



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
*Governor*

### **NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF 644 ACRE-FEET OF WATER TO THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT UNDER NATOMAS CENTRAL MUTUAL WATER COMPANY'S PERMIT 19400 (APPLICATION 25727)**

Notice is hereby given that on August 17, 2007

Natomas Central Mutual Water Company  
c/o Dee Swearingen, General Manager  
2601 West Elkhorn Boulevard  
Rio Linda, CA 95673

filed with the State Water Resources Control Board (State Water Board), a Petition for Temporary Change under Water Code section 1725, et seq. If approved, the Sacramento Regional County Sanitation District's (SRCSD) Lower Northwest Interceptor (LNWI), a sanitary sewer pipeline, would be temporarily added to the authorized place of use under Natomas Central Mutual Water Company's (NCMWC) Permit 19400 (Application 25727). The proposed temporary change would facilitate the transfer of up to 644 acre-feet (af) of water for testing and flushing of the LNWI from the date of approval of this petition through April 1, 2008.

#### **BACKGROUND**

SRCSD operates the Sacramento Regional Wastewater Treatment Plant (SRWTP) located in Elk Grove, CA and provides sanitary sewer service to a large portion of the greater metropolitan Sacramento area. SRCSD is expanding its sanitary sewer service area to provide service to portions of northern Sacramento County (including the Natomas area) and West Sacramento. In order to serve the expanded area, SRCSD constructed the LNWI, an approximately 20-mile-long, 5 to 10-foot-diameter, sanitary sewer pipeline which extends from Natomas south through West Sacramento and then trends east across the Sacramento River, terminating at the SRWTP. Further information regarding the LNWI project is available for viewing on the internet at [www.lowernorthwest.com](http://www.lowernorthwest.com).

Normal pipeline operations require testing and flushing flows delivered at the intake to the LNWI intake. The LNWI intake is located within Reclamation District 1000's (RD1000) East Drainage Canal, just northwest of the Interstate 5 and Interstate 80 interchange in northern Sacramento County and within NCMWC's service area. NCMWC holds several water rights with the State Water Board and water supply contracts with the United States Bureau of Reclamation (USBR) which authorize it to divert water from the Sacramento River for agricultural and municipal and industrial uses within its service area. NCMWC has submitted this petition to provide the testing and flushing flows for the LNWI under NCMWC's Permit 19400. NCMWC has received approval for two previous temporary changes to facilitate the delivery of testing and flushing flows to the LNWI<sup>1</sup>.

<sup>1</sup> State Water Board Orders 2006-0014-DWR and 2007-0023-DWR are available for viewing at: <http://www.waterrights.ca.gov/hearings/WaterRightOrders.htm>.

***California Environmental Protection Agency***

## DESCRIPTION OF THE TRANSFER

NCMWC proposes to deliver up to 644af of water to the SRCSD for industrial use (testing and flushing) within the LNWI from the date of approval of this petition through April 1, 2008. Water would be pumped from RD1000's East Drainage Canal into the LNWI and used for testing and flushing throughout the length of the pipeline. Once used to test or flush the LNWI, the transfer water would be treated at the SRWTP and discharged to the Sacramento River as a small portion of the SRWTP's effluent. A map showing the location of the LNWI is available for viewing on the Division's website with the copy of this notice at [www.waterrights.ca.gov/application/tempurgnotices.htm](http://www.waterrights.ca.gov/application/tempurgnotices.htm). Table 1, below, shows the monthly amounts, monthly average diversion rate in cubic feet per second (cfs), and maximum 24-hour average diversion rate in cfs for each month during the proposed transfer period.

**Table 1**

Year	Month	Amount (af)	Average Rate (cfs)	Maximum Rate (cfs)
2007	October	138	2.32	23.2
2007	November	92	1.55	23.2
2007	December	92	1.55	23.2
2008	January	92	1.55	23.2
2008	February	92	1.55	23.2
2008	March	92	1.55	23.2
2008	April	46	0.77	23.2

Legend: Amount = monthly volume of water  
Average Rate = monthly average diversion rate  
Maximum Rate = maximum 24-hour average diversion rate

Under normal operations, NCMWC uses water diverted under Permit 19400 for rice decomposition. Approximately 50 to 60 percent of the acreage planted in rice within NCMWC's service area is inundated during parts of October, November, and December of each year for rice decomposition (this process is referred to as reflooding). During the reflooding period, NCMWC employs a closed irrigation system and (under normal operations) water used for reflooding is not allowed to return to the Sacramento River. NCMWC's petition states that the demand for applied water for rice decomposition is 1.4 af per acre over November and December. Since 1999, NCMWC has performed reflooding operations on an average of 6,843 acres each year. NCMWC's petition states that approximately 5,500 acres will require reflooding in 2007. NCMWC's petition states that the difference between the amount of acreage requiring reflooding in 2007 and the recent average amount of acreage requiring reflooding results in a reduction of approximately 1,302 af of water required for diversion under Permit 19400. NCMWC's petition states that a portion of this reduced water demand will be used to supply the LNWI pursuant to the proposed temporary change.

## PROPOSED TEMPORARY CHANGE

The proposed temporary change would temporarily add the LNWI to the authorized place of use under Permit 19400. Industrial use (testing and flushing) would be temporarily added as an authorized purpose of use under Permit 19400.

## **PETITIONER'S WATER RIGHTS**

Permit 19400 was issued to NCMWC on February 17, 1985, and it authorizes NCMWC to directly divert up to 168 cfs from October 1 through April 1 of each year for irrigation use within the entire NCMWC's service area, and municipal and industrial use within Sacramento Metropolitan Airport and its Special Planning Area only. Permit 19400 authorizes direct diversion from four permanent points on the Sacramento River, two permanent points on the Natomas Cross Canal, and four variable points located on various drains within NCMWC's service area operated by RD1000. The maximum annual amount of water authorized for diversion under Permit 19400 is 10,000 af. A map showing the locations of the authorized points of diversion and place of use under Permit 19400 is available for viewing on the Division's website at [www.waterrights.ca.gov/application/tempurgnotices.htm](http://www.waterrights.ca.gov/application/tempurgnotices.htm).

## **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 permittee;
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, commentors 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 [www.waterrights.ca.gov](http://www.waterrights.ca.gov), Water Transfer Program, Notices of Transfers and Temporary Urgency Actions. Potential commentors 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 October 29, 2007**. Additionally, a copy of the comments must be filed with the NCMWC. **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 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.O. Box 2000  
Sacramento, CA 95812-2000  
FAX: (916) 341-5400

Natomas Central Mutual Water Company  
c/o Dee Swearingen, General Manager  
2601 West Elkhorn Boulevard  
Rio Linda, CA 95673  
FAX: (916) 419-8691

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed to Robert C. Wagner, P.E., at (916) 441-6850.

*Original signed by*

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Leslie F. Grober, Manager  
Hearings and Special Projects Section

Dated: September 26, 2007