

Please indicate County where your project is located here:

Stanislaus, Calaveras,
Tehama, San Joaquin

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

Point of Diversion Wat. Code, § 1701 **Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e) **Place of Use** Wat. Code, § 1701 **Purpose of Use** Wat. Code, § 1701

Distribution of Storage Cal. Code Regs., tit. 23, § 791(e) **Temporary Urgency** Wat. Code, § 1435
See supplement **Instream Flow Dedication** Wat. Code, § 1707 **Waste Water** Wat. Code, § 1211

Split Cal. Code Regs., tit. 23, § 836 **Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e)
See supplement **Other**

Application Permit License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:
Proposed:

Temporary Urgency

This temporary urgency change will be effective from to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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.

See Supplement.

Reclamation believes that this drought action falls under the Governor's suspension of CEQA requirements for actions necessary to mitigate the effects of the drought.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

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

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Reclamation has not contacted the Regional Water Quality Control Board

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

n/a

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

- Grading Permit Use Permit Watercourse Obstruction Permit
- Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

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

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

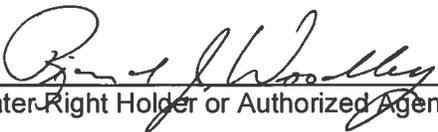
Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

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


Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

**TEMPORARY URGENCY CHANGE PETITION TO CERTAIN
U.S. BUREAU OF RECLAMATION PERMIT TERMS AND CONDITIONS**

Permits for the Central Valley Project

Application Numbers: 14858A

Permit Numbers: 16597

I. Requested Changes

Due to the unprecedented dry conditions of 2014 and 2015, reservoir storage in the San Joaquin River Basin and New Melones is particularly low. These reservoir storage deficiencies, combined with the continued dry conditions, especially in the Stanislaus River basin, faced by California in this current water year, compel the U.S. Bureau of Reclamation (Reclamation) to request modification of certain San Joaquin River flow objectives contained in Water Rights Decision 1641 (D-1641), and modification of certain permit conditions (identified below) related to dissolved oxygen in the Stanislaus River.

This Petition sets forth specific requests for adjustment in flow requirements at Vernalis during the pulse flow period for April and May and adjustment for base, or “shoulder” flow requirements during April through June. Reclamation also proposes modification of permit conditions for dissolved oxygen on the Stanislaus River. The requested modifications were developed consistent with the findings of the January 2016 Central Valley Project and State Water Project Drought Contingency Plan, as updated, (2016 DCP), Governor Brown’s January 2014 Emergency Proclamation, the December 2014 Emergency Proclamation, and other gubernatorial and state action addressing the drought.

Reclamation has actively collaborated with the State Water Board throughout this drought to ensure that the scarce water resources at New Melones Reservoir and the San Joaquin River Basin are managed appropriately over this multi-year drought, and the State Water Board has supported these efforts by approving prior Temporary Urgency Change Petitions. These proposed modifications similarly represent necessary compromises toward meeting the goals of D-1641¹ and the 2009 Coordinated Long-Term Operation of the Central Valley Project and State Water Project Biological Opinion issued by the National Marine Fisheries Service (2009

¹ Reclamation reserves and reiterates its past position often communicated to the Board that the issues with the Vernalis minimum instream flow requirements reveal issues with the implementation strategy, rather than Reclamation compliance issues. Reclamation is hopeful that the current Sacramento-San Joaquin River- San Francisco Bay Delta basin planning process will achieve a more reliable implementation of the Vernalis minimum instream flow requirements.

BiOp), while still recognizing the lingering effects from the unprecedented critically dry years of 2014, 2015, and 2016.

The requested modifications in this petition will not have any cascading direct or indirect impacts with respect to other Delta objectives.

A. Modification of San Joaquin River April-May Pulse Flows and Base Flows from April through June

D-1641 requires minimum monthly average flows on the San Joaquin River at Airport Way Bridge, Vernalis from February through June and additional pulse flows in April and May. Reclamation hereby petitions the State Water Board to adopt temporary modifications to the Vernalis base flow for April through June and the pulse flow requirements for April and May.

Reclamation will meet the critical-year March base flow requirement. However, for April through June, Reclamation proposes a base flow requirement of 1,000 cfs April 1-April 15, 2016, and May 15-May 31, 2016. Given the continued dry conditions in the San Joaquin Basin, Reclamation proposes a 500 cfs base flow for the month of June.

For the April-May pulse flow period, Reclamation proposes a modification to the D-1641 Vernalis flow criteria of a dry year (4,880 cfs) criteria. Reclamation proposes that the Stanislaus River flows specified in Appendix 2(E) of the 2009 BiOp be met. In addition, Reclamation has requested that Oakdale Irrigation District and South San Joaquin Irrigation District concur with release of 75,000 acre feet (af) of water during the April-May period to supplement Reclamation's releases from New Melones Reservoir storage to the Stanislaus River. The combined release will create a total flow on the Stanislaus River during the pulse flow period of approximately 2,000 cfs for 31 days. These flows combined with release from the Tuolumne and Merced River and South San Joaquin River accretions will create the overall pulse flow at Vernalis. In total, based on current projections and the proposed releases, the combined pulse flow rate at Vernalis would likely reach flow levels between 3,000 to 3,200 cfs².

Reclamation proposes that the Vernalis pulse flow requirement be temporarily adjusted to these levels. Without the proposed change, an additional release of approximately 116,000 acre-feet of stored water would be required to meet the D-1641 flow pulse flow objective of 4,880 cfs. If this release was made exclusively from stored water at New Melones Reservoir, flows on the Stanislaus River would be near 4,000 cfs for this period.

The proposed modifications are prudent and necessary because of the extraordinarily dry conditions of the past several years in combination with low reservoir storage and the competing demands on water supply for fish and wildlife protection, salinity control, carryover

² See Attached Hydrologic Flow Analysis (Attachment 1)

storage, and water supply needs. The temporary adjustments of flow requirements will conserve reservoir storage levels and help deal with the persistently dry conditions facing California, and provide sufficient carryover into water year 2017 to help meet the 2009 BiOp Appendix 2(E) flows and other fishery requirements.

B. Modification of the Ripon Dissolved Oxygen Requirement

Reclamation also requests that the State Water Board modify Permits 16597 to temporarily change the requirements of the dissolved oxygen objective identified in Reclamation's permits (condition 19). Condition 19 requires, in part, that Reclamation release water stored in New Melones Reservoir to meet the currently applicable dissolved oxygen objectives in the Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin River Basins. Reclamation is requesting that this requirement be relaxed from 7.0 mg/l to 5.0 mg/l through October 1, 2016. This same proposal was made last year to conserve stored water. Given the projected river conditions downstream of Oakdale this summer, there is a low possibility that O'mykiss will be in the lower river due to elevated water temperatures³.

This proposed change will allow Reclamation to operate New Melones Reservoir to best meet some degree of all its permit terms and requirements of the 2009 BiOp, in coordination with the local water districts, fishery agencies and the State Water Board. Given the low reservoir storage levels, Reclamation will not be able to meet the dissolved oxygen objective and still reliably retain enough water for the October pulse flow, the targeted carryover storage, and fishery needs later in the year if conditions remain dry.

C. Application of a 1:1 Combined Export Ratio

Reclamation is not requesting any changes to D-1641 related to export rates – the following discussion is provided for information purposes only.

Through footnote 18 of Table 3, D-1641 provides that the maximum export rate during spring pulse flow shall be 1,500 cfs or 100% of the 3-day running average of San Joaquin River flow at Vernalis, whichever is greater. The 2009 BiOp also specifies certain conditions that allow for a 1:1 export/import ratio: if the previous two years plus current year of San Joaquin Valley "60-20-20" Water Year Hydrologic Classification and Indicator as defined in D-1641 is 6 or less and the New Melones Index is less than 1 million acre feet (MAF), then exports shall be limited to a 1:1 ratio with San Joaquin River inflow as measured at Vernalis, as shown in the following 2009 BiOp excerpt:

³ See Attached Water Temperature Analysis (Attachment 2)

Exception procedure for multiple dry years: If the previous 2 years plus current year of San Joaquin Valley “60-20-20” Water Year Hydrologic Classification and Indicator as defined in D-1641 and provided in following table, is 6 or less, AND the New Melones Index is less than 1 MAF, exports shall be limited to a 1:1 ratio with San Joaquin River inflow, as measured at Vernalis.

San Joaquin Valley Classification	Indicator
Critically dry	1
Dry	2
Below normal	3
Above normal	4
Wet	5

In this current situation, the 2014 and 2015 San Joaquin Basin “60-20-20” Indicators were both critically dry, and the 2016 forecast most likely ranges between dry and below normal. Similarly, given the extremely low storage at New Melones Reservoir and current forecasts, the New Melones Index slightly more than 1 MAF. As a result, the combined Water Year Hydrologic Classifications and Indicators are very close to meeting the exception provided in the 2009 BiOp.

These conditions are consistent with the 1:1 export rate outlined in D-1641 and they are extremely close to meeting the 2009 BiOp exception as well. In addition, the supplemental 75,000 af river release will greatly improve outmigration conditions this spring for fall-run Chinook salmon and steelhead trout. Given the dry conditions in the Basin and low reservoir storage levels, combined with Reclamation’s diligence in facilitating an additional 75,000 af of water for release, Reclamation is requesting flexibility from NMFS in implementing this specific export limit action found in the 2009 BiOp. The cumulative environmental effects are currently being evaluated by Reclamation and NMFS. We believe this combined export rate reflects an appropriate balance between competing beneficial needs in light of the drought.

Basis to Authorize the Requested Modifications

California Water Code section 1435 provides that the State Water Board may grant a temporary change order for any permittee or licensee where the State Water Board finds the following: (1) the permittee has an urgent need for the proposed change; (2) the proposed change may be made without injury to any other lawful user of water; (3) the proposed change can be made without unreasonably affecting fish, wildlife, or other instream beneficial uses; and (4) the proposed change is in the public interest. The law also requires consultation with representatives of the Department of Fish and Wildlife. Given current conditions, all of the requirements necessary to support this temporary urgency change petition have been met.

A. Reclamation Has an Urgent Need for the Changes

California has just ended four consecutive years of below-average rainfall and snowpack in the Central Valley. WY 2015 was the eighth of nine years with below-average runoff. This extended drought has produced chronic and significant challenges in the San Joaquin River Basin, especially the Stanislaus River basin, including shortages to municipal and industrial, environmental, agricultural, and wildlife refuge water supplies and historically low groundwater levels. The cumulative effects of these sustained dry conditions in the San Joaquin River Basin are demonstrated in reduced natural runoff for streamflow, limited surface water storage in reservoirs, increased groundwater pumping, and significant effects to fish and wildlife populations.

Perhaps the most critical environmental factor necessitating these proposed modifications is the fact that dry conditions in 2014 and 2015 have resulted in exceptionally low reservoir storages, which create near-impossible challenges for Reclamation to deliver critical water supplies, provide adequate cold water for instream fisheries resources, and comply with all D-1641 objectives. As of March 28, the New Melones Reservoir held 611 taf, which is over 800 taf short of the average storage amount (42% average), and only 50 taf more than this time last year. Based on forecasts incorporating the requested modifications and improved runoff in the Stanislaus River, Reclamation projects that it may be able to attain an end of month storage in September (EOMSS) amounting to 415 TAF, which is more than the 267 TAF EOMSS in 2015. However, these storage levels at New Melones are still very low. Even with the requested modifications, recovery in the San Joaquin River Basin will be a slow process, and a closely coordinated effort with local water districts will again be needed through the year to effectively manage limited supplies. Under the current circumstances, Reclamation believes the most prudent course of action is to conserve storage in upstream reservoirs until significant improvement of that storage is realized.

If the requested modifications to D-1641 Table 3 and dissolved oxygen are granted, Reclamation forecasts additional conservation of stored water in upstream reservoirs. Upstream supplies can provide the water necessary to protect fish and wildlife, Delta water quality, and water supply moving into Water Year 2017, including the Appendix 2(E) fall attraction flow required in the 2009 BiOp. However, without a modification to the Vernalis and dissolved oxygen requirements, Reclamation could be obligated to increase releases from upstream storage to meet Vernalis flows of up to 4,880 cfs (amounting to approximately 116 TAF in the pulse flow releases alone) and additional releases to meet dissolved oxygen objectives (up to 6 taf per month from June to October). These estimated impacts to reservoir storage significantly decrease the likelihood that adequate reserves will be available to meet multiple regulatory requirements in the fall of 2016 and beyond.

B. There Will Be No Impact to Other Legal Users of Water

Other legal users of water should not be injured by this action. Delta water quality objectives, protective of municipal/industrial and agricultural uses, remain in place. Reclamation anticipates that these changes will not affect the natural and abandoned flows within the San Joaquin River. The requested changes to D-1641 will reduce Reclamation's anticipated releases of stored water to augment natural and abandoned flow to satisfy regulatory requirements, but these releases would not be flows available for downstream diverters. If the State Water Board approves the requested changes that result in a reduction in the release of stored water, such a reduction would not result in a loss of supply to other legal water users. These flows are intended for the instream benefit of fish and would not be available for appropriation by others.

C. The Changes Will Not Result in Unreasonable Impacts to Fish and Wildlife or Other Instream Uses

Extreme drought conditions inevitably stress aquatic resources of the San Francisco estuary and its watershed. Dry or below normal conditions during winter and spring are expected to adversely affect spawning and rearing conditions for Longfin and Delta Smelt, and migration conditions for winter-run Chinook salmon, spring-run Chinook salmon, steelhead trout, and southern distinct population segment of North American green sturgeon. However, Reclamation has worked with fishery agencies, local interests and the State Water Board to best manage the very limited storage volumes to protect the fishery in the Stanislaus River. Reclamation will maintain releases supporting the Stanislaus River flow schedule contained in 2009 BiOp.

Reclamation will continue to work with the resource agencies to ensure these releases are timed to achieve the highest fishery benefits. In addition, this year the Head of Old River Barrier has been installed and will be functional during the pulse flow period. These efforts will assist in moving O'mykiss and fall-run Chinook salmon smolts from the San Joaquin River and through the Delta.

D. The Changes Serve the Public Interest

The public interest is best served by maintaining sustainable water diversions and water quality necessary for the protection of critical water supplies. The requested changes are in the public interest because they reserve critical water supplies for use during times when they are more beneficial to the Stanislaus River fishery and serve multiple beneficial uses, while not creating an unreasonable effect on other legal users of water, fish and wildlife, or the environment.

Reclamation Has Exercised Due Diligence

Since December 2013, state and federal agencies that supply water, regulate water quality, and protect fish and wildlife have worked closely together to cope with persistent drought. Reclamation, California Department of Water Resources, California Department of Fish and Wildlife, the State Water Board, U.S. Fish and Wildlife Service, and NMFS have closely coordinated Central Valley Project and State Water Project water operations to manage reservoir water resources through both innovative and real-time efforts, including through drought operations planning and weekly Real-time Drought Operations Management Team Meetings. This cooperative environment has allowed the State and Federal Agencies to collectively provide the necessary information to the State Water Board to support its evaluation of Reclamation's previous and future requests for modifications to operational standards required under D-1641.

The January 2016 Drought Contingency Plan and subsequent monthly updates, along with current conditions and future projections, demonstrate the urgent need to seek the modifications proposed above. The information supportive of this petition has been developed through extensive collaborative agency efforts to examine and determine the narrow and focused changes necessary to address the immediate problem and develop potential future refinements that are dependent upon the evolving hydrology.