



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
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Arnold Schwarzenegger
Governor

**NOTICE OF PETITIONS FOR TEMPORARY CHANGE
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**

Notice is hereby given that 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 2 of this notice). These changes are intended to facilitate three specific transfers/ exchanges involving a total of up to 220,000 acre-feet of water. The petitions request the changes be effective from October 1, 2010 through September 30, 2011.¹

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. The Department of Water Resources (DWR) and the United States Bureau of Reclamation (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

¹ Since the comment period for this petition expires after October 1, 2010, any approval of the requested changes will be effective from the date of approval through September 30, 2011.

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. These transfers/exchanges are each summarized in the following sections. 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

ARVIN-EDISON / METROPOLITAN

The Metropolitan Water District of Southern California (MWD) has historically delivered excess SWP supplies to the Arvin Edison Water Storage District (AEWSD) for groundwater banking. MWD has requested the return of this previously-banked groundwater in 2010 and 2011. AEWSD receives CVP supplies from the Friant

Reservoir. AEWSD proposes to return some of MWD's previously-banked groundwater by allowing its Friant CVP water to be delivered directly to MWD. A like amount of water within AEWSD's groundwater banking facilities would be reduced from MWD's groundwater banking account (and added to AEWSD's groundwater banking account). The maximum amount of Friant CVP water proposed for delivery to MWD pursuant to this portion of the subject petitions is 40,000 af. Water would be delivered via the Friant-Kern Canal and AEWSD's distribution system, including its connections to the California Aqueduct at Milepost 227 (Reach 14C) or via its capacity in the Cross Valley Canal to the California Aqueduct at Tupman/Milepost 238 (Reach 12E).

In the absence of this transfer, AEWSD's Friant CVP water would be diverted to groundwater storage and an equivalent amount of previously-stored SWP water would be pumped from AEWSD's groundwater storage for delivery to MWD.

SANTA CLARA VALLEY WATER DISTRICT

Santa Clara Valley Water District (SCVWD) receives water from both the CVP (delivered from San Luis Reservoir via the CVP's San Felipe Division) and the SWP (delivered via the South Bay Aqueduct). In late 2010 and early 2011 maintenance is scheduled on the San Felipe Division which may constrain its conveyance capacity. The petitions request an exchange of CVP and SWP water to allow for up to 30,000 af of SWP water to be delivered to SCVWD through the South Bay Aqueduct during periods when maintenance is constraining capacity in the San Felipe Division. An equal amount of CVP water will be delivered to the SWP at the O'Neill Forebay for use within the SWP service area downstream of the Banks Pumping Plant. The proposed exchange would not increase the total amount of CVP/SWP water delivered to SCVWD. In the event the scheduled maintenance does not occur, or conveyance disruptions are not experienced within the next year, its CVP water would be delivered directly to SCVWD via the San Felipe Division.

In the absence of this exchange, SCVWD would receive its CVP water via the San Felipe Division and if scheduled maintenance disrupts conveyance capacity, additional groundwater could be pumped within SCVWD and/or water shortages could occur within SCVWD.

WESTLANDS / SAN LUIS / METROPOLITAN

Westlands Water District (WWD) and San Luis Water District (SLWD) 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. WWD/SLWD have acquired substantial additional water from other CVP contractors which is currently stored in San Luis Reservoir. Unusual hydrologic conditions in 2010 resulted in an increase in CVP allocations to WWD/SLWD after their users had made planting decisions based on forecasted shortages. As a result, WWD/SLWD have water stored in San Luis Reservoir

that will be surplus to their 2010 water needs. If San Luis Reservoir fills during the winter of 2011, the additional water acquired by WWD/SLWD would be reassigned to other CVP contractors. Further, WWD/SLWD 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 currently stored in San Luis Reservoir will be reassigned to other CVP contractors, WWD/SLWD have proposed an exchange with MWD. WWD/SLWD proposes to deliver up to 150,000 af (up to 120,000 af from WWD and up to 30,000 af from SLWD) of their 2010 CVP Water supplies (currently stored in San Luis Reservoir) to MWD. During 2011, MWD would return two-thirds of the total amount of water delivered to WWD/SLWD (up to 80,000 af to WWD and up to 20,000 af to SLWD) from its 2011 SWP Table A supplies. Both exchanges would occur at O'Neill Forebay.

In the absence of this exchange, WWD/SLWD'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 2 of this notice). These temporary additions would be for the purpose of completing the three transfers/exchanges described above and would be effective from the date the petition is 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.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfers/exchanges of water.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petitions for temporary change. The comments must address the required findings set forth above. The petitioners have the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioners have established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commentors should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division (if necessary) may request that the petitioners submit additional information during the comment period. Any such requests and any additional information submitted by the petitioners regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/. Potential commenters are strongly urged to check the website for such information prior to filing a comment.

Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the first address listed below by **October 18, 2010**. Additionally, a copy of the comments must be filed with DWR². **Comments must include proof of service of a separate copy of the materials to the petitioner.** Interested parties are encouraged to file comments by FAX and to notify the following contact persons by telephone of any materials that will be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

² Commentors are only required to provide proof of service of comments regarding this petition with DWR.

Notice of Petition for Temporary Change
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Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

State Department of Water Resources
c/o Nancy Quan
P.O. Box 942836
Sacramento, CA 94236-0001
FAX: (916) 653-9628

Please address questions about this notice to Greg Wilson at (916) 341-5427. 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, Manager
Hearings and Special Programs Section

Dated: September 15, 2010