The petitions request that these changes be effective through September 30, 2011. The petitions state that while the total quantity of water pumped by the CVP/SWP from the Delta during this period will not change as a result of these transfers/exchanges, a slightly different ratio of CVP to SWP pumping may occur in 2011. This notice addresses only one of the transfers/exchanges per the petitions, which is described in the following section. The petitions are available for viewing online at:

www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/

Table 1
SWP and CVP License and Permits Subject to Temporary Change

SWP Water Rights			
Application No.	Permit No.	License No.	Description
17512	16482	n/a	San Luis Reservoir
CVP Water Rights			
Application No.	Permit No.	License No.	Description
23	273	1986	Friant Project
234	11885	n/a	Friant Project
1465	11886	n/a	Friant Project
5626	12721	n/a	Shasta Project
5628	11967	n/a	Trinity Project
5638	11887	n/a	Friant Project
9363	12722	n/a	Shasta Project
9364	12723	n/a	Shasta Project
9368	12727	n/a	Tracy Pumping Plant
13370	11315	n/a	Folsom Project
13371	11316	n/a	Folsom Project
15374	11968	n/a	Trinity Project
15375	11969	n/a	Trinity Project
15376	11970	n/a	Trinity Project
15764	12860	n/a	San Luis Reservoir
16767	11971	n/a	Trinity Project
16768	11972	n/a	Trinity Project
17374	11973	n/a	Trinity Project
17376	12364	n/a	Whiskeytown Lake

WESTLANDS/SAN LUIS/METROPOLITAN

Westlands and San Luis each receive their principal water supplies from the CVP. Recent dry conditions and the adoption of Biological Opinions in 2008 and 2009 have significantly reduced the amount of water available for export to SWP and CVP contractors. Westlands and San Luis have acquired substantial additional water from other CVP contractors which is currently stored in San Luis Reservoir. Hydrologic conditions in 2010 resulted in an increase in CVP allocations to Westlands and San Luis after their users had made planting decisions based on forecasted shortages. As a result, Westlands and San Luis had water stored in San Luis Reservoir that was surplus to their 2010 water needs. Westlands and San Luis were concerned if San Luis Reservoir filled during the winter of 2011, which it did, the additional water acquired by Westlands and San Luis would be reassigned to other CVP contractors. Current hydrologic

conditions have resulted in the increase in CVP allocations to Westlands and San Luis in an amount almost double the 2010 allocations prior to the water transfer. Further, Westlands and San Luis believe that their ability to carry over their CVP Water in San Luis Reservoir into the 2011-2012 water year may be limited as well.

In order to reduce the risk that their 2010 CVP water stored in San Luis Reservoir would be reassigned to other CVP contractors, Westlands and San Luis proposed an exchange with MWD. Westlands and San Luis proposed to deliver up to 150,000 AF (up to 120,000 AF from Westlands and up to 30,000 AF from San Luis) of their 2010 CVP Water supplies (stored in San Luis Reservoir) to MWD. During 2011, MWD would return two-thirds of the total amount of water delivered to Westlands and San Luis (up to 80,000 AF to Westlands and up to 20,000 AF to San Luis) from its 2011 SWP Table A supplies. Both exchanges would occur at O'Neill Forebay.

In the absence of this exchange, Westlands's and San Luis's surplus CVP supplies would remain in storage in San Luis Reservoir and MWD would receive all of its 2011 SWP Table A supplies.

PROPOSED TEMPORARY CHANGES

The petitions request the temporary addition of the CVP service area downstream of the Jones Pumping Plant to the place of use under DWR's Permit 16482 (Application 17512). The petitions also request the temporary addition of the SWP service area downstream of the Banks Pumping Plant to the USBR license and permits listed in Table 1 (shown on page 3 of this notice). These temporary additions would be for the purpose of completing the three transfers/exchanges per the petitions and would be effective from the date the petitions were approved through September 30, 2011. The CVP service area downstream of the Jones Pumping Plant and the SWP service area downstream of the Banks Pumping Plant are shown on maps included with the petitions and are available for viewing online at: www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored 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.

STATE WATER RESOURCES CONTROL BOARD'S 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. Involve 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; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses

For the reasons fully stated in the amended order, the Deputy Director has determined the proposed change is consistent with the findings the State Water Board must make pursuant to Water Code section 1725.

OPPORTUNITY FOR COMMENTS

Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, within 30 days of the date of this notice. Interested parties are encouraged to file comments by FAX or email, and to notify the following contact persons by telephone of any materials that will be submitted.

Division of Water Rights
c/o Patricia Fernandez
P.O. Box 2000
Sacramento, CA 95812-2000
pfernandez@waterboards.ca.gov
FAX: (916) 341-5400

State Department of Water Resources
c/o Nancy Quan
P.O. Box 942836
Sacramento, CA 94236-0001
nquan@water.ca.gov
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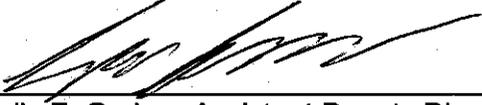
Please address questions about this notice to Patricia Fernandez at pfernandez@waterboards.ca.gov or (916) 319-9141. Questions regarding the transfers/exchanges should be addressed as follows:

DWR-SWP:

Nancy Quan (916) 653-0190
FAX: (916) 653-9628

USBR-CVP:

Paul Fujitani (916) 979-2197
FAX: (916) 979-2494



Leslie F. Grober, Assistant Deputy Director
Division of Water Rights

Dated:

JUN 14 2011