

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permits 16478, 16479, 16481 and 16482 (Applications 5630, 14443, 14445A and 17512)
California Department of Water Resources

**ORDER APPROVING CHANGE IN PLACE OF USE
AND ISSUING AMENDED PERMITS**

SOURCES: Indian Slough, Feather River, Sacramento-San Joaquin Delta Channels, and San Luis Creek

COUNTIES: Alameda, Butte, Contra Costa, Los Angeles, Merced, Riverside, Sacramento, San Bernardino, Solano and Stanislaus

WHEREAS:

1. Permits 16478, 16479, 16481 and 16482 were issued to California Department of Water Resources (DWR) on September 26, 1972, pursuant to Applications 5630, 14443, 14445A and 17512.
2. Petitions to change the place of use to add Oak Flat Water District (District) were filed with the State Water Resources Control Board (State Water Board) on August 3, 2005.
3. Public notice of the change petitions was issued on September 25, 2008 and no protests were received.
4. The State Water Board has determined that good cause for such change has been shown.
5. The State Water Board has determined that the petitions for change do not constitute the initiation of new rights nor operate to the injury of any other lawful user of water.
6. The State Water Board has reviewed the petitioned changes in accordance with Water Code section 10504.5 and finds that the change will not conflict with the general or coordinated plan or with water quality objectives established pursuant to law.
7. The permit conditions relating to the continuing authority and water quality objectives of the State Water Board should be updated to conform to section 780(a & b), title 23 of the California Code of Regulations.
8. DWR explained the background regarding water service to the District in its August 1, 2005 letter to the Division. The District was formed in 1964 for the purpose of obtaining an irrigation supply from the State Water Project (SWP) operated by DWR. SWP water is the sole supply of irrigation water within the District. The original District consisted of 2,158 acres. Additional land was annexed to the District in 1970, 1972 and 1974, expanding the District to its current size of 4,015 acres. The District entered into a long-term water supply contract with DWR on March 23, 1965

for delivery of up to 5,700 acre-feet of SWP water per year. The initial year of delivery from the SWP was 1968. Although the size of the District increased following execution of the SWP contract, the District's SWP allocation did not, resulting in no net increase in overall water use within the District.

9. On August 31, 2005, DWR, acting as lead agency, filed a Notice of Determination (NOD) for the completion of an Initial Study/Negative Declaration (IS/ND) for the Petition to Change the State Water Project Place of Use to Include the Service Area of the Oak Flat Water District, SCH #2005072155. DWR determined that no new mitigation measures are required. The State Water Board, as responsible agency, finds that the proposed project would be implemented without causing a significant adverse impact to the environment. The State Water Board shall file a NOD for the project within 5 days of issuance of this order.
10. Pursuant to Resolution No. 2007-0057, the State Water Board has delegated authority to the Deputy Director for Water Rights to administer the duties required under the California Environmental Quality Act. The Deputy Director has re-delegated this authority to the Assistant Deputy Director. (Resolution No. 2007-0057, section 4.10.)
11. The State Water Board has delegated the authority to act on change petitions to the Deputy Director for Water Rights pursuant to Resolution No. 2007-0057. (Attachment to Resolution No. 2007-0057, section 4.2.9) The Deputy Director has re-delegated this authority to the Assistant Deputy Director.
12. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT PERMITS 16478, 16479, 16481 AND 16482 ARE AMENDED AS FOLLOWS:

1. Condition 4 of the permits is amended to include Oak Flat Water District within the place of use.
2. The permits are amended to include the following Endangered Species condition:

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

3. Amended permits are issued, which include these changes. All other permit terms and conditions are still applicable.

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

Victoria A. Whitney
Deputy Director for Water Rights

Dated: September 14, 2009

KDM: DCC: 08/28/09
U:\PERDR\kdm:DWR Permit Change Order.

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

AMENDED PERMIT 16482

Application 17512 of

State of California, Department of Water Resources
1416 Ninth Street
Sacramento, CA 95814

filed on **March 15, 1957**, has been approved by the State Water Resources Control Board (State Water Board) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Italian Slough

Sacramento-San Joaquin Delta Channels

San Luis Creek

Tributary to:

Old River

Suisun Bay

San Joaquin River

within the Counties of Alameda, Contra Costa, Los Angeles, Merced, Riverside, Sacramento, and San Bernardino

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<u>Point of Diversion</u> <u>Delta Water Facilities</u> North 252,650 feet and East 2,137,200 feet	SW¹/₄ of NE¹/₄	22	6N	4E	MD

By California Coordinate System of 1983 in Zone 3	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
<u>Point of Diversion and Rediversion:</u> <u>California Aqueduct Intake</u> North 489,027 feet and East 1,684,405 feet	NW¹/₄ of NE¹/₄	24*	1S	3E	MD
<u>Clifton Court Forebay</u> North 485,035 feet and East 1,695,057 feet	NW¹/₄ of SE¹/₄	20*	1S	4E	MD
<u>Tracy Pumping Plant</u> North 473,995 feet and East 1,686,706 feet	SW¹/₄ of SW¹/₄	31*	1S	4E	MD

San Luis Dam North 204,450 feet and East 1,832,440 feet	SW$\frac{1}{4}$ of SE$\frac{1}{4}$	15*	10S	8E	MD
Points of Rediversion: Del Valle Dam North 408,222 feet and East 1,639,465 feet	NE$\frac{1}{4}$ of SW$\frac{1}{4}$	3*	4S	2E	MD
San Luis Forebay Dam North 216,800 feet and East 1,841,100 feet	NE$\frac{1}{4}$ of SW$\frac{1}{4}$	1	10S	8E	MD

By California Coordinate System of 1983 in Zone 5	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Points of Rediversion: Cedar Springs Dam North 293,520 feet and East 2,207,260 feet	S$\frac{1}{2}$ of NE$\frac{1}{4}$	32	3N	4W	SB
Pyramid Dam North 417,150 feet and East 1,1770,500 feet	SW$\frac{1}{4}$ of NW$\frac{1}{4}$	2	6N	18W	SB

By California Coordinate System of 1983 in Zone 6	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Point of Rediversion: Perris Dam North 613,500 feet and East 1,713,400 feet	N$\frac{1}{2}$ of SE$\frac{1}{4}$	4	4S	3W	SB

By California Coordinate System of 1983 in Zone 7	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
Point of Rediversion: Castaic Dam North 4,301,400 feet and East 4,104,900 feet	N$\frac{1}{2}$ of SW$\frac{1}{4}$	18	5N	16W	SB

3. Purposes of use	4. Place of use	Section (Projected) *	Township	Range	Base and Meridian	Acres
<p>Irrigation, Domestic, Municipal, Industrial, Salinity Control, Recreational, Fish And Wildlife Enhancement</p>	<p>Within the Service Area of the State Water Project as shown on map Nos. 1878-1, 1878-2 and 1878-3, revised December, 1964</p> <p>Oak Flat Water District as shown on map dated January 2009</p> <p>Diablo Grande Project as shown on map titled "Western Hills Water District"</p>					<p>9,546,000 net acres within a gross area of 29,402,000 acres.</p> <p>4,015 acres.</p> <p>466 net acres within a gross area of 2,300 acres.</p>

Incidental Power	POWERPLANTS:				
	<u>San Luis</u> NE ¹ / ₄ of NE ¹ / ₄	15*	10S	8E	MD
	<u>San Luis Obispo</u> SW ¹ / ₄ of NE ¹ / ₄	5	31S	13E	MD
	<u>Cottonwood</u> SE ¹ / ₄ of SE ¹ / ₄	32*	9N	17W	SB
	<u>Pyramid</u> SE ¹ / ₄ of NE ¹ / ₄	21	7N	18W	SB
	<u>Castaic</u> NE ¹ / ₄ of SE ¹ / ₄	22	6N	17W	SB
	<u>Devil Canyon #1</u> SW ¹ / ₄ of NW ¹ / ₄	32	2N	4W	SB
	<u>Devil Canyon #2</u> SW ¹ / ₄ of SW ¹ / ₄	6*	1N	4W	SB
	<u>Del Valle</u> SW ¹ / ₄ of NW ¹ / ₄	3*	4S	2E	MD
	<u>Mohave Siphon</u> NE ¹ / ₄ of NE ¹ / ₄	32	3N	4W	SB

The place of use is shown on maps filed with the State Water Board.

Acronyms used in this permit: State Water Project – SWP; Central Valley Project – CVP

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed **1,100,000 acre-feet per annum** by storage; to be diverted from Italian Slough and Sacramento-San Joaquin Delta Channels and to be and collected from San Luis Creek **January 1 to December 31** of each year.

(0000005)

The maximum combined rates of direct diversion, diversion to storage, and rediversion of stored water for export through the Delta Pumping Plant, Tracy Pumping Plant and Clifton Court Forebay shall not exceed **10,350 cubic feet per second**.

(0000005)

This permit does not authorize collection of water to storage outside the specified season to offset evaporation and seepage or for any other purpose.

(0000005)

Permittee may divert or red divert water up to **4,600 cubic feet per second** at the Tracy Pumping Plant, subject to the permission of the U.S. Bureau of Reclamation. This authorization has three stages corresponding to export rates and limitations on the purposes for which Permittee is authorized to divert or red divert water at the Tracy Pumping Plant.

- a. All stages of this authorization are subject to the following terms and conditions:

- (1) Diversion by Permittee at Tracy Pumping Plant is not authorized when the Delta is in excess conditions¹ and such diversion causes the locations of X2² to shift upstream so far that:
 - (a) It is east of Chipps Island (75 river kilometers upstream of the Golden Gate Bridge) during the months of February through May, or
 - (b) It is east of Collinsville (81 river kilometers upstream of the Golden Gate Bridge) during the months of January, June, July, and August, or
 - (c) During December it is east of Collinsville and Delta smelt are present at Contra Costa Water District's point of diversion under Permits 20749 and 20750 (Applications 20245 and 25516A).
 - (2) Any diversion by Permittee at the Tracy Pumping Plant that causes the Delta to change from excess to balanced conditions³ shall be junior in priority to Permits 20749 and 20750 of the Contra Costa Water District.
 - (3) Permittee may divert or redivert water at Tracy Pumping Plant only if a response plan to ensure that water levels in the southern Delta will not be lowered to the injury of water users in the southern Delta has been approved by the Executive Director of the State Water Board. Permittee shall prepare the response plan with input from the designated representative of the South Delta Water Agency.
 - (4) All other provisions of the above permits are met.
 - (5) Permittee shall develop a response plan to ensure that the water quality in the southern and central Delta will not be significantly degraded through operations of the Joint Points of Diversion to the injury of water users in the southern and central Delta. Such a plan shall be prepared with input from the designated representative of the Contra Costa Water District and approved by the Deputy Director for Water Rights.
- b. In Stage 1, Permittee is authorized to divert or redivert water at the Tracy Pumping Plant to recover export reductions taken to benefit fish, if exports by the Permittee at the Banks Pumping Plant are reduced below the applicable export limits set forth in Table 3, attached.
- (1) The authorization to divert or redivert water at the Tracy Pumping Plant under Stage 1 is subject to the following provisions:
 - (a) Recovery of export reductions shall not cause an increase in annual exports above that which would have been exported without use of the Tracy Pumping Plant.
 - (b) Recovery of export reductions using the Tracy Pumping Plant shall occur within twelve months of the time the exports are reduced.
 - (c) Before Permittee diverts or rediverts water at Tracy Pumping Plant, Permittee shall consult with DFG, USFWS, and NMFS. Consultation with the CALFED Operations Group established under the Framework Agreement will satisfy this requirement. Permittee shall submit agreements on coordinated operations under this authorization

¹ Excess conditions exist when upstream reservoir releases plus unregulated natural flow exceed Sacramento Valley inbasin uses, plus exports.

² For the purposes of this term, X2 is the most downstream location of either the maximum daily average or the 14-day running average of the 2.64 mmhos/cm isohaline.

³ Balanced conditions exist when it is agreed by the SWP and the CVP that releases from upstream reservoirs plus unregulated flow approximately equal the water supply needed to meet Sacramento Valley inbasin uses, plus exports.

to the Executive Director of the State Water Board for approval and shall also submit complete documentation showing that no additional water will be exported because of the use of the Tracy Pumping Plant, including the method used to make this determination. Authority is delegated to the Executive Director of the State Water Board to act on the proposal if the conditions set forth above are met.

- (2) The Executive Director of the State Water Board is authorized to grant short-term exemptions to the export limits in Stage 1, for purposes as the Executive Director of the State Water Board deems appropriate, provided that such exemptions will not have a significant adverse effect on the environment and will not cause injury to other legal users of water.
- c. In Stage 2, Permittee will be authorized to divert or divert water at the Tracy Pumping Plant for any purpose authorized under the above permits, subject to the following:
- (1) Permittee shall develop in consultation with the U.S. Bureau of Reclamation, DFG, USFWS and NMFS an operations plan to protect fish and wildlife and other legal users of water. The operations plan shall be submitted to the Executive Director of the State Water Board for approval at least 30 days prior to use by the Permittee of Tracy Pumping Plant. The plan shall include, but not be limited to, the following elements:
 - (a) The plan shall include specific measures to avoid or minimize the effects of the export operations at Tracy Pumping Plant on entrainment and through-Delta survival of Chinook salmon. The plan shall include monitoring of environmental conditions and fish abundance at upstream locations, as appropriate, to determine vulnerability of Chinook salmon to entrainment at Tracy Pumping Plant. The plan shall include monitoring of entrainment at Tracy Pumping Plant. The plan shall include the frequency and method of data collection.
 - (b) The plan shall include minimum survival levels of protection for Chinook salmon. The minimum survival levels shall be used to trigger consultation with fishery agencies regarding data evaluation and decision making to minimize or avoid the impact of pumping at Tracy Pumping Plant. The plan shall identify the consultation process that will be used including identifying the parties who will consult, how they will be notified, and a time schedule for decision making.
 - (c) The plan shall include specific measures at Oroville Reservoir, to avoid or minimize any adverse effects to Chinook salmon when Permittee is using Tracy Pumping Plant, if upstream or Delta monitoring indicates that such impacts are occurring. Measures may include the reoperation of the Delta Cross Channel Gates, increasing Delta outflow, or reducing exports at Tracy Pumping Plant.
 - (d) The plan shall include operating criteria to ensure that use of the Joint Point of Diversion does not significantly impact aquatic resources in upstream areas due to changes in flow, water temperature, and reservoir water levels.
 - (e) The plan shall include specific measures to protect other legal users of water.
 - (f) The plan shall include specific measures to mitigate significant effects on recreation and cultural resources at affected reservoirs.
 - (2) The Executive Director of the State Water Board is authorized to grant short-term exemptions to the export limits in Stage 2, for purposes as the Executive Director of the State Water Board deems appropriate, provided that such exemptions will not have a significant adverse effect on the environment and will not cause injury to other legal users of water.

- d. In Stage 3, Permittee will be authorized to divert or redivert water at the Tracy Pumping Plant for any authorized purpose under the above permits, up to the physical capacity of the Tracy Pumping Plant, subject to completion of the following measures.
 - (1) Permittee shall prepare an operations plan acceptable to the Executive Director of the State Water Board that will protect aquatic resources and their habitat and will protect other legal users of water. The operations plan shall include the same elements required for Stage 2. Permittee shall prepare the operations plan in consultation with the USBR, USFWS, NMFS and DFG.
 - (2) Permittee shall protect water levels in the southern Delta through measures to maintain water levels at elevations adequate for diversion of water for agricultural uses. This requirement can be satisfied through construction and operation of three permanent tidal barriers in the southern Delta or through other measures that protect water quality in the southern and central Delta and protect water levels at elevations adequate to maintain agricultural diversions. If construction and operation of tidal barriers is used as a basis for Stage 3 operation, such construction and operation shall be subject to certification of a project-level Environmental Impact Report by Permittee that discloses the impacts of the tidal barriers.
6. Construction work shall be completed on or before December 31, 2000. (0000008)
7. Complete application of the water to the proposed use shall be made on or before December 31, 2009. (0000009)
8. Water entering Oroville Reservoir or collected in the reservoir under this permit during and after the current storage season shall be released into the downstream channel to the extent necessary to satisfy downstream prior rights and to the extent that appropriation of water is not authorized under the permit. (0160400)
9. In accordance with the requirements of Water Code section 1393, Permittee shall clear the site of the proposed reservoirs of all structures, trees, and other vegetation which would interfere with the use of the reservoirs for water storage and recreational purposes. (0120050)
10. No direct diversion, diversion to storage, or rediversion of stored water from the Feather River or the Sacramento-San Joaquin Delta for beneficial use under this permit other than from the points of diversion or rediversion named in this permit shall be made until a description of the location of each point of diversion and statement of the quantity of water to be diverted is filed with the State Water Board. (0360999)
11. Upon the request of the Board, Permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this permit including the recognition of vested rights and for the further purpose of determining the quantities of water placed to beneficial use under this permit, both by direct diversion and storage. (0100300)
12. In conformity with Water Code section 10505, this permit shall be subject to any and all rights of any county in which the water sought to be appropriated originates to the extent that any such water may be necessary for the development of such county. (0000300)

13. Until further order of the Board, Permittee shall make no direct diversions and shall not collect water to storage during the period from April 1 through June 30 at any time the maximum surface zone chloride ion content of the San Joaquin River at Blind Point exceeds 250 parts per million. If Blind Point is not used as a monitoring station, Permittee shall establish a correlation with some other station satisfactory to the Board to provide the necessary data on quality at Blind Point.
(0400500)
14. Until further order of the Board, this permit shall be subject to the water quality criteria included as "Exhibit A" of the agreement entered at the hearing of Applications 5629, etc., as SRDWA Exhibit 17, insofar as those criteria do not conflict with other terms included in this permit.
(0000300)
15. Permittee shall not object to the use of any quantities of water specified in the schedules of monthly diversion of water attached to those contracts between users of water above Sacramento and the United States Bureau of Reclamation heretofore or hereafter entered into as such quantities are from time to time revised except in the event of a general adjudication of rights to the use of water of the Sacramento River System.
(0000300)
16. To the extent of its authority, Permittee shall not impair the vested rights for any Delta lands by severance of said lands from their sources of water supply by the construction of the peripheral canal unless Permittee acquires a right against the holders of said rights by agreement or by the exercise of its power of eminent domain.
(0000300)
17. The State Water Board reserves continuing jurisdiction over this permit for the purpose of formulating or revising terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.
(0000600)
18. The State Water Board reserves continuing jurisdiction over this permit for the purpose of formulating or revising terms and conditions relative to flows to be maintained in the Delta for the protection of fish and wildlife.
(0000600)
19. Upon request to and approval of the Executive Director of the State Water Board, variations in flow for experimental purposes for protection and enhancement of fish and wildlife may be allowed; provided, that such variations in flow do not cause violations of municipal, industrial and agricultural objectives in Tables 1 and 2.
20. For the protection of Suisun Marsh, Permittee shall report to the State Water Board by September 30 of each year on progress toward implementation of mitigation facilities and on water quality conditions in the Suisun Marsh during the previous salinity control season.
21. Permittee shall report to the Board by January 15, 1979, and annually thereafter, on the methods to be used in determining flows past Rio Vista and improving accuracy of Delta outflow estimates or on studies to be commenced by that date to determine such procedures. Permittee shall also report annually on methods for making more precise projections of salinity distribution in the Delta under varying inflow, outflow and export conditions.
22. To develop a better understanding of the hydrodynamics, water quality, productivity and significant ecological interactions of the Delta and Suisun Marsh so that more accurate predictions of environmental impacts related to operations of the CVP and the SWP can be made, Permittee shall, independently or in cooperation with other agencies or individuals:

- (a) Conduct special studies to meet specific needs and to take advantage of particular circumstances where the data obtained are of significant value. Such studies include, but are not limited to, fish population and zooplankton measurements, waterfowl food plant production measurements, intensive phytoplankton studies, tissue analysis of selected biota, photosynthesis rates, sediment profile and composition, and water velocity.
 - (b) Develop and improve water quality and biological predictive tools with emphasis on improving the understanding of flow/salinity/phytoplankton relationships in the western Delta, and in improving hydraulic characteristics in existing models to represent more closely true channel characteristics, for the following areas of the estuary:
 - i) Western Delta and Suisun Bar area, including Suisun Marsh.
 - ii) San Francisco Bay to Golden Gate Bridge.
 - iii) Interior Delta.
 - (c) Participate in research studies to determine:
 - i) Outflow needs in San Francisco Bay, including ecological benefits of unregulated outflows and salinity gradients established by them.
 - ii) The need for winter flows for long-term protection of striped bass and other aquatic organisms in the Delta.
23. Direct diversion and storage of water under this permit for use beyond the Sacramento-San Joaquin Delta, as defined in Water Code Section 12220, or outside the watershed of the Sacramento River Basin, as defined in Decision D990 of the State Water Board, shall be subject to rights initiated by applications for beneficial use within said watershed and Delta regardless of the date of filing said applications. (0360999)
24. Direct diversion and storage of water which originates in that part of the Central Valley Basin consisting of the watershed of streams tributary to the Delta south of the American River under this permit for use outside the Central Valley Basin, shall be subject to rights initiated by applications for use within said part of the Central Valley Basin regardless of the date of filing said applications. (0000999)
25. Water stored under this permit shall be available within the Feather River Basin, the Sacramento River Basin, and the Sacramento-San Joaquin Delta for such uses as are reasonably required to adequately supply both present and future beneficial needs of said areas, provided, however, such water shall not be available until an agreement for such uses of said water is first entered into with the State of California. Such agreements shall be governed by requirements of uniformity imposed by law and other water supply contracts for State Project Water. (0000999)
26. This Permit shall be subject to the agreement between the State of California, acting by and through its Department of Water Resources, and Contra Costa County Water District (CCCWD) dated April 21, 1967, and entered at the hearing of Applications 5629, etc., as an attachment to CCCWD Exhibit 9. (0000300)
27. The Board reserves continuing jurisdiction over this permit for the purpose of coordinating terms and conditions of the permit with terms and conditions which have been or which may be included in permits issued pursuant to applications of the United States in furtherance of the Central Valley Project and other applications of the State of California in furtherance of the SWP. At such time as the Department of Water Resources and the United States Bureau of Reclamation have entered into a coordinated operation agreement, the Board will review said agreement for the purpose of formulating and imposing such coordinated terms and conditions as may be appropriate. The Board, on its own motion or on the motion of any interested party, after hearing, may formulate and impose such coordinated terms and conditions as may be appropriate pending the execution of such agreement.

(0000600)

28. Permittee shall operate Pyramid Dam and Reservoir and Castaic Dam and Reservoir in accordance with the contract between the State of California, acting by and through its Department of Water Resources, and United Water Conservation District dated April 14, 1967. (0000300)
29. This permit is subject to compliance by Permittee with Water Code Section 10504.5(A). (0000300)
30. The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require Permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements of this term may be satisfied by Permittee's compliance with any comprehensive water conservation program, approved by the State Water Board, which may be imposed by a public agency. (0000029)
31. Permittee shall ensure that Western Hills Water District requires Diablo Grande Limited Partnership (Diablo Grande) and its successors or assignees, to implement and comply with the following measures concerning erosion and sediment control and prevention:
- a. Diablo Grande shall prepare and submit to the Central Valley Regional Water Quality Control Board (Regional Board) a written report examining (a) the nature and location of the erosion control measures that have been implemented by Diablo Grande in November 1999-March 2000 along Diablo Grande Parkway (aka Oak Flat Road) (work performed under WDID No. 5B50S303265), and (b) the plan to place gravel on the shoulder of the sloped and curved portions of the road, including a map or drawing showing the locations of the road shoulders to be graveled. The report shall be submitted by April, 2000. The rock gravel shall be placed by June 30, 2000.
 - b. Diablo Grande shall compile and submit to the Regional Board copies of the documents that have been submitted to the U.S. Army Corps of Engineers concerning wetlands delineation and identification, wetlands avoidance, wetlands impacts mitigation plan and related maps for the entire phase 1 (approximately 2,300 acres) Diablo Grande development project.
 - c. For construction work on the Diablo Grande project (phase 1, approximately 2,300 acres), conducted after the date of this order, Diablo Grande shall prepare and submit to the Regional Board a site-specific erosion and sediment control and prevention plan for each construction project (i.e., cut-across road, hotel/conference center, winery, housing development, water and wastewater treatment plants). Each plan shall include the following elements:
 - 1. Explanation of site specific erosion control measures and devices to be implemented during construction, including a map or drawing showing the location of such measures and devices.
 - 2. Timeframe or schedule of implementation.
 - 3. Inspection and monitoring plan, including the frequency of inspections and means of documenting inspections.
 - 4. Alternative plan of erosion control measures and devices to be implemented in the event an initial measure or device fails.
 - 5. Accident response plan showing how Diablo Grande will respond to an incident involving unanticipated erosion or other failure of an erosion control device or measure.

Each plan shall be implemented and shall be consistent with applicable storm water pollution prevention plans and general permit requirements for waste discharge requirements. Each plan shall be submitted to the Regional Board prior to the commencement of construction of the particular construction project.

32. Permittee shall ensure that the water quality objectives for municipal and industrial beneficial uses and agricultural beneficial uses for the western Delta, interior Delta and export area as set forth in Tables 1 and 2, attached, are met on an interim basis until the Board adopts a further decision assigning responsibility for meeting these objectives. The condition, as written in Order WR 2001-05, states that unless it is renewed pursuant to a further order after notice and opportunity for hearing, this condition shall expire no later than one year after the DWR or the USBR requests in writing that the State Water Board convene a water right proceeding to determine whether to replace this condition with another condition that meets the objectives in Tables 1 and 2. Any extension hearing shall be for the limited purpose of determining whether additional time is necessary, and shall not include consideration of changes in allocation of responsibility. The State Water Board shall expedite any proceeding it conducts to assign long term responsibility to meet the objectives in Tables 1 and 2, in an effort to keep the proceeding under two years. This condition does not mandate that the Permittee use water under this permit if it uses other sources of water or other means to meet this condition. Order WR 2002-0012 states this condition of Order 2001-05 remains in full force and effect.
33. Permittee shall ensure that the water quality objectives for Delta outflow and for Sacramento River flow at Rio Vista for fish and wildlife beneficial uses as set forth in Table 3, attached, are met on an interim basis, until the Board adopts a further decision in the Bay-Delta Water Rights Hearing assigning responsibility for meeting these objectives. The condition, as written in Order WR 2001-05, states that unless it is renewed pursuant to a further order after notice and an opportunity for hearing, this condition shall expire no later than one year after the DWR or the USBR requests in writing that the State Water Board convene a water right proceeding to determine whether to replace this condition with another condition that meets the objectives in Table 3. Any extension hearing shall be for the limited purpose of determining whether additional time is necessary, and shall not include consideration of changes in allocation of responsibility. The State Water Board shall expedite any proceeding it conducts to assign long term responsibility to meet the objectives in Table 3, in an effort to keep the proceeding under two years. This condition does not mandate that the Permittee use water under this permit if it uses other sources of water or other means to meet this condition. Order WR 2002-0012 states this condition of Order 2001-05 remains in full force and effect.
34. Permittee shall implement the water quality compliance and baseline monitoring plan set forth in Table 5 on an interim basis, including construction, maintenance and operation of all necessary devices, until the Board adopts a further decision in the Bay-Delta Water Rights Hearing assigning responsibility for meeting the requirements in Table 5.
35. Permittee shall:
 - a. In consultation with the U.S. Fish and Wildlife Service (USFWS), Department of Fish and Game (DFG), San Joaquin River Group Authority (SJRGAA), City and County of San Francisco (CCSF) and CVP/SWP Export Interests, prepare a fishery monitoring plan for the Vernalis Adaptive Management Plan (VAMP) experiment consistent with the San Joaquin River Agreement (SJRA) and with the findings in this decision. The plan shall specify study objectives, sampling locations, methodology, and sampling periods. The monitoring plan shall be submitted to the Executive Director of the State Water Board for approval by May 14, 2000.
 - b. Conduct the fishery monitoring studies according to the monitoring plan for the duration of the VAMP/SJRA study period, and submit results to the Executive Director of the State Water Board on an annual basis. A monitoring report summarizing the study methodology and results from each year's experiment shall be submitted to the Executive Director of the State Water Board by December

31 of each year. A final report shall be submitted to the Executive Director of the State Water Board no later than eight months following completion of the VAMP experiment.

36. To ensure compliance with the water quality objectives, to identify meaningful changes in any significant water quality parameters potentially related to operation of the SWP or the CVP, and to reveal trends in ecological changes potentially related to project operations, Permittee shall, independently or in cooperation with other agencies or individuals:
- a. Perform the Water Quality and Baseline Monitoring program described in Table 5 and in Figure 4.
 - b. Conduct ongoing and future monitoring surveys as recommended by the DFG, the USFWS or the National Marine Fisheries Service (NMFS), and acceptable to the Executive Director of the State Water Board concerning food chain relationships, fisheries impacts, or impacts to brackish tidal marshes, as they are affected by operations of the SWP or the CVP in the Delta and Suisun Marsh.
 - c. Permittee shall make available to the State Water Board and other interested parties the results of the above monitoring as soon as practicable. Timely posting of this information on the Internet will satisfy this requirement. Permittee shall submit to the Executive Director of the State Water Board, by December 1 of each year, annual reports summarizing the previous calendar year's findings and detailing future study plans.
 - d. If Permittee anticipates violations of the water quality objectives or if such violations have occurred, Permittee shall provide immediate written notification to the Executive Director of the State Water Board.
 - e. Permittee shall evaluate the Water Quality Compliance and Baseline Monitoring once every three years to ensure that the goals of the monitoring program are attained. Permittee shall report to the Executive Director of the State Water Board the conclusions based upon this evaluation. Permittee may propose appropriate modifications of the program for concurrence of the Executive Director of the State Water Board.
37. Permittee shall ensure that the San Joaquin River salinity; eastern Suisun Marsh salinity; western Suisun Marsh salinity at Chadbourne Slough, at Sunrise Duck Club (station S-21), and Suisun Slough near Volanti Slough (station S-42); and export limits for fish and wildlife beneficial uses as set forth in Table 3, attached, are met.
- If any Suisun Marsh salinity objectives at the above locations are exceeded at a time when the Suisun Marsh Salinity Control Gates are being operated to the maximum extent, then such exceedances shall not be considered violations of this permit/license. A detailed operations report acceptable to the Executive Director of the State Water Board regarding Suisun Marsh Salinity Control Gate operation and a certification from the parties that the gates were operated to the extent possible must be submitted to receive the benefit of this exception.
38. Permittee is jointly responsible with the USBR for providing Delta flows that otherwise might be allocated to Mokelumne River water right holders.
39. Permittee shall provide water to meet any responsibility of water right holders within the North Delta Water Agency to provide flows to help meet the 1995 Bay-Delta Water Quality Control Plan objectives as long as the 1981 contract between North Delta Water Agency and the Permittee is in effect.
40. This permit is conditioned upon implementation of the water quality objectives for agricultural beneficial uses in the southern Delta, as specified in Table 2, attached, at the following locations in the southern Delta:
- a. San Joaquin River at Brandt Bridge (Interagency Station No. C-6);

- b. Old River near Middle River (Interagency Station No. C-8); and
- c. Old River at Tracy Road Bridge (Interagency Station No. P-12).

Permittee has latitude in its method for implementing the water quality objectives at Stations C-6, C-8, and P-12, above; however, a barrier program in the southern Delta may help to ensure that the objectives are met at these locations. If Permittee exceeds the objectives at stations C-6, C-8, or P-12, Permittee shall prepare a report for the Executive Director. The Executive Director will evaluate the report and make a recommendation to the State Water Board as to whether enforcement action is appropriate or the noncompliance is the result of actions beyond the control of the Permittee.

- 41. Permittee may divert in compliance with special conditions in this permit and all applicable laws only when it can do so without interfering with the exercise of vested rights, including those rights of the United States under permits granted by Decision D990 which have priority dates earlier than the priority dates of the permits under which Permittee is diverting.

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for

purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Original Signed by: JWK for

Victoria A. Whitney
Deputy Director for Water Rights

Dated: September 14, 2009

Attachments: Table 1 – Water Quality Objectives for Municipal and Industrial Beneficial Uses
Table 2 – Water Quality Objectives for Agricultural Beneficial Uses
Table 3 – Water Quality Objectives for Fish and Wildlife Beneficial Uses
Table 4 – Number of Days When Maximum Daily Average Electrical Conductivity of
2.64 mmhos/cm Must Be Maintained at Specified Location
Table 5 – Water Quality Compliance and Baseline Monitoring
Figure 1 – Sacramento Valley Water Year Hydrologic Classification
Figure 2 – San Joaquin Valley Water Year Hydrologic Classification
Figure 3 – NDOI and Percent Inflow Diverted
Figure 4 – Bay-Delta Estuary Monitoring Stations

KDM: DCC: 08/28/09
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STATE OF CALIFORNIA
 THE RESOURCES AGENCY
 STATE WATER RESOURCES CONTROL BOARD
 DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. **16482**

Application 17512 of STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES
1416 NINTH STREET, SACRAMENTO, CALIFORNIA 95814

filed on MARCH 15, 1957, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|--|--------------------------|
| 1. Source: | Tributary to: |
| <u>ITALIAN SLOUGH</u> | <u>OLD RIVER</u> |
| <u>SACRAMENTO-SAN JOAQUIN DELTA CHANNELS</u> | <u>SUISUN BAY</u> |
| <u>SAN LUIS CREEK</u> | <u>SAN JOAQUIN RIVER</u> |
| _____ | _____ |
| _____ | _____ |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>(SEE SUPPLEMENT)</u>	<u>¼ of</u>	<u>¼</u>			
	<u>¼ of</u>	<u>¼</u>			
	<u>¼ of</u>	<u>¼</u>			
	<u>¼ of</u>	<u>¼</u>			
	<u>¼ of</u>	<u>¼</u>			
	<u>¼ of</u>	<u>¼</u>			

County of (SEE SUPPLEMENT)

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
<u>IRRIGATION, DOMESTIC, MUNICIPAL, INDUSTRIAL, SALINITY CONTROL, RECREATIONAL & FISH AND WILDLIFE ENHANCEMENT</u>	<u>WITHIN THE SERVICE AREA OF THE STATE WATER PROJECT AS SHOWN ON MAPS NOS. 1878-1, 1878-2 AND 1878-3 REVISED DECEMBER, 1964.</u>					<u>8,214,000 NET ACRES WITHIN A GROSS AREA OF 26,773,000 ACRES</u>
<u>INCIDENTAL POWER</u>	<u>AT THE FOLLOWING POWERPLANTS:</u> <u>(SEE SUPPLEMENT)</u>					

The place of use is shown on map filed with the State Water Resources Control Board.

SUPPLEMENT (PARAGRAPH 2)

LOCATION OF POINTS OF DIVERSION

	COUNTY	CALIFORNIA COORDINATE SYSTEM	ZONE	1/4 1/4	SECTION	TOWNSHIP	RANGE	MERIDIAN
DIVERSION:								
DELTA WATER FACILITIES	SACRAMENTO	N 252,650 E 2,137,200	2	SW OF NE	22	6N	4E	MD
DIVERSION AND REDIVERSION:								
CALIFORNIA AQUE- DUCT INTAKE	CONTRA COSTA	N 489,027 E 1,684,405	3	NW OF NE	PROJ. 24	1S	3E	MD
SAN LUIS DAM	MERCED	N 204,450 E 1,832,440	3	SW OF SE	PROJ. 15	10S	8E	MD
REDIVERSION:								
DEL VALLE DAM	ALAMEDA	N 408,222 E 1,639,465	3	NE OF SW	PROJ. 3	4S	2E	MD
SAN LUIS FORE- BAY DAM	MERCED	N 216,800 E 1,841,100	3	NE OF SW	1	10S	8E	MD
PYRAMID DAM	LOS ANGELES	N 417,150 E 1,770,500	5	SW OF NW	2	6N	18W	SB
CASTAIC DAM	LOS ANGELES	N 4,301,400 E 4,104,900	7	N1/2 OF SW1/4	18	5N	16W	SB
CEDAR SPRINGS DAM	SAN BERNARDINO	N 293,520 E 2,207,260	5	S1/2 OF NE	32	3N	4W	SB
PERRIS DAM	RIVERSIDE	N 613,500 E 1,713,400	6	N1/2 OF SE	4	4S	3W	SB

APPLICATION 17512

PERMIT NO. 38894

SUPPLEMENT (PARAGRAPH 4)

POWERPLANTS FOR INCIDENTAL POWER:

- SAN LUIS - WITHIN NE1/4 OF NE1/4 OF PROJECTED SECTION 15, T10S, R8E, MOB&M.
- SAN LUIS OBISPO - WITHIN SW1/4 OF NE1/4 OF SECTION 5, T31S, R13E, MOB&M.
- COTTONWOOD - WITHIN SE1/4 OF SE1/4 OF PROJECTED SECTION 32, T9N, R17W, SBB&M.
- PYRAMID - WITHIN SE1/4 OF NE1/4 OF SECTION 21, T7N, R18W, SBB&M.
- CASTAIC - WITHIN NE1/4 OF SE1/4 OF SECTION 22, T6N, R17W, SBB&M.
- DEVIL CANYON #1 - WITHIN SW1/4 OF NW1/4 OF SECTION 32, T2N, R4W, SBB&M.
- DEVIL CANYON #2 - WITHIN SW1/4 OF SW1/4 OF PROJECTED SECTION 6, T1N, R4W, SBB&M.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED 1,100,000 ACRE-FEET PER ANNUM BY STORAGE, TO BE DIVERTED FROM ITALIAN SLOUGH AND SACRAMENTO-SAN JOAQUIN DELTA CHANNELS AND TO BE COLLECTED FROM SAN LUIS CREEK FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR.

THE MAXIMUM COMBINED RATES OF DIRECT DIVERSION, DIVERSION TO STORAGE, AND REDIVERSION OF STORED WATER FOR EXPORT THROUGH THE DELTA PUMPING PLANT, SHALL NOT EXCEED 10,350 CUBIC FEET PER SECOND.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE OR FOR ANY OTHER PURPOSE.
6. THE MAXIMUM QUANTITY HEREIN STATED MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.
7. CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1980.
8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1990.
9. PROGRESS REPORTS SHALL BE FILED PROMPTLY BY PERMITTEE ON FORMS TO BE PROVIDED ANNUALLY BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.
10. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.
11. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE PROPOSED RESERVOIRS OF ALL STRUCTURES, TREES, AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIRS FOR WATER STORAGE AND RECREATIONAL PURPOSES.
12. UPON THE REQUEST OF THE BOARD, PERMITTEE SHALL MAKE SUCH MEASUREMENTS AND MAINTAIN AND FURNISH TO THE BOARD SUCH RECORDS AND INFORMATION AS MAY BE NECESSARY TO DETERMINE COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS PERMIT INCLUDING THE RECOGNITION OF VESTED RIGHTS AND FOR THE FURTHER PURPOSE OF DETERMINING THE QUANTITIES OF WATER PLACED TO BENEFICIAL USE UNDER THIS PERMIT.
13. IN CONFORMITY WITH WATER CODE SECTION 10505, THIS PERMIT SHALL BE SUBJECT TO ANY AND ALL RIGHTS OF ANY COUNTY IN WHICH THE WATER SOUGHT TO BE APPROPRIATED ORIGINATES TO THE EXTENT THAT ANY SUCH WATER MAY BE NECESSARY FOR THE DEVELOPMENT OF SUCH COUNTY.
14. UNTIL FURTHER ORDER OF THE BOARD, PERMITTEE SHALL NOT COLLECT WATER TO STORAGE FROM ITALIAN SLOUGH AND SACRAMENTO-SAN JOAQUIN DELTA CHANNELS DURING THE PERIOD FROM APRIL 1 THROUGH JUNE 30 AT ANY TIME THE MAXIMUM SURFACE ZONE CHLORIDE ION CONTENT OF THE SAN JOAQUIN RIVER AT BLIND POINT EXCEEDS 250 PARTS PER MILLION. IF BLIND POINT IS NOT USED AS A MONITORING STATION, PERMITTEE SHALL ESTABLISH A CORRELATION WITH SOME OTHER STATION SATISFACTORY TO THE BOARD TO PROVIDE THE NECESSARY DATA ON QUALITY AT BLIND POINT.
15. UNTIL FURTHER ORDER OF THE BOARD, THIS PERMIT SHALL BE SUBJECT TO THE WATER QUALITY CRITERIA INCLUDED AS "EXHIBIT A" OF THE AGREEMENT ENTERED AT THE HEARING OF APPLICATIONS 5629, ETC., AS SRDWA EXHIBIT 17, INsofar AS THOSE CRITERIA DO NOT CONFLICT WITH OTHER TERMS INCLUDED IN THIS PERMIT.
16. PERMITTEE SHALL NOT OBJECT TO THE USE OF ANY QUANTITIES OF WATER SPECIFIED IN THE SCHEDULES OF MONTHLY DIVERSION OF WATER ATTACHED TO THOSE CONTRACTS BETWEEN USERS OF WATER ABOVE SACRAMENTO AND THE UNITED STATES BUREAU OF RECLAMATION HERETOFORE OR HEREAFTER ENTERED INTO AS SUCH QUANTITIES ARE FROM TIME TO TIME REVISED EXCEPT IN THE EVENT OF A GENERAL ADJUDICATION OF RIGHTS TO THE USE OF WATER OF THE SACRAMENTO RIVER SYSTEM.
17. TO THE EXTENT OF ITS AUTHORITY, PERMITTEE SHALL NOT IMPAIR THE VESTED RIGHTS FOR ANY DELTA LANDS BY SEVERANCE OF SAID LANDS FROM THEIR SOURCES OF WATER SUPPLY BY THE CONSTRUCTION OF THE PERIPHERAL CANAL UNLESS PERMITTEE ACQUIRES A RIGHT AGAINST THE HOLDERS OF SAID RIGHTS BY AGREEMENT OR BY THE EXERCISE OF ITS POWER OF EMINENT DOMAIN.

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17512

PERMIT 16482

LICENSE _____

ORDER APPROVING A CHANGE IN PLACE OF USE
AND AMENDING THE PERMIT

WHEREAS:

1. A PETITION TO CHANGE THE PLACE OF USE HAS BEEN FILED WITH THE STATE WATER RESOURCES CONTROL BOARD.
2. THE PERMITTEE HAS PROCEEDED WITH DILIGENCE AND GOOD CAUSE HAS BEEN SHOWN FOR THE SAID CHANGE.
3. THE BOARD HAS DETERMINED THAT THE PETITIONED CHANGE DOES NOT CONSTITUTE THE INITIATION OF A NEW RIGHT NOR OPERATE TO THE INJURY OF ANY OTHER LAWFUL USER OF WATER.

NOW, THEREFORE, IT IS ORDERED THAT:

1. PARAGRAPH 4 OF THIS PERMIT REGARDING THE PLACE OF USE IS AMENDED TO ADD THE FOLLOWING TO THE LIST OF POWER PLANTS FOR INCIDENTAL POWER: DEL VALLE - WITHIN THE SW¹/₄ OF NW¹/₄ OF PROJECTED SECTION 3, T4S, R2E, MDB&M.
2. A NEW PARAGRAPH 26 IS ADDED AS FOLLOWS:

PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

3. A NEW PARAGRAPH 27 IS ADDED TO THIS PERMIT AS FOLLOWS:

THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH

PERMIT 16482 (APPLICATION 17512)

PAGE 2

MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

4. A NEW PARAGRAPH 28 IS ADDED TO THIS PERMIT AS FOLLOWS:

THE STATE WATER RESOURCES CONTROL BOARD, UNDER ITS AUTHORITY TO CONSERVE THE PUBLIC INTEREST, RETAINS CONTINUING AUTHORITY OVER THIS PERMIT TO REQUIRE PERMITTEE TO DEVELOP AND IMPLEMENT A WATER CONSERVATION PROGRAM, AFTER NOTICE AND OPPORTUNITY FOR HEARING. THE REQUIREMENTS OF THIS TERM MAY BE SATISFIED BY PERMITTEE'S COMPLIANCE WITH ANY COMPREHENSIVE WATER CONSERVATION PROGRAM, APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD, WHICH MAY BE IMPOSED BY A PUBLIC AGENCY.

DATED: MARCH 23 1981

L. D. Johnson

WALTER G. PETTIT, CHIEF
DIVISION OF WATER RIGHTS

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17512

PERMIT 16482

LICENSE _____

ORDER TO ADD TO THE PLACE OF USE, APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 16482 was issued to California Department of Water Resources on September 26, 1972 pursuant to Application 17512.
2. A petition to add to the place of use and a petition for an extension of time within which to develop the project and apply the water to the proposed use have been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for the said changes and for the extension of time.
4. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Standard Permit Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 2000 (0000008)

2. Condition 8 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2009 (0000009)

3. Condition 4 of this permit pertaining to Powerplants for Incidental Power be amended to read:

Powerplants for Incidental Power:

San Luis within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 15, R10S, R8E, MDB&M,
San Luis Obispo within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 5, T31S, R13E, MDB&M,
Cottonwood within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 32, T9N, R17W, SBB&M,
Pyramid within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 21, T7N, R18W, SBB&M,
Castaic within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T6N, R17W, SBB&M,
Devil Canyon #1 within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T2N, R4W, SBB&M,
Devil Canyon #2 within SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of projected Section 6, T1N, R4W, SBB&M,
Del Valle within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 3, T4S, R2E, MDB&M,
Mohave Siphon within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T3N, R4W, SBB&M.

4. Condition 10 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 02 1991

ORIGINAL SIGNED
BY ROGER JOHNSON

 Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

COPY FOR FIELD ENGINEER

17512

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5629 and 6 others PERMIT 16477 and 6 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

BENEFICIAL USE PROTECTED and LOCATION	PARAMETER	DESCRIPTION	YEAR TYPE	VALUES	
FISH AND WILDLIFE					
• SUISUN MARSH					
<ul style="list-style-type: none"> - To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2) Montezuma Slough at National Steel (3 miles south of Mein's Landing) (S-64) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49) 	Electrical Conductivity (EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equivalent or better protection will be provided at the location)	All	Month	EC in mmhos
				Oct.	19.0
				Nov.	15.5
				Dec.	15.5
				Jan.	12.5
<ul style="list-style-type: none"> - To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97) - To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75) - To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island. 				Feb.	8.0
				Mar.	8.0
				Apr.	11.0
				May	11.0

4. By January 15 of each year, permittee shall provide, either separately or jointly with U. S. Bureau of Reclamation, a written report to the Board on its progress toward achieving full compliance with this order.


Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated **DECEMBER 5 1985**.

DECEMBER 5 1985

ATTACHMENT A

Permits of the Department of Water Resources:

Permit 16477 (Application 5629)
Permit 16478 (Application 5630)
Permit 16479 (Application 14443)
Permit 16480 (Application 14444)
Permit 16481 (Application 14445A)
Permit 16482 (Application 17512)
Permit 16483 (Application 17514A)
Permit 12720 (Application 5625)

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

WR ORDER 2002-0009-DWR

**IN THE MATTER OF PERMIT 16482 (APPLICATION 17512)
PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 13,000 ACRE-FEET OF WATER FROM
THE CALIFORNIA DEPARTMENT OF WATER RESOURCES TO AREAS
WITHIN DEL PUERTO WATER DISTRICT AND SAN LUIS WATER DISTRICT**

ORDER AUTHORIZING TEMPORARY CHANGE IN PLACE OF USE
BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On June 21, 2002,

Department of Water Resources
c/o Nancy Quan, Chief
Project Water Contracts Branch
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB) a Petition for Temporary Change pursuant to the provisions of Water Code Section 1725, et seq. If approved, areas within Del Puerto Water District (DPWD) and San Luis Water District (SLWD), located within the service area of the U.S. Bureau of Reclamation's Central Valley Project (CVP), would be temporarily added to the authorized place of use under the Department of Water Resources' (DWR) permitted Application 17512. Temporary changes approved pursuant to the provisions of Water Code section 1725 may be effective for a period up to one year.

1.1 Description of the Transfer The water proposed for transfer under this petition involves an exchange (initiated in February 2002) between Kern County Water Agency (KCWA) and DPWD/SLWD. DPWD and SLWD transferred 13,000 acre-feet (af) of CVP water stored in San Luis Reservoir to KCWA between February and April 2002. In exchange for the CVP water, KCWA agreed to make available for transfer a like amount of water at a later date. Since a portion of KCWA is located within the CVP place of use, SWRCB approval was not required for the February transfer.

At the request of KCWA, DWR submitted this petition to allow DPWD and SLWD to receive up to 13,000 af of its State Water Project (SWP) water between May 2002 and June 2003. The petition states that 10,000 af of the transfer total is intended for DPWD with the remaining 3,000 af intended for SLWD. The proposed exchange allows for a more efficient management of available resources for 2002.

The petition stated that in the absence of the proposed transfer, the water would be either used within Kern County Water Agency's service area or delivered to offstream (underground) storage facilities located within Kern County.

2.0 BACKGROUND

2.1 Substance of DWR's Permit Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to collect up to 1,100,000 acre feet per annum by storage, to be diverted from the Sacramento and San Joaquin watersheds; and San Luis Creek between January 1 and December 31. The Clifton Court Forebay and the Tracy Pumping Plant, located within the San Francisco Bay/Sacramento-San Joaquin Delta (Delta), are authorized points of diversion/rediversion under Permit 16482. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and to generate incidental power within the SWP service area. The subject 13,000 af of SWP water is either currently stored or will be stored in San Luis Reservoir under provisions of DWR's permits, conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act. The proposed transfer may result in temporary increases in the instantaneous release rate from San Luis Reservoir.

2.2 Place of Use under the Proposed Transfer DWR's petition requested the temporary addition of areas within DPWD and SLWD to the place of use of Permit 16482. These areas are shown on a map submitted with the petition titled *Areas of Water Transfer from Kern County Water Agency to Del Puerto WD and San Luis WD*, dated June 16, 2002. This map is available for viewing on the Division of Water Rights' website at www.waterrights.ca.gov, Water Right Public Notices, attached to the public notice for this petition.

3.0 PUBLIC NOTICE AND COMMENT TO THE PROPOSED TRANSFER

Public notice of the petition for temporary change (dated June 27, 2002) was provided via regular mail to interested parties and by publication in the Fresno Bee on July 8, 2002. The Division did not receive any timely comments to the public notice.

4.0 AVAILABILITY OF WATER FOR TRANSFER

The water proposed for transfer consists of a portion of Kern County Water Agency's SWP entitlement under Permit 16482. In the absence of the proposed transfer, the water would be either used within Kern County Water Agency's service area or delivered to offstream (underground) storage facilities located within Kern County.

DWR's petition states that portions of SLWD have been identified as sources of agricultural drainage to the San Joaquin River. Increased agricultural drainage has the potential to increase instream salinity levels in the San Joaquin River and injure downstream users. The petition states that water for the proposed transfer is not scheduled for delivery to the portions of SLWD identified as drainage impacted. Additionally, the petition states that in the absence of this transfer, additional groundwater would be pumped and used to meet the water demands. The petition asserts that groundwater would contain a significantly higher concentration of salts than the surface water available for transfer and would therefore require a higher leaching fraction and increased application rates. Thus, the petition concludes that approval of the proposed temporary change may result in a decrease in both the quantity of agricultural drainage and its concentration of salts.

In light of the above, I find in accordance with Water Code section 1727(b)(1) that the proposed transfer would not injure any legal user of the water and that the proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

5.0 ENVIRONMENTAL CONSIDERATIONS

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.). However, the SWRCB must consider potential impacts on fish, wildlife and other instream beneficial uses in accordance with Water Code section 1727(b)(2).

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed for temporary change in the place of use under the Department of Water Resources' Permitted Application 17512 for the transfer of up to 13,000 af of water is approved.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchange is limited to the period commencing on the date of this Order and continuing for one year.
2. Prior to commencing the transfer, DWR shall provide the Chief of the Division of Water Rights a copy of the agreement with Kern County Water Agency, who is foregoing the delivery of the subject water.
3. The place of use are temporarily changed as follows:

SWP's permitted Application 17512 -- The authorized place of use is expanded to include areas within the Del Puerto Water District and the San Luis Water District shown on map titled *Areas of Water Transfer from Kern County Water Agency to Del Puerto WD and San Luis WD*, dated June 16, 2002, on file with the SWRCB under permitted Application 17512.
4. Water made available pursuant to this Order shall be used in a method consistent with good water management practices. Furthermore, DPWD and SLWD shall implement all reasonable measures to prevent sub-surface drainage of poor quality water into the downslope area outside of their service area. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible.
5. Within 60 days of the completion of the transfer, but no later than November 1, 2003, the permittee shall provide the Chief of the Division of Water Rights a report describing the use of the water transferred pursuant to this Order. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.

The report should include the following information:

- a. Specific locations where the transferred water was used;
 - b. The monthly amounts of water each location received; and
 - c. The average application rate of water in the locations.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the SWRCB also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

7. This order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this temporary transfer, the permittee shall obtain authorization for an incidental

take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.

8. I reserve jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton, Chief
Division of Water Rights*

Dated:

8/16/02

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

WR ORDER 2002-0007-DWR

**IN THE MATTER OF PERMIT 16482 (APPLICATION 17512)
PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 5,000 ACRE-FEET OF WATER
FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES
TO AREAS WITHIN THE WESTLANDS WATER DISTRICT**

ORDER AUTHORIZING TEMPORARY CHANGE IN PLACE OF USE
BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On May 21, 2002,

Department of Water Resources
c/o Nancy Quan, Chief
Project Water Contracts Branch
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725, et seq. If approved, a portion of the Westlands Water District (WWD), the majority of which is served solely by the U.S. Bureau of Reclamation's Central Valley Project (CVP), would be temporarily added to the authorized place of use under the Department of Water Resources' (DWR) permitted Application 17512. Temporary changes under Water Code section 1725 may be effective for a period up to one year.

1.1 Description of the Transfer State Water Project (SWP) water is stored in San Luis Reservoir and held for use in the service areas of SWP contractors including the Tulare Lake Basin Water Storage District (Tulare). DWR proposes a change in place of use to facilitate the transfer of up to 5,000 acre-feet (af) of Tulare's SWP water to WWD. Vista Verde Farms (VVF) and Venture Farms (VF) own property (3,461 acres for VVF and 875 acres for VF) located within both Tulare's and WWD's service area. These landowners wish to exchange up to 5,000 af of SWP water currently scheduled for use within Tulare's service area to their landholdings in WWD. The total allotment of irrigation water within the area of interest would be approximately 1.6 acre-feet per acre (af/ac) for VVF lands in WWD and 3.8 for VF lands in WWD. In the absence of the proposed transfer, the water would be used by the aforementioned parties on lands located within the Tulare Lake Basin Water Storage District.

2.0 BACKGROUND

2.1 Substance of DWR's Permit Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to collect up to 1,100,000 acre feet per annum by storage, to be diverted from the Sacramento and San Joaquin watersheds; and San Luis Creek between January 1 and December 31. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife

enhancement, and to generate incidental power. The subject 5,000 af of SWP water is either stored in San Luis Reservoir or will be stored under provisions of DWR's permits, conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act. Instantaneous release rates from San Luis Reservoir may increase due to the proposed transfer.

2.2 Place of Use under the Proposed Transfer DWR's petition requested that WWD's service area (as shown on WWD's Generalized Depth to Shallow Groundwater, October 2001 submitted with the petition) be temporarily added to the place of use of Permit 16482.

3.0 COMMENTS RECEIVED ON THE PROPOSED TRANSFER/EXCHANGE

The Division received timely comments from the Central Delta Water Agency (CDWA), on behalf of itself, the South Delta Water Agency (SDWA), and Alex Hildebrand. CDWA's comments and the SWRCB's response are summarized below.

CDWA opposed the proposed transfer on the basis that "the delivery of water over and above levels that existed prior to the implementation of the San Luis Unit of the CVP constitute an unreasonable use of water in violation of California Constitution Article 10, section 2." CDWA asserted that "the application of supplemental water to the WWD area will add water to a hydrologic regime which is causing water logging of the WWD lands along the trough of the valley (sometimes referred to as drainage impacted lands) and which is providing a groundwater gradient which causes saline waters to enter the San Joaquin River." CDWA concluded that the increase in salinity of San Joaquin River water resulting from the proposed transfer would injure themselves, SDWA, and Alex Hildebrand.

SWRCB Response: Approximately 42,000 acres within the northern portion of WWD (north of Township 16S, MDB&M) have been identified as areas with potential for surface and subsurface drainage to the San Joaquin River. Though DWR's petition requested the temporary addition of all of WWD's service area to the place of use under Permit 16482, only 4,336 acres are scheduled to receive water. These areas are located south of the potential drainage areas (within Township 17S, Range 15E and Township 19S, Range 18E, MDB&M). Within these areas of WWD, surface drainage and groundwater gradients trend away from the San Joaquin River. Therefore, the application of water to these specific areas within WWD should not significantly increase salinity concentration within the San Joaquin River and injure downstream users such as CDWA, SDWA, and Alex Hildebrand. Accordingly, this order will authorize the addition of only Township 17S, Range 15E and Township 19S, Range 18E, MDB&M, to the place of use under Permit 16482.

4.0 AVAILABILITY OF WATER FOR TRANSFER

The water proposed for transfer consists of a portion of Tulare Lake Basin Water Storage District's SWP entitlement under Permit 16482. In the absence of the proposed transfer, the water would be used within the service area of the Tulare Lake Basin Water Storage District.

Additionally, in response to comments from CDWA asserting that the proposed transfer would result in an increase in salinity concentrations in the San Joaquin River causing injury to itself, SDWA, and Alex Hildebrand, this order limits the place of use to specific areas within WWD which do not have significant potential for either surface drainage to or groundwater gradients towards the San Joaquin River.

In light of the above, I find in accordance with Water Code section 1727(b)(1) that the proposed transfer would not injure any legal user of the water and that the proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

5.0 ENVIRONMENTAL CONSIDERATIONS

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) However, the SWRCB must consider potential impacts on fish, wildlife and other instream beneficial uses in accordance with Water Code section 1727(b)(2).

The water available for the transfer is either currently stored or will be stored in San Luis Reservoir under provisions of DWR's permits, and conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act. Therefore, the diversion of this water would have no significant adverse effect on any natural streamflow or hydrologic regime.

5.1 Environmental Issues within WWD In general, land in WWD has complete tailwater control within each field. WWD's pipeline distribution system and landowners' irrigation systems in WWD have been documented as one of the more efficient systems available in California to minimize the amount of water applied to crops. In addition, WWD has programs to encourage water conservation and reduce deep percolation. WWD's Generalized Depth to Shallow Ground Water, October 2001 indicates that irrigation of most lands within WWD's service area have not been shown to cause drainage or selenium problems. The lands scheduled to receive the water from this transfer are among the lands that do not cause surface water problems due to agricultural drainage.

In light of the above, I find that in accordance with Water Code section 1727(b)(2) that the proposed transfer would have no unreasonable effects on fish, wildlife or other instream beneficial uses.

6.0 SWRCB'S DELEGATION OF AUTHORITY

On May 16, 2002, the SWRCB adopted Resolution 2002-0106, granting the authority to act on petitions for temporary change to the Chief of the Division of Water Rights, except where the SWRCB conducts a hearing to accept additional evidence.

7.0 CONCLUSIONS

The SWRCB has adequate information in its files to make the evaluation required by Water Code section 1727; and therefore I find as follows:

I conclude that, based on the available evidence:

1. The proposed temporary change will not injure any legal user of the water.
2. The proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses.
3. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed for temporary change in the place of use under the Department of Water Resources' Permitted Application 17512 for the transfer of up to 5,000 af of water is approved.

All existing terms and conditions of the subject permit remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchange is limited to the period commencing on the date of this Order and continuing for one year.
2. Prior to commencing the transfer, DWR shall provide the Chief of the Division of Water Rights a copy of the agreement with the Tulare Lake Basin Water Storage District, who is foregoing the delivery of the subject water.
3. The place of use are temporarily changed as follows:

SWP's permitted Application 17512 -- The authorized place of use is expanded to include Township 17S, Range 15E and Township 19S, Range 18E, MDB&M.
4. Water made available pursuant to this Order shall be used in a method consistent with good water management practices. Furthermore, WWD shall implement all reasonable measures to prevent sub-surface drainage of poor quality water into the downslope area outside of WWD's service area. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible.
5. Within 60 days of the completion of the transfer/exchange, but no later than October 1, 2003, the permittee shall provide the Chief of the Division of Water Rights a report describing the use of the water transferred pursuant to this Order. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.

The report should include the following information:

- a. Specific locations where the transferred water was used;
 - b. The monthly amounts of water each location received; and
 - c. The average application rate of water in the locations.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the SWRCB also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

7. This order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this temporary transfer, the permittee shall obtain authorization for an incidental

take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.

8. I reserve jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.



*Edward C. Anton, Chief
Division of Water Rights*

Dated:

7/25/02

**ORDER AUTHORIZING
TEMPORARY CHANGES IN PLACE OF USE,
INVOLVING THE TRANSFER/EXCHANGE OF
UP TO 35,767 ACRE-FEET OF WATER
UNDER
THE DEPARTMENT OF WATER RESOURCES'
WATER RIGHT PERMIT 16482 (APPLICATION 17512)**

BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On April 12, 2000, the

Department of Water Resources
c/o Nancy Quan, Chief
Project Water Contracts Branch
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725 et seq. The petition asks that the Westlands Water District (WWD), served by the U.S. Bureau of Reclamation's Central Valley Project (CVP), be temporarily added to the authorized place of use under the Department of Water Resources' (DWR) permitted Application 17512. The temporary change would continue for a period of one year.

State Water Project (SWP) water stored in San Luis Reservoir is held for use in the service areas of SWP contractors including the Kern County Water Agency (KCWA) and the Tulare Lake Basin Water Storage District (TLBWSD). It is proposed that 35,767 acre-feet (af) of KCWA's and TLBWSD's water would be transferred to WWD's service area (see attached map) to irrigate approximately 34,366 acres of land. The total allotment of irrigation water within the area of interest would be at a rate less than or equal to crop demand.

In the absence of the proposed transfer, the water would have been used on lands located within the service areas of KCWA or TLBWSD.

2.0 BACKGROUND

2.1 Substance of the SWP Permit Permitted Application 17512 was issued to the DWR on September 26, 1972. The permit authorizes DWR to collect up to 1,100,000 af per annum by storage in San Luis Reservoir, to be diverted from the Sacramento-San Joaquin Delta (Delta) channels and from San Luis Creek. The water is used for the purposes of irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and incidental power within the SWP place of use.

FIELD FILE COPY

2.2 Purpose of the Proposed Transfer The water would be transferred to WWD's service area to for irrigation, which is a beneficial use of water.

3.0 AVAILABILITY OF WATER FOR TRANSFER

The water proposed for transfer has already been stored in San Luis Reservoir. In the absence of the proposed transfer, the water would remain in storage at the San Luis Reservoir for use by KCWA and TLBWSD.

In light of the above, I find in accordance with Water Code section 1727(b)(1) that the proposed transfer would not injure any legal user of the water and that the proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

4.0 ENVIRONMENTAL CONSIDERATIONS

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) In addition, temporary changes involving the transfer of water that was previously stored are exempt from the requirements of CEQA. However, the SWRCB must consider potential impacts on fish, wildlife and other instream beneficial uses in accordance with Water Code section 1727(b)(2).

The water available for the transfer is currently stored in SWP's portion of San Luis Reservoir, and therefore would have no effect on any natural streamflow or hydrologic regime. The water was stored in San Luis Reservoir under provisions of DWR's permits, and conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act.

4.1 Environmental Issues within WWD The SWP water transferred will be delivered to WWD's Priority II, and III Areas. In general, land in WWD has complete tailwater control within each field. WWD's pipeline distribution system and landowners' irrigation systems in WWD have been documented as one of the more efficient systems available in California to minimize the amount of water applied to crops.

None of the land in WWD discharges agricultural drainage directly to surface waters in the San Joaquin River watershed. In addition, WWD has programs to encourage water conservation and reduce deep percolation. WWD's Generalized Depth to Shallow Ground Water, April 1999 indicates that irrigation of most lands within WWD's service area have not been shown to cause drainage or selenium problems. The lands scheduled to receive the water from this transfer are among the lands that do not cause surface water problems due to agricultural drainage.

ORDER

NOW, THEREFORE, IT IS ORDERED that the filed petition for temporary change in the places of use under the Department of Water Resources Permitted Application 17512 of up to 35,767 af of water is approved.

All existing terms and conditions of the subject permits remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchange is limited to the period commencing on the date of this Order and continues for one year.
2. Prior to commencing the transfer, DWR shall provide the Chief of the Division of Water Rights a copy of the agreement with the Kern County Water Agency and the Tulare Lake Basin Water Storage District, who are foregoing the delivery of the subject water.
3. The place of use are temporarily changed as follows:

SWP's permitted Application 17512 -- The authorized place of use is expanded to include the CVP's San Joaquin Valley service area as referenced on maps numbered 214-208-3348, 214-208-3349, and 214-208-3350, all dated December 1, 1960; which are on file with the SWRCB under permitted Application 15764. Current boundaries of WWD are shown on WWD's Generalized Depth to Shallow Groundwater, April 1999 on file with the SWRCB under permitted Application 17512.

4. Water made available pursuant to this Order shall be used in a method consistent with good water management practices. Furthermore, WWD shall implement all reasonable measures to prevent sub-surface drainage of poor quality water into the downslope area outside of WWD's service area. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible.
5. Within 60 days of the completion of the transfer/exchange, but no later than September 1, 2001, the permittee shall provide the Chief of the Division of Water Rights a report describing the use of the water transferred pursuant to this Order. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.

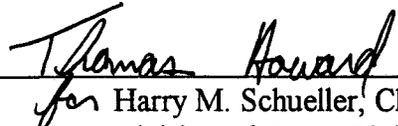
The report should include the following information:

1. General locations where the transferred water was used;
2. The monthly amounts of water each location received; and
3. The average application rate of water in the locations.

6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the SWRCB also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

7. This order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this temporary transfer, the permittee shall obtain authorization for an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.
8. I reserve jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.


for Harry M. Schueller, Chief
Division of Water Rights

Dated: **MAY 26 2000**

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 17512 Permit 16482

**ORDER AUTHORIZING
TEMPORARY CHANGES IN PLACE OF USE,
INVOLVING THE TRANSFER/EXCHANGE OF
UP TO 13,770 ACRE-FEET OF WATER
UNDER
THE DEPARTMENT OF WATER RESOURCES'**

BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On October 13, 1999, the

Department of Water Resources
c/o Thomas Hanson
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725 et seq. The petition asks that the Westlands Water District (WWD), served by the U.S. Bureau of Reclamation's Central Valley Project (CVP), be temporarily added to the authorized place of use under the Department of Water Resources' (DWR) permitted Application 17512. The temporary change would continue for a period of one year.

State Water Project (SWP) water stored in San Luis Reservoir is held for use in the service areas of SWP contractors including the Tulare Lake Basin Water Storage District (TLBWSD). It is proposed that 13,770 acre-feet (af) of TLBWSD's water would be transferred to WWD's service area to irrigate primarily Priority II and III lands within WWD. The total allotment of irrigation water within the area of interest would be at a rate less than or equal to crop demand.

In the absence of the proposed transfer, the water would remain in storage at the San Luis Reservoir for later use by TLBWSD.

COPY FOR FIELD ENGINEER

2.0 BACKGROUND

2.1 Substance of the SWP Permit Permitted Application 17512 was issued to the DWR on September 26, 1972. The permit authorizes DWR to collect up to 1,100,000 af per annum by storage in San Luis Reservoir, to be diverted from the Sacramento-San Joaquin Delta channels and from San Luis Creek. The water is used for the purposes of irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and incidental power within the SWP place of use.

2.2 Purpose of the Proposed Transfer The water would be transferred to WWD's service area for irrigation, which is a beneficial use of water.

3.0 AVAILABILITY OF WATER FOR TRANSFER

The water proposed for transfer has already been stored in San Luis Reservoir. In the absence of the proposed transfer, the water would remain in storage at the San Luis Reservoir for later use by TLBWSD.

In light of the above, I find in accordance with Water Code section 1727(a)(1) that the proposed transfer would not injure any legal user of the water and that the proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

4.0 ENVIRONMENTAL CONSIDERATIONS

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) In addition, temporary changes involving the transfer of water that was previously stored are exempt from the requirements of CEQA. However, the SWRCB must consider potential impacts on fish, wildlife and other instream beneficial uses in accordance with Water Code section 1727(a)(2).

The water available for the transfer is currently stored in SWP's portion of San Luis Reservoir, and therefore would have no effect on any natural streamflow or hydrologic regime. The water was stored in San Luis Reservoir under provisions of DWR's permits, and conditions set forth in the 1995 Bay-Delta water quality objectives, SWRCB Order WR 98-9, and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries under the Endangered Species Act.

4.1 Environmental Issues within WWD The SWP water transferred will be delivered to WWD's Priority II, and III Areas. In general, land in WWD has complete tailwater control within each field. WWD's pipeline distribution system and landowners' irrigation systems in WWD have been documented as one of the more efficient systems available in California to minimize the amount of water applied to crops.

None of the land in WWD discharges agricultural drainage directly to surface waters in the San Joaquin River watershed. In addition, WWD has programs to encourage water conservation and reduce deep percolation. WWD's Generalized Depth to Shallow Ground Water, April 1998 indicates that irrigation of most lands within WWD's service area have not been shown to cause drainage or selenium problems. The lands scheduled to receive the water from this transfer are among the lands that do not cause surface water problems due to agricultural drainage.

In light of the above, I find that in accordance with Water Code section 1727(a)(2) that the proposed transfer would have no unreasonable effects on fish, wildlife or other instream beneficial uses.

5.0 COMMENTS RECEIVED ON THE PROPOSED TRANSFER/EXCHANGE

The SWRCB received no comments or objections to the temporary transfer.

6.0 SWRCB'S DELEGATION OF AUTHORITY

On April 29, 1999, the SWRCB adopted Resolution 99-031, continuing the delegation of authority to approve petitions for temporary changes to the Chief of the Division of Water Rights, provided the necessary statutory findings can be made.

7.0 CONCLUSIONS

The SWRCB has adequate information in its files to make the evaluation required by Water Code section 1727; and therefore I find as follows:

I conclude that, based on the available evidence:

1. The proposed temporary change will not injure any legal user of the water.
2. The proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses.
3. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the petition filed for temporary change in the places of use under the Department of Water Resources Permitted Application 17512 (A17512) of up to 13,770 af of water is approved.

All existing terms and conditions of the subject permits remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchange is limited to the period commencing five days following the date of this Order and continues for one year.
2. Prior to commencing the transfer, DWR shall provide the Chief of the Division of Water Rights a copy of the agreement with Tulare Lake Basin Water Storage District, who is foregoing the delivery of the subject water.
3. The place of use is temporarily changed as follows:

SWP's permitted A17512 -- The authorized place of use is expanded to include the CVP's San Joaquin Valley service area as referenced on maps numbered 214-208-3348, 214-208-3349, and 214-208-3350, all dated December 1, 1960; which are on file with the SWRCB under permitted Application 15764. Current boundaries of WWD are shown on WWD's Generalized Depth to Shallow Groundwater, April 1998 on file with the SWRCB under permitted A17512.

4. Water made available pursuant to this Order shall be used in a method consistent with good water management practices. Furthermore, WWD shall implement all reasonable measures to prevent sub-surface drainage of poor quality water into the downslope area outside of WWD's service area. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible.
5. Within 60 days of the completion of the transfer/exchange, but no later than February 1, 2001, the permittee shall provide the Chief of the Division of Water Rights a report describing the use of the water transferred pursuant to this Order. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.

The report should include the following information:

1. General locations where the transferred water was used;
2. The monthly amounts of water each location received; and
3. The average application rate of water in the locations.

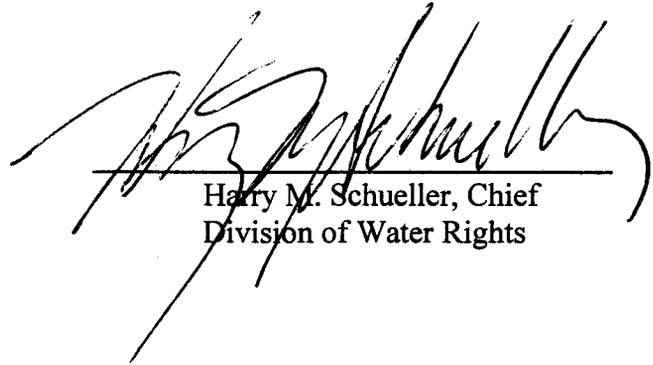
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the SWRCB also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

7. This order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this temporary transfer, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.
8. I reserve jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

Dated

NOV 17 1999



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

**ORDER AUTHORIZING
TEMPORARY CHANGES IN PLACE OF USE,
INVOLVING THE TRANSFER/EXCHANGE OF
UP TO 35,000 ACRE-FEET OF WATER
UNDER
THE DEPARTMENT OF WATER RESOURCES'
WATER RIGHT PERMIT 16482 (APPLICATION 17512)**

BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:

1.0 SUBSTANCE OF PETITION

On July 7, 1999, the

Department of Water Resources
c/o Thomas Hanson
P.O. Box 942836
Sacramento, CA 94236-0001

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725 et seq. The petition asks that a portion of the Westlands Water District (WWD), served by the U.S. Bureau of Reclamation's Central Valley Project (CVP), be temporarily added to the authorized place of use under the Department of Water Resources' (DWR) permitted Application 17512. The temporary change would continue for a period of one year.

State Water Project (SWP) water stored in San Luis Reservoir is held for use in the service areas of SWP contractors including the Metropolitan Water District of Southern California (MET). It is proposed that up to 35,000 acre-feet (AF) of MET's water would be transferred via the California Aqueduct to WWD's service area (see attached map) for irrigation purposes. Since the majority of WWD is not located within the SWP place of use, this petition for temporary change has been submitted. To reimburse MET for the loss of water supplies out of San Luis Reservoir, WWD has secured water supplies from other water sources, as set forth below.

Dresick Farms (located within WWD) has purchased up to 5,000 AF of water from Tulare Irrigation District (Tulare) and WWD has purchased up to 30,000 AF of Kern River water from the Nichel Company (Nichel) for use throughout its district. Tulare's water is diverted under the

COPY FOR FIELD ENGINEER

Friant Division of CVP, water right License 1986 (Application 23), Permit 11885 (Application 234), Permit 11886 (Application 1465), and Permit 11887 (Application 5638). Nichel's Kern River water is diverted under a Pre-1914 appropriative water right. To facilitate the transfer, MET, the Arvin-Edison Water Storage District (AEWSD), and the Rosedale-Rio Bravo Water Storage District (Rosedale) have agreed to act as brokers.

Nichel and Tulare propose to supply the AEWSD groundwater-banking program with 30,000 AF and 5,000 AF of water (respectively) delivered via the Kern River and the Friant-Kern Canal (respectively). The 30,000 AF of Kern River water would be stored in AEWSD's groundwater banking program for future use by MET. The 5,000 AF of Friant Division CVP water would be stored and used by AEWSD. The AEWSD is located within the CVP Friant Division place of use and can be included within the place of use of Nichel's water rights in accordance with Water Code section 1706. Rosedale possesses within its groundwater-banking program about 29,000 AF of SWP water stored for AEWSD. To reimburse MET for the remaining 5,000 AF, Rosedale will provide MET (located within the SWP service area) with 5,000 AF of AEWSD's banked groundwater.

2.0 BACKGROUND

2.1 Substance of the SWP Permit Permitted Application 17512 was issued to the DWR on September 26, 1972. The permit authorizes DWR to collect up to 1,100,000 AF per annum by storage in San Luis Reservoir, to be diverted from the Sacramento-San Joaquin Delta (Delta) channels and from San Luis Creek. The water is used for the purposes of irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and incidental power within the SWP place of use.

2.2 Purpose of the Proposed Transfer The water would be transferred to WWD's service area and used for irrigation, which is a beneficial use of water.

3.0 AVAILABILITY OF WATER FOR TRANSFER

The water proposed for transfer has already been stored in San Luis Reservoir. In the absence of the proposed transfer, the water would have been stored in AEWSD's groundwater banking program.

In light of the above, I find in accordance with Water Code section 1727(a)(1) that the proposed transfer would not injure any legal user of the water and that the proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

4.0 ENVIRONMENTAL CONSIDERATIONS

In accordance with Water Code section 1729, temporary changes involving transfer of water are exempt from the requirements of the California Environmental Quality Act (CEQA)

(Public Resources Code section 21000 et seq.) In addition, temporary changes involving the transfer of water that was previously stored are exempt from the requirements of CEQA. However, the SWRCB must consider potential impacts on fish, wildlife and other instream beneficial uses in accordance with Water Code section 1727(a)(2).

The water available for stage one of the transfer is currently stored in SWP's portion of San Luis Reservoir, and therefore would have no effect on any natural streamflow or hydrologic regime. The water was stored in San Luis Reservoir under provisions of DWR's permits, including the 1995 Bay-Delta water quality objectives and SWRCB Order WR 95-6.

4.1 Environmental Issues within WWD The SWP water transferred will be delivered to WWD's Priority I, II, and III areas. In general, land in WWD has complete tailwater control within each field. WWD's pipeline distribution system and landowners' irrigation systems in WWD have been documented as one of the more efficient systems available in California to minimize the amount of water applied to crops.

None of the land in WWD discharges agricultural drainage directly to surface waters in the San Joaquin River watershed. In addition, WWD has programs to encourage water conservation and reduce deep percolation. WWD's Generalized Depth to Shallow Ground Water, April 1998 indicates that irrigation of most lands within WWD's service area have not been shown to cause drainage or selenium problems. The lands scheduled to receive the water from this transfer are among the lands that do not cause surface water problems due to agricultural drainage.

In light of the above, I find that in accordance with Water Code section 1727(a)(2) that the proposed transfer would have no unreasonable effects on fish, wildlife or other instream beneficial uses.

5.0 COMMENTS RECEIVED ON THE PROPOSED TRANSFER/EXCHANGE

The SWRCB received no comments or objections to the temporary transfer.

6.0 SWRCB'S DELEGATION OF AUTHORITY

On April 29, 1999, the SWRCB adopted Resolution 99-031, continuing the delegation of authority to approve petitions for temporary changes to the Chief of the Division of Water Rights, provided the necessary statutory findings can be made.

7.0 CONCLUSIONS

The SWRCB has adequate information in its files to make the evaluation required by Water Code section 1727; and therefore I find as follows:

I conclude that, based on the available evidence:

1. The proposed temporary change will not injure any legal user of the water.
2. The proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses.
2. The proposed transfer involves only an amount of water that would have been consumptively used or stored in the absence of the temporary change.

ORDER

NOW, THEREFORE, IT IS ORDERED that the filed petition for temporary change in the places of use under the Department of Water Resources Permitted Application 17512 of up to 35,000 AF of water is approved.

All existing terms and conditions of the subject permits remain in effect, except as temporarily amended by the following provisions:

1. The transfer/exchange is limited to the period commencing five days following the date of this Order and continues for one year.
2. Prior to commencing the transfer, DWR shall provide the Chief of the Division of Water Rights a copy of the agreement with Metropolitan Water District of Southern California, who is foregoing the delivery of the subject water.
3. The place of use are temporarily changed as follows:

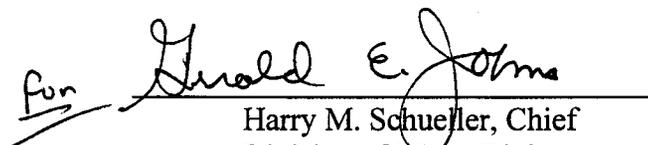
SWP's permitted Application 17512 -- The authorized place of use is expanded to include the CVP's San Joaquin Valley service area as referenced on maps numbered 214-208-3348, 214-208-3349, and 214-208-3350, all dated December 1, 1960; which are on file with the SWRCB under permitted Application 15764. Current boundaries of WWD are shown on WWD's Generalized Depth to Shallow Groundwater, April 1998 on file with the SWRCB under permitted Application 17512.
4. Water made available pursuant to this Order shall be used in a method consistent with good water management practices. Furthermore, WWD shall implement all reasonable measures to prevent sub-surface drainage of poor quality water into the downslope area outside of WWD's service area. Reasonable measures shall include water conservation, recapture and reuse of water, and use of groundwater to reduce hydraulic pressure in appropriate areas to the extent feasible.
5. Within 60 days of the completion of the transfer/exchange, but no later than November 1, 2000, permittee shall provide the Chief of the Division of Water Rights a report describing the use of the water transferred pursuant to this Order. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.

The report should include the following information:

1. General locations where the transferred water was used;
 2. The monthly amounts of water each location received; and
 3. The average application rate of water in the locations.
6. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this transfer and temporary change Order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the SWRCB also may be exercised by imposing specific requirements over and above those contained in this Order to minimize waste of water and to meet reasonable water requirements without unreasonable draft on the source.

7. This order does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this temporary transfer, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the temporary transfer authorized under this order.
8. I reserve jurisdiction to supervise the transfer, exchange and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.


for _____
Harry M. Schueller, Chief
Division of Water Rights

Dated: **AUG 12 1999**

Field File

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permits)
 11966, 11967, 19968, 11969,)
 11970, 11971, 11973, 12364,)
 12365, 12720, 12721, 12722,)
 12723, and 12724, and)
 Licenses 9956 and 9957, on)
 Permitted Applications 5625,)
 5626, 5627, 5628, 9363, 9364,)
 9365, 15374, 15375, 15376,)
 16767, 17374, 17375, and)
 17376, and on Licensed)
 Applications 10588 and 15424)
 of the)
)
 UNITED STATES BUREAU OF)
 RECLAMATION)
)
 and Permits 16477, 16478,)
 16479, 16480, 16481, 16482,)
 and 16483, on Permitted)
 Applications 5629, 5630,)
 14443, 14444, 14445A, 17512,)
 and 17514A of the)
)
 DEPARTMENT OF WATER RESOURCES.)
)

ORDER: WR 92-02

Copy of
Order in
5625

ORDER ESTABLISHING DROUGHT-RELATED REQUIREMENTS
FOR THE BAY-DELTA ESTUARY DURING 1992

BY THE BOARD:

1.0 INTRODUCTION

Notice of public hearing having been given to consider specified drought-related issues involving fishery protection within and upstream of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Estuary); a public hearing having been held on March 3 and 19, 1992; the State Water Resources Control Board

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Conditional Temporary)
Urgency Change Order on Permit 16482,)
issued pursuant to Application 17512,)
STATE DEPARTMENT OF WATER RESOURCES)
Permittee.)

ORDER: WR 89-24
SOURCES: Sacramento-San Joaquin
Delta and San Luis Creek
COUNTIES: Sacramento, Contra Costa
and Merced

ORDER VALIDATING AND FURTHER CONDITIONING THE ISSUANCE OF A
CONDITIONAL TEMPORARY URGENCY CHANGE ORDER
ALLOWING CHANGE IN PLACE OF USE FOR DELIVERY OF WATER
TO WESTLANDS WATER DISTRICT

BY THE BOARD:

The State Department of Water Resources (DWR) having filed a petition for Temporary Urgency Change in the place of use pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the State Water Resources Control Board (Board) having consulted with the Department of Fish and Game (DFG); Board Chairman Maughan, on September 21, 1989, having concluded from available information that a conditional temporary urgency change order (Order) was appropriate, and having issued said Order subject to review and validation by the Board within 30 days, as provided by Water Code Section 1435(d); the Board finds as follows:

SUBSTANCE OF THE PETITIONED CHANGES:

1. On September 13, 1989, DWR petitioned the Board to authorize a temporary change in place of use under Permit 16482 to be effective from the date of the conditional order through December 31, 1989.

2. The petitioned change is for Westlands Water District (Westlands) to be temporarily added to the place of use under this permit. The petitioned change would allow the transfer of up to 55,000 acre-feet (af) of water from Kern County Water Agency (Kern) to Westlands for use by exchange in their Priority II contract area.

ACTION BY BOARD CHAIRMAN MAUGHAN:

3. On September 21, 1989, Board Chairman Maughan, in accordance with Water Code Section 1435(d) and Board Resolution No. 84-2, issued a Conditional Order authorizing the petitioned change, subject to several specified conditions including certification by DWR that the transfer/exchange will be executed as proposed in the petition and that an annual report will be provided to the Board of the amount of water transferred and amount returned each year, until all the water is repaid. The Board concurs in and incorporates herein by reference the findings set forth in that Order.

NOTICE OF THE PETITION:

4. On September 25, 1989, Notice of the petition for the temporary urgency change was mailed to interested parties.
5. In accordance with Water Code Section 1438(b)(1), the Notice was published in the September 30, 1989 edition of the Bakersfield Californian newspaper.
6. The final date for submitting objections was October 12, 1989.

COMMENTS AND OBJECTIONS:

7. We received comments or objections to the petition for a temporary urgency change from Environmental Defense Fund (EDF), Bay Institute of San Francisco, the Four Entities (Central California Irrigation District, Firebaugh Canal Water District, Columbia Canal Company, San Luis Canal Company), and California Sportfishing Protection Alliance (CSPA).
 - a. The EDF, CSPA, and the Bay Institute of San Francisco oppose any increase in exports from the Delta as a result of the repayment of exchange water to Kern by Westlands, and EDF requests that this change be conditioned to prevent a resulting increase in exports from the Delta. CSPA (objections 7, 8, 9, and 10) and Bay Institute assume that this change will result in future increased diversions from the Delta to repay Kern, and argue that an Environmental Impact Report is required before this change can be approved. DWR, in its petition, stated that the 1989 transfer amount would be returned to Kern in future years from water that would otherwise be delivered to Westlands under existing contracts with no net increase in exports from the Delta. A condition in this Order would help ensure that no unreasonable impacts on beneficial uses will occur as a result of this temporary change. Such a condition would also be in accordance with our recent policy direction in Orders WR 89-20 and WR 89-21 that we will not approve increased Delta exports in the absence of an adequate environmental assessment which addresses potential fishery impacts and other environmental effects of the proposed project. Consequently, we will condition this change to (1) prohibit additional diversions from the Delta to repay Kern, and (2) require the permittee to notify the Chief of the Division of Water Rights at least thirty days before each

payback will begin and to show, at that time, that each payback will not result in an increase in Delta exports.

- b. The EDF, the Bay Institute, and the Four Entities object to any increase in adverse drainage impacts from Westlands Water District as a result of this temporary urgency change. We have reviewed this issue and we find that no significant impact will occur, for the reasons stated in Finding 6 of the conditional temporary urgency change order dated September 21, 1989. Condition 10 of the September 21 order will assure that the transferred water is used in the manner assumed in Finding 6 of that order. As stated above, there will be no additional diversions from the Delta because of the paybacks. Instead, the paybacks to Kern will come from Westlands' usual allotments. As a result, over the ten-year payback period there will be no increase in the total amount of water for irrigation of Westlands and no increase in the drainage from Westlands because of this temporary change. To the extent that the objectors are objecting to alleged ongoing drainage problems, such problems should be addressed in a different proceeding, not in this temporary change proceeding.
- c. The Bay Institute commented that the Board did not give it notice of the petition for temporary urgency change considered herein. We have reviewed our records and we find that the Board did send a copy of the notice to Bill Kier, the contact person of record for the Bay Institute.
- d. CSPA's objections numbered 1 through 5 are addressed to past decisions of the Board and not to the petition for temporary urgency change

herein. Consequently, they are irrelevant and will not be considered in this Order.

- e. CSPA argues in its objection number 6 that the water not used by Kern should be used for additional Delta outflow rather than as petitioned. Absent this change, Kern would use the water for groundwater recharge this year under existing authorizations rather than forfeit it. Consequently, the choice of use of this water is between groundwater recharge in Kern's area and irrigation in Westlands.

CONCLUSION:

8. Based on the above findings, the Board concludes that the September 21, 1989 conditional temporary urgency change order issued by Board Chairman Maughan should be validated subject to the following further conditions.

ORDER

IT IS HEREBY ORDERED THAT:

1. The issuance of the September 21, 1989 conditional temporary urgency change order by Board Chairman Maughan temporarily authorizing a change in the place of use, under Permit 16482, is hereby validated subject to the terms and conditions specified in that Order and the following conditions.
2. Westlands' payback of transferred water under this order shall not result in any additional diversions from the Delta as a result of this change.

3. The permittee shall notify the Chief of the Division of Water Rights when water made available under this conditional temporary urgency change is to be paid back to Kern. These notices shall include documentation that the payback will not result in an increase in Delta exports beyond that which would have occurred without this change. The notifications shall be submitted to the Division Chief thirty days prior to each payback period.

4. Permit 16482 shall remain subject to the terms and conditions of this temporary urgency change until the water made available under this change is repaid to Kern.

CERTIFICATION

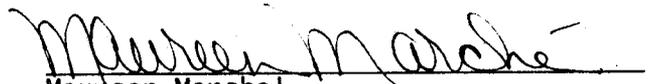
The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on October 19, 1989.

AYE: W. Don Maughan
 Darlene E. Ruiz
 Edwin H. Finster
 Eliseo M. Samaniego
 Danny Walsh

NO: None

ABSENT: None

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board