
State Water Resources Control Board

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ORIGINAL SIGNED BY:

FROM: Erik Ekdahl, Deputy Director
Division of Water Rights
STATE WATER RESOURCES CONTROL BOARD

DATE: NOV 19 2020

SUBJECT: REQUEST FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO DIVISION OF WATER RIGHTS JULY 15, 2020 ORDER APPROVING CONSOLIDATED PLACE OF USE UNDER SPECIFIED LICENSE AND PERMITS OF THE STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (2020 CPOU ORDER)

On July 15, 2020, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an Order (2020 CPOU Order) approving a petition from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation), collectively Petitioners, requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP), collectively the Projects. The 2020 CPOU Order temporarily approved a consolidated place of use south of the Sacramento-San Joaquin Delta for DWR's SWP and Reclamation's CVP, allowing for exchanges of up to 400,675 acre-feet (af) of water for projects that were detailed in the original petition.

Condition 5 of the 2020 CPOU Order provides a process for DWR and Reclamation to request the approval of exchanges not specifically identified in the petition if the proposed exchange meets certain criteria as detailed in the 2020 CPOU Order:

1. The exchange would not result in any increase in the amount of water diverted from the Delta.
2. The water to be exchanged would be part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta.

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3. The water to be exchanged would have been consumptively used or stored in the absence of the transfer.
4. The total quantity of water delivered to SWP or CVP contractors as a result of the change will not exceed historic average deliveries.
5. The transfer or exchange will not result in the net loss of San Joaquin River or Sacramento River flow.
6. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.

On October 15, 2020, Petitioners submitted a request to the Division pursuant to Condition 5 of the 2020 CPOU Order to approve an additional water exchange. Petitioners' request involves one additional exchange requested by Kern County Water Agency (KCWA) and Kern-Tulare Water District (Kern-Tulare). Under the 2020 CPOU Order, the combined volume of the various approved KCWA exchanges is 107,675 af. An additional exchange of 1,900 af is proposed. To accommodate the additional exchange, the KCWA – Kern-Tulare Exchange: Cross Valley Capacity Limitations would be reduced by 1,900 af so that the total amount of KCWA exchanges would remain at 107,675 af and the approved exchange amount would remain at 400,675 af per the 2020 CPOU Order.

Petitioners described the proposed additional exchange as follows:

KCWA – Kern-Tulare - Westlands Water District Proposed Exchange

Westlands Water District (Westlands), a CVP contractor, has acquired 1,900 af of CVP Unreleased Restoration Flows and pre-1914 Kings River water from CVP contractor Fresno Irrigation District (Fresno ID). Under the exchange, Fresno ID's water would be made available to Westlands through an intermediary exchange. Kern-Tulare would receive 1,900 af of water from Fresno ID in lieu of Kern-Tulare's planned withdrawal of 1,900 af of CVP water it previously stored in West Kern Water District's (West Kern) groundwater bank. West Kern is a member unit of KCWA, which is a SWP contractor. The CVP water banked by Kern-Tulare in West Kern would be exchanged with KCWA for a like amount of SWP water available in San Luis Reservoir. The exchanged water would be released from San Luis Reservoir and delivered to Westlands via the California Aqueduct.

Compliance with 2020 CPOU Order

Petitioners indicated that the proposed additional exchange meets the criteria identified under Condition 5 of the 2020 CPOU Order as follows:

1. Petitioners' operations in the Delta will not change as a result of the proposed exchange. All the water proposed for exchange is already in storage downstream of the Delta or allocated. There will be no change in exports from the Delta as a result of the proposed exchange.

2. The quantity of the exchange will not exceed the amount of SWP or CVP water currently scheduled for delivery. No change in SWP or CVP allocations will be made. The water that the Projects will deliver per the exchange is water that the Projects previously stored under their water rights in San Luis Reservoir, underground storage south of the Delta, or Millerton Reservoir. The Projects will not pump additional water from the Delta to recover the storage in San Luis Reservoir, underground storage south of the Delta, or Millerton Reservoir, that was vacated by the exchange.
3. The water stored in San Luis Reservoir, underground storage, or Millerton Reservoir that the Projects would deliver per the exchange is water that the Projects previously stored under their water rights. The water is water that would have otherwise been delivered to SWP or CVP contractors or remained in storage in San Luis Reservoir, underground storage south of the Delta, or Millerton Reservoir.
4. There will be no increase in allocations to any SWP or CVP contractors as a result of the exchange. Therefore, there will be no exceedance of historic average deliveries.
5. The water that the Projects would deliver per the exchange is water that the Projects have already stored in San Luis Reservoir, underground storage south of the Delta, or Millerton Reservoir. Since there is no additional export pumping, the Sacramento River or San Joaquin River will not experience any losses.
6. There are no potential additional return flows to the San Joaquin River because of the exchange. The exchanged water to be received will be used to irrigate lands which otherwise would have used their own Project supplies to irrigate, resulting in the same amount of water to the San Joaquin River with or without the exchange, thus no increase in saline drainage.

Approval of Condition 5 Request

Pursuant to Condition 5 of the 2020 CPOU Order, the KCWA – Kern-Tulare – Westlands exchange of 1,900 af described above is approved.

The Consolidated State-Federal San Luis Reservoir Daily Operations Report, November 16, 2020, indicates a reservoir storage capacity above 919,000 af and that water is being released from storage. Therefore, the release of water from San Luis Reservoir for the exchange constitutes withdrawal from storage and meets the conditions of the 2020 CPOU Order.

Reclamation's Millerton Lake Daily Operations Report, November 16, 2020, shows that the natural San Joaquin River flow was 28 cubic feet per second (cfs), inflow to Millerton Lake was 1,305 cfs, total accumulated inflow was 32,867 af, total release from Friant Dam was 432 cfs, and storage was 176,312 af. Therefore, the release of water from Friant Dam for the exchange constitutes withdrawal from storage; thus the Kern-Tulare exchange meets the conditions of the 2020 CPOU Order.

Per Condition 10 of the 2020 CPOU Order, the Division requires that Petitioners continue to submit an interim report via email on a monthly basis during the transfer period to document transfers and exchanges that have occurred to date, any transfers and exchanges that proceeded for less than the full amount requested, and how much remains of the authorized amount of 400,675 af.

If you require further assistance, please contact Patricia Fernandez by email at patricia.fernandez@waterboards.ca.gov.

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