



## State Water Resources Control Board

### NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER/EXCHANGE FROM DEPARTMENT OF WATER RESOURCES PERMIT 16479 (APPLICATION 14443) AND THE SPECIFIED LICENSE AND PERMITS OF THE U.S. BUREAU OF RECLAMATION

On May 11, 2022, the Department of Water Resources (DWR), and the U.S. Bureau of Reclamation (Reclamation), collectively petitioners, filed a petition for temporary change to transfer/exchange up to 393,385 acre-feet of water pursuant to California Water Code section 1725 et seq. According to the petitioners, the requested changes will allow them to more effectively and efficiently utilize the operational flexibility of the combined State Water Project (SWP) and Central Valley Project (CVP), collectively Project, facilities and water supply south of the Harvey O. Banks Pumping Plant (Banks) and the Jones Pumping Plant (Jones). The requested changes will facilitate the delivery of available Project supplies south of the Sacramento-San Joaquin Delta (Delta) and maximize the beneficial use of available Project supplies. Approval of the petition will not increase the quantity or alter the timing of diversions from the Delta. Temporary changes involving the transfer/exchange of water may be in effect for one year from the date of approval.

#### DESCRIPTION OF THE TRANSFERS/EXCHANGES

The proposed transfers/exchanges involve: 1) Santa Clara Valley Water District; 2) Kern County Water Agency; and 3) Arvin-Edison Water Storage District-Metropolitan Water District. The table below identifies the specific SWP or CVP water right application number and associated license or permit under which the petition was filed with associated description.

#### SWP Permit Subject to Temporary Change

Application Number	Permit (P) Number	Description
14443	P16479	Oroville Project

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

**CVP License and Permits Subject to Temporary Change**

<b>Application Number</b>	<b>License (L) or Permit (P) Number</b>	<b>Description</b>
23	L1986	Friant Project
234	P11885	Friant Project
1465	P11886	Friant Project
5626	P12721	Shasta Project
5628	P11967	Trinity Project
5638	P11887	Friant Project
9363	P12722	Shasta Project
9364	P12723	Shasta Project
9368	P12727	Jones Pumping Plant
13370	P11315	Folsom Project
13371	P11316	Folsom Project
15374	P11968	Trinity Project
15375	P11969	Trinity Project
15764	P12860	San Luis Reservoir
16767	P11971	Trinity Project
17374	P11973	Trinity Project
17376	P12364	Whiskeytown Lake

**PROPOSED CHANGES**

Petitioners request the following temporary changes to their respective water right license and permits.

1. The temporary addition of the SWP place of use downstream of Banks to Reclamation License 1986 and Permits 11885, 11886, 12721, 11967, 11887,

12722, 12723, 12727, 11315, 11316, 11968, 11969, 12860, 11971, 11973, and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15764, 16767, 17374, and 17376); and

2. The temporary addition of the CVP place of use downstream of Jones to DWR Permit 16479 (Application 14443).

The petitioners have requested the temporary changes become effective on July 16, 2022.

## **ENVIRONMENTAL CONSIDERATIONS**

Temporary changes petitioned pursuant to Water Code section 1725 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.

## **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. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

## **OPPORTUNITY FOR COMMENTS**

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of these petitions and seeking information to assist in the evaluation of the proposed temporary changes. Comments should identify the application or permit number being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioners have the burden of establishing that the proposed temporary changes will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioners have established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since at this time the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Pursuant to California Water Code section 1726, subdivision (f), any interested person may file a comment regarding the petition. **The 30-day comment period per Water Code section 1726 subdivision (f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation will help expedite processing of water transfers. Comments filed in response to this notice must be received by the Division of Water Rights by 4:30 p.m. on June 7, 2022. A copy must be provided to the petitioners listed below.**

Send comments to both:

Andy Chu  
Department of Water Resources  
[andy.chu@water.ca.gov](mailto:andy.chu@water.ca.gov)

Adam Nickels  
U.S. Bureau of Reclamation  
[anickels@usbr.gov](mailto:anickels@usbr.gov)

For more information regarding this matter, please contact Patricia Fernandez by email at [patricia.fernandez@waterboards.ca.gov](mailto:patricia.fernandez@waterboards.ca.gov).

Date of Notice: **May 23, 2022**