



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIQUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**

**TO:** Robert Cooke, Chief  
State Water Project Analysis Office  
Department of Water Resources  
Robert.Cooke@water.ca.gov

**FROM:** Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board

**DATE:** JUL 30 2015

**SUBJECT:** REQUEST NO. 3 FOR ADDITIONAL EXCHANGE OF WATER PURSUANT TO DIVISION OF WATER RIGHTS APRIL 27, 2015 ORDER APPROVING CONSOLIDATED PLACE OF USE UNDER SPECIFIED PERMITS OF THE STATE WATER PROJECT AND CENTRAL VALLEY PROJECT (2015 CPOU ORDER)

On April 27, 2015, the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), issued an Order approving a petition<sup>1</sup> from the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation) requesting temporary changes in the place of use of water rights of the State Water Project (SWP) and Central Valley Project (CVP). The 2015 CPOU Order temporarily approved a consolidated place of use for DWR's SWP with Reclamation's CVP allowing for transfer/exchange of up to 335,560 acre-feet (af) of water for projects that were detailed in the original petition. Condition 5 of the 2015 CPOU Order provides a process for DWR and Reclamation to request the approval of transfers/exchanges not specifically identified in the petition if the proposed transfer/exchange meets certain criteria as detailed in the 2015 CPOU Order as follows:

- a) The total quantity of water delivered to any SWP or CVP contractor under this Order shall not exceed historic average deliveries to the contractor as stated in the attachments provided with the petition for change.

<sup>1</sup> The petition was filed for Permit 16482 (Application 17512) of the Department of Water Resources' State Water Project and License 1986 and Permits 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973 and 12364 (Applications 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374 and 17376, respectively) of the United States Bureau of Reclamation's Central Valley Project. The petition filed for temporary changes in the place of use under Reclamation License 1986 was denied.

- b) Transfers or exchanges under this Order shall not result in the net decrease of San Joaquin River or Sacramento River flow over the period of the transfer. The transfer or exchange will not result in an increase in saline drainage to the San Joaquin River.
- c) Transfers or exchanges shall not result in any increase in the amount of water diverted from the Delta. The water to be exchanged is part of any available Project allocations, water currently stored in San Luis Reservoir, or previously placed in groundwater storage south of the Delta. Further, the water to be exchanged or transferred would have been consumptively used or stored in the absence of the transfer.

On July 27, 2015, Reclamation, with the cooperation of DWR, submitted a third request to the Division pursuant to Condition 5 of the 2015 CPOU Order. The total quantity of transfers and exchanges implemented under the 2015 CPOU Order shall not exceed 335,560 af, as authorized in the Order. Reclamation described the exchange as follows:

#### **Proposed Additional Exchange**

Due to the current dry hydrologic conditions; actions taken to protect delta smelt and longfin smelt, Central Valley steelhead, and Chinook salmon; and operational requirements for the CVP, Reclamation will likely need the assistance of DWR to coordinate available water supplies in San Luis Reservoir this summer and fall. In accordance with the San Luis Supplemental Agreement, dated January 12, 1972, Reclamation and DWR may exchange water and power.

Reclamation has requested an exchange of up to 40,000 acre-feet of SWP water stored in San Luis Reservoir for delivery in the CVP service area during August through October in return for Reclamation to provide an equivalent amount of CVP water to the SWP in San Luis Reservoir no later than December 31, 2015. The exchange will help alleviate the effects of additional restrictions on storage releases from upstream reservoirs resulting from the recent Sacramento River Temperature Management Plan which has limited the ability of Reclamation to immediately export sufficient water from the Delta to meet current demands. The exchange water will not be used to increase the total water supply available to the CVP this contract year.

Reclamation and DWR have indicated that the proposed exchange meets all criteria identified under Condition 5 of the 2015 CPOU Order as described below:

- a) The exchange will not result in an increase in water diverted from the Delta. DWR and Reclamation operations in the Delta will not change as a result of the proposed exchange. There will be no change in inflow to or export from the Delta as a result of the proposed exchange.
- b) When completed, the exchange at San Luis Reservoir will not affect the amount of water stored in San Luis Reservoir. There will be no change in the CVP or SWP allocations.
- c) The SWP water to be exchanged was stored in conformance with SWP permits and orders. CVP water will continue to be stored in conformance with CVP permits and orders.

- d) The total quantity of water delivered to SWP or CVP contractors as a result of the exchange will not exceed historic average deliveries.
- e) The exchange will not result in a net loss of San Joaquin River or Sacramento River flows.
- f) The exchange will not result in an increase in saline drainage to the San Joaquin River.

### **Approval of Condition 5 Request**

Pursuant to Condition 5 of the 2015 CPOU, the exchange of up to 40,000 af as described above is approved.

The authorized amount of transfers and exchanges per the 2015 CPOU Order is 335,560 af which is equal to the sum of the proposed transfers and exchanges per the original petition. Therefore, in order to proceed with additional transfers and exchanges requested per Condition 5 of the 2015 CPOU Order, the actual amount of transferred water for the proposed transfers and exchanges per the original petition must be less than authorized. DWR and Reclamation staff have confirmed that the total amount authorized of 335,560 af will not be exceeded with the additional exchange.

The Division remains concerned that approval of this additional exchange, as well as the additional exchanges per the requests submitted on May 11 and 18, 2015 and approved on May 22, 2015 appears to pose the risk of exceeding the total amount authorized. Thus, we require that DWR and Reclamation 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 335,560 af.

If you require further assistance, please contact Patricia Fernandez at (916) 319-9141 or by email at [patricia.fernandez@waterboards.ca.gov](mailto:patricia.fernandez@waterboards.ca.gov). Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Patricia Fernandez, P.O. Box 2000, Sacramento, CA, 95812-2000.

ec: Maureen Sergent  
Department of Water Resources  
[maureen.sergent@water.ca.gov](mailto:maureen.sergent@water.ca.gov)

Nancy Quan  
Department of Water Resources  
[nancy.quan@water.ca.gov](mailto:nancy.quan@water.ca.gov)

ec: Continued next page.

Robert Cooke  
Department of Water Resources

- 4 -

ec: (Continued)

Geoffrey Shaw  
Department of Water Resources  
geoffrey.shaw@water.ca.gov

Paul Fujitani  
U.S. Bureau of Reclamation  
pfujitani@usbr.gov

Elizabeth Kiteck  
U.S. Bureau of Reclamation  
ekiteck@usbr.gov

Ray Sahlberg  
U.S. Bureau of Reclamation  
rsahlberg@usbr.gov

Lisa Holm  
U.S. Bureau of Reclamation  
lholm@usbr.gov