
State Water Resources Control Board

NOTICE OF PETITIONS FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 15,139.2¹ ACRE-FEET OF WATER FROM WATER RIGHT HOLDERS IN THE SACRAMENTO VALLEY TO THE SAN LUIS AND DELTA-MENDOTA WATER AUTHORITY

Notice is hereby given that on February 18, 2022, Pleasant Grove-Verona Mutual Water Company (PGV), represented by MBK Engineers, filed with the State Water Resources Control Board (State Water Board), on behalf of its participating shareholders, Joint Petitions for Temporary Change under Water Code section 1725, et seq. The participating shareholders of PGV (joint petitioners) are E. D. Willey and Son, Inc.; River Ranch Partnership; Brett Scheidel; Nicoli G. Nicholas; Maria John Nicholas Kelly Ranch, LLC; Murphy Lake Farms; and William L. Spangler. The petitions request the transfer of a combined total of up to 15,439.5 acre-feet (af) of water for use in a portion of the Central Valley Project service area by the San Luis and Delta-Mendota Water Authority. However, PGV joint petitioners indicate that only up to 15,139.2 af will be transferred. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

Due to similarities in the requested changes and proximity in filing dates, the State Water Board is issuing one public notice for the petitions.

DESCRIPTION OF THE TRANSFERS

The joint petitioners propose to transfer water to provide an additional water supply for the San Luis and Delta-Mendota Water Authority. The total amount of water intended for transfer pursuant to these joint petitions is up to 15,139.2 af, as mentioned above. The joint petitioners hold water right licenses authorizing the direct diversion of approximately 106 cubic feet per second (cfs) of water from the Natomas Cross Canal and the Sacramento River for irrigation and stockwatering use. Table 1 below identifies the specific water right licenses under which each of the petitions was filed, the amount of water each joint petitioner proposes to transfer, the corresponding rate of diversion, and the transfer type.

¹ The petitions request up to 15,439.5 af of water for transfer, but PGV joint petitioners indicate that only up to 15,139.2 af will be transferred.

In order to make water available for transfer, the joint petitioners have proposed to reduce their consumptive use (CU) of surface water by a like amount. This reduction, in part, will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution, or GW). The remaining CU reduction will be achieved either by voluntary fallowing of lands which, absent the transfer, would have been planted (crop idling, or CI) or varying the types of crops planted to reduce water demand (crop shifting, or CS).

The joint petitioners propose to rely on State Water Project (SWP) or Central Valley Project (CVP) facilities to convey water. The joint petitioners have stated that the proposed transfers will be in accordance with the guidelines contained in the Department of Water Resource’s “Draft Technical Information for Preparing Water Transfer Proposals”, published December 2019 and available at: [Department of Water Resources Water Transfers website](#).

Table 1. List of Joint Petitioners, Water Rights, and Details of Proposed Transfer

Joint Petitioners	Application No.	License No.	Transfer Amount* (af)	Transfer Rate (cfs)	Transfer Type
E. D. Willey and Son, Inc. (S)	7641A	6389A	4,311.5	26.4	GW and CI/CS
Brett Scheidel (S)	7641B	6389B	1,160	9.6	GW and CI/CS
Brett Scheidel (S)	15606	11001	1,760	14.5	GW and CI/CS
River Ranch Partnership (S)	7641C	6389C	802.6	7.7	GW and CI/CS
Nicoli G. Nicholas (S)	7641D1	6389D1	630	2.1	GW and CI/CS
Nicoli G. Nicholas (S)	15856A	7064A	1,697	11.77	GW and CI/CS
Maria John Nicholas Kelly Ranch, LLC (S)	7641D2	6389D2	630	2.1	GW and CI/CS
Maria John Nicholas Kelly Ranch, LLC (S)	15856B	7064B	1,473	11.77	GW and CI/CS
Murphy Lake Farms (S)	15856C	7064C	2,205	11.77	GW and CI/CS
Murphy Lake Farms (S)	15858	6399	500	2.26	GW and CI/CS
William L. Spangler (S)	16182	10848	270.4	5.76	GW and CI/CS

(S) indicates a Sacramento River Settlement Contractor

* The table identifies a total of up to 15,439.5 af for transfer. However, the actual amount transferred will be up to 15,139.2 af.

PROPOSED CHANGES

The joint petitioners request the following temporary changes to their respective water right licenses.

1. Add portions of the CVP service area to the place of use;
2. Add the Shasta Reservoir as a point of diversion;
3. Add the Banks Pumping Plant, and the Jones Pumping Plant as points of diversion and rediversion;
4. Add the San Luis Reservoir as a point of rediversion; and
5. Add municipal, industrial, and domestic to the authorized purposes of use.

Each transfer is proposed to occur from May through September. Petitions submitted by Sacramento River Settlement Contractors propose that the U.S. Bureau of Reclamation may hold the quantity of water made available by the petitioners in Shasta Lake until export capacity at the SWP or CVP pumping facilities is available, which is typically during July, August, or September. A link to all petition submittals for the temporary changes listed above is available on the State Water Board's website at: [2022 Notices](#).

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses; and
4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of these petitions and seeking information to assist in the evaluation of the proposed temporary changes. Comments may address individual or multiple petitions; comments should identify the application or license number(s) being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since at this time the State Water Board has not made a determination regarding whether the petitions identified above present prima facie cases, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

The 30-day comment period per Water Code section 1726(f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation will help expedite processing of water transfers.

Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on March 15, 2022.

Send comments to both:

(see following page)

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812
DWR-Petitions@waterboards.ca.gov

MBK Engineers
c/o Darren Cordova
455 University Avenue, Suite 100
Sacramento, CA 95825
cordova@mbkengineers.com

For more information regarding this matter, please contact Patricia Fernandez by email at patricia.fernandez@waterboards.ca.gov.

Date of Notice: **February 28, 2022**