



Linda S. Adams
*Acting Secretary for
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State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

Mr. Chris Shutes
California Sportfishing Protection Alliance
1608 Francisco Street
Berkeley, CA 94703

Dear Mr. Shutes:

PROTEST OF LONG-TERM TRANSFER PETITION, APPLICATION 17512, DEPARTMENT OF WATER RESOURCES (DWR) TO WESTLANDS WATER DISTRICT (WESTLANDS)

This letter responds to your protest letter dated October 28, 2010, submitted to the State Water Resources Control Board (State Water Board) in response to DWR's notice of petition for long-term transfer of 10,000 acre-feet of water to Westlands.

California Water Impact Network, California Sportfishing Protection Alliance, and AquAlliance (collectively, protestants) cite concerns regarding environmental impacts due to the shift of irrigation water supply from an area of lower soil and shallow groundwater selenium concentrations to areas with higher soil and shallow groundwater selenium concentrations.

There seems to be some disagreement as to the facts underlying the proposed transfer. The State Water Board would like to clarify some issues regarding the proposed long-term transfer, as it understands them. The State Water Project water proposed to be transferred is of higher quality than groundwater in the Westlands area that the petition states would be pumped in the absence of the transfer. The proposed transfer would therefore not result in additional drainage from the lands to receive water, as the transfer would not result in new lands being placed in agricultural production or additional irrigation of lands already in production. DWR states in the petition that the lands to receive the water from this proposed transfer have not been shown to have selenium or drainage problems. DWR recently clarified that Figure 6-2 of the 2005 San Luis Drainage Draft Environmental Impact Statement shows the Newton Farms lands ranging from 0-5 parts per billion (ppb) selenium and the Hansen Ranches and Brooks Farms lands ranging from 5-50 ppb selenium, with both areas being within the ranges the protest states are the U.S. Environmental Protection Agency selenium criteria for drinking water.

As a condition of a water transfer order, the State Water Board would require Westlands to implement all reasonable measures to prevent subsurface drainage of poor quality water into the downslope area outside of Westlands' service area. DWR states in the petition that, in general, lands in Westlands have complete tailwater control within each field. Westlands' pipeline distribution system and the landowners' irrigation systems in Westlands have been documented as some of the more efficient systems available in California to minimize the amount of water applied to crops. In addition, Westlands has programs to encourage water conservation and drainage reduction in their district.

California Environmental Protection Agency

Westlands' map, Generalized Depth of Shallow Ground Water, April 2009, indicates that irrigation of the areas intended for transfer within Westlands have not been shown to cause drainage or selenium problems. These areas are also located such that they do not directly drain to the San Joaquin River.

Given the State Water Board's understanding of the petition as stated above, please notify us if you still have concerns with the proposed long-term transfer having an adverse environmental impact and provide additional information if you believe the State Water Board's understanding of the petition is in error. Please respond within 30 days of the date of this letter or your protest may be cancelled pursuant to Water Code section 1703.6.

If you have any questions, please contact Ms. Patricia Fernandez at (916) 319-9141 or pfernandez@waterboards.ca.gov.

Sincerely,

Original signed by:

Barbara Evoy, Deputy Director
Division of Water Rights

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