

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). 14445A      Permit No. 16481      License No. \_\_\_\_\_

Statement or Other No. \_\_\_\_\_

**Present Holder and User of Water Right**

Department of Water Resources	Nancy Quan, Program Dev and Transfers	(916) 653-0190	
Person or Company name	Contact person	Telephone No.	
Post Office Box 942836	Sacramento	California	94236-0001
Address	City	State	Zip Code
<u><a href="mailto:nquan@water.ca.gov">nquan@water.ca.gov</a></u>			
E-MAIL (For noticing purposes)			

**Co-petitioner**

Tulare Lake Basin Water Storage District	Mark Gilkey, General Manager	(559) 992-4127	
Person or Company name	Contact person	Telephone No.	
1001 Chase Avenue	Corcoran	California	93212
Address	City	State	Zip Code
<u><a href="mailto:mgilkey@tlbwsd.com">mgilkey@tlbwsd.com</a></u>			
E-MAIL (For noticing purposes)			

**Co-petitioner**

Empire West Side Irrigation District	Mr. John Howe, President	(559) 947-3027	
Person or Company name	Contact person	Telephone No.	
Post Office Box 66	Stratford	California	93232
Address	City	State	Zip Code
<u><a href="mailto:jnhowe@att.net">jnhowe@att.net</a></u>			
E-MAIL (For noticing purposes)			

**Proposed New User**

Westlands Water District	Tom Birmingham, General Manager	(559) 241-6241	
Person or Company name	Contact person	Telephone No.	
P. O. Box 6056	Fresno	California	93703
Address	City	State	Zip Code
<u><a href="mailto:tbirmingham@westlandswater.org">tbirmingham@westlandswater.org</a></u>			
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 10,000 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 \_\_\_\_\_ cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year) April 2011 through March 2012

**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 Harvey O. Banks Pumping Plant NW ¼ of SE ¼ of Projected Section 20, T1S, R3E, MDB&M; Rediversion at San Luis Dam SW¼ of SE¼ of projected Section 15, T10S, R8E, MDB&M.  
Proposed No Change

**Place of Use**

Present SWP authorized Place of use within the Tulare Lake Basin Water Storage District and Empire West Side Irrigation District service Areas as shown on the attached maps  
Proposed Westlands Water District as shown on the attached maps

**Purpose of Use**

Present Irrigation  
Proposed Irrigation

<b>Season of Use</b>	<b>Direct Use (cfs)</b>	<b>Storage (ac-ft)</b>
Present <u>April 2011– March 2012</u>		<u>Up to 10,000 af</u>
Proposed <u>April 2011 – March 2012</u>		<u>Up to 10,000 af</u>

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

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

The water covered by this petition, up to 10,000 AF of State Water Project (SWP) water, is currently allocated to Tulare Lake Basin Water Storage District (TLBWSD) and Empire West Side Irrigation District (EWSID). Two farming interests in TLBWSD, Newton Farms (Newton) and Hansen Ranches/Vista Verde Farms (Hansen), and two farming interests in EWSID, Newton and Brooks Farms (Brooks) will deliver the SWP water to lands owned by the same farming interests in Westlands Water District (WWD) as shown on the attached maps. The transfer water will include up to 8,000 acre-feet currently allocated to TLBWSD and up to 2,000 AF of allocated to EWSID.

- 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.

Newton, Hansen and Brooks own and irrigate land within TLBWSD, EWSID and WWD. With a SWP allocation of 60 percent of the Long-Term SWP water supply contract Table A amounts, demands within TLBWSD and EWSID exceed current SWP allocations. Table A allocations can increase during the year if water supply conditions change, however they are not expected to increase sufficiently to exceed the existing demand within TLBWSD and EWSID. The lands farmed by these landowners in TLBWSD and EWSID are in agricultural production, consisting of open land that has historically been planted with annual field crops such as cotton, small grains, safflower, and alfalfa. In the absence of the proposed temporary change, TLBWSD and EWSID's SWP Table

A water will be used for irrigation on Hansen, Newton and Brooks in TLBWSD and EWSID. If SWP water is transferred, alternate local sources of surface water will be used to farm landholders' lands, depending on availability. Newton, Hansen and Brooks may also elect to crop shift on portions of the lands. No additional groundwater will be pumped as a result of the transfer/exchange.

CVP allocations are currently estimated at 45% percent of contract amounts. Even if water supply conditions improve significantly in the coming months, CVP allocations are not expected to exceed a 60% allocation, due to the Delta export restrictions imposed on the CVP and SWP by the current regulatory regime. Thus there will also likely be a significant unmet demand in WWD during the 2011 irrigation season. The first official 2011 CVP water allocation announcement is planned for mid-February. The lands owned by these landowners in WWD are in agricultural production, consisting of open land that has historically been planted with annual field crops such as alfalfa, cotton tomatoes and wheat, and permanent plantings of almonds and pistachios. The conversion of field crops to high dollar permanent plantings requires a more reliable water supply. In the absence of surface water, growers would likely pump groundwater to meet the crop water demand. The water resulting from this transfer will be used to supplement supplies and to reduce the need for groundwater pumping.

- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point?  N/A   
(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?  No   
(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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 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.

The water proposed to be transferred will be delivered out of TLBWSD and EWSID's allocated SWP Table A water. The water is currently in storage in San Luis Reservoir or will be diverted throughout 2011/12 under the currently planned operations of the SWP. No additional water will be diverted from the Sacramento-San Joaquin Delta to affect the proposed transfer. Therefore there will be no change in streamflow or hydrologic regime, or effect on any other legal user of water. Although the total amount of water used will not change, the delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and USBR so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and will not be adversely impacted as a result of this transfer.

There will be no change in return flows as a result of the proposed transfer. In general, land in WWD has complete tailwater control within each field. Water planned for transfer to WWD will be delivered to 3,461 acres (Hansen) and 1,319 acres (Brooks) in the western half WWD and 875 acres (Newton) in the southern half WWD. Lands within WWD area having selenium and other drainage problems are in the low lying areas in the northern quarter of the District. However, all lands that will receive the transferred water are located west of the California Aqueduct (except portions of Sections 10, 15, and 16, T19S, R18E) and no further north or west than T16S, R14E.

**Summary of Water Available to Lands in WWD  
Receiving Water From Transfer**

**Hansen/Vista Verde Farms** 3,461  
 Maximum CVP Allotment 8,999  
 Maximum SWP Allotment 6,000

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation								
	0%	10%	20%	30%	40%	50%	60%	70%	80%
20%	0.5	0.7	0.9	1.0	1.2	1.4	1.6	1.7	1.9
30%	0.8	1.0	1.1	1.3	1.5	1.6	1.8	2.0	2.2
40%	1.0	1.2	1.4	1.6	1.7	1.9	2.1	2.3	2.4
50%	1.3	1.5	1.6	1.8	2.0	2.2	2.3	2.5	2.7
60%	1.6	1.7	1.9	2.1	2.3	2.4	2.6	2.8	2.9
70%	1.8	2.0	2.2	2.3	2.5	2.7	2.9	3.0	3.2
80%	2.1	2.3	2.4	2.6	2.8	2.9	3.1	3.3	3.5

**Newton Farms** 875 Acres  
 Maximum CVP Allotment 2,275 AF  
 Maximum SWP Allotment, TLBWSD 2,000 AF  
 Maximum SWP Allotment, EWSID 1,000 AF

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation								
	0%	10%	20%	30%	40%	50%	60%	70%	80%
20%	0.5	0.9	1.2	1.5	1.9	2.2	2.6	2.9	3.3
30%	0.8	1.1	1.5	1.8	2.2	2.5	2.8	3.2	3.5
40%	1.0	1.4	1.7	2.1	2.4	2.8	3.1	3.4	3.8
50%	1.3	1.6	2.0	2.3	2.7	3.0	3.4	3.7	4.0
60%	1.6	1.9	2.2	2.6	2.9	3.3	3.6	4.0	4.3
70%	1.8	2.2	2.5	2.8	3.2	3.5	3.9	4.2	4.6
80%	2.1	2.4	2.8	3.1	3.5	3.8	4.1	4.5	4.8

**Summary of Water Available to Lands in WWD  
Receiving Water From Transfer**

**Brooks Farms** 1,319 Acres  
 Maximum CVP Allotment 3,429 AF  
 Maximum SWP Allotment 1,000 AF

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation								
	0%	10%	20%	30%	40%	50%	60%	70%	80%
20%	0.5	0.6	0.7	0.7	0.8	0.9	1.0	1.1	1.1
30%	0.8	0.9	0.9	1.0	1.1	1.2	1.2	1.3	1.4
40%	1.0	1.1	1.2	1.3	1.3	1.4	1.5	1.6	1.6
50%	1.3	1.4	1.5	1.5	1.6	1.7	1.8	1.8	1.9
60%	1.6	1.6	1.7	1.8	1.9	1.9	2.0	2.1	2.2
70%	1.8	1.9	2.0	2.0	2.1	2.2	2.3	2.4	2.4
80%	2.1	2.2	2.2	2.3	2.4	2.5	2.5	2.6	2.7

Water delivered to WWD under the proposed transfer will be used for irrigation in 2011 and pre-irrigation prior to the end of March 2012. The water obtained through the transfer will reduce the need for supplemental groundwater pumping.

WWD has acquired and retired the water supply from about 94,000 acres within the eastern third of the District known to be susceptible to shallow groundwater conditions. Most of the retired land is situated in an area that would be most likely to contribute to subsurface return flows back to the San Joaquin River (refer to the attached WWD map Generalized Depth of Shallow Groundwater, October 2010 for locations of those retired lands). Continued irrigation of upslope (more westerly) lands has not been shown to be contributing water to the San Joaquin River through subsurface return flows, as the WWD shallow groundwater monitoring program has identified that the shallow water table has steadily declined since the WWD acquisitions.

All lands have depths to groundwater of greater than 15 feet of the ground surface as identified on the attached WWD map Generalized Depth of Shallow Groundwater, October 2010. Total quantities of water delivered to the drainage problem area will not be affected by this transfer. Lands to receive increased water deliveries due to this transfer have not been shown to have drainage or selenium problems. None of WWD's drainage is discharged to the San Joaquin River system. In addition, WWD has an aggressive program to deal with water conservation and drainage reduction in their district.

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. \_\_\_\_\_  
Anthony Toto (559) 445-6278; FAX (559) 445-5910.
- 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. \_\_\_\_\_  
Julie Means (559) 243-4014, jmeans@dfg.ca.gov; Brian Erlandsen, berlandsen@dfg.ca.gov
- 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) ? No  
(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.

The transfer will not affect fish, wildlife or other instream beneficial uses. The transfer will not result in an increase in diversions from the Sacramento-San Joaquin Delta or an increase in return flows to the San Joaquin River. The water to be transferred is water currently allocated to TLBWSD and EWSID for use within its service area. In the absence of the transfer, the water would be used within TLBWSD and EWSID. The water to be transferred is stored in San Luis Reservoir and/or approved for delivery to TLBWSD and EWSID in accordance with the terms of DWR's permits.

- 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).


The transfer will not unreasonably affect fish, wildlife or other instream beneficial uses. The quantity of water associated with this transfer was or will be diverted at the Banks Pumping Plant and rediverted to storage in San Luis Reservoir in conformance with the criteria contained in SWRCB Decision 1641 and the criteria mandated under the Biological Opinions for protection of Delta smelt, and anadromous fishes and marine mammal species.

- 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: Feb 14, 2011 at Sacramento, California

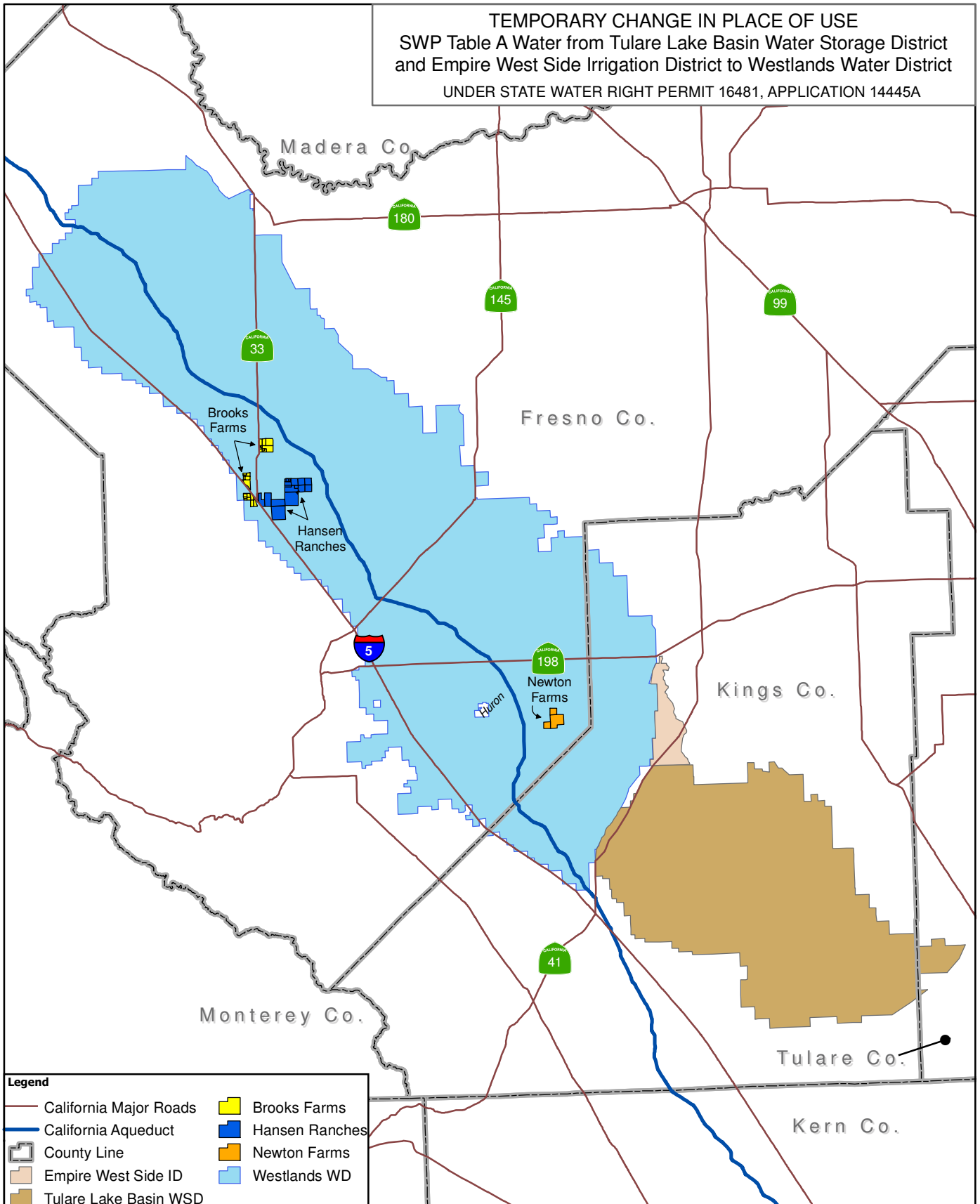
 Signature(s) ( 916 ) 653-0190 Telephone No.

**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](http://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.

TEMPORARY CHANGE IN PLACE OF USE  
 SWP Table A Water from Tulare Lake Basin Water Storage District  
 and Empire West Side Irrigation District to Westlands Water District  
 UNDER STATE WATER RIGHT PERMIT 16481, APPLICATION 14445A



- Legend**
- California Major Roads
  - California Aqueduct
  - ▭ County Line
  - ▭ Empire West Side ID
  - ▭ Tulare Lake Basin WSD
  - ▭ Brooks Farms
  - ▭ Hansen Ranches
  - ▭ Newton Farms
  - ▭ Westlands WD



0 5 10 Miles

EXHIBIT 'A'  
LOCATION OF LANDS IN TULARE LAKE BASIN WATER STORAGE DISTRICT

Landowner	Approximate Acreage	Transferred Water "up to"
Hansen/Vista Verde Farms	9,176 Ac.	6,000 AF
Newton Farms	3,093 Ac.	2,000 AF
Total	12,269 Ac.	8,000 AF

T21S, R19E, MDB&M:  
E½, Section 1  
E½, Section 12

T21S, R20E, MDB&M:  
Portion, Section 5  
Section 6  
Section 7  
Portion, Section 8

T21S, R21E, MDB&M:  
Portion, Section 5  
Portion, Section 6  
N½, Section 7  
Section 8  
W¼, Section 16  
Portion, Section 17

T22S, R22E, MDB&M:  
Portion, SW¼, Section 5  
Portion, S½, Section 6  
Section 7  
W½, Section 8  
SW¼, Section 17  
Section 19  
W½, Section 20  
W½, Section 28  
Section 29  
Section 30  
Section 31  
Section 32  
Section 33

T23S, R22E, MDB&M:  
Portion, Section 4  
Portion, Section 5  
Portion, Section 6



EXHIBIT 'B'  
LOCATION OF LANDS IN EMPIRE WESTSIDE IRRIGATION DISTRICT

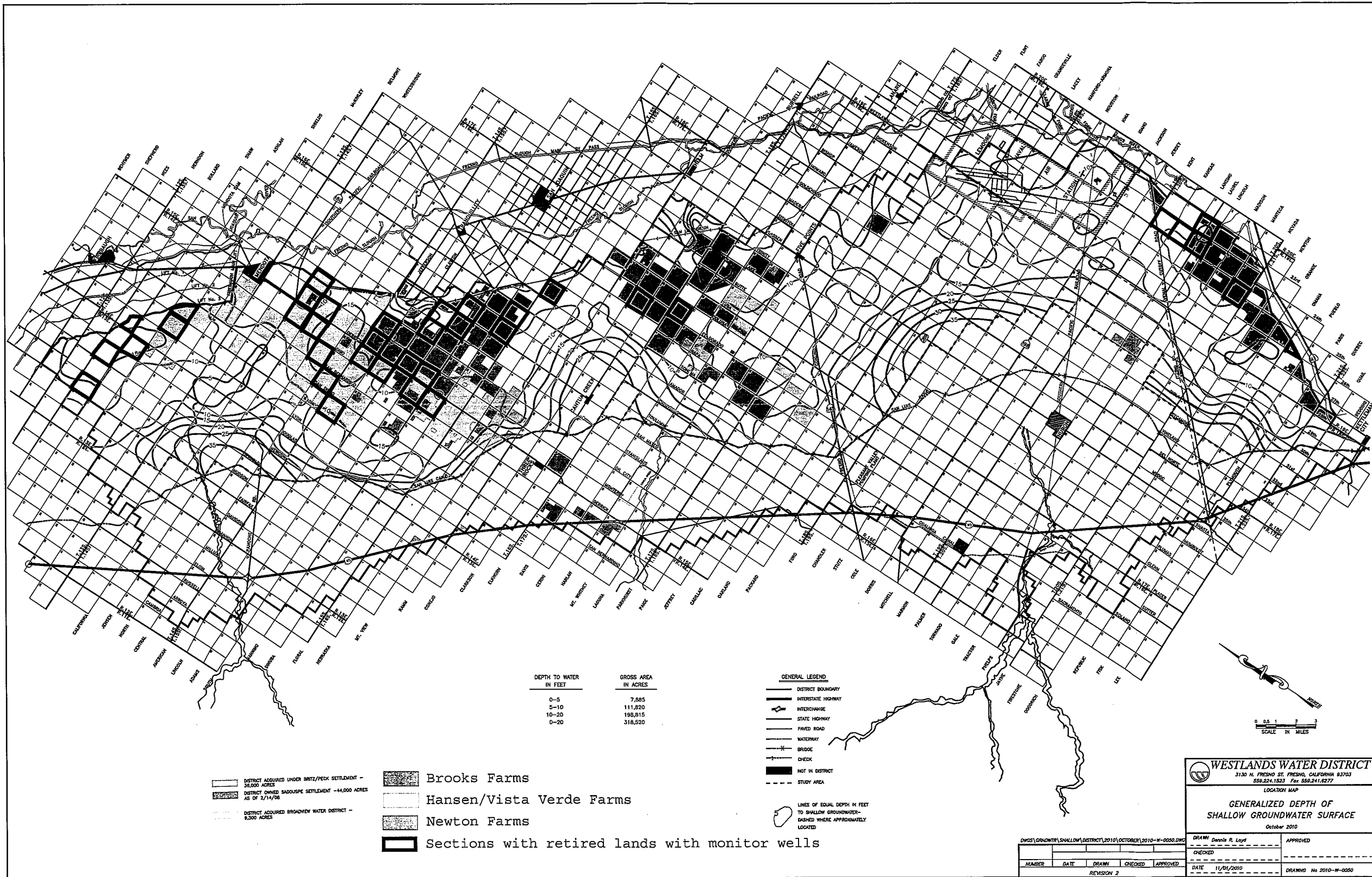
Landowner	Approximate Acreage	Transferred Water "up to"
Brooks Farms	1,437 Ac.	1,000 AF
Newton Farms	1,483 Ac.	1,000 AF
Total	2,920 Ac.	2,000 AF

T20S, R19E, MDB&M:

- Portion, Section 1
- Portion, Section 12
- Portion, Section 13
- Portion, Section 24
- Portion, Section 25
- Portion, Section 36

T20S, R20E, MDB&M:

- Portion, Section 7
- Portion, Section 18
- Portion, Section 19
- Portion, Section 30
- Portion, Section 31
- Portion, Section 32



DISTRICT ACQUIRED UNDER BRITZ/PECK SETTLEMENT - 35,000 ACRES  
 DISTRICT OWNED SACOUSSE SETTLEMENT - 44,000 ACRES AS OF 2/14/06  
 DISTRICT ACQUIRED BROADVIEW WATER DISTRICT - 9,300 ACRES

- Brooks Farms
- Hansen/Vista Verde Farms
- Newton Farms
- Sections with retired lands with monitor wells

DEPTH TO WATER IN FEET	GROSS AREA IN ACRES
0-5	7,885
5-10	111,820
10-20	198,815
0-20	318,520

- GENERAL LEGEND**
- DISTRICT BOUNDARY
  - INTERSTATE HIGHWAY
  - INTERCHANGE
  - STATE HIGHWAY
  - PAVED ROAD
  - WATERWAY
  - BRIDGE
  - CHECK
  - NOT IN DISTRICT
  - STUDY AREA
- LINES OF EQUAL DEPTH IN FEET TO SHALLOW GROUNDWATER - DASHED WHERE APPROXIMATELY LOCATED

SCALE IN MILES

**WESTLANDS WATER DISTRICT**  
 3130 N. FRESNO ST. FRESNO, CALIFORNIA 93703  
 558.234.1823 Fax 558.241.6277

LOCATION MAP

**GENERALIZED DEPTH OF SHALLOW GROUNDWATER SURFACE**  
 October 2010

DRAWN: Dennis R. Loyd  
 CHECKED: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_

NUMBER	DATE	DRAWN	CHECKED	APPROVED

DATE: 11/01/2010  
 DRAWING No 2010-W-0250

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 REVISION 2