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**State Water Resources Control Board**

**TO:** Robert Cooke, Chief  
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**FROM:** Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board

**DATE:** MAY 22 2015

**SUBJECT:** REQUEST NO. 2 FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO DIVISION OF WATER RIGHTS APRIL 27, 2015 ORDER APPROVING CONSOLIDATED PLACE OF USE UNDER SPECIFIED PERMITS OF THE STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (2015 CPOU ORDER)

On April 27, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an order approving a petition<sup>1</sup> from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP). The 2015 CPOU Order temporarily approved a consolidated place of use for DWR's SWP with Reclamation's CVP allowing for transfer/exchange of up to 335,560 acre-feet (af) of water for projects that were detailed in the original petition. Condition 5 of the 2015 CPOU Order provides a process for DWR and Reclamation to request the approval of transfers/exchanges not specifically identified in the petition if the proposed transfer/exchange meets certain criteria as detailed in the 2015 CPOU Order as follows:

- a) The total quantity of water delivered to any SWP or CVP contractor under this order shall not exceed historic average deliveries to the contractor as stated in the attachments provided with the petition for change.

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<sup>1</sup> The petition was filed for Permit 16482 (Application 17512) of the Department of Water Resources' State Water Project and License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973 and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374 and 17376, respectively) of the United States Bureau of Reclamation's Central Valley Project. The petition filed for temporary changes in the place of use under Reclamation License 1986 was denied.

- b) Transfers or exchanges under this order shall not result in the net decrease of San Joaquin River or Sacramento River flow over the period of the transfer. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.
- c) Transfers or exchanges shall not result in any increase in the amount of water diverted from the Delta. The water to be exchanged is part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta. Further, the water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer.

On May 18, 2015, DWR submitted a second request to the Division pursuant to Condition 5 of the 2015 CPOU Order. The total quantity of transfers and exchanges implemented under the 2015 CPOU Order shall not exceed 335,560 af, as authorized in the Order. DWR described the transfer and exchange as follows:

### **Proposed Additional Transfer and Exchange**

Due to the current dry hydrologic conditions, Reclamation did not allocate any 2015 CVP water to Westlands Water District (Westlands) and San Luis Water District (San Luis). Growers within Westlands and San Luis will execute an agreement with J. G. Boswell Company (Boswell), a local landowner within Tulare Lake Basin Water Storage District (TLBWSD), for the purchase of up to 14,000 acre-feet of Boswell's pre-1914 Kings River water. TLBWSD proposes to facilitate the transfer of the purchased water to Westlands and San Luis by transferring up to 14,000 acre-feet of its SWP water to Westlands and San Luis in exchange for up to 14,000 acre-feet of Boswell's pre-1914 Kings River water. TLBWSD's SWP water in San Luis Reservoir will be conveyed through the California Aqueduct and delivered to the growers within Westlands and San Luis which include lands outside of the SWP place of use but within the CVP place of use. The exchange will be completed in 2015.

DWR has indicated that the proposed transfer and exchange meets all criteria identified under Condition 5 of the 2015 CPOU Order as described below:

- a) The transfer will not result in an increase in water diverted from the Delta. DWR and Reclamation operations in the Delta will not change as a result of the proposed transfer. All the water proposed for transfer is already in storage downstream of the Delta or is scheduled for delivery upstream of the Delta. There will be no change in inflow to or export from the Delta as a result of the proposed transfer.
- b) The quantity of the transfer at San Luis Reservoir will not exceed the amount of SWP water currently scheduled for delivery to TLBWSD. No change in SWP allocations will be made.
- c) The SWP water to be transferred would have been consumptively used in TLBWSD. The exchange with Boswell facilitates a water transfer to Westlands and San Luis which have limited water supplies in this critically dry year.
- d) The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries.

- e) The transfer will not result in a net loss of San Joaquin River or Sacramento River flows.
- f) The transfer will not result in an increase in saline drainage to the San Joaquin River.

### **Approval of Condition 5 Request**

Pursuant to Condition 5 of the 2015 CPOU, the transfer and exchange of up to 14,000 af as described above is approved.

The authorized amount of transfers and exchanges per the 2015 CPOU Order is 335,560 af which is equal to the sum of the proposed transfers and exchanges per the original petition. Therefore, in order to proceed with additional transfers and exchanges requested per Condition 5 of the 2015 CPOU Order, the actual amount of transferred water for the proposed transfers and exchanges per the original petition must be less than authorized. DWR staff have confirmed that the total amount authorized of 335,560 af will not be exceeded with the additional transfer and exchange.

The Division remains concerned that approval of this additional transfer and exchange, as well as the additional exchanges per the request submitted on May 11, 2015 appears to pose the risk of exceeding the total amount authorized. Thus, we request that DWR and Reclamation submit an interim report via email on a monthly basis during the transfer period to document transfers and exchanges that have occurred to date, any transfers and exchanges that proceeded for less than the full amount requested, and how much remains of the authorized amount of 335,560 af.

If you require further assistance, please contact Patricia Fernandez at (916) 319-9141 or by email at [patricia.fernandez@waterboards.ca.gov](mailto:patricia.fernandez@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Patricia Fernandez, P.O. Box 2000, Sacramento, CA, 95812-2000.

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