

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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 to Petition for description of proposed dedication of instream flows and subsequent transfer of surplus water in storage under Permit 10477.

The proposed project does not involve any construction or new facilities.

The time period involved is September-October 2018 only.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

July 5, 2018

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

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

No construction is involved.

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

July 5, 2018

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Date of Contact:

Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

Grading Permit Use Permit Watercourse Obstruction Permit

Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Not applicable.

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

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

| Agency | Permit Type | Person(s) Contacted | Contact Date | Phone Number |
|--------|-------------|---------------------|--------------|--------------|
| | | | | |
| | | | | |
| | | | | |

If necessary, provide additional information below:

The transfer contemplates entering into an agreement with the Department of Water Resources (DWR) and the Tulare Lake Basin Water Storage District (TLBWSD) to enable DWR to pump the transferred water at the Harvey O. Banks pumping plant for delivery to TLBWSD.

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Not applicable.

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

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

[Handwritten Signature]

Water Right Holder or Authorized Agent Signature

NSWCD General Counsel

Water Right Holder or Authorized Agent Signature

NOTE:

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

ATTACHMENT TO PETITION AND ENVIRONMENTAL INFORMATION FORM FOR NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT PETITION FOR TEMPORARY CHANGE - PERMIT 10477 – JULY 2018
Updated July 17, 2018

Counties involved: Calaveras (point of diversion), San Joaquin (existing place of use), Contra Costa (proposed point of re-diversion), Alameda (proposed point of re-diversion), Kings (proposed place of use)

1. Water Right Involved

North San Joaquin Water Conservation District (NSJWCD) holds a post-1914 appropriative right to divert and store water of the Mokelumne River in Camanche Reservoir, known as Permit 10477. For the 2018 water year, NSJWCD stored 17,000 af of water in Camanche. To date NSJWCD has used 850 af of the water in storage for a fishery pulse flow at the end of May, and anticipates diverting and using an additional 3,150 af before the end of 2018 for irrigation and groundwater recharge. The remaining Permit 10477 water in storage will remain in storage until it must be evacuated to comply with the flood control regulations for Camanche. Evacuation of the stored water must occur prior to November 5, 2018.

2. Proposed Transfer and In-Stream Dedication

NSJWCD proposes to (1) dedicate the stored water that it cannot use in 2018 (up to 13,000 af) to instream fishery purposes in the Mokelumne River, and then (2) transfer ~~the~~ up to 10,000 af of the water to Tulare Lake Basin Water Storage District.

The instream dedication would involve coordination with the California Department of Fish and Wildlife and East Bay Municipal Utility District to “shape” the release of the stored water from Camanche for pulse flows in late September ~~and October~~ 2018. The pulse flows would be releases in addition to any required releases from Camanche pursuant to the terms of the Joint Settlement Agreement (JSA) that defines required fishery flow releases for the river, or other required releases including Woodbridge Irrigation District (WID) Regulated Base Supply, releases for downstream riparians and releases for channel losses. The instream dedication place of use would be between Camanche dam and the confluence of the Mokelumne River and San Joaquin River, as depicted on Exhibit B.

The subsequent transfer would involve the movement of the water released from Camanche in September down the Mokelumne River, past the Woodbridge Irrigation District (WID) dam and through the Delta to the Harvey O. Banks pumping plant, where it would be pumped by the Department of Water Resources (DWR) and delivered to Tulare Lake Basin Water Storage District, or potentially stored for an interim period in San Luis Reservoir prior to delivery to TLBWSD. The transfer is contingent on a mutually acceptable agreement between TLBWSD and DWR for the conveyance of the transfer water. The water would be used by landowners within TLBWSD for irrigation.

The timing of the release of the water is being coordinated with DWR for operational purposes and DFW for fishery benefit purposes. Subject to agreement with DWR, the 13,000 af would be released from Camanche in the last one to two weeks of September as part of a fishery pulse flow. Carriage losses of 10% in the Mokelumne River and about 20% in the Delta would be applied, and the remaining water (about 10,000 af) would be pumped at Banks for transfer to TLBWSD.

The transfer is being coordinated with the South Valley Water Association (SVWA). In exchange for the delivery of the NSJWCD transfer water to TLBWSD, TLBWSD landowners are making some of their pre-1914 appropriative water supplies on east-side streams available to landowners within the SVWUA member agencies to use for irrigation consistent with local rules and regulations and within the quantities and timing of historic local transfers and exchanges. The proposed transfer and exchange will not involve the construction of any new facilities or the provision of irrigation water to lands that were not already irrigated and under production.

In the past NSJWCD has diverted and used up to approximately 10,000 af per year of Permit 10477 water for irrigation. Diversion and use of Permit 10477 water has declined in recent years to between 3,000 and 6,000 afa due to the lack of reliability of the Permit 10477 supply and the state of repair of the NSJWCD facilities. NSJWCD is in the process of improving its diversion facilities to maximize the beneficial use of surface water available under Permit 10477 in order to correct groundwater overdraft in its service area. In 2014, the SWRCB approved NSJWCD’s request for extension of time to put the full amount of water available under Permit 10477 to beneficial use, until 2040.

It has been very difficult for NSJWCD to raise revenue for its infrastructure projects because of the unreliability of the Permit 10477 water supply. NSJWCD had no stored water available under Permit 10477 in 2012 through 2016. This transfer opportunity will enable NSJWCD to maximize the beneficial use of its surplus stored water in 2018 for instream fishery purposes and irrigation use in TLBWSD, as well as raise much needed revenue for NSJWCD’s infrastructure projects.

3. Points of Diversion

The current point of diversion for Permit 10477 is:

Camanche Reservoir: North 2,268,941 feet and East 6,411,485 feet, being within the SE¼ of SE¼ of Section 6, T4N, R9E, MDB&M

The current points of rediversion include five diversions from the Mokelumne River, downstream of Camanche, in the NSJWCD service area.

| By California Coordinate System of 1983 in Zone 3 | 40-acre subdivision of public land survey or projection thereof | Section (Projected)* | Township | Range | Base and Meridian |
|---|---|----------------------|----------|-------|-------------------|
| <u>North Pump</u> (2) North 2,248,724 feet and East 6,368,412 feet | SE¼ of NE¼ | 26 | 4N | 7E | MD |
| <u>South Pump</u> (3) North 2,243,275 feet and East 6,364,793 feet | NW¼ of SW¼ | 35 | 4N | 7E | MD |
| <u>CALFED Project</u> (4) North 2,243,629 feet and East 6,355,205 feet | SE¼ of NW¼ | 33 | 4N | 7E | MD |
| <u>Tracy Lake Pump</u> (6) North 2,263,230 feet and East 6,319,530 feet | NW¼ of SE¼ | 8* | 4N | 6E | MD |

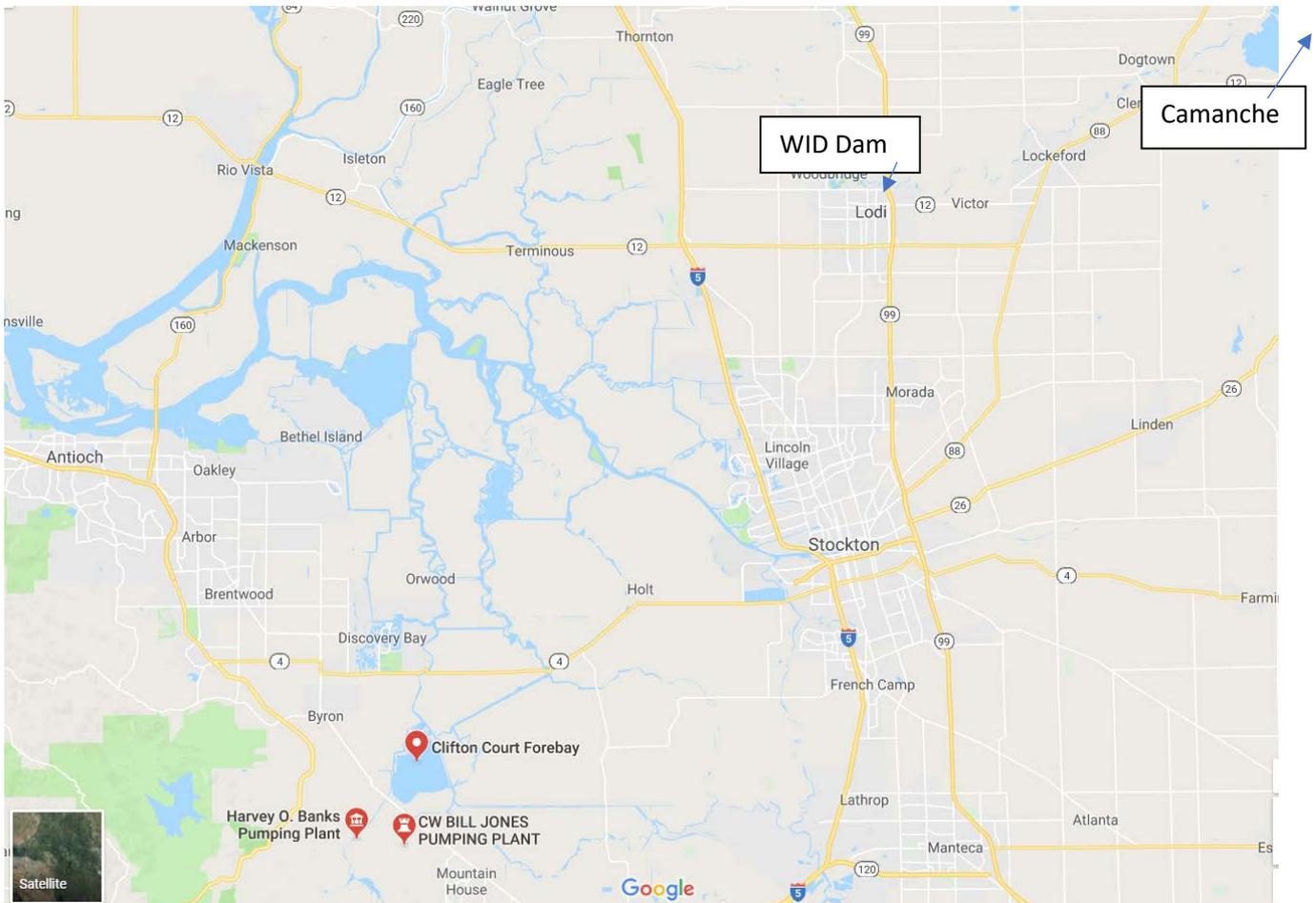
| | | | | | |
|---|-------------------|-----------|-----------|-----------|-----------|
| Woodbridge Irrigation District Dam (5) North 2,244,462 feet and East 6,332,349 feet | SW¼ of NW¼ | 35 | 4N | 6E | MD |
|---|-------------------|-----------|-----------|-----------|-----------|

The proposed additional points of rediversion are-is the Harvey O. Banks pumping plant and San Luis Reservoir:

Proposed Point of Rediversion: The SWP’s Harvey O. Banks Pumping Plant (“Banks”) will be added as a point of rediversion to allow the Department of Water Resources (“DWR”) to wheel the water to Buyers’ service areas. The proposed point of rediversion is identified on maps filed with the Division of Water Rights under Application 5630 (SWP). Specifically, the point of rediversion is described as: *Banks Pumping Plant via Clifton Court Forebay*: N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW 1/4 of SE 1/4 of Projected Section 20, T1S, R4E, MDB&M.

Proposed Point of Rediversion: San Luis Reservoir, as shown on the maps filed with Application 5630 will also be added as a point of rediversion.

The NSJWCD stored water would be released from Camanche dam and would flow down the Mokelumne River, over the WID dam, to the Delta, and then to the Harvey O. Banks pumping plant.



4. Place of Use and Purposes of Use

The current place of use and purposes of use are as follows:

| 3. Purpose of use | 4. Place of use | | | |
|--|---|----------|--------|-------------------|
| | Location | Township | Range | Base and Meridian |
| Recreational | Camanche Reservoir | 4N-5N | 9E-10E | MD |
| Domestic, Municipal, Industrial, Water Quality*, and Fish and Wildlife Preservation and Enhancement* | Within the North San Joaquin Water Conservation District (District) service area boundary of 157,000 gross acres within T3N, R6E-9E; T4N, R5E-9E; and T5N, R5E-9E, all within MDB&M, as shown on map. | | | |
| Irrigation | 45,000 net acres within the 157,000 gross acres within the District service area boundary. | | | |

The place of use is shown on map filed on December 17, 2014 with the State Water Board.
 * Water Quality and Fish and Wildlife Preservation and Enhancement uses are only allowed under Permit 10477 as part of the CALFED groundwater recharge/conjunctive use project.

For purposes of the temporary change petition, the TLBWSD service area in Kings County would be added to the permitted place of use during the transfer period. See map of TLBWSD attached as **Exhibit A**. TLBWSD is part of the State Water Project place of use. TLBWSD would use the transfer water for irrigation.

The TLBWSD has a jurisdictional area of 190,000 acres. Up to 102,350 acres in this area could be irrigated with the transfer water.

For the instream dedication, the temporary change would add Fish and Wildlife Preservation and Enhancement for instream flows in the Mokelumne River as a purpose of use for a new temporary place of use consisting of the river channel between Camanche Dam and the confluence of the Mokelumne River and the San Joaquin River as shown on Exhibit B and denoted by the following coordinates.

Camanche Dam

38°13'33.84"N

121°34'24.77"W

Mokelumne and San Joaquin Confluence

38°05'46.57"N

121°34'01.09"W

5. Avoiding Injury to Legal Users of Water

The proposed transfer will not injure a legal user of water. NSJWCD is only able to divert water to storage in Camanche in relatively wet years. Water that NSJWCD does not redivert from storage for diversion in its service area remains in storage until it must be evacuated by EBMUD to bring the storage level in Camanche down to the required flood control curve. This generally occurs by November 5th of

each year. However, NSJWCD only has water in storage in some years. NSJWCD did not have any water in storage in 2012-2016 and therefore no stored water under Permit 10477 was released during the fall of 2012-2016. Due to extremely wet conditions in 2017, NSJWCD had almost 20,000 af in storage in the fall of 2017. There was no ability to transfer the stored water in 2017 due to the lack of market and pumping capacity at Banks.

This year there is an opportunity to transfer the extra stored water. There is also an opportunity to dedicate the water for instream flow purposes in the Mokelumne River as the water is moved from Camanche out to the Delta. Given the infrequency in which this water is available for release, other water users cannot claim that they have historically relied on it. Further, the surplus stored water, when it has been available, has not been evacuated by EBMUD on any required or predictable schedule. Thus, absent the instream flow dedication and transfer, the water would be released from storage on a different schedule and likely not until later in the year.

NSJWCD is working with DWR and the Bureau of Reclamation to compare with and without transfer scenarios to address any concerns regarding the potential impact of the transfer on project operations. Notably the NSJWCD stored water releases for transfer would be in addition to the required fishery flow releases under the Joint Settlement Agreement that was part of the Phase 8 settlement for the Water Quality Control Plan implementation and represents the Mokelumne River's contribution to meeting WQCP objectives.

NSJWCD is also working with WID to avoid any claim of injury by WID. WID diverts water from the Mokelumne River downstream of Camanche, near the city of Lodi. The transfer water and water dedicated to instream use will need to pass over the WID dam and not be diverted by WID.

WID has pre-1914 rights and two licenses that are satisfied through releases of a "Regulated Base Supply" from Camache by EBMUD through a contract. These releases will occur on the schedule requested by WID with or without the transfer and will not be impacted by the proposed transfer.

WID has claimed that its two licenses entitle it to divert the water that NSJWCD releases from storage. WID License 8214 does not allow for diversion in September and October, thus WID cannot claim injury associated with potential diversion under License 8214 during the term of this transfer (September 2018) and instream dedication (September – October 2018). WID License 5945 allows for diversion through Oct. 31, but does not allow for diversion of water released or regulated from storage. Thus, WID does not have a legal right to NSJWCD's Permit 10477 stored water.

Nonetheless, NSJWCD desires to avoid any impact from the transfer on WID that could reduce the amount of water that WID is able to divert to serve agricultural irrigation demand in the Eastern San Joaquin groundwater basin. NSJWCD is coordinating with WID to resolve this issue.

6. Avoiding Unreasonable Impacts to Fish and Wildlife

NSJWCD solicited input from DFW and California Sportfishing Alliance regarding potential impacts to fish and wildlife associated with the transfer. These entities supported the concept of coordinating the transfer with instream pulse flows for the benefit of the Mokelumne river fishery. NSJWCD is not aware of any unreasonable impacts to fish and wildlife from the proposed transfer. Rather, the coordination effort between EBMUD, DFW and NSJWCD to shape the releases of NSJWCD's stored water is intended to benefit fish and wildlife habitat in the Mokelumne River.

**EXHIBIT B - PLACE OF USE FOR
INSTREAM FLOW DEDICATION**



Upstream Coordinates at
Camanche Dam:
38°13'33.84"N
121°34'24.77"W

Begin Instream Flow Dedication

Downstream Coordinates at
Confluence:
38°05'46.57"N
121°34'01.09"W

End of Instream Flow Dedication