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ZI MKR LZ PM4553



Water Resources • Flood Control • Water Rights

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CONSULTANTS:
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DONALD E. KIENLEN, P.E.

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: Windswept Orchards, LLC Petition for Change Involving Water Transfer under License 4255 (Application 3247)

Dear Mr. Ekdahl:

On behalf of Windswept Orchards, LLC (Windswept), enclosed are the following documents relative to a Petition for Change Involving Water Transfer (Petition) under Windswept's License 4255 (Application 3247):

1. Petition for Change Involving Water Transfers Form with an Attachment (one original and one copy).
2. Environmental Information Form with an Attachment (one original and one copy).
3. Check in the amount of \$2,645.00 to cover the Petition fees which is based on a total quantity proposed to be made available for transfer, up to 1,300 acre-feet (AF).
4. Check in the amount of \$850.00 to cover the fee for the Department of Fish and Wildlife.

Windswept is petitioning to temporarily add points of diversion, a point of redirection, place of use, and purposes of use to its License 4255 in order to transfer up to a total of 1,300 AF for use by participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA). Windswept proposes to make surface water available for transfer through groundwater substitution. 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

Patrick J Neu

DC/jp

R:\2120 Burroughs_Windswept\Water Transfer\2021 Water Transfer\Petition\Draft

Enclosures

cc: Tucker Burroughs, Windswept Orchards, LLC
Andrea Clark, Downey Brand
Samuel Boland-Brien, Division of Water Rights
Anna Fock, Department of Water Resources
Andy Chu, Department of Water Resources
Adam Nickels, U.S. Bureau of Reclamation
Natalie Wolder, U.S. Bureau of Reclamation
Michelle Snapp, CVRWQCB
Bridget Gibbons, Department of Fish and Wildlife
Board of Supervisors, County of Sutter (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)

SWRCB - DWK
21 MAR 12 PM 4:58

Please indicate County where your project is located here:

Sutter

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

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** Wat. Code, § 1701
- Point of Rediversion** Wat. Code, § 1701
- Place of Use** Wat. Code, § 1701
- Purpose of Use** Wat. Code, § 1701
- Temporary Urgency** Wat. Code, § 1435
- Temporary Change** Wat. Code, § 1725
- Long-term Transfer** Wat. Code, §§ 382, 1735
- Instream Flow Dedication** Wat. Code, § 1707

Application Permit License 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 ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

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

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

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
MS
Chk# 12303
\$850.00
Chk# 12304
\$2,645.00

Amount of Water to be Transferred

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 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.

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.

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 at


FOR TUCKER BUNROUGHS

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 4255 (Application 3247)
Held by Windswept Orchards, LLC

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 Windswept Orchards, LLC's (Windswept) License 4255 (Application 3247). This Petition is being filed to facilitate a temporary transfer (2021 Water Transfer) of up to a total of 1,300 acre-feet (AF) of surface water proposed to be made available from Windswept during May through September 2021. This proposed transfer quantity will be made available by groundwater substitution (up to 1,300 AF prior to subtracting streamflow depletion loss), 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 Windswept in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, Windswept 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:

- (1)
north twenty-nine degrees west (N29°W), three thousand (3,000) feet from SE corner of Section 13, T12N, R1E, MDB&M, being within NW ¼ of SE ¼ of said Section 13.
- (2)
north eighty-seven degrees six minutes west (N87°6'W), two thousand five hundred eight (2,508) feet from W ¼ corner of Section 19, T12N, R2E, MDB&M, being within SW ¼ of NE ¼ of Section 24, T12N, R1E, MDB&M.
- (3)
South eight degrees three minutes thirty-six seconds west (S8°3'36"W) two thousand five hundred seventy-seven (2,577) feet from center of Section 19, T12N, R2E, MDB&M, being within SE ¼ of SW ¼ of said Section 19.

Proposed Additional Points of Diversion:

No change in the present points of diversion is proposed. Windswept 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 $\frac{1}{4}$ of SE $\frac{1}{4}$ 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 $\frac{1}{4}$ of SW $\frac{1}{4}$ 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:

Windswept 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 $\frac{1}{4}$ of SE $\frac{1}{4}$ 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 770.6 acres (99.0 acres within Section 13, T12N, R1E, MDB&M; 197.5 acres within Section 24, T12N, R1E, MDB&M; 449.5 acres within Section 19, T12N, R2E, MDB&M; 24.6 acres within Section 30, T12N, R2E, MDB&M) as shown on maps filed with the Division.

Proposed:

No change in the present place of use is proposed. Windswept 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 Windswept 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. Windswept 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 Windswept 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 Windswept for groundwater substitution to make surface water available for SLDMWA; thus, Windswept 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, Windswept 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 Windswept, which was adopted in 2012 pursuant to Water Code Section 10750 *et. seq.* As a condition of participation in the proposed temporary transfer, Windswept 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 Windswept 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 Windswept 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 Windswept's proposed groundwater substitution transfer in accordance with the Draft Technical Information. Thus, the net quantity of surface

water made available by Windswept's groundwater substitution is up to 1,131 AF after subtracting assumed depletion losses. Evaluation and approval by DWR and Reclamation of the groundwater monitoring, reporting, and mitigation plans will be obtained for Windswept's groundwater substitution program. In addition, Windswept is providing notification to the Reclamation District No. 1500 Groundwater Sustainability 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 Windswept. Documentation of Windswept's notifications to the Reclamation District No. 1500 Groundwater Sustainability Agency will be provided to DWR and Reclamation, in accordance with the Draft Technical Information.

As indicated above, Windswept conducts water transfers in accordance with the Draft Technical Information and other relevant requirements. The monitoring requirements associated with Windswept's proposed groundwater substitution water transfer will be incorporated to agreements with DWR and Reclamation. Following the proposed water transfer, Windswept will prepare a monitoring report summarizing the results. In Windswept's 2020 groundwater substitution transfer, which involved similar quantities compared to the quantity proposed in this Petition, the groundwater levels at all participating wells within Windswept 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.

As a result of the proposed temporary transfer, the flow in the Sacramento River downstream of Windswept's present points of diversion will increase by up to 1,131 AF over what would have occurred absent the proposed transfer, after subtracting streamflow depletion losses associated with portion proposed to be made available by groundwater substitution. These increases will occur during the period that surface water is made available by Windswept 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 Windswept, 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 Windswept, 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 Windswept absent this proposed transfer. Windswept's reduced diversions will provide additional flows during the proposed transfer period, up to a maximum of approximately 9.63 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.

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 No. 1

Insert the attachment number here, if applicable:

1

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

2/25/2021

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:

Michelle Snapp (916-464-4824) of the Central Valley Regional Water Quality Control Board was contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. A copy of this petition has been provided to Ms. Snapp concurrently with the submittal of this petition to the Division of Water Rights.

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

3/08/2021

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
Not Applicable.				

If necessary, provide additional information below:

Not Applicable.

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:

Not Applicable.

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 See Attachment No. 1.

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

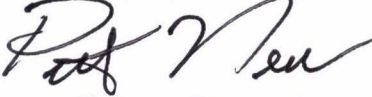
Maps See Attachment No. 1.

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 3-12-21 at SACRAMENTO, CA.



FOR TUCKER BURROUGHS

Water Right Holder or Authorized Agent Signature

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 No. 1
to Environmental Information for
Petition for Change Involving Water Transfers
License 4255 (Application 3247)
Held by Windswept Orchards, LLC

DESCRIPTION OF PROPOSED CHANGES

Windswept Orchards, LLC (Windswept) is petitioning to temporarily add two points of diversion, a point of rediversion, a place of use, and purposes of use to the water right identified above in order to transfer up to 1,300 AF for use by participating entities within the San Luis & Delta-Mendota Water Authority (SLDMWA) by groundwater substitution. The State Water Project's (SWP) Banks Pumping Plant and the Central Valley Project's (CVP) CW "Bill" Jones Pumping Plant are proposed to be added as points of diversion; San Luis Reservoir is proposed to be added as a point of rediversion; and a portion of the service area of the CVP is proposed to be added as a place of use. The purposes of use proposed to be added are municipal, industrial, and domestic, in addition to the existing purpose of use for irrigation. These proposed additions would authorize the transfer of water to SLDMWA in order to provide an additional water supply during the current drier hydrologic conditions. There are no changes to Windswept's existing points of diversion, place of use, or purpose of use.

The quantity of surface water proposed to be made available by groundwater substitution, up to 1,300 AF prior to subtracting streamflow depletion loss, involves the use of groundwater pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. These proposed quantities would be made available by Windswept during May through September 2021. Absent the proposed temporary transfer, Windswept would have diverted the total proposed transfer quantity of 1,300 AF from the Sacramento River pursuant to its License 4255. The proposed temporary transfer does not involve any construction or other physical changes to Windswept's facilities.

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from the California Environmental Quality Act (CEQA). The U.S. Bureau of Reclamation (Reclamation) and SLDMWA have prepared a *Final Long-Term Water Transfers Environmental Impact Statement/Environmental Impact Report* (Final EIS/EIR), dated September 2019, pursuant to the requirements under the National Environmental Policy Act (NEPA) and CEQA. A copy of the Final EIS/EIR, dated September 2019, is available at: < https://www.usbr.gov/mp/nepa/nepa_project_details.php?Project_ID=18361 > Based on the requirements associated with the Final EIS/EIR, and in accordance with the Draft Technical Information for Preparing Water Transfer Proposals, dated December 2019 published by the Department of Water Resources and Reclamation, Windswept will implement the relevant, applicable measures for the proposed 2021 Water Transfer.

PHOTOGRAPHS

The present points of diversion and the proposed additional points of diversion and rediversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the present and proposed places of use are also well known and documented with the Division. Therefore, for these reasons, Windswept respectfully requests that said documentation be made a part of the record for the petition.

MAPS

The present points of diversion and place of use are shown on a map filed with the Division for License Windswept. The proposed additional point of diversion for the SWP's Banks Pumping Plant and the proposed additional point of rediversion for San Luis Reservoir are shown on maps filed with the Division for Application 5630. The proposed additional point of diversion for the CVP's Jones Pumping Plant is shown on maps filed with the Division for Application 5626. The proposed additional place of use is a portion of the CVP service area, as shown on Map 214-208 – 12581 on file with the Division under Application 5626. Windswept respectfully requests that said maps be made a part of the record for the petition.