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STATE WATER RESOURCES CONTROL BOARD
2000 APR 18 PM 3:04
E-MAIL (For noticing purposes)
STATE WATER RESOURCES CONTROL BOARD

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

**PETITION FOR TEMPORARY TRANSFER
OF WATER/WATER RIGHTS**
(Water Code 1725)

Point of Diversion Point of Rediversion Place of Use Purpose of Use

Application No(s). 575 Permit No. _____ License No. 1718
Statement or Other No. _____

Present Holder and User of Water Right

River Garden Farms Company **Marty Stripling** **(530) 735-6274**
Person or Company name Contact person Telephone No.
41758 Road 112 **Knights Landing** **CA** **95645**
Address City State Zip Code
mstripling@afes.com

E-MAIL (For noticing purposes)
mhaium@downeybrand.com

Co-petitioner
N/A

Person or Company name Contact person Telephone No.
Address City State Zip Code

E-MAIL (For noticing purposes)

Proposed New User

Semitropic-Rosamond Water Bank Authority **Willmar Boschman** **(661) 758-5113**
Person or Company name Contact person Telephone No.
1101 Central Avenue; P.O. Box Z **Wasco** **CA** **93280**
Address City State Zip Code
WBoschman@semitropic.com

E-MAIL (For noticing purposes)

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows:**

Amount of Water to be Transferred up to 2,000 Acre-feet (AF). If the basis of right is direct diversion, average rate of diversion for the maximum 30 day period of use is 8.0 cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year)

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.)
Present See Attachment 1.

Proposed _____

TRANS-TEMP-PET (11-00)

If your answers require more space than provided, please attach additional pages
1

Place of Use

Present **See Attachment 1.**
Proposed _____

Purpose of Use

Present **See Attachment 1.**
Proposed _____

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	See Attachment 1.	_____	_____
Proposed	_____	_____	_____

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Yolo

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

Kern

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? **Yes**
(yes/no) _____
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change.
- 2a. If the point of diversion/diversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/diversion and the proposed point? **Yes**
(yes/no) _____
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? **Yes**
(yes/no) _____
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other **See Attachment 1.**

- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. **See Attachment 1.**

- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). **See Attachment 1.**

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. **See Attachment 1.**

- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. **See Attachment 1.**

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment 1.
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment 1.
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred.

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: 4/10/08 at Knights Landing, California

RIVER GARDEN FARM by Mark Stigley (530) 735-6274
Signature(s) Telephone No.

NOTE: This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

Proof of Service: Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

Fees: The following fees must accompany the petition before the petition will be accepted:

1. A minimum filing fee of \$100, for each application listed in the petition, shall be submitted with the petition (Water Code section 1547). The fee is made payable to the State Water Resources Control Board.
 - a) Water Code section 1547.1 requires an additionally fee of 25% of the amount computed by using the fee schedule in Article 1 (commencing with Water Code section 1525) for use of water outside of the basin from which the water transfer originates. The fee is based on that portion of water transferred under the existing direct diversion or storage right(s) for each application identified in the petition. For direct diversion rights, the rate is typically computed based on the average rate of diversion (cfs) for the maximum 30-day period of use (AF).
 - b) If the petitioner relies on Water Code section 382, the total filing fee shall be based on the amount necessary to cover the reasonable costs of the SWRCB to evaluate and process the petition (Water Code section 386). Please contact the Division if you would like an estimate of the potential cost.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

Attachment 1
Responses to Petition Form

Proposed New User

Semitropic-Rosamond Water Bank Authority
P.O. Box Z
Wasco, CA 93280

Potential new users could also include:

Rosamond Community Services District
3179 35th Street W.
Rosamond, CA 93560

Valley Mutual Water Company
5700 Wilshire Blvd., Suite 330
Los Angeles, CA 90036

Period of Transfer/Exchange

RGF intends to transfer up to 2,000 AF of water made available through groundwater substitution. This water will be made available under RGF's USBR Settlement Contract water rights during the period from April through October. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis pursuant to agreements with DWR or USBR. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year.

Point of Diversion or Rediversion

Present:

Townsite Pumping Plant
NW 1/4 NW 1/4, Section 14, T11N, R2E MDB&M

Missouri Bend Pumping Plant
NE 14 SE 1/4, Section 30, T12N, R2E MDB&M

Proposed:

POD

Shasta Reservoir
NE 1/4 SE 1/4, Section 15, T33N, R5W MDB&M

POD/PORD

The CVP Tracy Pumping Plant located within the SW 1/4 of the SW 1/4 of Projected Section 31, T1S, R4E MDB&M

The SWP Harvey O'Banks Pumping Plant located N 486,035 and E 1,695,057 California Coordinate System Zone 3, being within the NW 1/4 of the SE 1/4 of Projected Section 20, T1S, R4E MDB&M

Place of Use

Present:

Present place of use for RGF's water rights is shown on maps which are contained in the SWRCB files.

Proposed:

Proposed place of use includes the place of use and adds the places of use allowed under the permits issued by the SWRCB for the CVP and SWP.

Permitted place of use for the CVP and SWP are shown on maps contained in the files of the SWRCB.

Purpose of Use

Present:

Irrigation

Proposed:

Proposed purpose of use includes the current purpose of use and adds, as additional purposes, domestic uses, power uses, municipal uses, and industrial uses.

Season of Use

Present:

March 1 – October 31

Proposed:

Water from groundwater substitution will be made available within the authorized season as shown above. This water may, at times when there is insufficient capacity at either the CVP or SWP Delta pumping plants, be exchanged for water being released by USBR for instream demands.

RGF will coordinate with the various agencies to transfer the water at the most suitable time.

Direct Use

Present:

Approximately 16-17 af/day.

ENVIRONMENTAL INFORMATION FOR PETITIONS

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

ENVIRONMENTAL INFORMATION FOR PETITIONS

2000 APR 18 PM 3:13

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to 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 Attachment No. 1.

2. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: _____

Department: _____ Telephone: (____) _____

County Zoning Designation: _____

Are any county permits required for your project? YES NO

If YES, check appropriate box below:

Grading permit Use permit Watercourse Obstruction permit Change of zoning

General plan change Other (explain): _____

ENVIRONMENTAL INFORMATION FOR PETITIONS

- b. Have you obtained any of the required permits described above? YES NO
 If YES, provide a complete copy of each permit obtained.
 See Attachment No. ____.

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

- a. Check any additional state or federal permits required for your project:
 Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
 Soil Conservation Service Dept of Water Resources (Div. of Safety of Dams) Reclamation Board
 Coastal Commission State Lands Commission Other (specify) (see chart below)
- b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. ____

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO
 If YES, explain:

See Attachment No. ____

- d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
 If YES, name and telephone number of contact: _____

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? YES NO
 If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____

- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the SWRCB will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.* Public agency: _____

ENVIRONMENTAL INFORMATION FOR PETITIONS

See Attachment No. 2.

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

5. WASTE/WASTEWATER

a. 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

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used? _____

See Attachment No. _____

6. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? YES NO

b. Will you be preparing an archeological report to satisfy another public agency? YES NO

c. Do you know of any archeological or historic sites located within the general project area? YES NO

If YES, explain: _____

See Attachment No. ____.

7. ENVIRONMENTAL SETTING

Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

Along the stream channel immediately downstream from the proposed point(s) of diversion.

See Attachment No. 3.

ENVIRONMENTAL INFORMATION FOR PETITIONS

- Along the stream channel immediately upstream from the proposed point(s) of diversion.
See Attachment No. 3.
- At the place(s) where the water is to be used.
See Attachment No. 4.

8. **CERTIFICATION**

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

Date: 4/10/88

Signature: Mary Stuyling
FOR RIVER GARDEN FLOW

Attachment No. 1
Project Description

Forbearance of Water

River Garden Farms (RGF) proposes to forbear diversion of a portion of the water supply under its Sacramento River Settlement Contract. Under the proposal, RGF would forbear the diversion of up to 2,000 acre feet of Sacramento River water that it would otherwise be entitled to under the terms of its Sacramento River Settlement Contract with USBR; and which, in the absence of the forbearance, would be diverted during 2008 for use on lands within RGF's service area. Under the proposal, the forborne water would be deemed to be comprised of base supply water. This forbearance would be undertaken in a manner that allows USBR to deliver the forborne water supply to 1) Semitropic Water Storage District (SWSD) via Kern County Water Agency (KCWA), 2) Rosamond Community Services District via the Antelope Valley-East Kern Water Agency (AVEK), and/or 3) Valley Mutual Water Company (VMWC) via AVEK. Water made available would be delivered to USBR at the RGF's points of diversion on the Sacramento River, with control of such water accruing to USBR at its upstream reservoirs or exported in the Delta.

Under the proposal, USBR would operate the Central Valley Project so as to deliver water made available as a result of RGF's forbearance of diversions to SWSD, RCSD, and/or VMWC. During balanced conditions in the Delta (as defined in the Coordinated Operations Agreement), USBR would, to the extent possible, directly divert the water forborne at Tracy or Banks Pumping Plants (assuming there is unused pumping capacity and all conditions necessary for joint point of diversion are met), or would, to the extent that operational conditions upon the Sacramento River permit, back the forborne water into USBR's upstream storage so that it can be released and diverted in the Delta at a later time when export capacity becomes available. During excess conditions in the Delta and when the CVP reservoir release is controlled by a downstream flow objective, USBR would, to the extent possible, store water forborne in an upstream CVP reservoir for later release and diversion in the Delta. Such operational conditions would be identified by USBR's Central Valley Operations Office (CVO) which would keep daily records of the volume of the forborne water as it becomes available for export and/or storage. Forborne water made available under conditions that do not permit its diversion from the Delta and/or storage in upstream reservoirs would be considered lost. Water backed into storage pursuant to this proposal would be delivered to SWSD, RCSD and/or VMWC as soon as possible after its storage in an upstream reservoir. SWSD, RCSD and/or VMWC would pay for such storage at the rate determined by USBR. Water stored in an upstream CVP reservoir pursuant to this forbearance proposal would be the first water to spill. The delivery of forborne water outside normal delivery schedules would require authorization from USBR via a Warren Act contract.

If the delivery of water does not match available conveyance capacities of KCWA and/or AVEK or if it does not match SWSD, RCSD, or VMWC demand, then it may be stored at existing facilities of the Semitropic-Rosamond Water Bank Authority.

RGF would make up to 2,000 acre-feet of water available for sale as a result of groundwater substitution programs. The sources of this water would be a portion of RGF's base supply under its Settlement Contract with USBR. Base supply available to RGF under the terms of its contract is pursuant to post-1914 appropriative claim to water by RGF for diversions from the Sacramento River. RGF would petition the State Water Resources Control Board to temporarily change the place and purpose of use of the forborne water.

ENVIRONMENTAL INFORMATION FOR PETITIONS

The methods used to determine the amount of water made available under this proposal through groundwater substitution would be consistent with the methods contained in the Department of Water Resource's (DWR's) March 8, 2002, draft *Water Transfers Papers for Water Transfers in 2002 Involving the Department of Water Resources*, commonly referred to as the "DWR White Papers."

Methods of Making Water Available

No new construction or improvements to facilities owned or operated by RGF would be necessary for the production and forbearance of this water. The point of delivery for RGF would be at the locations on the Sacramento River as identified in its Settlement Contract.

The quantity of water made available through groundwater substitution would be equal to the quantity of groundwater pumped during the period April through October 2008 less the average quantity of groundwater pumped during the April through October period from 2005 to 2007. For purposes of this calculation, the quantity of groundwater pumped during the April through October period in 2005 would not include any groundwater pumped as part of the 2005 water transfer to Westlands Water District. Only groundwater wells that meet the criteria contained in the "DWR White Papers" would be used in this forbearance program. All participating wells would be equipped with totalizing flow meters. Groundwater would be made available during balanced conditions in the Delta, when the transfers would be in effect. Groundwater pumping during excess conditions in the Delta would not be accrued in upstream storage or exported by USBR.

SWSD, RCSD, or VMWC would take delivery of this water in a manner physically identical to typical deliveries. This water would be used to make up for short-falls in normal water deliveries. Accordingly, any water delivered under the proposed Project would not represent an overall increase in supply or a change in SWSD, RCSD, or VMWC operations.

Sources of the Transferable Water

Surface water deliveries forborne by this program will be replaced by groundwater derived from two wells: Field 71 Well, which produces 1,800 gallons per minute (gpm); and, Field 98 Well, which produces 2,800 gpm. Field 71 Well can irrigate fields 63 (171 acres), 64 (135 acres), and 73 (114 acres). Field 98 Well can irrigate fields 97 (224 acres), 98 (113 acres), and 99 (123 acres). Field 73 will be used to grow tomatoes. All other fields in this program will be used to grow rice.

ENVIRONMENTAL INFORMATION FOR PETITIONS

Attachment No. 2
Notice of Exemption

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NOTICE OF EXEMPTION

To:

Yolo County Clerk
P.O. Box 1820
Woodland, CA 95776

From:

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Kern County Clerk
1115 Truxton Avenue
Bakersfield, CA 93301

Project Title: Temporary Transfer of Water Rights from River Garden Farms Company to Semitropic-Rosamond Water Bank Authority

Location -- Specific: Yolo County, Kern County

Description of Nature, Purpose, and Beneficiaries of Project: River Garden Farms Company proposes to forbear diversion of a portion of the water supply under its Sacramento River Settlement Contract. Under the proposal, River Garden Farms Company would forbear the diversion of up to 2,000 acre feet of Sacramento River water that it would otherwise be entitled to under the terms of its Sacramento River Settlement Contract with Reclamation; and which, in the absence of the forbearance, would be diverted during 2008 for use on lands within River Garden Farms Company's service area. Under the proposal, the forborne water would be deemed to be comprised of base supply water. This forbearance would be undertaken in a manner that allows Reclamation to deliver the forborne water supply to 1) Semitropic Water Storage District via Kern County Water Agency, 2) Rosamond Community Services District via the Antelope Valley-East Kern Water Agency and/or 3) Valley Mutual Water Company via the Antelope Valley-East Kern Water Agency. Water made available would be delivered to Reclamation at the River Garden Farm Company's points of diversion on the Sacramento River, which control of such water accruing to Reclamation at its upstream reservoirs or exported in the Delta.

Name of Public Agency Approving or Carrying Out Activity: State Water Resources Control Board

Finding of Exempt Status:

- Categorical Exemption. CEQA Guidelines § 15282(u) (Temporary Transfer)

Reasons why activity is exempt:

The project is exempt from CEQA review pursuant to 14 Cal. Code Regs. § 15282(u) (Temporary

Transfer) because the project intends to transfer up to 2,000 acre feet of water made available through groundwater substitution during the period from April 2008 through October 2008.

Agency Contact Person: _____

Telephone: (916) 341-5300

Signature: _____

Date: _____

Title: _____

Signed by Public Agency

Signed by Applicant

Date received for filing by County Clerk:

Attachment No. 3

3 Color Photographs – Shasta Reservoir

3 Color Photographs – CVP Tracy Pumping Plant

3 Color Photographs – SWP Harvey O'Banks Pumping Plant

Along the stream channel immediately upstream/downstream from the proposed point(s) of diversion.

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