



State Water Resources Control Board



Linda S. Adams
*Secretary for
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Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR TEMPORARY URGENCY CHANGE INVOLVING THE TRANSFER OF 10,000 ACRE-FEET OF WATER FROM THE UNITED STATES BUREAU OF RECLAMATION'S ORLAND PROJECT TO AREAS WITHIN THE ORLAND-ARTOIS WATER DISTRICT

Notice is hereby given that on July 18, 2008

Ms. Louise Lindgard
U.S. Bureau of Reclamation
Division of Resources Management
Water Rights and Acreage Limitation Branch, MP-460
2800 Cottage Way
Sacramento, CA 95825

filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), a petition for Temporary Urgency Change pursuant to Water Code section 1435 et seq. In its petition, the U.S. Bureau of Reclamation (USBR) proposes to deliver 10,000 acre-feet (af) of water stored in Stony Gorge Reservoir on Stony Creek, which is normally intended for delivery to the Orland Project, to the Orland-Artois Water District (District), a Central Valley Project (CVP) contractor. According to the USBR, the District is suffering an urgent need for additional water to meet the water needs of permanent crops during this statewide drought. Temporary urgency changes filed pursuant to Water Code section 1435 may be effective for a period of up to 180 days.

STATE WATER BOARD ACTION

Pursuant to Water Code section 1438 (a), the State Water Board may approve a petition for temporary urgency change prior to issuing public notice of the change. The State Water Board has reviewed the petition and other information contained in its files. Based on the available information, the State Water Board determined that there is sufficient information to make the findings (provided below in section titled "STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS") required to approve the proposed temporary urgency change in place of use to authorize the delivery of 10,000 acre-feet (af) of water to the District. Approval of the proposed change is exempt from the California Environmental Quality Act (CEQA), pursuant to California code of Regulations, title 14, section 15301.

Based on the information currently available, on August 8, 2008, the State Water Board issued [Order WR 2008-0035-DWR](#) conditionally approving the proposed temporary urgency change in the place of use under License 2652. Electronic copies of this notice and the petition are available at:

<http://www.waterrights.ca.gov/application/tempurgnotices.htm>.

California Environmental Protection Agency



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CURRENT DRY CONDITIONS

In explaining the urgent need for the proposed temporary urgency change, the USBR's petition states:

"The District is a water short district. Any cut, regardless of percentage, necessitates the immediate need for additional water from another source. The District's 2008 CVP water supply, for irrigation purposes, has been cut to 40% of the contract total, from 52,967 acre-feet to 21,187 acre-feet. The District has 26,918 acres under contract. Therefore, the acre-feet per acre (af/ac) unit duty for the District, with the 40% allocation, is 0.78 (21,187 acre-feet / 26,918 acres). This amount is not sufficient to irrigate permanent crops which require anywhere from 2.5 to 2.7 af/ac. The District has 15,000 acres of permanent crops consisting primarily of almonds, walnuts, prunes, and vineyards.

The water provided under this action would be used to irrigate the permanent crops in the District. Many more acres of trees are not being irrigated sufficiently to produce a crop, but to keep the trees alive. Usually when mature trees are stressed they never fully recover, and their future production will decline. In addition, mature trees pulled due to insufficient surface and groundwater include 41 acres of prunes, 150 acres of almonds, and 300 acres of vineyard. Orders for 150 acres of new almond trees had to be cancelled.

Landowners with wells are noticing a decline in the groundwater of about 40 feet. These landowners are lowering wells where they can or drilling new wells. Currently the waiting list for a new well is between 1 and 1½ years."

Current dry conditions have resulted in rationing of water to the District, which threatens the health of permanent crops.

DESCRIPTION OF THE PROPOSED TEMPORARY URGENCY CHANGE

Under License 2652 (Application 2212), the USBR has the right to divert to storage up to 50,200 af of water per year into Stony Gorge Reservoir for the irrigation of lands within the Orland Project. The USBR proposes to deliver up to 10,000 af of this to the District.

The water, which currently is stored in Stony Gorge Reservoir on Stony Creek, will be available for rediversion at either the North Canal or South Canal (existing points of rediversion under License 2652) and further conveyed into the Tehama-Colusa Canal for delivery to the District. A temporary change in the place of use under License 2652 is needed to add the area of the District that is served by the Tehama-Colusa Canal. The petition requests that the proposed change take effect immediately and be effective through December 31, 2008.

The petition states that the 10,000 af of water that the USBR intends to deliver to the District will not be needed by the Orland Project during 2008 and that no additional water will be diverted from the Sacramento River as a result of the proposed change. The minimum storage at Stony Gorge Reservoir for 2008 with the proposed temporary urgency change is expected to be approximately 25,000 af. This figure is within the normal range of minimum storage elevations for Stony Gorge Reservoir. In the absence of the proposed temporary urgency change, the water would remain in storage for future use sometime after 2008.

PLACE OF USE UNDER THE PROPOSED TRANSFER

USBR's petition requests the temporary addition of the 26,918 acres served by the District (pursuant to its CVP contract) to License 2652. The 26,918 acres to be added under the proposed temporary change are shown on map submitted with the petition, which is available for viewing online at:
<http://www.waterrights.ca.gov/application/tempurgnotices.htm>.

USBR'S WATER RIGHT

License 2652 authorizes the diversion to storage of up to 50,200 af of water in Stony Gorge Reservoir from November 1 through about May 1 of the following year for rediversion at the North and South Canals. The authorized purpose of use is irrigation of 20,648.8 acres located within Glenn and Tehama Counties, as shown on map on file with the State Water Board under Application 2212. The 10,000 af of water proposed for delivery to the District was stored in Stony Gorge Reservoir pursuant to provisions of License 2652. Releases of water pursuant to the proposed temporary urgency change are subject to requirements of the biological opinion issued by the National Marine Fisheries Service on the effects of Lower Stony Creek Water Management on Winter-run Chinook salmon, Spring-run Chinook salmon, Fall/late Fall-run Chinook salmon, and Steelhead. The petition states that the proposed temporary urgency change will not alter the rate or timing of diversions by the Orland Project nor impact the ability of USBR or the Orland Unit Water Users Association to maintain minimum flows in lower Stony Creek.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Prior to approving a temporary change order pursuant to Chapter 6.6, the State Water Board must make the following findings specified in Water Code section 1435(b):

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1. The petitioner has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of the water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

The State Water Board has retained jurisdiction to modify Order WR 2008-0035-DWR. Any person may file an objection to the changes authorized in Order WR 2008-0035-DWR, however, the comments should address the issues that the State Water Board must evaluate, as set forth above. Although the State Water Board has approved the temporary changes in place of use based on the information currently available, the State Water Board may in its discretion modify or revoke this approval at any time.

Objections filed in response to this notice shall be mailed to both parties at the addresses listed below. The State Water Board will consider objections regarding this petition as soon as possible after their receipt; however, all objections must be filed by 3:00 pm on December 26, 2008 for the State Water Board to consider them. Interested parties are encouraged to file objections by FAX and to notify the following contact persons by telephone of any objections that will be submitted. However, an original copy of all objections must be received by the State Water Board to be considered.

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

Ms. Louise Lindgard
U.S. Bureau of Reclamation
Division of Resources Management
2800 Cottage Way
Sacramento, CA 95825
FAX: (916) 978-5292

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed to Louise Lindgard at (916) 978-5258.

ORIGINAL SIGNED BY

Leslie F. Grober, Manager
Hearings and Special Programs Section

Dated: November 26, 2008