



# 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 PETITION FOR TEMPORARY CHANGE  
INVOLVING THE TRANSFER OF UP TO 4,500 ACRE FEET OF WATER  
FROM DELTA FARMS RECLAMATION DISTRICT NO. 2026  
TO THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
UNDER LICENSE 1572 (APPLICATION 2952)**

Notice is hereby given that on February 8, 2010

Delta Farms Reclamation District No. 2026  
c/o Delta Wetlands Properties  
Peter J. Kiel  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905

filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The petition, submitted by Delta Wetlands Properties (DWP) on behalf of Delta Reclamation District No. 2026, requests the transfer of up to 4,500 acre-feet (af) of water to the Metropolitan Water District of Southern California (MWD). Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

## **DESCRIPTION OF THE TRANSFER**

DWP proposes to transfer up to 4,500 af of water under License 1572 (Application 2952) to MWD between the months of May and September, 2010. To make water available for transfer, DWP proposes to fallow about 4,064 acres on Webb Tract. In 2008, the 4,064 acres of land on Webb Tract were planted with corn. In 2009, DWP fallowed Webb Tract to make water available for transfer pursuant to State Water Board [Order 2009-0037-DWR](#). Pursuant to Order 2009-0037-DWR, a quantitative study of the water savings associated with the 2009 transfer was performed. This report, titled "Summary Report for the Determination of Conserved Water Associated with the 2009 Webb Tract Water Transfer Pilot Study" (Report), described the quantitative study of water conserved during fallowing of Webb Tract in 2009.

Based on the information contained in the Report, DWP has estimated that fallowing land on Webb Tract in 2010 will make 4,500 af of water available for transfer. The water would be made available for transfer based on the monthly pattern of water savings associated with fallowing corn. These amounts are identified in DWP's petition. DWP proposes that the water made available for transfer be diverted at either the Jones Pumping Plant or the Banks Pumping Plant for delivery to MWD. The maximum combined increase in rate of diversion at both the Jones and Banks Pumping Plants

***California Environmental Protection Agency***

pursuant to the proposed transfer is 29 cubic feet per second (cfs). Maps showing the location of Webb Tract, the locations of existing siphons and pumps on Webb Tract, and the locations of the Jones and Banks Pumping Plants and a copy of the Report are posted online with the copy of this notice at:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/).

In the absence of this transfer, DWP would have planted corn on Webb Tract and diverted water under License 1572 for use within this area.

### **PROPOSED TEMPORARY CHANGE**

The proposed transfer would temporarily add the Clifton Court Forebay and the Jones Pumping Plant as points of diversion under License 1572. MWD's service area would be temporarily added to the place of use of License 1572. Domestic, power generation, municipal, industrial, salinity control, and water quality control would be temporarily added as purposes of use under License 1572.

### **PETITIONER'S WATER RIGHTS**

License 1572 (Application 2952) authorizes the direct diversion of up to 63.94 cfs of water between March 1 and November 1 of each year for irrigation purposes. License 1572 includes movable points of diversion located on the San Joaquin River, Old River, False River, Fisherman's Cut, and an unnamed dredger cut located on the west side of Webb Tract. The authorized place of use under License 1572 consists of 5,115.491 acres located on Webb Tract. License 1572 contains a term stating that the diversions regulated therein may be regulated by the State Water Board in periods of water scarcity.

### **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, stored, or conserved pursuant to Water Code section 1011, by petitioner;
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 transfer or exchange of water.

### **OPPORTUNITY FOR COMMENT**

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 petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or 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). While such a determination has not been made in this case, commenters 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 petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/transfers\\_tu\\_notices/](http://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 **2:00 p.m. on March 30, 2010**. Additionally, a copy of the comments must be filed with DWP. **Comments must be accompanied by proof of service of a separate copy of the materials on 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

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be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

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

Delta Wetlands Properties  
c/o Peter Kiel  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905  
FAX: (916) 447-3512

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner/transferee should be addressed to Peter Kiel at (916) 447-2166.

*Original signed by*

Leslie F. Grober, Manager  
Hearings and Special Programs Section

Dated: February 25, 2010