State of California California Natural Resources Agency

Memorandum

Date: August 18, 2010

To: Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

From: **Department of Water Resources**

Subject: 2010 Petition for Temporary Change to Modify the State Water Project, Central Valley Project and Friant Authorized Places of Use

Enclosed for your review and consideration is the Department of Water Resources' (DWR) and the U.S. Department of the Interior, Bureau of Reclamation's (Reclamation) Petition for Temporary Transfer to facilitate transfers and exchanges of State Water Project (SWP) and Central Valley Project (CVP) water south of the Delta. The petition requests the State Water Resources Board (SWRCB) temporarily modify the authorized Place of Use of Reclamation's listed permits and license to include the SWP authorized place of use downstream of Harvey O' Banks Pumping Plant (Banks), and the DWR permit to include the CVP and Friant authorized place of use downstream of the Jones Pumping Plant (Jones).

The changes will allow DWR and Reclamation to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of Banks and Jones. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the recent reductions in water supply and the unusual hydrologic conditions in 2010 that resulted in increased allocations of water late in the year. The changes will facilitate the transfers and exchanges noted in this petition which are intended to provide supplemental water supplies to areas experiencing reductions in their SWP and CVP supplies, and will help reduce the risk that some of the supplemental supplies acquired by the agencies in anticipation of severe restrictions in 2010 could be lost due to the unusual hydrologic conditions experienced this year.

Also included are (1) checks totaling $67,997 for the State Water Resources Control Board permit processing fee, and (2) checks totaling $850 for the Department of Fish and Game fee.

If you have any questions or need additional information, please contact me or Nancy Quan of my staff at (916) 653-0190, or you may contact Paul Fujitani, Acting Operations Manager, Mid Pacific Region, Bureau of Reclamation at (916) 979-2197.

Robert B. Cooke

Robert B. Cooke, Chief
State Water Project Analysis Office
(916) 653-4313

Attachments

cc: (See attached list)

Mr. Terry Erlewine, General Manager
State Water Contractors
1121 L Street, Suite 1050
Sacramento, California 95814

Mr. Paul Fujitani
US Department of Interior
Bureau of Reclamation
3310 El Camino Avenue
Sacramento, California 95825

Mr. Anthony Toto
Central Valley Regional Water Quality
Control Board
1685 E Street
Fresno, California 93706-2007

Lahontan Regional Water Quality
Control Board, Region 6
14440 Civic Drive, Suite 200
Victorville, California 92392

Los Angeles Regional Water Quality
Control Board, Region 4
320 W. Fourth Street., Suite 200
Los Angeles, California 90013

U.S. Fish and Wildlife Service
Habitat Conservation
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Mr. Jeffrey Kightlinger, General Manager
Metropolitan Water District of
Southern California
Post Office Box 54153
Los Angeles, California 90054-0153

Mr. Tom Birmingham, General Manager
Westlands Water District
Post Office Box 6056
Fresno, California 93703-6056

Mr. Steve Collup, Engineer-Manager
Arvin Edison Water Storage District
Post Office Box 175
Arvin, California 93203-0175

Kern County Board of Supervisors
1115 Truxton Avenue
Bakersfield, California 93301

Los Angeles County Board of Supervisors
500 West Temple Street, Room 383
Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Ms. Amy Aufdemberg
US Department of the Interior
Office of the Solicitor
2800 Cottage Way, Room E-2753
Sacramento, California 95825

Mr. Ray Sahlberg
US Department of the Interior
Bureau of Reclamation
2800 Cottage Way
Sacramento, California 95825

San Francisco Bay Regional Water Quality
Control Board, Region 2
1515 Clay Street, Suite 1400
Oakland, California 94612

Central Coast Regional Water Quality
Control Board, Region 3
895 Aerovista Place, Suite 101
San Luis Obispo, California 93401

Ms. Julie Means
Department of Fish and Game, Region 4
1234 East Shaw
Fresno, California 93710

Frances Mizuno, Assistant Executive Director
San Luis Delta Mendota Water Authority
Post Office Box 2157
Los Banos, California 93635-2157

Mr. Beau Goldie, Chief Executive Officer
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, California 95118-3686

Mr. Martin McIntyre, Executive Director
San Luis Water District
29315 Pole Line Road
Dos Palos, California 93620

Fresno County Board of Supervisors
2281 Tulare-Hall of Records, Room 301
Fresno, California 93721-2198

Kings County Board of Supervisors
1400 West Lacey Boulevard
Hanford, California 93230

Merced County Board of Supervisors
2222 M Street
Merced, California 95340

Riverside County Board of Supervisors
4080 Lemon Street-4th Floor
Riverside, California 92501

Orange County Board of Supervisors
333 W. Santa Ana Blvd, Room 465
Santa Ana, California 92702-0687

San Benito County Board of Supervisors
481 4th Street, First Floor
Hollister, California 95023-3840

San Diego County Board of Supervisors
County Administration Center
1600 Pacific Highway, Room 260
San Diego, California 92101

Santa Clara County Board of Supervisors
County Government Center
70 West Hedding Street
East Wing, 10th Floor
San Jose, California 95110

Ventura County Board of Supervisors
800 S. Victoria Avenue
Ventura, California 93009

San Bernardino County Board of Supervisors
222 West Hospitality Lane
San Bernardino, California 92415-0018

San Joaquin County Board of Supervisors
222 East Weber Avenue
Stockton, California 95202

Stanislaus County Board of Supervisors
City/County Administration Building
1010 10th Street, Suite 6500
Modesto, California 95354

Tulare County Board of Supervisors
2800 West Burrel
Visalia, California 93291

State of California
State Water Resources Control Board

DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR TEMPORARY TRANSFER OF WATER/WATER RIGHTS

(Water Code 1725)

☐ Point of Diversion ☐ Point of Rediversion ☒ Place of Use ☐ Purpose of Use

Application No(s). 17512 Permit No. 14682 License No. _____
Statement or Other No. _____

License and Permits of the US Bureau of Reclamation as shown on the Supplement

Present Holder and User of Water Right

Department of Water Resources — Nancy Quan — (916) 653-0190
Person or Company name — Contact person — Telephone No.
P.O. Box 942836, 1416 9th St, Sacramento — California — 94236
Address — City — State — Zip Code
nquan@water.ca.gov
E-MAIL (For noticing purposes)

Co-petitioner

US Bureau of Reclamation — Richard Stevenson, Acting Regional Resources Manager — (916) 978-5264
Person or Company name — Contact person — Telephone No.
2800 Cottage Way, Sacramento — California — 95825
Address — City — State — Zip Code
rstevenson@usbr.gov
E-MAIL (For noticing purposes)

Proposed New User

See Supplement
Person or Company name — Contact person — Telephone No.
Address — City — State — Zip Code
E-MAIL (For noticing purposes)

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring. The changes are **shown on the accompanying map and described as follows** (attach additional pages, as needed):

Amount of Water to be Transferred up to 220,000 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is _____cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) October 1, 2010 to September 30, 2011

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present Banks Pumping Plant and Jones (formerly Tracy) Pumping Plant as described in D1641
Proposed No Change

Place of Use

Present See Supplement
Proposed See Supplement

Purpose of Use

Present Municipal, Domestic, Irrigation, Fish & Wildlife Enhancement, Recreation, Streamflow, Enhancement, Salinity Control, Incidental Power
Proposed No Change

	Season of Use	***Direct Use (cfs)***	***Storage (ac-ft)***
Present	October 2010 – September 2011		
Present	October 2010 – September 2011		

The proposed transfer/exchange water is presently used or stored within the county/counties of:
Santa Clara, Fresno, Tulare, Kern, Madera, Kern, Kings, Stanislaus, San Joaquin and Merced Counties

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:
Santa Clara, San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, Kern, Riverside, Ventura, Orange, Los Angeles, San Bernardino, San Benito and San Diego.

1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes (yes/no)

1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Supplement

2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? No (yes/no)

2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? No (yes/no)

2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.

3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. See Supplement

3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See Supplement

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. Anthony Toto, Region 5, 1685 E Street , Fresno, California 93706-2007 (559) 445-6278

5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. Julie Means, DFG Central Region, 1234 E. Shaw Ave, Fresno, Ca 93710; (559) 243-4014 ext 240

5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? No
(yes/no)

5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Supplement

5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Supplement

6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No.
(yes/no)?

6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred.

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE STATE WATER BOARD ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: August 19, 2010 at Sacramento, California

Nancy Ivan
Signature(s)

(916) 653-0190
Telephone No.

Dated: August 19, 2010 at Sacramento, California

Signature(s)

(916) 978-5264
Telephone No.

NOTE: This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

Proof of Service: Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

NOTE: All petitions must be accompanied by the **filing fee, (see fee schedule at** www.waterrights.ca.gov), made payable to the State Water Resources Control Board and an **$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

SUPPLEMENT

U.S. Bureau of Reclamation License and Permits for the Central Valley Project
Application Numbers: 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374, 17376

Permit Numbers: 273, 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973, 12364

License Number: 1986

Requested Change

The Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) request that the State Water Resources Control Board (SWRCB) modify the permits listed in this petition to temporarily change the authorized place of use of (1) the above Reclamation permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks) as shown on the maps on file with the SWRCB, and (2) the above DWR permits to include the Central Valley Project (CVP) authorized place of use downstream of Jones Pumping Plant (Jones) as shown on the maps on file with the SWRCB and as shown on the attached maps. DWR and Reclamation request that the above changes remain in effect for one year from the date of any order approving this petition. The changes will allow DWR and Reclamation 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. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the recent reductions in water supply and the unusual hydrologic conditions in 2010 that resulted in increased allocations of water late in the year. The changes will facilitate the transfers and exchanges noted in this petition which are intended to provide supplemental water supplies to areas experiencing reductions in their SWP and CVP supplies, and will help reduce the risk that of some supplemental supplies acquired by the agencies in anticipation of severe restrictions in 2010 could be lost due to the unusual hydrologic conditions experienced this year. All other provisions of the above permits, as modified in accordance with previous petitions submitted by DWR and Reclamation to the SWRCB, would remain in effect.

Reason for the Requested Changes

Water supply conditions are currently classified as "Below Normal" for the Sacramento River basin and "Above Normal" for the San Joaquin River basin. Dry conditions in 2007 through 2009 resulted in extremely low allocations to the SWP contractors and CVP contractors south of Jones as well as a depletion in local agency supplies.

In addition to annual hydrology, the ability of DWR and Reclamation to deliver Project water south of the Delta is affected by operational restrictions imposed by the recent biological opinions issued for the protection of delta smelt and anadromous fishes and marine mammal species. Those opinions severely restrict Project exports through June, limiting the ability of the Projects to capture excess spring flows and to move water from upstream storage to contractors south of the Delta.

These are just a few of the issues that affect how much water DWR and Reclamation can deliver to its contractors each year. Initial allocations are made very early in the water year and are based on a number of factors including end of year storage, prior year hydrology, historic hydrology, and regulatory restrictions, among others. Early allocation decisions are made using conservative assumptions of future hydrology. Initial 2010 SWP and CVP allocations used by the agencies to make initial planning decisions were extremely low. Due to the unusual 2010 hydrology, the SWP and CVP were able to increase their allocations. However these increases came fairly late in the year; DWR increased its 2010 allocation to 50 percent on June 22, 2010, and Reclamation increased its allocations to 45 percent for contractors south of the Delta on June 14, 2010. Agricultural water users had already made planting decisions based on forecasted shortages and several had acquired additional water supplies to supplement their CVP supplies. As a result, some CVP contractors have water in storage in San Luis Reservoir that may not be put to use this water year. In the absence of a transfer the water would be held in storage in San Luis to supplement 2011 supplies; however this does place the water at risk of being "spilled" if 2011 hydrology is sufficiently wet.

The series of dry years from 2007 through 2009 resulted in a depletion of local supplies within some SWP districts and the withdrawal of previously stored SWP supplies from groundwater storage programs to meet demands. As a result, several SWP contractors are experiencing water supply shortages within their service areas as well as a need to replenish depleted local supplies resulting from the multi-year drought.

DWR and Reclamation believe that the requested change is necessary to allow the SWP and CVP to help alleviate impacts of the water shortages to users within the SWP and CVP service areas downstream of the Delta pumping facilities, and to facilitate the most efficient use of water that is already in storage. Due to the combination of the previous multi-year dry conditions, increased regulatory restrictions on exports, and future uncertainty, water transfers and exchanges are more important than ever. The consolidation of the SWP and CVP places of use will provide an important tool that will help the Projects and water suppliers and users to manage the water supplies that are currently available as effectively and efficiently as possible.

The change will not result in the delivery of more water to any individual water supplier or user than has been delivered historically. Instead, the requested change will provide

the operational flexibility the Projects need to get available supplies where they are needed most and in the most efficient manner possible.

Proposed Projects Requiring Change in Authorized Place of Use

All transfers and exchanges covered by this petition will occur south of the Delta and total amount of water transferred will not exceed 220,000 acre-feet. The following transfers and exchanges are proposed by SWP and CVP contractors south of the Delta to alleviate continuing water supply shortages. In all cases the water supply of the receiving agency will not exceed historic deliveries.

Arvin-Edison WSD Groundwater Banking Project Returns

Metropolitan Water District of Southern California (MWD) has requested return of previously banked SWP water from its water management partner, Arvin-Edison Water Storage District (Arvin-Edison) in 2010 and 2011. This return water is SWP water previously banked by MWD within Arvin-Edison. Arvin–Edison has proposed returning some of its Friant Division CVP supplies in order to satisfy at least some of MWD's requested return. This water would otherwise be recovered from banking facilities via groundwater extraction. The ability for Arvin-Edison to return its CVP water supplies pursuant to a Joint CPOU approval, in exchange for a like amount of previously banked SWP water, would enhance the water quantity, water quality, and timing of water returned to MWD.

This would be a "bucket-for-bucket" exchange of up to 40,000 acre-feet. CVP water supplied to MWD by Arvin-Edison will result in a one-for-one reduction of MWD's groundwater banking account with Arvin-Edison. The exchange will occur only to the extent MWD has a positive bank account (balance as of August 1, 2010, is approximately 54,000 acre-feet). MWD's previously banked SWP water will transfer to Arvin-Edison. There will be no reduction in the water available to Arvin-Edison as a result of the exchange.

Friant Division CVP water will likely be provided directly via delivery from the Friant-Kern Canal and Arvin-Edison'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).

CVP-SWP Exchange under a Consolidated Place of Use Petition to Facilitate Conveyance of Water to Santa Clara Valley Water District

Santa Clara Valley Water District (SCVWD) contracts for a water supply from both the SWP and CVP. The SWP water is delivered through the South Bay Aqueduct and the CVP water is delivered from the San Luis Reservoir through the San Felipe Division.

SCVWD is concerned that delivery of its CVP water supplies through the San Felipe Division may be adversely affected by critical San Felipe Division maintenance scheduled in late 2010 and early 2011. DWR and Reclamation propose to exchange SWP and CVP water to increase SCVWD operational flexibility by allowing more SWP water to be conveyed through the South Bay Aqueduct to SCVWD to compensate for potential severe conveyance constraints on the San Felipe Division in 2010 and 2011. Specifically, SCVWD CVP water would be pumped at Jones and delivered to DWR at O'Neill Forebay, in exchange for an equal amount of SWP project water pumped at Banks and delivered to SCVWD through the South Bay Aqueduct. DWR would deliver the CVP water to SWP service areas south of O'Neill Forebay. SCVWD anticipates that up to 30,000 acre-feet of its CVP water supply may need to be exchanged for delivery through the South Bay Aqueduct to accommodate the San Felipe Division maintenance outages.

SCVWD's CVP supplies are typically conveyed through San Luis Reservoir to Pacheco Pumping Plant, part of the federal San Felipe Division. The Consolidated Place of Use will allow the continued delivery of water to SCVWD and provide operational flexibility to manage San Felipe Division maintenance outages, thus minimizing negative impacts to the economy of the SCVWD service area, water levels within the regions groundwater basin and local environmental resources.

Westlands Water District/San Luis Water District to Metropolitan Water District -- Exchange of 2010 CVP Water for Return of 2011 SWP Water

WWD and San Luis Water District (SLWD), hereafter referred to jointly as "Exchangers", each receives their principal water supplies pursuant to water service contracts with Reclamation. Due to ongoing constraints on its CVP water supplies, Exchangers are now consistently water short. Due to very low initial CVP allocations, Exchangers acquired substantial water supplies in 2009 at significant expense that were carried over for use in 2010. Additional expensive supplemental supplies were purchased by the Exchangers in 2010 in response to extremely low initial 2010 CVP allocations. Unusual hydrologic conditions in 2010 resulted in increased allocations of water to Exchangers by Reclamation after their users had made planting decisions based on forecasted shortages. As a result, Exchangers have water stored in San Luis Reservoir that will be surplus to their 2010 water needs. Further, Exchangers believe that their ability to carry over their CVP Water in San Luis Reservoir into the 2011-2012 water year may be limited. In an effort to reduce the risk that their 2010 CVP Water supplies stored in San Luis Reservoir will spill, WWD and SLWD have requested the delivery of up to 150 TAF (up to 120 TAF from WWD and up to 30 TAF from SLWD) of their 2010 CVP Water supplies currently stored in San Luis Reservoir to MWD. The water will be delivered to MWD by exchange in O'Neill Reservoir. MWD would subsequently return in 2011 two-

thirds of the total amount delivered of their 2011 SWP Table A supplies via exchange in O'Neill Reservoir.

RESPONSES TO SPECIFIC QUESTIONS

1b. The Amount of Water to be Transferred/Exchanged Would Have Been Consumptively Used or Stored in the Absence of the Transfer

With SWP allocations at 50 percent and CVP allocations to south of Delta Ag contractors at 45 percent, available supplies remain below contractor demands. Even with the supplemental supplies provided by the proposed transfers, some SWP contractors will have unmet demands. Recent restrictions on pumping from the Delta substantially limit SWP and CVP exports in all years and can result in severe shortages in dry years. Districts must acquire supplemental supplies and make operational decisions that provide for carryover supplies in the event the initial projections do not improve or subsequent years are dry. The SWP and CVP store carryover supplies in San Luis Reservoir for the contractors consistent with the provisions of their water supply contracts. The majority of the water to be transferred under this petition is water that would have remained in storage in the absence of the transfer. A portion of the water to be made available for exchange is water from the Friant-Kern Canal that would have been placed in groundwater storage in Kern County in the absence of the transfer and an equivalent amount of previously stored, imported water would have been pumped from groundwater storage for delivery to southern California resulting in no net change within the Friant place of use.

In the case of the Santa Clara, no additional water will be delivered to the Santa Clara service area as a result of the exchange. The exchange is intended to allow scheduled deliveries to Santa Clara to continue in the event CVP deliveries are limited through the San Felipe Division from San Luis Reservoir. Santa Clara has demand within its service area for the exchange water. In the event the scheduled maintenance does not occur, or conveyance disruptions are not experienced within the next year, the water would be delivered directly to Santa Clara through the San Felipe Division. In the absence of the exchange, the water would remain in storage in San Luis Reservoir and Santa Clara could potentially suffer water supply shortages in 2010 and 2011.

3.a. Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions or Use, Return Flows, or Effects on Legal Users

The change requested by DWR and Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. There will be no impact to other legal users of water. The water has been diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and license governing those diversions.

There are no other legal users downstream of the points of diversion that would be affected by the transfers/exchanges. All the water to be transferred or exchanged is water that would have been consumptively used or stored in the absence of the transfers. The total quantity of water diverted from the watercourse will not change. Transfers and exchanges similar to several of those proposed above were conducted in 2009 consistent with the provisions of WRO 2009-0033 approving DWR and Reclamations' Petition to Consolidate the authorized places of use of the SWP and CVP. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers.

3.b. Reasons the Proposed Temporary Change will not Injure Any Legal User of Water

There will be no impact to other legal users of water. The water has been diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and license governing those diversions. The quantity of water diverted from the Delta will not change as a result of the proposed transfers/exchanges. The terms and conditions contained in D1641 protect other in-basin diverters from any potential impacts of Project diversions of natural flow. DWR and Reclamation will continue to operate in conformance with D1641. There are no other legal users downstream of the points of diversion that would be affected by the transfers/exchanges.

All the water to be transferred or exchanged is water that would have been consumptively used or stored in the absence of the transfers. The total quantity of water diverted from the watercourse will not change. Transfers and exchanges similar to those proposed above were conducted in 2009 consistent with the provisions of WRO 2009-0033 approving DWR and Reclamations' Petition to Consolidate the authorized places of use of the SWP and CVP.

5.b and c. The Transfer Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment

The change requested by DWR and USBR will not result in unreasonable impacts to fish and wildlife or the environment. All the water to be transferred or exchanged is water that would have been consumptively used or stored in the absence of the transfers. The water has been diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits and license governing those diversions. The total quantity of water diverted from the watercourse will not change. The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic deliveries to any of the contractors.

There will be no change in the amount of SWP or CVP water diverted at the Banks or Jones Pumping Plants. Therefore, there will be no change in flow or water quality conditions in the Delta. All water exported at the SWP and CVP pumping plants is pumped consistent with the criteria contained in D1641 and the biological opinions for the protection of Delta smelt and anadromous fishes and marine mammal species. DWR and USBR will continue to meet the water quality objectives specified in D-1641, as modified by Water Right Order 2008-0029 EXEC over which we have control.

Although the total amount of pumped at Banks and Jones will not change, the delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and Reclamation so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and will not be adversely impacted as a result of this transfer.

This petition will not result in a reduction in San Joaquin River flows. Only the Arvin Edison to MWD transfer involves the exchange of Friant water. The quantity of water diverted at Friant Dam under the above permits will not change as a result of the proposed exchanges. In the absence of the exchange, Arvin-Edison would use their full 2010 allocation within their service areas or place a portion of the available Friant water in groundwater storage facilities. The purpose of the exchange is to facilitate the delivery of previously imported supplies to southern California. There will be no net change in the water available within the Friant place of use.

The transfers and exchanges will not result in a measurable change in quantity or quality of return flows. Any portion of the water covered by the petition that could potentially discharge surface or subsurface flows to the San Joaquin Basin will be within historical CVP allocations and there would be no net or appreciable increase in the quantity of return flow. The WWD/SLWD-MWD exchange could result in a slight reduction in the water available for delivery within WWD and SLWD in 2011. Each of the Districts whose drainage has the potential to result in return flow to the San Joaquin River will continue to discharge in conformance with its existing discharge requirements.

The majority of the transfer water will be delivered to MWD in southern California. Of the water to be delivered within the San Joaquin River Basin the majority will be delivered to WWD in 2011. In general, WWD has complete tailwater control within each field. None of WWD's drainage is discharged to the San Joaquin River system. In addition, WWD has an aggressive program to deal with water conservation and drainage reduction in their district. WWD has acquired and retired the water supply from about 94,000 acres within the eastern third of the District known to be susceptible to shallow groundwater conditions. Most of the retired land is situated in an area that would be most likely to contribute to subsurface return flows back to the San Joaquin

River. Continued irrigation of upslope (more westerly) lands has not been shown to be contributing water to the San Joaquin River through subsurface return flows, as the WWD shallow groundwater monitoring program has identified that the shallow water table has steadily declined since the WWD acquisitions.

Transfers and exchanges similar to several of those proposed above were conducted in 2009 under consistent with the provisions of WRO 2009-0033, approving DWR and Reclamations' Petition to Consolidate the authorized places of use of the SWP and CVP. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers. For the above reasons, DWR and Reclamation believe the facts support a finding that approval of this Petition would not result in injury to other legal water users or unreasonable impacts to the environment.

California Environmental Protection Agency

State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
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ENVIRONMENTAL INFORMATION FOR PETITIONS

☒ **Petition for Change** ☐ **Petition for Extension of Time**

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to 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.

The Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) are requesting that the State Water Resources Control Board (SWRCB) modify their water rights permits to temporarily change the authorized place of use of the Reclamation permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks), and the DWR permits to include the Central Valley Project (CVP) authorized place of use downstream of Jones Pumping Plant (Jones). The changes are being requested to facilitate several water transfers and exchanges between SWP and CVP contractors south of the Delta. The changes will facilitate the transfers and exchanges noted in this petition which are intended to provide supplemental water supplies to areas experiencing reductions in their SWP and CVP supplies, and will help reduce the risk that of some supplemental supplies acquired by the agencies in anticipation of severe restrictions in 2010 could be lost due to the unusual hydrologic conditions experienced this year. The changes will allow DWR and Reclamation 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. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the recent reductions in water supply and the unusual hydrologic conditions in 2010 that resulted in increased allocations of water late in the year. The transfers and exchanges will not increase the quantity of water exported from the Delta or increase the total quantity of water diverted by the two projects.

☐ *See Attachment No.* ____

2. COUNTY PERMITS N/A

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____

Department: _____ Telephone: ( ) _____

County Zoning Designation: _____

Are any county permits required for your project? ☐ YES ☐ NO If YES, check appropriate box below:
☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning
☐ General plan change ☐ Other (explain):

_____

_____

b. Have you obtained any of the required permits described above? ☐ YES ☐ NO
If YES, provide a complete copy of each permit obtained.
☐ *See Attachment No.* ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS N/A

a. Check any additional state or federal permits required for your project:
☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ Bureau of Land Management
☐ Soil Conservation Service ☐ Dept. of Water Resources (Div. of Safety of Dams) ☐ Reclamation Board
☐ Coastal Commission ☐ State Lands Commission ☐ Other (specify) _____

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

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

☐ *See Attachment No.* ____

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? ☐ YES ☒ NO
If YES, explain: _____

The action covered by the petition is limited to the approval by the SWRCB of a Petition for Change in authorized place of use filed by DWR and Reclamation temporarily change the SWP and CVP places of use.

☐ *See Attachment No.* ____

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO
If YES, name and telephone number of contact: Copies of the Petition for Change were submitted to the relevant regional office of DFG.

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? ☐ YES ☒ NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____

b. If NO, check the appropriate box and explain below, if necessary:
☐ The petitioner is a California public agency and will be preparing the environmental document.*
☐ I expect that the SWRCB will be preparing the environmental document.**
☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

The Project is a Petition for Temporary Change pursuant to the provisions of Water Code Section 1725 et seq. In accordance with Water Code Section 1729, temporary changes filed in accordance with the provisions of Chapter 10.5, Article 1 of the Water Code (Temporary Changes) are exempt from the requirements of Division 13, commencing with Section 21000 of the Public Resources Code.

☐ *See Attachment No.* ____

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER N/A

a. 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
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):
_____

☐ *See Attachment No.* ____

b. Will a waste discharge permit be required for your project? ☐ YES ☐ NO
Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used? _____
_____
_____

☐ *See Attachment No.* ____

6. ARCHEOLOGY N/A

a. Have any archeological reports been prepared on this project? ☐ YES ☐ NO
b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☐ NO
c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☐ NO
If YES, explain: _____
_____

☐ *See Attachment No.* ____

7. ENVIRONMENTAL SETTING

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- ☐ Along the stream channel immediately downstream from the proposed point(s) of diversion.
- ☐ Along the stream channel immediately upstream from the proposed point(s) of diversion.
- ☐ At the place(s) where the water is to be used.

There will be no change in DWR or Bureau facilities and no construction required as part of the requested change.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: August 19, 2010 Signature: Mary [illegible]

2010 DWR/Reclamation Petition for Temporary Change to Facilitate Transfers between South of Delta SWP and CVP Contractors

Westlands Water District/San Luis Water District to Metropolitan Water District -- Exchange of 2010 CVP Water for Return of 2011 SWP Water

SWP/CVP Operations with and without the Exchange

WWD and San Luis Water District (SLWD) each receive their principal water supplies pursuant to water service contracts with Reclamation. Due to the low initial Central Valley Project (CVP) allocations, the two districts acquired substantial water supplies in 2009 at significant expense that were carried over for use in 2010. Additional expensive supplemental supplies were purchased by the districts in 2010 in response to the extremely low initial 2010 CVP allocations. Unusual hydrologic conditions in 2010 resulted in increased allocations of water by Reclamation after their users had made planting decisions based on forecasted shortages. As a result, the Districts have water stored in San Luis Reservoir that will be surplus to their 2010 water needs. Further, their ability to carry over their CVP Water in San Luis Reservoir into the 2011-2012 water year may be limited. In an effort to reduce the risk that their 2010 CVP Water supplies stored in San Luis Reservoir will spill (be converted to Project supply and no longer be available to WWD or SLWD as carryover), the districts have requested the delivery of up to 150 TAF (up to 120 TAF from WWD and up to 30 TAF from SLWD) of their 2010 CVP Water supplies currently stored in San Luis Reservoir to Metropolitan Water District of Southern California (MWD). The water will be delivered to MWD by exchange in O'Neill Reservoir. MWD would subsequently return two-thirds of the total amount delivered of their 2011 SWP Table A supplies via exchange in O'Neill Reservoir. MWD will use the exchange water as part of its overall supply. The water can be used to provide additional carryover, for direct delivery to meet existing demands (2010 SWP allocations were only 50% of contractor requests), or replenish storage in southern California.

The exchange is simply a redistribution of a portion of the available CVP and State Water Project (SWP) supplies already diverted south of the Delta. There will be no additional water pumped in 2010 to carry out the exchange. The exchange will reduce the amount of WWD and SLWD CVP carryover storage in San Luis Reservoir; however, it will not result in an increase in total pumping from the Delta in 2010 or 2011. Each year the SWP and CVP (collectively Project) pump as much water as possible from the Delta within the limits imposed on them by the various regulatory restrictions governing Project operations to meet contractor demands. The Project's ability to pump is limited by three factors, the capacity of their facilities, the availability of water and the regulatory restrictions governing Project operations. Within the current regulatory framework, insufficient unrestricted windows exist for Project pumping to exceed demand and available storage south of the Delta. The exchange could result in a slightly different mix of SWP and CVP pumping in 2011 or in a change in the contractual classification of some of the water exported by the SWP or CVP, but the total quantity pumped will not change.

Project operations are constrained due to the regulatory restrictions imposed by State Water Resources Control Board (SWRCB) Decision 1641 and the biological opinions (BOs) for the protection of Delta smelt and anadromous fishes and marine mammal species. The current restrictions contained in the BOs severely limit pumping at the SWP Harvey O. Banks (Banks) and CVP Jones Pumping Plants from December through June, typically the period when substantial excess flow is available in the Delta channels for diversion by the Project. Both the SWP and CVP maximize pumping during the restriction periods and during the remaining available windows to meet project demands south of the Delta. The restrictions during this period also substantially restrict the ability of the Projects to fill San Luis Reservoir. The last time San Luis Reservoir filled was in 2006, a year classified as "Wet" under the criteria contained in D1641 in both the Sacramento and San Joaquin River watersheds and prior to the more restrictive conditions contained in the current BOs.

Each year DWR and Reclamation make projections of the amount of water they will be able to deliver to their contractors. There are many variables that control how much water the SWP and CVP can allocate including the amount of water in storage in upstream reservoirs, operational restrictions, end of year reservoir storage targets, hydrologic conditions such as snowpack and forecasted runoff, and regulatory requirements, among others. One of the primary factors currently limiting allocations is the difficulty in exporting water from the Delta during the restricted periods. Because of these constraints, the SWP and CVP south of Delta allocations rarely meet the total contractor demands, particularly in drier year types. 2010 follows a series of three consecutive dry years. During those dry years a number of south of Delta contractors had to rely in part on local supplies and storage to meet demands. Several south of Delta SWP contractors have substantial local groundwater and surface water storage available to bank additional water supplies that might become available above Project allocations in the event 2011 is a wet year. For example, MWD has groundwater storage capacity within the Arvin Edison, Semitropic, and Kern Delta groundwater storage facilities, and surface storage in southern California (Diamond Valley Reservoir currently has 286,000 acre-feet of available space).

The Project's ability to pump is limited by the capacity of their facilities, the availability of water and the regulatory restrictions governing Project operations. Within the current regulatory framework, insufficient unrestricted windows exist for Project pumping to exceed demand and available storage south of the Delta. Given the pumping restrictions currently imposed on the Project's operations and the available storage capacity south of the Delta, it is clear that allowable pumping will not exceed Project demand or total storage capacity. The Projects will pump as much water as is available within the current constraints with or without the exchange.