

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) 341-5400, Web: <http://www.waterrights.ca.gov>

## PETITION FOR EXTENSION OF TIME

### WATER USERS:

Application 5630, 14443, 14445A, 17512 Permit 16478, 16479, 16481, 16482

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

**The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.**

Please check below the action you wish taken on this permit.

☐ The project has been abandoned and I request revocation of the permit.

\_\_\_\_\_  
Signature

☐ Full use of water has been made, both as to amount and season, and I request license be issued.

\_\_\_\_\_  
Signature

☒ The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

### PETITION FOR EXTENSION OF TIME If START of construction has been delayed

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

N/A

2. Estimate date construction work will begin. N/A

3. Reasons why construction work was not begun within the time allowed by the permit. N/A

**PETITION FOR EXTENSION OF TIME****If construction work is proceeding**

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A 5 (See Supplement) - year extension of time is requested to complete construction work and/or beneficial use of water. (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844)
5. How much water has been used? See Supplement acre-feet/year \_\_\_\_\_ cfs
6. How many acres have been irrigated? See Supplement
7. How many houses or people have been served water? See Supplement
8. Extent of past use of water for any other purpose. See Supplement
9. What construction work has been completed during the last extension? See Supplement
10. Approximate amount spent on project during last extension period. See Supplement
11. Estimate date construction work will be completed. See Supplement
12. Estimated year in which water will be fully used. See Supplement
13. Reasons why construction and/or use of water were not completed within time previously allowed.  
See Supplement

**If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.**

14. What water conservation measures are in effect or feasible within the place of use?  
See Supplement
15. How much water is being conserved or is it feasible to conserve using these conservation measures?  
See Supplement acre-feet per annum.
16. How much water per capita is used during the maximum 30-day period? see Supplement.

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: December 31, 20-09, at Sacramento, California

(916) 653-8826

Signature(s)

Telephone No.

Erick D. Soderlund

1416 Ninth Street Sacramento, CA 95818

PLEASE PRINT YOUR NAME AND ADDRESS

**NOTE:** A \$1,000 filing fee, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.

## Supplement

## Petitions for Extension of Time

Applications 5629 (Permit 16477), 5630 (Permit 16478), 14443 (Permit 16479), 14444 (Permit 16480), 14445A (Permit 16481), and 17512 (Permit 16482)

The State Water Resources Control Board (SWRCB) issued water rights permits 16478, 16479, 16481, and 16482 (Applications 5630, 14443, 14445A, and 17512) to the Department of Water Resources (DWR) on September 26, 1972, authorizing the appropriation of water from the Feather River and Sacramento/San Joaquin River Delta channels for the purpose of operating the State Water Project (SWP). The permits required the completion of construction by December 1, 1980, and complete application of the water to the proposed use by December 1, 1990. DWR petitioned for and received an extension of time from the SWRCB. Term 6 of Amended Permits 16478, 16479, 16481, and 16482 requires that construction work be completed by December 31, 2000. Term 7 requires that complete application of the water to the proposed use shall be completed by December 31, 2009.

DWR's Amended Permits 16478, 16479, 16481, and 16482 allow DWR to divert and store water from the aforementioned sources, and put that water to beneficial use within the service area of the SWP as shown on maps nos. 1878-1, 1878-2 and 1878-3 on file with SWRCB. The SWP delivers water to 29 long-term water supply contractors serving approximately 25 million people and providing irrigation to approximately 750,000 acres of farmland as well as providing water for environmental benefits. In addition, the SWP provides water to numerous agencies under the provisions of water rights settlement agreements in satisfaction of prior water rights as well as providing supplemental supplies.

The SWP is a large, complex water supply system consisting of 29 dams, 30 pumping and generating plants and approximately 675 miles of aqueducts. The initial conservation and transportation facilities were essentially completed in 1973, however other facilities have been constructed, are under construction, or are planned to accommodate existing and anticipated demand for SWP water and to minimize impacts of SWP operations. Water supply planning, construction, financing, management and operation activities of the SWP are published annually in the Bulletin 132 series reports. A copy of Bulletin 132-06 is attached.

Under the above Permits, DWR can divert and redivert up to 10,350 cubic feet per second (cfs) at the Banks Pumping Plant for direct use and storage from January 1 to December 31 of each year. DWR can also divert up to 3,880,000 acre-feet per year (AFY) of water to storage in Lake Oroville between September 1 and July 31 and up to an additional 1,186,100 AFY to storage in San Luis Reservoir and the other southern California reservoirs January 1 through December 31 for multiple uses in the SWP service area. DWR's ability to divert and store water at the maximum rates authorized in the permits is dependent on annual hydrologic conditions, in-basin demands, instream requirements, water quality objectives, and operational and regulatory

restrictions.

While DWR has at times diverted the maximum rate allowed under the Feather River/Delta Permits, due to various factors DWR has not directly diverted, rediverted, or diverted to storage the maximum amounts allowed annually under the Feather River/Delta Permits. Some factors that have limited DWR's diversions and resulted in the use and storage being below the maximum entitlement allowed under the Feather River/Delta Permits, include 1) annual hydrologic conditions in the Feather River watershed and the Sacramento-San Joaquin Delta, 2) regulatory restrictions on SWP Delta operations, 3) actions necessary for compliance with the Federal and State Endangered Species Acts (ESAs), 4) municipal development within the SWP service area, and 5) the availability of water from other agencies' supplemental sources. Continuation of DWR's ability to make full use of the Feather River/Delta Permits, however, is critical for DWR to maintain operational flexibility in order to meet DWR's contractual obligations, help meet the State's future projected water demand and address vulnerabilities in the State's water supply associated with several factors, including emergencies, drought and the effects of climate change.

In addition, recent legislation established a Delta Stewardship Council to adopt and oversee implementation of a Delta Plan that may include the Bay-Delta Conservation Plan (BDCP) (See Water Code section 85000 et seq.; Senate Bill 7X1 (Simitian/Steinberg) (Sacramento-San Joaquin Delta Reform Act of 2009)). The Delta Plan is intended to further restoration of the Delta ecosystem and a reliable water supply. The implementation of the Delta Plan is likely to influence future construction of SWP facilities and SWP water supply delivery.

In light of the above, DWR is filing petitions with the SWRCB to extend and continue the terms of the Feather River/Delta Permits for a five-year period to the year 2015. It is not possible at this time to accurately predict what the ultimate diversions under the Feather River/Delta Permits will be or a date at which the full permitted quantity will be put to beneficial use. The factors listed above, including the outcome of the BDCP process, the recent legislation, and current litigation, create tremendous uncertainty in predicting future operations and diversions. It is clear, however, that demand exists for the additional SWP water supply and is expected to grow as demand continues to increase in the SWP contractors' service areas.

As such, DWR believes it is in the public interest to extend the Feather River/Delta Permits for five years. At the end of this period, DWR should be in a much better position to explain the time, facilities, and operations that will be necessary to maximize the beneficial use of water. Depending on circumstances in the future, at the conclusion of this five-year period, DWR may need to petition for further extension of said permits.

In the interim, DWR will continue to divert and redivert water to direct use and storage in accordance with the existing terms and conditions of its permits as well as any additional regulatory restrictions imposed on the Project. The extension, therefore, will not change DWR's operating requirements. It is also important to note that approval of

a time extension will not limit the SWRCB's authority to regulate DWR's authorized diversions or alter its responsibility for meeting in-basin demands and instream flow requirements in the Feather River and, along with the Bureau of Reclamation, for maintaining water quality requirements in the Delta. Granting a time extension will not impact other downstream users of water.

Additional responses to specific questions on the Petitions for Extension of Time are provided below.

5. Maximum annual diversion to storage from the Feather River at Lake Oroville is 2,488,607 AF during the 1977/78 water year. Annual deliveries and SWP operations are provided in DWR's Annual Progress Reports filed with the Division of Water Rights and in Bulletin 132 series which are provided to the Division of Water Rights when it is published. It is also available at <http://www.water.ca.gov/swpao/bulletin.cfm>.

The SWP is a complex system and, as such, it is difficult to separate water diverted under the provisions of specific individual permits. The permits operate together consistent with the provisions governing overall SWP operations. The water is commingled to meet overall project purposes.

6. The SWP provides water for the irrigation of approximately 750,000 acres.

7. Approximately 25 million Californians rely on SWP water as a part of their water supply.

8. The water developed by DWR is also used for municipal and industrial supply, salinity control, recreation, and fish and wildlife enhancement.

9. The initial conservation and transportation facilities were essentially completed in 1973, however other facilities have been constructed, are under construction or are planned to accommodate existing and anticipated demand for SWP water and to minimize impacts of SWP operations. Since the last extension approved on July 2, 1991, DWR completed construction of the Coastal Branch and Phase 1 of the East Branch Extension of the California Aqueduct. Phase 2 of the East Branch Extension is currently in the design phase. Additional facilities may be required to fully develop the SWP water supply or aid in minimizing impacts of SWP operations. The Peripheral Canal, proposed by the Legislature in 1980, was never constructed; however the potential benefits of a dual conveyance, both through and around the Delta, is currently being evaluated as part of the BDCP process. DWR continues to plan, design, and construct water conveyance and power-producing facilities for the SWP as demand and operational considerations dictate.

10. Approximately \$1.4 billion dollars was spent on construction costs between 1991 and the end of 2005. Water supply planning, construction, financing, management and operation activities of the SWP are published annually in the Bulletin 132 series reports.

11. Current estimates project completion of Phase 2 of the East Branch Extension in 2014. Completion of other potential elements of the SWP is too speculative to project prior to completion of the BDCP process. However, recent legislation established a Delta Stewardship Council to adopt and oversee implementation of a Delta Plan that may include the BDCP (See Water Code section 85000 et seq.; Senate Bill 7X1(Simitian/Steinberg) (Sacramento-San Joaquin Delta Reform Act of 2009)). The Delta Plan is intended to further restoration of the Delta ecosystem and a reliable water supply. The implementation of the Delta Plan is likely to influence future construction of SWP facilities and SWP water supply delivery.

12. As noted above, given the current regulatory restrictions and issues relating to the Sacramento/San Joaquin Delta, it is difficult to estimate when conditions will be such that DWR can maximize the amount of water put to beneficial use under DWR's water rights permits. Water supply demands within the state continue to increase and the SWP water remains a critical component of the State's water supply and current trends project significant growth in the SWP service area. In addition, SWP water is crucially important in addressing vulnerabilities in the State's water supply associated with several factors, including emergencies, drought and the effects of climate change. Therefore, DWR believes it is in the public interest for the State Water Board to grant the requested extension of time until the year 2015 to allow DWR time to satisfy increasing future beneficial water uses that are authorized under the DWR's water rights permits.

13. As stated above, there are many factors that have contributed to the use and storage being below the maximum authorized under DWR's permits including annual hydrologic conditions, SWP operations for water supply purposes, regulatory restrictions on SWP operations, and actions necessary for compliance with the Federal and State Endangered Species Acts.

14. Since 1979, DWR has provided information and assistance to water users. DWR's Office of Water Use Efficiency provides expertise to local agencies and individuals regarding agricultural and urban water and energy conservation, reclamation and reuse of water, land and water use, and drainage management. The office also manages the California Irrigation Management Information System (CIMIS), assists in establishing mobile laboratories that conduct irrigation system evaluations, carries out data analysis, demonstration projects, and research to achieve energy and water use efficiency, and provides loans and grants to make more efficient use of water and energy resources.

In addition to DWR's efforts, the agencies receiving SWP water implement local water conservation programs. The area is expected to experience significant growth in the future. Drought year water supply reliability continues to be a major challenge to the entire State. Water conservation programs are a key element in the water management strategies for all the agencies within the SWP service area. The majority of the cities receiving SWP supplies are also members of California Urban Water Conservation Council (CUWCC) and are signatory to a Memorandum of Understanding to implement

best management practices for urban agencies at the wholesale level. Some of the smaller communities that are not members of CUWCC have implemented their own aggressive water conservation programs.

15. The quantity of water conserved or feasible to conserve is developed individually for each specific municipality or entity that receives SWP water.

16. The per capita water use for those receiving water from the SWP varies for each of the SWP contractors. DWR has no jurisdiction over the operations within individual water supply agencies.

## DIVISION OF WATER RIGHTS

**P.O. Box 2000, Sacramento, CA 95812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

## ENVIRONMENTAL INFORMATION FOR PETITIONS

☐ **Petition for Change**

☒ **Petition for Extension of Time**

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

## 1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

[illegible]

☒ See Attachment No. 1



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 ENVIRONMENTAL INFORMATION FOR PETITIONS
 

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**2. COUNTY PERMITS N/A**

- a. Contact your county planning or public works department and provide the following information:

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
 Department: \_\_\_\_\_ Telephone: (     ) \_\_\_\_\_  
 County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project? ☐ YES ☐ NO If YES, check appropriate box below:

☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning  
☐ General plan change ☐ Other (explain): \_\_\_\_\_

- b. Have you obtained any of the required permits described above?
- ☐
- YES
- ☐
- NO

If YES, provide a complete copy of each permit obtained.

☐ See Attachment No.**3. STATE/FEDERAL PERMITS AND REQUIREMENTS N/A**

- a. Check any additional state or federal permits required for your project:

☐ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ Bureau of Land Management  
☐ Soil Conservation Service ☐ Dept. of Water Resources (Div. of Safety of Dams) ☐ Reclamation Board  
☐ Coastal Commission ☐ State Lands Commission ☐ Other (specify) \_\_\_\_\_

- b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

☐ See Attachment No.

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?
- ☐
- YES
- ☐
- NO

If YES, explain: \_\_\_\_\_

☐ See Attachment No.

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**ENVIRONMENTAL INFORMATION FOR PETITIONS**


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- d. Have you contacted the California Department of Fish and Game concerning your project? ☐ YES ☐ NO  
If YES, name and telephone number of contact: \_\_\_\_\_

**4. ENVIRONMENTAL DOCUMENTS**

- a. Has any California public agency prepared an environmental document for your project? ☐ YES ☒ NO  
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_
- b. If NO, check the appropriate box and explain below, if necessary:
- ☒ The petitioner is a California public agency and will be preparing the environmental document.\*
  - ☐ I expect that the SWRCB will be preparing the environmental document.\*\*
  - ☐ I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

☒ See Attachment No. 1

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER N/A**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
☐ YES ☐ NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

☐ See Attachment No.

- b. Will a waste discharge permit be required for your project? ☐ YES ☐ NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_

☐ See Attachment No.

**6. ARCHEOLOGY N/A**

- a. Have any archeological reports been prepared on this project? ☐ YES ☐ NO
- b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☐ NO
- c. Do you know of any archeological or historic sites located within the general project area? ☐ YES ☐ NO

ENVIRONMENTAL INFORMATION FOR PETITIONS

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If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See Attachment No. \_

**7. ENVIRONMENTAL SETTING N/A**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

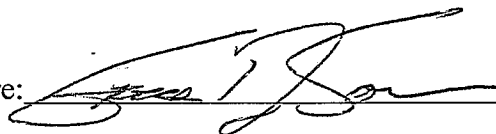
- ☐ Along the stream channel immediately downstream from the proposed point(s) of diversion.
- ☐ Along the stream channel immediately upstream from the proposed point(s) of diversion.
- ☐ At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: December 31, 2009

Signature: \_\_\_\_\_



**Attachment 1****1. Description of Proposed Changes**

The Department of Water Resources (DWR) seeks an extension of time to the year 2015 for each of the permits listed below. The year 2015 represents a 5-year extension of time for all permits listed. Permits 16477 and 16480 authorize the power operations at the existing Oroville/Thermalito Complex (non-consumptive uses). The remaining permits authorize the diversion and rediversion of water available in the Feather River and Delta channels by DWR for water supply purposes (consumptive uses).

Application Number	Permit Number
5629	16477
5630	16478
14443	16479
14444	16480
14445A	16481
17512	16482

The project does not involve the construction of any new facilities or expansion of authorized uses beyond those currently authorized under the permits listed above. The sole purpose of the project is to allow DWR additional time to place the water currently authorized under the permits to beneficial uses prior to licensing. All facilities required for the storage, diversion and conveyance of the water that are the subject of this project, from its sources to its points of diversion and rediversion for both the authorized consumptive and non-consumptive uses, have been completed. The extensions of time will not authorize the construction of any facilities. Any new facilities would require separate evaluations including California Environmental Quality Act (CEQA) compliance and permitting by the State Water Resources Control Board (State Water Board) specific to any selected project. The time extension will simply extend the period under the existing permits for placing the water to beneficial use prior to licensing. The time extension does not change the State Water Board's authorities to impose new terms on permits through its water rights and water quality regulatory process, if conditions should warrant such changes. The State Water Project will continue to be operated in compliance with all the existing permit terms and conditions and with any measures necessary to comply with the Federal and State Endangered Species Acts (ESAs).

**4. Environmental Documents**

DWR is the lead CEQA agency and will prepare the appropriate environmental documentation in compliance with CEQA. DWR will work with the State Water Board to ensure that adequate environmental documentation is completed to support the requested time extensions.