

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 05625 **PERMIT** 12720 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 05625 of U.S. Bureau of Reclamation to appropriate water from Sacramento River to Suisun Bay in amounts not to exceed 11,000 cfs via direct diversion and 3,190,000 acre-feet to storage at Shasta Dam, for an estimated face value of 11,159,091 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Shasta Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

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DIVISION OF WATER RIGHTS
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 05626 **PERMIT** 12721 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 05626 of U.S. Bureau of Reclamation to appropriate water from Sacramento and Old Rivers in amounts not to exceed 8,000 cfs via direct diversion and 3,190,000 acre-feet to storage at Shasta Dam, for conveyance via Sacramento River and intakes and canals or channels, including Keswick Dam, Tehama Canal, Tehama-Colusa Canal, Delta Cross Channel, Delta Mendota Canal, Tracy Pumping Plant, Contra Costa Canal, Chico Canal and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 8,188,202 acre-feet. The purpose of this water right permit includes Irrigation, navigation, incidental domestic, stock-watering, and recreational beneficial uses, for application in Gross area of 3,455,000 acres in Delta and Sacramento-San Joaquin Valley; net area of 1,200,000 acres to be irrigated in any one year - potentially also 6,000 cfs for salinity control at Suisun Bay for Delta-Mendota Canal and Contra Costa Canals. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are

compromised by Central Valley Project salinity violations.

3) **Granting of the petitions would be contrary to law:**

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 05627 **PERMIT** 11966 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 05627 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 1,100 cfs via direct diversion and 1,540,000 acre-feet to storage at Trinity and Lewiston Dams, for an estimated face value of 2,336,909 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Spring Creek Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

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APPLICATION 05628 **PERMIT** 11967 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 05628 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 2,500 cfs via direct diversion and 1,540,000 acre-feet to storage at Trinity Dam for conveyance to Lewiston Reservoir, redirection through Clear Creek Tunnel to Whiskeytown, redirected to Spring Creek Tunnel to Keswick Reservoir for flow via the Sacramento River to Corning Canal; Chico Canal; Delta Cross Channel; Delta-Mendota Canal; Tracy Pumping Plant; and Contra Costa Canal. Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 3,351,157 acre-feet. The purpose of this water right permit includes Irrigation, navigation and fish flows between Keswick and City of Sacramento beneficial uses, for application in Service areas of the Central Valley Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

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Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 09363 **PERMIT** 12722 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971

have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09363 of U.S. Bureau of Reclamation to appropriate water from Sacramento and Old Rivers in amounts not to exceed 1,000 cfs via direct diversion and 310,000 acre-feet to storage at Shasta Dam, Keswick Dam, Tehama Canal, Tehama-Colusa Canal, Chico Canal, Delta Cross Channel, Delta Mendota Canal, Contra Costa Canal, Vallejo Pumping Plant and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 1,034,463 acre-feet. The purpose of this water right permit includes Municipal, industrial beneficial uses, for application in Within gross area of 3,455,000 acres described under a Pumping Plant licition 5626. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public

trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

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A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

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PROTEST – (Petitions)

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Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 09364 **PERMIT** 12723 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09364 of U.S. Bureau of Reclamation to appropriate water from Sacramento and Old Rivers in amounts not to exceed 9,000 cfs via direct diversion and 1,303,000 acre-feet to storage at Same as Application 9363 with exclusion of Vallejo Pumping Plant, and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 7,823,165 acre-feet. The purpose of this water right permit includes Irrigation, flood control, navigation, incidental domestic, stock-watering, and recreational - potentially also 6,000 cfs for salinity control at Suisun Bay for Delta-Mendota Canal and Contra Costa Canals beneficial uses, for application in Same as Application 5626.. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water

Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 09365 **PERMIT** 12724 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09365 of U.S. Bureau of Reclamation to appropriate water from Sacramento River to Suisun Bay in amounts not to exceed 2,275 cfs via direct diversion and 1,303,000 acre-feet to storage at Shasta Dam, for an estimated face value of 2,951,153 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Shasta Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 09366 **PERMIT** 12725 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09366 of U.S. Bureau of Reclamation to appropriate water from Rock Slough in amounts not to exceed 200; maximum DD NTE 350 cfs combined with 9367 cfs via direct diversion and acre-feet to storage at Rock Slough at intake of Contra Costa Canal, for an estimated face value of 144,893 acre-feet. The purpose of this water right permit includes Irrigation and domestic beneficial uses, for application in Gross area of 120,000 acres within Contra Costa County. Net area of 20,000 acres irrigated in any one year. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 09367 **PERMIT** 12726 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09367 of U.S. Bureau of Reclamation to appropriate water from Rock Slough in amounts not to exceed 250; maximum DD NTE 350 cfs combined with 9366 cfs via direct diversion and acre-feet to storage at Rock Slough at intake of Contra Costa Canal, for an estimated face value of 181,116 acre-feet. The purpose of this water right permit includes Municipal, industrial beneficial uses, for application in Within gross area of 120,000 acres described under Application 9366. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

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State Water Resources Control Board
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 09368 **PERMIT** 12727 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 09368 of U.S. Bureau of Reclamation to appropriate water from Old River in amounts not to exceed 4,000 cfs via direct diversion and 6,500,000 acre-feet to storage at Old River at intake canal to Tracy Pumping Plant and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 7,438,575 acre-feet. The purpose of this water right permit includes Irrigation beneficial uses, for application in Gross area of 988,000 acres within San Joaquin Valley, net of 320,000 acres to be irrigated in any one year. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 17376 **PERMIT** 12364 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 17376 of U.S. Bureau of Reclamation to appropriate water from Clear Creek in amounts not to exceed 3,600 cfs via direct diversion and 250,000 acre-feet to storage at Whiskeytown Dam, Keswick Dam, Bella Vista conduit intake, Corning Canal and Tehama-Colusa Canal intake, and Chico Canal Intake, Yolo-Zamora Conduit Intake, East Side Canal Intake, Delta Cross Channel, Contra Costa Canal, Santa Clara Conduit Intake, Delta Mendota Canal Intake, San Luis Dam, Figarden Dam, Mendota Dam, Temple Slough (Arroyo Canal) Intake; as well as various points on the Sacramento River from Keswick Dam to confluence with American River by means of non-project works and at various points in the Sacramento San Joaquin Delta and on the Sacramento River below the American River by means of non-project works; and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 1,336,694 acre-feet. The purpose of this water right permit includes Irrigation, domestic, navigation, water quality beneficial uses, for application in Within a gross area of 10,821,000 acres to be serve by Clear Creek water; contracts with below-Keswick prospective users must be executed and filed with State Water Board prior to rediversion of water below Keswick. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.

- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) **Granting of the petitions would be contrary to law:**

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 18115 **PERMIT** 13776 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 18115 of U.S. Bureau of Reclamation to appropriate water from Stony Creek in amounts not to exceed In conjunction with Application 19451, 225 cfs. cfs via direct diversion and 160,000 acre-feet to storage at Black Butte Dam, with a point of rediversion at Orland Project Northside Diversion Dam for the Orland Project, for an estimated face value of 193,959 acre-feet. The purpose of this water right permit includes Recreational, municipal, industrial, irrigation, and domestic beneficial uses, for application in Orland South Main Canal of the Orland Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public

trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 19303 **PERMIT** 16599 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 19303 of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed cfs via direct diversion and 1,420,000 acre-feet to storage at New Melones Dam, for an estimated face value of 1,420,000 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in New Melones Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

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State Water Resources Control Board
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 19304 **PERMIT** 16600 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 19304 of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed cfs via direct diversion and 1,420,000 acre-feet to storage at New Melones Dam, for an estimated face value of 1,420,000 acre-feet. The purpose of this water right permit includes Irrigation, domestic, municipal, industrial, recreational, water quality, and fish/wildlife enhancement beneficial uses, for application in Stanislaus, Calaveras, Tuolumne, and San Joaquin Counties. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 21542 **PERMIT** 15149 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 21542 of U.S. Bureau of Reclamation to appropriate water from Old River in amounts not to exceed 4,200 cfs; with maximum Tracy Pumping Plant rate of 4,600 cfs across all Central Valley Project permits cfs via direct diversion and 1,000,000 acre-feet to storage at Delta Mendota Canal, San Luis Forebay, San Luis Dam, for an estimated face value of 4,042,744 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Power Generation at San Luis facilities. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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PROTEST – (Petitions)

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APPLICATION 22316 **PERMIT** 15735 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 22316 of U.S. Bureau of Reclamation to appropriate water from Rock Slough in amounts not to exceed 21.16 cfs; combined rates with permits 12725 and 12726 NTE 350 cfs. cfs via direct diversion and 5,400 acre-feet to storage at Contra Loma Dam and Rock Slough, for an estimated face value of 20,730 acre-feet. The purpose of this water right permit includes Irrigation, domestic, municipal, industrial, water quality control beneficial uses, for application in Within gross area of 120,000 acres within Contra Costa County as shown on USBR map. Full application of water to beneficial uses was to be accomplished by December 1, 1990. It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 27319 **PERMIT** 20246 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 27319 of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed 4,000 cfs via direct diversion and acre-feet to storage at New Melones Dam, for an estimated face value of 2,897,851 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in New Melones Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 31, 1997.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 13372 **PERMIT** 11317 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 13372 of U.S. Bureau of Reclamation to appropriate water from American River in amounts not to exceed 8,000 cfs via direct diversion and 1,000,000 acre-feet to storage at Folsom Dam, for an estimated face value of 6,795,702 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Folsom Pumping Plant and Nimbus Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 14662 **PERMIT** 11318 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 14662 of U.S. Bureau of Reclamation to appropriate water from American River in amounts not to exceed cfs via direct diversion and 300,000 acre-feet to storage at Folsom Dam, for an estimated face value of 300,000 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Folsom Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial

uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriate water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 14858A **PERMIT** 16597 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971

have read carefully a notice relative to a petition for change or extension of time under APPLICATION 14858A of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed 6,000 cfs via direct diversion and 980,000 acre-feet to storage at New Melones Dam, for an estimated face value of 4,240,083 acre-feet. The purpose of this water right permit includes Irrigation, domestic, municipal, industrial, recreational, water quality, and fish/wildlife enhancement beneficial uses, for application in Stanislaus, Calaveras, Tuolumne, and San Joaquin Counties. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 14858B **PERMIT** 20245 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 14858B of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed 2,250 cfs via direct diversion and 1,000,000 acre-feet to storage at New Melones Dam, Goodwin Dam, Knights Ferry Diversion Dam, various unspecified locations from New Melones Dam to confluence of Stanislaus and San Joaquin Rivers., for an estimated face value of 2,222,531 acre-feet. The purpose of this water right permit includes Irrigation, domestic, municipal, industrial, recreational, and fish/wildlife enhancement beneficial uses, for application in Stanislaus, Calaveras, Tuolumne, and San Joaquin Counties. Full application of water to beneficial uses was to be accomplished by December 31, 1997.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public

trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 14859 **PERMIT** 16598 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 14859 of U.S. Bureau of Reclamation to appropriate water from Stanislaus River in amounts not to exceed 6,000 cfs via direct diversion and 980,000 acre-feet to storage at New Melones Dam, for an estimated face value of 5,326,777 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in New Melones Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) **Granting of the petitions would have adverse environmental impacts:**

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) **Granting of the petitions would be contrary to the public interest:**

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) **Granting of the petitions would be contrary to law:**

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 13371 **PERMIT** 11316 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 13371 of U.S. Bureau of Reclamation to appropriate water from American and Old rivers in amounts not to exceed 700 cfs via direct diversion and 300,000 acre-feet to storage at Folsom Dam; Folsom Suburban Conduit; Nimbus Dam; Folsom North Canal; Folsom South Canal; Delta Cross Channel; Contra Costa Canal; Delta Mendota Canal; Los Vaqueros diversion from Old River added in 1994. Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 680,343 acre-feet. The purpose of this water right permit includes Municipal, industrial, domestic, and incidental recreation beneficial uses, for application in Alameda, Contra Costa, Placer, Sacramento, San Joaquin, and Santa Clara counties, as well as the Delta-Mendota Canal service area.. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 15374 **PERMIT** 11968 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 15374 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 300 cfs via direct diversion and 200,000 acre-feet to storage at Lewiston Dam and Trinity Dam and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 417,339 acre-feet. The purpose of this water right permit includes Municipal, industrial beneficial uses, for application in Service areas of the Central Valley Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 15375 **PERMIT** 11969 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 15375 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 1,700 cfs via direct diversion and 1,800,000 acre-feet to storage at 6 points of diversion and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 3,031,587 acre-feet. The purpose of this water right permit includes beneficial uses, for application in Service areas of the Central Valley Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) **Granting of the petitions would have adverse environmental impacts:**

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) **Granting of the petitions would be contrary to the public interest:**

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) **Granting of the petitions would be contrary to law:**

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 15376 **PERMIT** 11970 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 15376 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 3,525 cfs via direct diversion and 1,800,000 acre-feet to storage at Trinity and Lewiston Dams and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 4,353,731 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Trinity Pumping Plant, Clear Creek Pumping Plant, Spring Creek Pumping Plant, Keswick Pumping Plant, Lewiston Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 15764 **PERMIT** 12860 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 15764 of U.S. Bureau of Reclamation to appropriate water from Old River in amounts not to exceed 4,200 cfs; with maximum Tracy Pumping Plant rate of 4,600 cfs across all Central Valley Project permits cfs via direct diversion and 1,000,000 acre-feet to storage at Old River at Tracy Pumping Plant for offstream storage at San Luis Reservoir; rediversion at San Luis Canal and Reservoir intake; Pacheco Pass Conduit Intake; San Luis Canal Intake (from reservoir); Mendota Dam; Temple Slough (Arroyo Canal) Intake (the latter two are non-project features); Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 3,535,620 acre-feet. The purpose of this water right permit includes Irrigation, incidental domestic, stockwatering, municipal, industrial, recreational beneficial uses, for application in Gross area of 399,924 acres with a maximum of 340,000 irrigated acres in any one year. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) **Granting of the petitions would be contrary to law:**

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 16767 **PERMIT** 11971 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 16767 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed cfs via direct diversion and 700,000 acre-feet to storage at Trinity Dam for conveyance to Lewiston Reservoir, redirection through Clear Creek Tunnel to Whiskeytown, redirected to Spring Creek Tunnel to Keswick Reservoir for flow via the Sacramento River to Corning Canal; Chico Canal; Delta Cross Channel; Delta-Mendota Canal; Tracy Pumping Plant; Contra Costa Canal; and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 700,000 acre-feet. The purpose of this water right permit includes Irrigation, domestic, navigation, fish flow releases beneficial uses, for application in Service areas of the Central Valley Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

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(Note: Attach supplemental sheets as necessary)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916)3415400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 16768 **PERMIT** 11972 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 16768 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 175 cfs via direct diversion and 700,000 acre-feet to storage at Trinity and Lewiston Dams and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 826,781 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Trinity and Lewiston Pumping Plants. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 17374 **PERMIT** 11973 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 17374 of U.S. Bureau of Reclamation to appropriate water from Trinity River in amounts not to exceed 1,500 cfs via direct diversion and acre-feet to storage at Lewiston Dam, with rediversion through Clear Creek Tunnel to Whiskeytown, rediverted to Spring Creek Tunnel to Keswick Reservoir for flow via the Sacramento River to Corning Canal; Chico Canal; Delta Cross Channel; Delta-Mendota Canal; Tracy Pumping Plant; and Contra Costa Canal and Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 1,086,694 acre-feet. The purpose of this water right permit includes Irrigation, domestic, navigation, fish flow releases beneficial uses, for application in Service areas of the Central Valley Project. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water

Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.

- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

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PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

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APPLICATION 17375 **PERMIT** 12365 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 17375 of U.S. Bureau of Reclamation to appropriate water from Clear Creek in amounts not to exceed 1,900 cfs via direct diversion and 250,000 acre-feet to storage at Whiskeytown Reservoir, for an estimated face value of 1,626,479 acre-feet. The purpose of this water right permit includes Power Generation beneficial uses, for application in Spring Creek Pumping Plant. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley

Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.

- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

The State Water Resources Control Board in its notice has provided no analysis of how much water has been appropriated under each Bureau permit, and how much would remain to be applied fully to beneficial uses. The US Bureau of Reclamation, in its supplement, acknowledges that it has not yet fully applied water from its 32 permits to beneficial use even nearly two decades after their deadline, and states that it is unable to determine what the ultimate diversions under its CVP permits will be and that it is unable to provide any recommendation on permits that are ready for licensing, but may do so in the future. The current source of uncertainties they identify for their inability to make these determinations are not among the legitimate grounds for extension of time. We urge the State Water Board to make determinations for each Bureau petition consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

Under what conditions may this protest be disregarded and dismissed? Revocation of these 32 permits and issuance of licenses for their operations at levels of direct diversion and collection for storage that are consistent with the Public Trust Doctrine, the federal Clean Water Act, California Fish and Game Code Section 5937, the federal Central Valley Project Improvement Act of 1992 Section 3406(b)(1), and California Constitution Article X, Section 2.

A true copy of this protest has been served upon the petitioner Mr. Bob Colella, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825

Date October 1, 2009

Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(Note: Attach supplemental sheets as necessary)

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Prior Water Rights should be completed on other side of form

APPLICATION 13370 **PERMIT** 11315 **LICENSE** _____

I, (We,) The California Water Impact Network of P.O. Box 148, Quincy, CA 95971 have read carefully a notice relative to a petition for change or extension of time under APPLICATION 13370 of U.S. Bureau of Reclamation to appropriate water from American, Old, and Sacramento rivers in amounts not to exceed 8,000 cfs via direct diversion and 1,000,000 acre-feet to storage at Folsom Dam; Folsom Suburban Conduit; Nimbus Dam; Folsom North Canal; Folsom South Canal; Delta Cross Channel; Contra Costa Canal; Delta Mendota Canal; Los Vaqueros diversion from Old River added in 1994. Banks Pumping Plant under JPOD Conditions of D-1641, for an estimated face value of 5,346,777 acre-feet. The purpose of this water right permit includes Irrigation, power, salinity control, flood control beneficial uses, for application in Alameda, Contra Costa, Placer, Sacramento, San Joaquin, and Santa Clara counties, as well as the Delta-Mendota Canal service area.. Full application of water to beneficial uses was to be accomplished by December 1, 1990.

It is desired to protest against the approval thereof because to the best of our information and belief the proposed change/extension will:

1. not be within the State Water Resources Control Board's jurisdiction
2. not best serve the public interest
3. be contrary to law
4. have an adverse environmental impact

State facts, which support the foregoing allegations:

1) Granting of the petitions would have adverse environmental impacts:

- ❖ High Delta export pump rates this decade have caused pelagic organism crashes since 2005 and closure of commercial salmon fisheries the last two years; full application of pumping rates as found in the permits would exacerbate these deplorable fishery conditions.
- ❖ Dam construction and operation has dramatically reduced salmonid spawning habitats on central valley streams, and full application of contributions to storage as found in the permits would exacerbate these deplorable habitat conditions.
- ❖ Irrigation of highly saline and seleniferous soils in the western San Joaquin Valley have caused high water tables in downslope lands and impaired water quality of water bodies including Mud Slough, the lower San Joaquin River through Delta channels. The Bureau is responsible for meeting southern Delta salinity standards under D-1641, but has regularly failed to meet these standards with the water it has already been applying to beneficial use. Full application of water service to permitted places of use in the western San Joaquin Valley would exacerbate these poor water quality conditions and may hasten irreversible salinization of downslope agricultural lands.

2) Granting of the petitions would be contrary to the public interest:

- ❖ Approval of extensions of time for these permits would continue appropriation of water in "cold storage" as defined in Water Rights Order 2008-0045, nearly 20 years after many of these rights were to have been fulfilled.
- ❖ Environmental consequences of extensions of time on these permits would exacerbate economic impacts of Central Valley Project operations on communities depending on salmonid fisheries and agricultural lands in the south Delta whose water supplies are compromised by Central Valley Project salinity violations.

3) Granting of the petitions would be contrary to law:

- ❖ Approval of extensions of time would enable continuing violations of the federal Clean Water Act and Porter-Cologne Water Quality Control Act, Fish and Game Code 5937; the public trust doctrine, and the California Constitution, Article X, Section 2.
- ❖ The Bureau has not previously sought extensions of time. 24 of the Bureau's Central Valley Project permits commit the Bureau to full application of appropriated water to beneficial uses by no later than December 1, 1990. Two of the Bureau's permits in this petition commit the Bureau to full application of water to beneficial uses by no later than December 31, 1997. The Bureau has had 19 years for most and 12 for other permits to fulfill its due diligence requirements under these permits, and has failed to do so.
- ❖ Section 8 of the National Reclamation Act of 1902 requires the Bureau to comply with state water law.

The State Water Resources Control Board reported to the Delta Vision Task Force in 2008 that while the Central Valley watershed of California has an average annual runoff of 29 million acre-feet, the face value of water rights granted by the state to appropriative water right holders amounted to 245 million acre-feet. This means that for every acre-foot of real water in the Central Valley watershed, 8.4 acre-feet of water is promised through water board authority. The face-value of permits on which the Bureau requests extension of time amounts to over 96 million acre-feet, which also exceeds average Valley runoff conditions. The California Water Impact Network believes that an independent water availability analysis and environmental impact report *must* be prepared on these petitions to identify ecologically sustainable direct diversion rates (if any) and contributions to storage that will end the various injuries identified in our protests.

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