



Water Resources • Flood Control • Water Rights

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March 12, 2021

Mr. Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

**Subject: River Garden Farms Petition for Change Involving Water Transfer
under License 1718 and License 3123(Application 575 and 577)**

Dear Mr. Ekdahl:

On behalf of River Garden Farms (RGF), enclosed are the following documents relative to a Petition for Change Involving Water Transfer (Petition) under RGF's License 1718 and 3123 (Application 575 and 577):

1. License 1718 Petition for Change Involving Water Transfers Form with an Attachment (one original and one copy).
2. License 3123 Petition for Change Involving Water Transfers Form with an Attachment (one original and one copy).
3. Environmental Information Form with an Attachment (one original and one copy).
4. Check in the amount of \$11,990.00 (sum of \$5,745.00 for the License 1718 petition, and \$6,245.00 for the License 3123 Petition) to cover the Petition fees which is based on a total quantity proposed to be made available for transfer, up to 16,000 acre-feet (AF).
5. Check in the amount of \$850.00 to cover the fee for the Department of Fish and Wildlife.

RGF is petitioning to temporarily add points of diversion, a point of redirection, place of use, and purposes of use to its License 1718 and 3123 in order to transfer up to a total of 16,000 AF for use by participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA). RGF proposes to make surface water available for transfer through groundwater substitution and crop idling/shifting. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer to the SLDMWA; and we appreciate your attention to this temporary transfer Petition.

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

Sincerely,
MBK ENGINEERS



Kyle Knutson

DC/jp/kk

4733.21/DRAFT Letter to Erik Ekdahl for RGF 2021 WT 03.12.2021

Enclosures

cc: Roger Cornwell, River Garden Farms (via e-mail)
Andrea Clark, Downey Brand (via e-mail)
Samuel Boland-Brien, Division of Water Rights (via e-mail)
Anna Fock, Department of Water Resources (via e-mail)
Andy Chu, Department of Water Resources (via e-mail)
Adam Nickels, U.S. Bureau of Reclamation (via e-mail)
Natalie Wolder, U.S. Bureau of Reclamation (via e-mail)
Michelle Snapp, CVRWQCB (via e-mail)
Bridget Gibbons, Department of Fish and Wildlife (via e-mail)
Board of Supervisors, County of Yolo (via certified mail)
Board of Supervisors, County of Fresno (via certified mail)
Board of Supervisors, County of Kings (via certified mail)
Board of Supervisors, County of Merced (via certified mail)
Board of Supervisors, County of San Joaquin (via certified mail)
Board of Supervisors, County of San Benito (via certified mail)
Board of Supervisors, County of Santa Clara (via certified mail)
Board of Supervisors, County of Stanislaus (via certified mail)

Please indicate County where your project is located here:

Yolo

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

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PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication

Application 575 Permit 314 License 1718 Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Attachment No. 1
Proposed: See Attachment No. 1

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attachment No. 1
Proposed: See Attachment No. 1

Purpose of Use

Present: Irrigation
Proposed: Irrigation, Municipal, Industrial, Domestic

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location: Not Applicable.
Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Table with 12 columns for months (Jan-Dec) and rows for flow quantities.

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

San Luis & Delta-Mendota Water Authority
Attn: Frances Mizuno
P.O. Box 2157
Los Banos, CA 93635
(209) 832-6200

RECEIVED 3/12/21
chk# 50542
\$850.00
chk# 50543
MS \$11,990.00

Amount of Water to be Transferred

Up to 7500 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is Up to 32 cubic feet per second or million gallons per day.

General Information – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Not Applicable

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See Attachment No. 1

All Right Holders Must Sign Below: I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated 3-8-2021 at 41754 County Road 112, Knights Landing CA 98248


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment No. 1
to Petition for Change Involving Water Transfers
License 1718 (Application 575)
Held by River Garden Farms**

GENERAL

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant and the Central Valley Project's (CVP) CW "Bill" Jones Pumping Plant as points of diversion, (2) add San Luis Reservoir as a point of rediversion, (3) add a portion of the service area of the CVP as an additional place of use, and (4) add municipal, industrial, and domestic purposes of use under River Garden Farms' (RGF) License 1718 (Application 575). This Petition is being filed to facilitate a temporary transfer (2021 Water Transfer) of up to a total of 7,500 acre-feet (AF) of surface water proposed to be made available from RGF during May through September 2021. This proposed transfer quantity will be made available by groundwater substitution and by crop idling/shifting, for use by participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA) in order to provide an additional water supply for irrigation, municipal, industrial, and domestic purposes. Groundwater substitution involves the use of groundwater pumped to produce crops within RGF in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. The quantity of surface water to be made available for transfer by crop idling/shifting involves only the consumptive use savings as a result of actions within RGF's boundaries. Absent the proposed temporary transfer, RGF would divert the entire quantity of surface water proposed for transfer from the Sacramento River pursuant to its water right and its Sacramento River Settlement Contract with the U.S. Bureau of Reclamation (Reclamation).

POINT OF DIVERSION OR REDIVERSION

POINT OF DIVERSION

Present Points of Diversion:

Townsite Plant

North 14°18'40" East 4,867 feet from SW Corner of Section 14, T11N, R2E, MDB&M, being within NW¼ of NW¼ of said Section 14

El Dorado Bend Plant

North 53° East 6,200 feet from a point on Sycamore Slough at the intersection of the South boundary of Rancho Jimeno and the West line of Section 31, T12N, R2E, MDB&M, being within NE¼ of SE¼ of projected section 30, T12N, R2E, MDB&M

Proposed Additional Points of Diversion:

No change in the present points of diversion is proposed. RGF proposes to add the following points of diversion:

Banks Pumping Plant via the Clifton Court Forebay

N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

CW “Bill” Jones Pumping Plant

N 2,121,505 ft., E 6,255,368 ft., California Coordinate System Zone 3, NAD 83, being within the NE ¼ of SW ¼ of Projected Section 29, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under Application 5626.

POINT OF REDIVERSION

Proposed Additional Point of Rediversion:

RGF proposes to add the following point of rediversion, which will assist in the temporary retention of transfer water for later use by the participating entities within SLDMWA during periods that coincide with demands or other operational constraints:

San Luis Reservoir

N 1,845,103 ft., E 6,393,569 ft., California Coordinate System Zone 3, NAD 83, being within the SW ¼ of SE ¼ of Projected Section 15, T10S, R8E, MDB&M. This proposed additional point of rediversion is identified on maps filed with the Division under Application 5630.

PLACE OF USE

Present:

The present place of use is 3,508.25 acres within the boundaries of T12N, R2E and T11N, R2E, MDB&M, as shown on maps filed with the Division dated November 27, 1936.

Proposed:

No change in the present place of use is proposed. RGF proposes to add a portion of the service area of the CVP as the proposed additional place of use in order to facilitate the

temporary water transfer to the SLDMWA. This portion of the service area of the CVP is shown on Map 214-208 – 12581 on file with the Division under Application 5626.

GENERAL INFORMATION

Surface water will be made available for transfer from RGF by groundwater substitution and by crop idling/shifting, consistent with the current *Draft Technical Information for Preparing Water Transfer Proposals*, dated December 2019 (Draft Technical Information) published by the Department of Water Resources (DWR) and Reclamation. The Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users, instream beneficial uses, and the overall economy and environment. RGF will submit a proposal to DWR and Reclamation for a water transfer to participating entities within the SLDMWA during 2021, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, historical cropping data and associated maps. DWR and Reclamation will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by RGF meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary transfer. Absent the proposed temporary transfer to SLDMWA, groundwater would not be pumped by RGF for groundwater substitution and crops would not be idled/shifted to make surface water available for SLDMWA; thus, RGF would have diverted surface water to meet its irrigation demands.

Only wells which have been approved by DWR and Reclamation will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, RGF does not believe the proposed transfer to SLDMWA by groundwater substitution will result in an overdraft of the underlying groundwater basin. In addition, the proposed 2021 Water Transfer is consistent with the Groundwater Management Plan covering the area within RGF, which was adopted in 2005 pursuant to Water Code Section 10750 *et. seq.* As a condition of participation in the proposed temporary transfer, RGF has developed groundwater monitoring, reporting, and mitigation plans to ensure the proposed transfer does not result in any unreasonable and adverse effects, such as impacts to other legal users of water, land subsidence, groundwater-dependent vegetation, and groundwater quality. As described above, the requirements of the monitoring program and mitigation plan are outlined in the Draft Technical Information and will be implemented by RGF accordingly. The monitoring program also includes recurring review of groundwater level monitoring data obtained prior to, during, and following periods when surface water is made available by RGF for the proposed water transfer, in accordance with the Draft Technical Information. To account for anticipated streamflow depletion, DWR and Reclamation will apply a factor of 13% to the amount of groundwater pumped pursuant to RGF's proposed groundwater substitution transfer in accordance with the Draft Technical Information. Evaluation and approval by DWR and Reclamation of the groundwater monitoring, reporting, and mitigation plans will be obtained for RGF's groundwater substitution program. In addition, RGF has notified Yolo County representatives to discuss the proposed temporary transfer, consistent with Yolo County

Ordinance No. 1195. Further, RGF is providing notification to the Yolo Subbasin Groundwater Agency, which is the groundwater sustainability agency formed pursuant to the Sustainable Groundwater Management Act that covers the area where groundwater substitution pumping is proposed to occur within RGF. Documentation of RGF's notifications to Yolo County representatives and the Yolo Subbasin Groundwater Agency will be provided to DWR and Reclamation, in accordance with the Draft Technical Information.

As indicated above, RGF conducts water transfers in accordance with the Draft Technical Information and other relevant requirements. The monitoring requirements associated with RGF's proposed groundwater substitution water transfer will be incorporated to agreements with DWR and Reclamation. Following the proposed water transfer, RGF will prepare a monitoring report summarizing the results. In RGF's previous groundwater substitution transfers, some of which involved similar quantities compared to the quantity proposed in this Petition, the groundwater basin in and around RGF recovered from the effects of the transfer the following spring. We expect the hydrologic data to show a similar recovery pattern for the proposed 2021 Water Transfer.

Crop idling/shifting water transfers involve surface water made available for transfer by reducing the consumptive use of surface water applied for irrigation. As indicated above, RGF is preparing a water transfer proposal for submittal to DWR and Reclamation to provide the information required pursuant to the Draft Technical Information, which includes supporting documentation to determine the quantity of surface water to be made available by crop idling/shifting. Following submittal of a proposal for the 2021 Water Transfer, DWR and Reclamation will evaluate the fields proposed to be idled/shifted for the temporary transfer. Evaluation and approval by DWR and Reclamation of the lands to be idled/shifted and verification of the quantity of surface water made available will ensure the proposed transfer does not result in any unreasonable and adverse impacts to the environment or third parties. In accordance with the Draft Technical Information and the *Final Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report* (Final EIS/EIR) prepared by SLDMWA and Reclamation, dated September 2019, RGF's crop idling/shifting will incorporate relevant mitigation measures that minimize impacts on threatened species, including the Giant Garter Snake.

As a result of the proposed temporary transfer, the flow in the Sacramento River downstream of RGF's present points of diversion will increase by up to 7,500 AF over what would have occurred absent the proposed transfer. These increases will occur during the period that surface water is made available by RGF or if possible, during the following months thereafter through releases by Reclamation for conveyance to SLDMWA. If excess capacity is available in Shasta Reservoir, the Delta is in balanced conditions, and regulatory requirements are being met, Reclamation may temporarily hold the quantity of surface water made available by RGF, until export capacity at the SWP's Banks Pumping Plant or the CVP's Jones Pumping Plant is available, which is typically during July, August, or September. This "backing up" of transfer water would decrease releases from Shasta Reservoir early in the irrigation season, such as during May and June, and increase releases later in the season. Reclamation would only consider operations to facilitate and accommodate

“backing up” of transfer water if those operations avoid temperature impacts, and possibly aid with overall temperature management, consistent with the Final EIS/R. In fact, this temporary retention of water in Shasta Reservoir, as a result of surface water made available by RGF, may provide a benefit for fisheries during the early portion of the irrigation season. Shasta Reservoir would continue to be operated in accordance with regulatory requirements, such as flow and temperature requirements established by various agencies including the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration’s National Marine Fisheries Service, Federal Energy Regulatory Commission, and State Water Resources Control Board, for the protection of downstream resources. During the period when it is possible for the increased flows in the Sacramento River to reach the proposed additional points of diversion for the proposed transfer, these flows will be a small percentage of the total flow and will be water that would be diverted by RGF absent this proposed transfer. RGF’s reduced diversions will provide additional flows during the proposed transfer period, up to a maximum of approximately 32 cfs. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide benefits for fisheries and wildlife and may result in a positive effect to the water users between the present points of diversion and the proposed additional points of diversion.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the Central Valley Project, and the SWP. Discussions with the Department of Fish and Wildlife (DFW) staff regarding the Petition occurred on February 10 and 26, and March 1, 2021 in order to discuss the proposed water transfer, including the overall process/review of the Petition and associated documentation by DFW and other agencies. Coordination with DFW staff is continuing in order to obtain any comments; and DFW staff have been provided a copy of this Petition for review. The Central Valley Regional Water Quality Control Board (CVRWQCB) has also been contacted and were provided information regarding the proposed temporary water transfer; CVRWQCB staff are currently reviewing the Petition. Copies of this Petition have been provided to Bridget Gibbons (916-767-3993) of DFW and Michelle Snapp (916-464-4824) of the CVRWQCB for review and comment.