



Water Resources ♦ Flood Control ♦ Water Rights

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April 15, 2009

Ms. Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

**Subject: Pleasant Grove-Verona Mutual Water Company Petitions for
Temporary Transfer**

Dear Ms. Whitney:

On behalf of the Pleasant Grove-Verona Mutual Water Company (PGV), enclosed are Petitions for Temporary Transfer Form with Attachment (one original and one copy) and Environmental Information Forms with Attachment (one original and one copy) for each of the following water rights:

<u>Owner</u>	<u>App #</u>	<u>Lic #</u>	<u>Petition Fee</u>
River Ranch Partnership	7641C	6389C	2,303.60
Maria John Nicholas Kelly Ranch, LLC	15856B	7064B	2,641.40
Nicoli Nicholas	15856A	7064A	2,641.40
Scheidel & Osterli	15606	11001	2,792.90
E.D. Willey & Sons	7641A	6389A	2,730.50
			13,109.80

Also enclosed is a check in the amount of \$13,109.80 to cover the Petitions' fees.

Each of the water right holders identified above are shareholders within PGV. PGV holds a Sacramento River Settlement Contract with the U.S. Bureau of Reclamation, for which the above water rights form a portion of the base supply under the Contract. For this reason, the Petitions are being filed jointly and a single check in the amount of \$850 to cover the fee for the Department of Fish and Game is enclosed, consistent with Public Resources Code Section 10005(e).

The shareholders of PGV listed above are petitioning to temporarily add points of diversion, places of use, and purposes of use in order to transfer up to a total of 7,300 AF to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) by crop idling, crop

*Rec'd
\$13,109.80
\$850 DFG
4-16-09
AMY*

shifting, and groundwater substitution. The Petitions are for a total of 10,416 AF; however, this is to provide operational flexibility due to unforeseen conditions. The total quantity to be transferred under these Petitions will not exceed 7,300 AF. As you are aware, time is of the essence to process these Petitions for the implementation of the water transfer to the DWB; and we appreciate your attention to these temporary transfer Petitions.

Please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS



Darren Cordova

DC/pp
3825/VICTORIA WHITNEY 2009-04-15.DOC

Enclosures

cc: Pleasant Grove-Verona Mutual Water Company, Brett Scheidel
Kevin O'Brien
Teresa Geimer, DWB Coordinator
Sharon Stohrer, Department of Fish and Game (via certified mail)
Sutter County Board of Supervisors (via certified mail)
Jacqueline Matthews, CVRWQCB (via certified mail)
Dan Peterson, Sutter County Public Works Department (via certified mail)

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). 15856A Permit No. _____ License No. 7064A
 Statement or Other No. _____

Present Holder and User of Water Right

Nicoli Nicholas	Nicoli Nicholas	(916) 455-2384
Person or Company name	Contact person	Telephone No
4705 T Street	Sacramento	CA
Address	City	State
		95819
		Zip Code

E-MAIL (For noticing purposes) _____

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

See Attachment 1

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

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** (attach additional pages, as needed):

Amount of Water to be Transferred up to 2,148 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is 11.77 cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) July 1, 2009 through June 30, 2010

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.

Rec'd
 13,109.80
 200.00
 4/16/09
 Amy

Present See Attachment 1
Proposed _____

Place of Use

Present See Attachment 1
Proposed _____

Purpose of Use

Present See Attachment 1
Proposed _____

	Season of Use	Direct Use (cfs)	Storage (ac-ft)
Present	<u>Mar 15 - Nov 15</u>	<u>11.77</u>	<u>No Change</u>
Proposed	<u>No Change</u>	<u>No Change</u>	<u>No Change</u>

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

Sutter County

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

See Attachment 1

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 persons known to you who may be affected by the proposed change.

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 Attach. 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)? See Attachment 1
(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 STATE WATER BOARD 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: April 15, 2009 at Sacramento, California

Kevin Nicholas
Signature(s)

(916) 456-4400
Telephone No.

NOTE: This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board 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.

NOTE: All petitions must be accompanied by the **filing fee**, (see fee schedule at www.waterrights.ca.gov), made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

**ATTACHMENT 1
TO
PETITION FOR TEMPORARY CHANGE LICENSE 7064A (APPLICATION 15856A)
OF
NICOLI G. NICHOLAS
WITHIN
PLEASANT GROVE-VERONA MUTUAL WATER COMPANY**

Project Description

As identified in a memorandum prepared by the Department of Water Resources (DWR), dated March 5, 2009, the urgent need for the transfer of water proposed in this petition is based on the following:

“The 2009 Drought Water Bank (Water Bank) began in the summer of 2008 in response to Governor Schwarzenegger's June 4, 2008, Executive Order S-06-08 to help alleviate the drought conditions should they continue into 2009. On June 12, the Governor issued an Emergency Proclamation for nine counties in the San Joaquin Valley due to the critically dry conditions. 2009 is proving to be another critically dry year.”

In addition, on February 27, 2009, the Governor declared a State of Emergency to address California's water shortage by directing state agencies to utilize their resources to provide assistance for people, communities, and business impacted by the drought. As identified in the Environmental Information for Petitions Form attached to this petition, on March 9, 2009, DWR issued a Notice of Exemption (NOE) from the requirements under the California Environmental Quality Act (CEQA) for the 2009 Drought Water Bank (DWB). This NOE was issued by DWR based on the Governor's State of Emergency declaration.

In order to assist in addressing the State of Emergency, Pleasant Grove-Verona Mutual Water Company (PGV) proposes to participate in the DWB. The Petitioner is a shareholder of PGV which holds Contract No. 14-06-200-5520A (Contract) with the United States Bureau of Reclamation (USBR). The water rights held by the Petitioner and the other shareholders of PGV serve as the basis for the Base Supply under PGV's contract. This petition is one of five petitions (Joint Petitions) being filed by participating shareholders of PGV (Joint Petitioners) pursuant to their individual water rights. The Joint Petitions include the following:

<u>Joint Petitioner</u>	<u>Application</u>	<u>License</u>
Nicoli Nicholas	15856A	7064A
Scheidel & Osterli	15606	11001
River Ranch Partnership	7641C	6389C
E. D. Willey and Sons	7641A	6389A
Kelly Ranch LLC	15856B	7064B

Because the proposed project involves the transfer of Base Supply under the Contract, these petitions are being filed jointly and should be treated as a single project. PGV has been authorized to act on behalf of the Joint Petitioners, each of which are filing similar petitions in order to facilitate the proposed transfer.

Under the Joint Petitions, PGV is proposing to transfer up to 7,300 acre-feet to the DWB. Under the proposed transfer, water will be made available through groundwater substitution which involves using groundwater to produce crops in exchange for a like amount of surface water that will remain in stream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, PGV and the Joint Petitioners would divert the entire quantity proposed for transfer from surface water sources pursuant to their water rights and the Contract with USBR. The Joint Petitions are being filed to facilitate a one year transfer to the DWB for use within the State Water Project (SWP) or the Central Valley Project (CVP) Service Areas.

This Petitioner (Petitioner Nicholas) is proposing to transfer up to 2,148 acre-feet of the total proposed for transfer by PGV. Table 1 below identifies the potential transfer quantity for each of the Joint Petitioners.

Responses to Petition Form

Proposed New User(s)

The proposed new users will be water users within the places of use of the SWP and CVP; facilitated through the DWB.

Drought Water Bank
Department of Water Resources
c/o Teresa Geimer
Drought Water Bank Coordinator
P.O. Box 942836
Sacramento, CA 94236-0001

Point of Diversion or Rediversion

Present:

The Petitioner's points of diversion under the above license are located on the Natomas Cross Canal in Sutter County tributary to the Sacramento River as follows:

<u>Description</u>	<u>Located within</u>			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T*</u>	<u>R*</u>
Points of Diversion				
(A) California Coordinate System of 1927, Zone 2, North 406,000 feet and East 2,113,000 feet	SW, SE	23	11	3E
(1) California Coordinate System of 1927, Zone 2, North 409,550 feet and East 2,114,809 feet.	NE, NW	24	11	3E
Points of Rediversion				
(2) California Coordinate System of 1927, Zone 2, North 409,550 feet and East 2,125,114 feet.	NE, NE	23	11	3E
(3) California Coordinate System of 1927, Zone 2, North 410,900 feet and East 2,113,325 feet.	SE, SW	14	11	3E
(4) California Coordinate System of 1927, Zone 2, North 414,920 feet and East 2,114,809 feet.	NE, SE	14	11	3E
(5) California Coordinate System of 1927, Zone 2, North 414,250 feet and East 2,114,200 feet.	SE, NE	14	11	3E

* All references to Township and Range are MDB&M

Proposed:

No change in the present points of diversion is proposed. The following points of diversion are proposed to be added:

CW "Bill" Jones Pumping Plant (POD)

N 481,100, E 1,694,000, California Coordinate System Zone 3, within the NE ¼ of the SW ¼ of Projected Section 29, T1S, R4E, MDB&M

Banks Pumping Plant via the Clifton Court Forebay

N 486,035, E 1,695,057, California Coordinate System Zone 3, within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M

Barker Slough Pumping Plant

N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE ¼ of SW ¼ of projected Section 18, T5N, R2E, MDB&M

Contra Costa Canal

N 89°52'W, 8.9 feet from the E ¼ Corner of Section 33, T2N, R3E, MDB&M, within the SE ¼ of NE ¼ of Section 33, T2N, R3E, MDB&M.

These proposed points of diversion are identified on maps filed with the Division of Water Rights (Division) under Applications 5626 and 5630.

Place of Use:

Present:

180 acres within projected Section 13, T11N, R3E, MDB&M
400 acres within projected Section 14, T11N, R3E, MDB&M
174 acres within projected Section 14, T11N, R3E, MDB&M
22 acres within projected Section 24, T11N, R3E, MDB&M
776 acres total within Sutter County also identified by APN 34-140-006 and 34-190-007

The present place of use is shown on maps which are contained in the Division's files for License 7064A.

Proposed:

The Petitioner proposes to temporarily add the service areas of the SWP and the CVP to the present place of use.

The service area of the State Water Project is shown on Maps 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630.

The service area of the Central Valley Project is shown on Maps 214-208 – 12581 on file with the Division under Application 5626.

Purpose of Use:

Present:

Irrigation, Stockwatering

Proposed:

Domestic, Municipal, and Industrial purposes are proposed to be added to the existing purposes of use.

PROPOSED TRANSFER WILL BE PLACED TO USE IN THE FOLLOWING COUNTY/COUNTIES

The water will be placed to beneficial use within the following counties: Yolo, Solano, Napa, Contra Costa, Alameda, Santa Clara, San Benito, San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside.

Responses to Numbered Items on Petition:

1a & 1b. Under the proposed project, PGV will facilitate a program under which the Joint Petitioners will make up to 7,300 acre-feet of water available for temporary transfer to the Drought Water Bank (DWB) through groundwater substitution or by temporarily idling lands which otherwise would be planted and irrigated in 2009. Absent the proposed temporary transfer, groundwater would not be pumped and crops would be planted and surface water would be diverted to meet the irrigation demands of the Joint Petitioners, including Petitioner Nicholas. Table 1 below identifies the quantity proposed to be transferred to the DWB by each of the Joint Petitioners. The quantities shown are **up to** amounts for each Petitioner. PGV will coordinate with the Joint Petitioners to assure the maximum quantity to be transferred under the Joint Petitions will not exceed 7,300 acre-feet.

TABLE 1
Proposed Transfer Quantities

Petitioner	Proposed Transfer Quantity (Up To Amount in AF)
Nicholas	2,148
Scheidel & Osterli	2,653
River Ranch Partnership	1,022
Willey	2,445
Kelly Ranch LLC	2,148

Each of the Joint Petitioners is proposing to make water available fo transfer to the DWB through groundwater substitution. Joint Petitioners Kelly Ranch LLC and River Ranch Partnership are proposing to make a portion of the water identified in Table 1 available for the proposed transfer through crop idling. The maximum quantity potentially made available through crop idling is approximately 477 acre-feet and is described in the petitions filed for Licenses 7064B and 6389-C by Joint Petitioners Kelly Ranch LLC and River Ranch Partnership, respectively.

Water made available through crop idling and groundwater substitution would be consistent with guidelines associated with the DWB which have been developed to address concerns of DWR and USBR relative to the potential impacts that water transfers may have on other legal users of water.

Petitioner Nicholas is proposing to make up to 2,148 acre-feet available for transfer under PGV's groundwater substitution program. Only wells which have been approved by the DWR or USBR for use in the 2009 DWB will be used for the proposed temporary transfer. Attachment 2 to this petition provides a listing of all of the wells proposed for use in the DWB by the Joint Petitioners. Attachment 3 to this petition is a map showing the location

of each of these wells within PGV. PGV is not a public entity and therefore is not authorized to prepare a groundwater management plan. PGV, on behalf of its shareholders, is participating in the development of a groundwater management plan being prepared by Sutter County which will include the wells and the overlying lands of PGV and the Joint Petitioners. Based on past transfers involving groundwater substitution within PGV, the Joint Petitioners do not believe the proposed temporary transfer to the DWB by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the DWB, PGV will develop a monitoring and mitigation plan in cooperation with DWR and USBR to assure the proposed transfer does not result in any unreasonable impacts to the groundwater basin.

No cropland idling under the project is proposed by Petitioner Nicholas in 2009.

2c. The PGV and the Joint Petitioners propose to add the CVP CW "Bill" Jones Pumping Plant, the SWP Banks Pumping Plant and Barker Slough Pumping Plant, and the Contra Costa Canal as points of diversion. The proposed transfer will result in an increase in the flow between the present points of diversion and the additional proposed points of diversion. This increase in flow may result in a positive effect to the water users between the present and proposed points of diversion. These water users may include the Delta water users, the CVP, the SWP, and the Cities of Sacramento and West Sacramento. See files of the State Water Resources Control Board.

3a - 3b. Under PGV's Contract No. 14-06-200-5520A, the USBR releases water to meet its demands. As a result of the project proposed under the Joint Petitions, PGV's diversions will be less in 2009 than what would occur absent the proposed transfer.

Water under the transfer program proposed by PGV and the Joint Petitioners will be made available consistent with guidelines associated with the DWB. These guidelines have been developed to address concerns of DWR and USBR relative to the potential impacts that water transfers may have on other legal users of water. The PGV has submitted a proposal to the DWB for participation, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, and associated maps. Currently, DWR and USBR are conducting an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by PGV meets the relevant criteria to demonstrate a reduction in water use will occur as a result of the proposed transfer. In addition, it is our understanding that DWR and USBR are in contact with the Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS) to address potential concerns.

As a result of this temporary transfer proposed by PGV and the Joint Petitioners, the flow in the Sacramento River will increase by up to a total of 7,300 AF, which includes up to 2,148 AF under this petition, during the period of transfer over what would have occurred absent the proposed transfer. The increased flow in the Sacramento River to the proposed points of diversion will be a small percentage of the total flow and will be water that would be available to the PGV and the Joint Petitioners, absent this proposed transfer. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, the increased flows may result in instream benefits through the increased flow

downstream of the PGV's present points of diversion.

4. The Central Valley Regional Water Quality Control Board has been contacted; and a copy of this petition has been provided.
- 5a. It is our understanding that representatives of the DWB have been in contact with staff of the DFG. In addition, we contacted Paul Forsberg (916) 323-7215 of DFG staff. Mr. Forsberg did not have an initial opinion relative to the effects of the proposed temporary transfer; and thus, a copy of this petition has been provided to DFG staff.
- 5b, c & d. The proposed transfer may provide environmental benefits through increased flows downstream of the present points of diversion due to the reduction in surface water diversions. These reduced diversions may provide additional flows during critical periods of the year from the present points of diversion to the proposed additional points of diversion. These additional flows would enhance habitat for fisheries and wildlife.

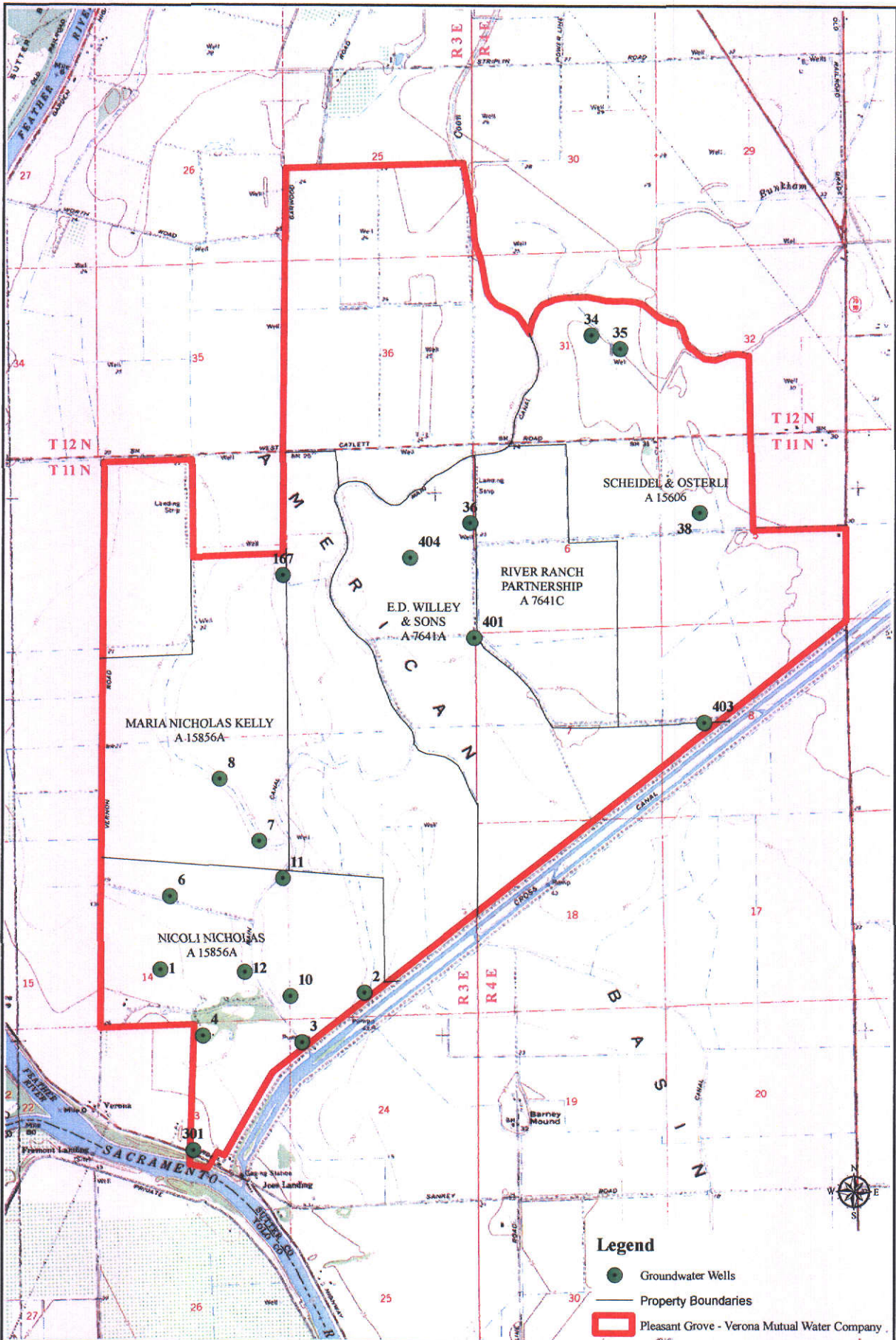
GK/pp

3825/ATTACHMENT TO PETITION - NICHOLAS 2009-04-14.DOC

Attachment 2 To Petition for Temporary Transfer

Well ID	Map Well ID	Well Owner's Name	Approximate Well Capacity (gpm)	Approximate Well Location
Nicholas Sand Field Well	1	Nicholas	2,000	Latitude: N 38.797152 Longitude: W -121.61105
Nicholas Filipino Camp #2	2		2,000	Latitude: N 38.795148 Longitude: W -121.590894
Nicholas Filipino Camp South	3		2,000	Latitude: N 38.791345 Longitude: W -121.597125
Nicholas Johnston Field Well #2	4		2,000	Latitude: N 38.791992 Longitude: W -121.606947
Nicholas Johnston Well	301		2,000	Latitude: N 38.783083 Longitude: W -121.608014
Nicholas 72-Acre Field South	10		2,000	Latitude: N 38.794937 Longitude: W -121.598244
Nicholas 72-Acre Field North	11		2,000	Latitude: N 38.803956 Longitude: W -121.598798
Nicholas BBC Well	12		2,000	Latitude: N 38.796851 Longitude: W -121.60273
Kelly 190 Field Well #2	6	Kelly Ranch, LLC	2,000	Latitude: N 38.802721 Longitude: W -121.609966
Kelly Windmill Field Well #2	7		2,000	Latitude: N 38.802721 Longitude: W -121.601101
Kelly Windmill North Field Well	8		2,000	Latitude: N 38.811709 Longitude: W -121.604911
Kelly 306 Well	167		2,000	Latitude: N 38.827214 Longitude: W -121.598415
Scheidel & Osterli #16 012N/04E-31K	34	Scheidel & Osterli	3,400	Latitude: N 38.84542 Longitude: W -121.567742

Well ID	Map Well ID	Well Owner's Name	Approximate Well Capacity (gpm)	Approximate Well Location
Scheidel & Osterli #17 012N/04E-06A	35		1,500	Latitude: N 38.844359 Longitude: W -121.564904
Scheidel & Osterli #18A 011N/04E-05L	37		1,800	Latitude: N 38.831637 Longitude: W -121.557275
River Ranch #19 012N/04E-06M	36		2,500	Latitude: N 38.831083 Longitude: W -121.579977
Willey #1	401	Willey	3,000	Latitude: N 38.822239 Longitude: W -121.579693
Willey #3	403		2,000	Latitude: N 38.815592 Longitude: W -121.557115
Willey #4	404		3,000	Latitude: N 38.828435 Longitude: W -121.585804



MBK ENGINEERS
 2450 Alhambra Blvd
 Sacramento, CA 95817
 Phone: 916-456-4400 Fax: 916-456-0253
 www.mbkengineers.com

2009 DROUGHT WATER BANK
 Pleasant Grove - Verona Mutual Water Company

Scale: 1 inch = 2,500 feet
 Client: 3825
 Date: 04/15/2009
 Drawn By: NWW
 Requested By: DC
 0 2,500
 Scale in Feet

R:\3825 PGV\2009 Transfer\2009-04 AMAP

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**

Petition for Change

Petition for Extension of Time

A-15856A.L-7064A

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

See Attachment No. ____

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):

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) _____ N/A

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
<input type="checkbox"/> 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: _____ See Attachment

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: _____

See Attachment No. _____

* 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 SEE ATTACHMENT No. 1

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.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

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: April 15, 2009 Signature: *Joseph Nicholas*

**ATTACHMENT NO. 1
 TO ENVIRONMENTAL INFORMATION FOR PETITION
 FOR TEMPORARY TRANSFER
 LICENSE 7064A (APPLICATION 15856A)
 OF NICOLI G. NICHOLAS
 WITHIN
 PLEASANT GROVE-VERONA MUTUAL WATER COMPANY**

1. DESCRIPTION OF PROJECT

In order to assist in addressing the State of Emergency, Pleasant Grove-Verona Mutual Water Company (PGV) is proposing to participate in the DWB. The Petitioner is a shareholder of PGV which holds Contract No. 14-06-200-5520A (Contract) with the United States Bureau of Reclamation (USBR). The water rights held by the Petitioner and the other shareholders of PGV serve as the basis for the Base Supply under PGV's contract. This petition is one of five petitions (Joint Petitions) being filed by participating shareholders of PGV (Joint Petitioners) pursuant to their individual water rights. Because the proposed project involves the transfer of Base Supply under the Contract, these petitions are being filed jointly and should be treated as a single project. PGV has been authorized to act on behalf of the Joint Petitioners, each of which are filing similar petitions in order to facilitate the proposed transfer. The Joint Petitions include the following:

<u>Joint Petitioner</u>	<u>Application</u>	<u>License</u>
Nicoli Nicholas	15856A	7064A
Scheidel & Osterli	15606	11001
River Ranch Partnership	7641C	6389C
E. D. Willey and Sons	7641A	6389A
Kelly Ranch LLC	15856B	7064B

Under the Joint Petitions, PGV is proposing to transfer up to 7,300 acre-feet to the DWB, up to 2,148 acre-feet of which would be made available under this petition. Under the proposed transfer, water will be made available through groundwater substitution which involves using groundwater to produce crops in exchange for a like amount of surface water that will remain in stream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, PGV and the Joint Petitioners would divert the entire quantity proposed for transfer from surface water sources pursuant to their water rights and the Contract with USBR. For this reason, the proposed temporary transfer does not involve any construction or other physical changes to the Company's facilities.

Water made available through crop idling and groundwater substitution would be consistent with guidelines associated with the DWB which have been developed to address concerns of DWR and USBR relative to the potential impacts that water transfers may have on other legal users of water.

Each of the Joint Petitioners is proposing to make water available for transfer to the DWB through groundwater substitution. Joint Petitioners Kelly Ranch LLC and River Ranch Partnership are proposing to make a portion of the water available for the proposed transfer through crop idling. The maximum quantity potentially made available through crop idling is approximately 477 acre-feet and is described in the petitions filed for Licenses 7064B and 6389-C by Joint Petitioners Kelly Ranch LLC and River Ranch Partnership respectively.

Petitioner Nicholas is proposing to make up to 2,148 acre-feet available for transfer through groundwater substitution. Only wells which have been approved by the DWR or USBR for use in the 2009 DWB will be used for the proposed temporary transfer. Attachment 2 to this petition provides a listing of all of the wells proposed for use in the DWB by the Joint Petitioners. Attachment 3 to this petition is a map showing the location of each of these wells within PGV. PGV is not a public entity and therefore is not authorized to prepare a groundwater management plan. PGV, on behalf of its shareholders, is participating in the development of a groundwater management plan being prepared by Sutter County which will include the wells and the overlying lands of PGV and the Joint Petitioners. Based on past transfers involving groundwater substitution within PGV, the Joint Petitioners do not believe the proposed temporary transfer to the DWB by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the DWB, PGV will develop a monitoring and mitigation plan in cooperation with DWR and USBR to assure the proposed transfer does not result in any unreasonable impacts to the groundwater basin.

No cropland idling under the project is proposed by Petitioner Nicholas.

The Central Valley Project (CVP) CW "Bill" Jones Pumping Plant, the State Water Project (SWP) Banks Pumping Plant and Barker Slough Pumping Plant, and the Contra Costa Canal are to be added as points of diversion. In addition, the service areas of the CVP and SWP are proposed to be added as places of use. Domestic, Municipal, and Industrial are proposed to be added as purposes of use. There is no change to the existing points of diversion, place of use, or purposes of use. These proposed additions would authorize the transfer of water to the DWB, which was formed by DWR to facilitate water transfers during 2009.

4. ENVIRONMENTAL DOCUMENTS

On March 4, 2009, DWR published an Addendum to the Environmental Water Account (EWA) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and the EWA Supplemental EIS/EIR, to address issues relevant to the DWB (State Clearinghouse #1996032083). The Addendum is available at:
<http://www.water.ca.gov/drought/docs/030409DWBaddendum.pdf>

On March 5, 2009, the U.S. Bureau of Reclamation published a Draft Environmental Assessment (Draft EA), Draft Finding of No Significant Impact, and a Biological Assessment for the DWB pursuant to requirements under the National Environmental Policy Act (NEPA). These documents are available on Reclamation's web site at:

http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3591

On March 9, 2009, the DWR issued a Notice of Exemption from the requirements under the California Environmental Quality Act (CEQA) for the DWB, which states that "This Project is subject to the Governor's Proclamation of a State of Emergency of February 27, 2009, among whose purposes is to protect the safety of persons and property from the natural disaster created by the critical drought conditions currently existing in the State. Therefore, CEQA exemptions under Section 17 and CCR title 14, section 1529(c) shall apply, therefore; the 2009 Drought Water Bank falls within this exemption." This document can be located at:

<http://www.water.ca.gov/drought/docs/030909noe.pdf>

7. ENVIRONMENTAL SETTING

The proposed additions to the points of diversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the proposed additions to the places of use are also well known and documented with the Division. Therefore, for these reasons, photographs of the proposed additional points of diversion and places of use are not included.