

State of California State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**

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

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

## **PROTEST– PETITION**

**PETITION FOR CHANGE in water rights of the Department of Water Resources and  
U.S. Bureau of Reclamation for the California WaterFix Project<sup>1</sup>**

**Local Agencies of the North Delta** has carefully read the Notice of Petition requesting changes in water rights of the Department of Water Resources and U.S. Bureau of Reclamation for the California WaterFix Project, and Notice of public hearing and pre-hearing conference to consider the above Petition:

Address, email address and phone number of protestant or authorized agent:

Osha Meserve  
Soluri Meserve, A Law Corporation  
1010 F Street, Suite 100  
Sacramento, CA 95814  
(916) 455-7300  
osha@semlawyers.com

### **Protest based on the following CONSIDERATIONS**

- The proposed action will not be within the State Water Resources Control Board's jurisdiction
- The Petition would create a new water right
- The Petition would cause injury to legal users of water
- The Petition does not best serve the public interest or public trust
- The Petition would be contrary to law
- The Petition would have an adverse environmental impact

It is desired to protest against the approval thereof because to the best of our information and belief:

### **The proposed action is not within the State Water Resources Control Board's jurisdiction because:**

A complete application for a change in water rights has not yet been submitted for the proposed change. As described in a joint letter submitted by LAND and

CDWA on August 31, 2015, the application for the subject change in water rights is not complete under Water Code sections 1701 and 1701.2. (See Exhibit A.) In addition, inadequate information is available at this time for the SWRCB to act on the Petition for the following reasons:

- The Petition requests a new water right, yet is framed as a change;
- The environmental review for the Project is not complete, and the impacts of the Project have not been disclosed, including impacts on other legal users of water as well as fish and wildlife;
- The proposed Project operations have not been adequately defined for other water users to analyze potential injury;
- The proposed WaterFix Project was not modeled, and there are major differences between the model runs used to assess impacts and the features of the proposed WaterFix Project;
- How the adaptive management process will be employed to change Project operations in the future has not been defined.

This failure by the WaterFix Project makes it impossible for LAND to analyze the potential impacts of the Project on its water rights and water supply. This failure also makes it impossible for the SWRCB to make a proper determination of harm to downstream beneficial uses.

As an example of the inadequate description of the change being sought, proposed operations of the new diversion facilities has not been provided, either individually or in concert with other project features, such as the Delta Cross-Channel, nor has an analysis of the resulting water quality and other impacts of the project been completed. The project water quality modeling and stage elevation estimations are based on assumptions that do not include likely (yet undisclosed) operational scenarios; and, were solely intended for comparative use between CEQA alternatives, and not predictors of actual operational conditions.

As a result of these and other deficiencies, the full nature and extent of injuries on legal users of water and fish and wildlife uses have not been identified and analyzed. The Notice of Petition concedes that inadequate information is available to adequately consider fish and wildlife issues in Part 2 of these proceedings. The same information that is necessary for an adequate analysis of injury to legal users of water. Moreover, harm to legal users of water is not synonymous with significance determinations in draft environmental documents. Here, the Tunnels Petition cites generally to the EIR/EIS as evidence “protective thresholds for beneficial uses currently enacted by the State Water Board will be met.” (Petition, p. 19.) Yet the documents comprising the EIR/EIS take up about 48,000 pages, which in large part discuss other alternatives than the currently proposed CWF Tunnels.

As the Petition does not contain the minimum information described in Water Code section 1701.2. The Petition deficiency, combined with the scale of the project, the severity of the effects, and the complexity of the analysis, severely constrain the ability of potentially injured legal users of water to effectively respond to the Petition. Based on the incomplete content of the Petition, it is premature and prejudicial for the Board to commence these proceedings on the change petition at this time, and doing so is outside the Board's jurisdiction.

In addition to lack of adequate information in the Petition, consideration of the Petition is premature because the affected public has had inadequate time to review and respond to the Petition and the Notice of Petition. These documents were released at the same time as comments were being prepared on the CWF environmental documents and other permit applications, including the USACE. Additionally, by placing the deadline for protests immediately after Christmas and the New Year, when many families and individuals take time off from work and/or plan travel, the Board has further deprived the public of adequate time to respond to the Notice of Petition. It is unfortunate that the Board has chosen to rush consideration of this Petition, which is the largest change to water rights proposed since the initial construction of the state and federal water projects in California.

Generally, the Petition (1) does not adequately describe the changes sought; (2) fails to attempt to demonstrate a reasonable likelihood that the change will not injure any other legal user of water; and (3) fails to describe the extent of impacts to fish and wildlife. As a result, the Board lacks jurisdiction to consider the Petition in its current form.

**The proposed action, while characterized as a “change” would in fact create a new water right:**

While styled as a Petition for Change, the Petition in fact seeks a change to the Petitioners' water rights.

- None of the Bureau's and DWR's original permits contemplated an export diversion facility north of Delta.
- The change in point of diversion and rediversion will have unique, extraordinary and extreme environmental consequences that cannot be reasonably construed as incidental to or implied by existing permits.
- BOR and DWR's permits should have gone to license decades ago. Allowing them to be extended for twenty-five years without hearing and then relying on those same permits to gain access to potentially millions of additional acre-feet of water is irregular and prejudicial.

- The petitions for extension of time have not been properly linked with the petitions to change in point of diversion in order to address concerns regarding the approval of a new right in this proceeding.
- DWR/BOR's diversion capacity would be expanded by 9,000 cfs should the Petition be granted in an entirely new location upstream of thousands of existing diversions that are currently upstream of the DWR/BOR diversions in the South Delta.
- The exercise of the DWR/BOR water rights at the new points of diversion would in fact divert water from different sources than are currently diverted at DWR/BOR's existing diversion points.

In short, Petitioners should not be absolved of the responsibility to show that there is water available to service the Tunnels. The water availability assumptions in the Petition are incorrect and must be explicitly stated in the context of a petition for a new water right in order for additional points of diversion to be added to the SWP/CVP. Since the Petition for change involves the grant of a new water right, it is improperly framed as a Petition for Change, and should not proceed.

### **Protest based on INJURY TO PRIOR RIGHTS**

**The Petition would cause injury to legal users of water because:**

**See description of LAND-affiliated water rights in Exhibit B and accompanying figure in Exhibit C.**

As shown herein, the changes that would permit the Tunnels diversions proposed by junior appropriators will injure other legal users of water.

**Surface water level impacts** – The comparative modeling for river elevation (stage) identifies significant declines in stage of up to three feet as a result of the Project in the vicinity of the Tunnel intakes. This reduction in surface water in relationship to pump structures, fish screens, and siphon head elevation has not been fully analyzed. The analysis that has been completed, which is averaged over time and a narrow set of water years and only describes a narrow timeframe, still shows a significant impact to water elevation. In order to determine the full extent of injury, the Project must model and identify the lowest stage created under a full 9,000 cfs drawdown, during low tide, in average and dry water years. In any case, lowered water levels would interfere with the ability of existing diversions in the vicinity of the Tunnel intakes to divert water for beneficial uses. In particular, lower water levels can place diversions out of the water completely during low tides, making intakes unusable. For siphon diversions, even

small changes in water level can reduce the rate of diversion, and make diversions less efficient.

The explanation in the Petition of how water level changes would not constitute an injury is insufficient. (Petition, p. 21.) The brief description includes no citation to relevant authority nor does it defend the use of average water levels to describe what will be an impact to other water users in real time. Here, the protestant owns diversions that may be within the vicinity of the CWF Tunnel intakes and would be subject to water level changes constituting an injury. (See Exhibit B.)

**Increased salinity** – The modeling data provided by the Project was only intended to be used for alternatives comparison, and constrains the outputs by using stored water to ensure compliance with D-1641. Under realistic operational scenarios, the Project would not run the reservoirs to dead pool, and would likely (and have) exceeded D-1641 and the North Delta Water Agency Contract. The locations of the Tunnels intakes allow for salinity to advect up the sloughs and up the Sacramento River. That salinity would reduce water quality, reduce crop values, potentially require new crop practices or types, and impair salinity control in the North Delta.

Many crops grown in the north Delta have a low tolerance to salt, and low salinity water historically available in the north Delta is necessary to continuation of these established beneficial water uses. Increases in irrigation water salinity would lower productivity and lead to other crop damages that have not previously occurred in the north Delta. The Tunnels project would lead to higher salinity, including toxic ions such as chloride, sodium, and boron in the north Delta, which would constitute an injury to water rights.

Both salinity and toxic ion management require well drained soils, which are rare in the much of the Delta. Therefore, irrigation of saline water requires costly engineered drainage measures. Many Delta farms currently depend on high quality irrigation water to maintain low salt root zones on poorly drained soils.

Flawed modeling prepared for the Project indicated that the percent of days the Emmaton EC objective would be exceeded for the entire period modeled (1976–1991) would increase from 6% under Existing Conditions, or 13% under the No Action Alternative (ELT), to 17–18% and the percent of days out of compliance would increase from 11% under Existing Conditions, or 21% under the No Action Alternative (ELT), to 26–28%, depending on the operations scenario. Although these results are for modeling that was originally performed for Alternative 4 at the ELT assuming the Emmaton compliance point shifted to Threemile Slough, Alternative 4A does not include a change in compliance point from Emmaton to Threemile Slough. (RDEIR/S, p. 4.3.4-24.) According to the RDEIR/S: “Relative

to Existing Conditions, all of the Alternative 4 H1–H4 Scenarios would result in substantially increased chloride concentrations in the Delta such that frequency of exceeding the Water Quality 150 mg/L Bay-Delta WQCP objective would approximately double.”

The 2013 EIR/EIS identified “significant and unavoidable” impacts with respect to chloride concentrations in the western Delta as a result of implementing Alternative 4 (the 2013 proposed project). Even though the current RDEIR/SDEIS envisions that Alternative 4A would use preliminary project operations based on Operations Scenarios H3 and H4 (which would have lesser impacts on salinity than Operations Scenarios H1 and H2), these scenarios were part of the original project modeling, and thus, the basis for a shift from “significant and unavoidable impacts” to “no significant impacts” in the 2015 RDEIR/S is unsubstantiated. Additionally, the severity of impacts are concealed, because the RDEIR/S presents model results as daily, monthly, or yearly averages. Agricultural and other beneficial uses do not rely on average salinity, but rather, on salinity measured at each instant in time. These increases in salinity will occur throughout the Delta, reducing yields and limits cropping choices in the Delta.

The explanation in the Petition of how increased salinity caused by the Project would not constitute an injury is also insufficient. (Petition, pp. 19-20.) For instance, general references to the supposed ability of real time operations to avoid injury are not credible. (Petition, pp. 19-20.) Just considering the past two years, Delta water quality objectives were routinely exceeded, even after relaxations were granted by the Board. There is no reason to believe that the Petitioners’ operation of even more diversion capacity if the Petition is granted would ensure compliance with any standards. Moreover, it is well known that the current Water Quality Control Plan is outdated and is no adequate to protect beneficial uses within the watershed.

**Growth of aquatic weeds and algae** – The recent drought conditions provided an illustration of how operational conditions created by the Project’s operations created high temperature, flow and stage conditions that lead to fish mortality, and correlated to widespread aquatic weed infestations in the Sacramento River. Those aquatic conditions would be similar to the effects of the Project under all but the highest flows by removing up to half of the flow of the River, and in droughts even worsened from the 2015 conditions. The growth of these weeds and algae can clog irrigation pumps, fish screens, and lead to toxicity. These impacts would interfere with existing beneficial uses of water and constitute injury.

The Petition does not address the potential for injury from growth of aquatic weeds or algae.

**Groundwater level impacts** – Dewatering during construction of the CWF (intakes, forebay and tunnels) would lower water levels in the shallow water table based on the modeling provided in the Petition. The Project’s modeling is not at a sufficient resolution to identify specific impacts and their locations with any accuracy. In any case, it appears that groundwater level lowering from intake construction dewatering will lower the water table and impact agricultural and residential wells. Additionally, lower groundwater levels in irrigated areas would lead to the need for additional application of surface water to meet crop needs that previously were met by a higher water level. This would require additional surface water diversions and increase operational costs for agricultural operations.

LAND includes areas where reductions in groundwater levels are expected due to dewatering for construction of the intake facilities for the proposed Tunnels. Reduced groundwater levels in these areas may impair fruit growth and/or lead to the need for additional irrigation to meet consumptive water use demands.

The Petition does not address the potential for injury from changes in groundwater levels that would result from grant of the Petition.

**Destruction of Diversions** – As shown in the Attachment 1 of the letter to the Board included as Exhibit A, the intakes for the the proposed CWF Tunnels require the take of hundreds of private properties, some of which include water diversions. The destruction of existing diversions and the taking of land for construction and operation of the CWF Tunnels constitutes an injury to legal water rights within Local Agencies of the North Delta.

The explanation in the Petition for the reason water users without a contract are not entitled to stored water is also inaccurate. While the Petition refers to “an accounting system” to ensure there are no diversions to storage except when “sufficient unregulated flow is available to satisfy downstream or Area of Origin Uses (Petition, p. 19), it is also well known that Petitioners’ and the state’s system of stream gauges as well as modeling is incomplete and inaccurate. There is no credible reason to believe that Petitioners are not already illegally storing water when those flows are required downstream. Thus, the Petitioners have not established that they only store the excess water to which their junior water rights entitle them.

In conclusion, the Petition does not include sufficient information to demonstrate a reasonable likelihood that the proposed change will not injure any other legal user of water from the changes discussed above. (Wat. Code, § 1701.2, subd. (d).) Moreover, mitigation measures designed to address environmental impacts

related to water quality, surface water and other impacts would not protect other legal users of water from injury. Notable, many of the mitigation measures pointed at water quality contain a “menu of options” approach with no enforceable performance standard. As discussed above, a performance standard linked to compliance with D-1641 water quality standards is inadequate to protect existing beneficial water uses in that would be injured by the grant of the Petition. Additionally, it is inadequate for the Petition to point generally to the RDEIR/s to address questions of injury when the RDEIR/S does not contain information directly relevant to that determination.

**The Petition would be contrary to law because:**

- Tunnels construction would take 14 years according to the latest RDEIR/S and would dramatically harm the Delta as a unique place into a near-permanent construction zone, in violation of the Delta Reform Act of 2009. (Wat. Code, § 85022)
- Tunnels operation would privilege water supply reliability for other areas of the state over water supply reliability in the Delta and Delta ecosystem protection and enhancement, in violation of the coequal goals of the Delta Reform Act of 2009. (Wat. Code, § 85054.)
- Tunnels construction and operation would violate beneficial uses and water quality objectives contrary to the federal Clean Water Act, which requires protection of the most sensitive beneficial uses as the standard by which all beneficial uses are protected. (USEPA regulations, 40 CFR §131.11).
- Tunnels operation would violate statewide policy mandating reduced reliance on the Delta for California's future water needs. (Wat. Code, § 85021.)
- Tunnels operation would violate the Endangered Species Act by reducing through-Delta survival rates of listed winter-run and spring-run Chinook salmon, creating jeopardy conditions while failing to contribute to the species recovery. (ESA, Section 9.)
- The recirculated draft environmental impact report and supplemental environmental impact statement, as well as the change petition's previously released Bay Delta Conservation Plan draft environmental impact report/statement are inadequate and violate the California Environmental Quality Act and the National Environmental Policy Act.



- The three new diversions along the lower Sacramento River in the north Delta would reduce Delta inflow to an extent that is contrary to the Delta Protection Act of 1959 and other watershed and water rights protections for Areas of Origin such as the Delta. (Water Code, §§ 12200-12205.)
- The Tunnels would injure other legal users of water within the Delta (see above) and be contrary to the state's water rights priority system.

**The petition would have an adverse environmental impact because:**

Among other impacts, Tunnels operation would decrease flows year-round into and through the lower Sacramento River and contribute to higher residence times of water remaining in the Delta and greater presence of more polluted San Joaquin River water in the Delta. This radical transformation in Delta hydrodynamics would have dramatic water quality impacts on the Delta, including increased salinity concentrations in agricultural and residential drinking water supplies, greater concentrations of pesticides, increased boron, nitrate, mercury, and selenium concentrations, as well as dissolved organic carbon and increased occurrence of harmful and toxic algal blooms, like *Microcystis*.

The Tunnels would also permanently converts 3,909 acres of Important Farmland and 2,035 acres of land subject to Williamson Act contracts. The conversion and fragmentation of parcels/farms will lead to the following impacts, among others:

- Loss of agricultural productivity from underseepage or drainage impacts
- Impairment of water quality and reduced surface water availability
- Interference with RD water drainage and water deliveries
- Destruction and/or forced relocation of agricultural intakes and drains
- Loss of tax/fee base to counties/municipalities/RDs
- New limitations on cropping types due to water quality impairment
- Loss or limitation of road/bridge use
- Sound, dust and lighting interference from facility construction and operations

These agricultural impacts are inadequately disclosed in the RDEIR/S. Moreover, enforceable mitigation with adequate performance standards is not included in the RDEIR/S to reduce these impacts during construction and/or operation of the Project. As farmland in the Delta is unique and irreplaceable, purchase of conservation easements would not provide adequate mitigation for conversion of agricultural land by the Tunnels.

**Under what conditions may this protest be disregarded and dismissed? (Conditions should be of a nature that the petitioner can address and may include mitigation measures.)**

This protest may be disregarded and dismissed when the subject change petition described above is withdrawn from consideration before the State Water Resources Control Board. Due to the failure of DWR/BOR to comply with existing permit conditions and to meet water quality standards in D-1641, compliance with additional conditions would not be considered adequate to warrant dismissal of this protest.

**All protests must be signed by the protestant or authorized representative:**

Signature:  Date: 1/5/2016

**All protests must be served on the petitioner.** The following persons were served with this protest by email on January 5, 2016:

Attn: California WaterFix Hearing Staff	State Water Resources Control Board, Division of Water Rights	<a href="mailto:CWFhearing@waterboards.ca.gov">CWFhearing@waterboards.ca.gov</a>
James Mizell	California Department of Water Resources	<a href="mailto:James.Mizell@water.ca.gov">James.Mizell@water.ca.gov</a>
Amy Aufdemberge	US Department of Interior, Office of Regional Solicitor, Pacific Southwest Region	<a href="mailto:Amy.Aufdemberge@sol.doi.gov">Amy.Aufdemberge@sol.doi.gov</a>

# **EXHIBIT A**

# LOCAL AGENCIES OF THE NORTH DELTA

1010 F Street, Suite 100, Sacramento, CA 95814  
(916) 455-7300, osha@semlawyers.com

## CENTRAL DELTA WATER AGENCY

235 East Weber Avenue • P.O. Box 1461 • Stockton, CA 95201

Phone (209) 465-5883 • Fax (209) 465-3956

ngmplcs@pacbell.net

August 31, 2015

**SENT VIA EMAIL (tom.howard@waterboards.ca.gov)**

Mr. Tom Howard  
Executive Director  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

**RE: Defective Petition for Change Application for Water Fix  
Submitted by DWR and BOR**

Dear Mr. Howard:

It has come to our attention that the California Department of Water Resources (“DWR”) and U.S. Bureau of Reclamation (“BOR”) have jointly submitted a Petition for a Change of Point of Diversion (Wat. Code, § 1701) and of Rediversion (Cal. Code Regs., tit. 23, § 791, subd. (e)). If granted, the Petition would permit the operation of the three massive water diversions on the Sacramento River near the community of Clarksburg, just south of the City of Sacramento. This project is identified as Alternative 4A of the State’s “California WaterFix” project. Our letter identifies just a few of our preliminary concerns about the Petition, which we believe is defective and should compel the State Water Resources Control Board (“SWRCB”) to make a determination that the Petition is incomplete.

A few of the most obvious errors in the Petition are described below:

1. Page 2: The application states that the applicants own the points of diversion/rediversion, which is known to be incorrect by the applicants. In fact, hundreds of parcels of private land must be purchased or taken for the Project to proceed according to the DCE CM 1 Property Acquisition

Management Plan for the California Water Fix/BDCP Alternative 4A, which was recently obtained through a Public Records Act request.<sup>1</sup> (See also Attachment 1: Representative Parcel Maps of private properties needed for diversion points.) The Environmental Information portion of the application also fails to include photographs of the riparian vegetation in each intake area, which are primarily on private property not owned by the Project applicants.

2. Page 2: The numbers of impacted water users between the points of diversion/rediversion are not identified and is marked as not applicable (“NA”). As the SWRCB is aware, there are thousands of affected water users and it is patently incorrect that there are no affected water users. (See, e.g., Attachment 2: eWRIMs printouts of Water Rights in Sacramento and San Joaquin Delta Watersheds.) Though the applicants are well aware of the affected intakes, they have deliberately failed to identify them. The truncated and vague discussion of injury to legal users of water buried in the Supplemental Information section (pp. 19-21) does not correct this deficiency. Moreover the RDEIR/EIS does not provide sufficient analysis to support a “no injury” determination.
3. Pages 2-6: The application repeatedly references the Water Fix RDEIR/EIS for the Project description and impacts. The sections referenced do not clearly provide the information needed to assess the direct and indirect impacts on the environment and specific water users. This is a key part of the SWRCB legal analysis, yet has been deliberately misconstrued in the application.

The Petition references the purported benefits of the Project without mentioning any of the Project’s environmental impacts of inducing or amplifying reverse flows in the North Delta, the massive and untested size of the screens, and the new injury to other listed fish, and birds. Indeed the project description even fails to identify that through-Delta conveyance would still be required for approximately half the time under the proposal.

The Petition further asserts that there would be no change to the rest of the State or Federal Water Projects, contrary to the Project’s modifications at

---

<sup>1</sup> Available at:  
<https://www.dropbox.com/s/hf0r9bwwg8h72wno/DCE%20CM%201%20Property%20Acquisition%20Plan.pdf?dl=0>.

Clifton Court, and reoperations that are required to implement the Project (See Supplemental Information, p. 13.) Yet, the water quality modeling discussed in the RDEIR/EIS specifically states that it can only be used to compare impacts between alternatives, and that it does not provide a water quality analysis that can be used to determine actual impacts from the Project and Project impacts on reservoir operations. Thus, the potential impacts to water users and fish and wildlife from the construction and operation of the Project are unknown at this time; while the RDEIR/EIS provides some information pertaining to these issues, the RDEIR/EIS does not support a no injury analysis.

The Petition also makes clear that additional studies regarding the operation and design of the Project are also required that are not yet complete. (See p. 14 of the Supplemental Information attachment.) These additional studies would need to be completed in order to inform the SWRCB's Petition process.

4. Page 5: The need for a Waste Discharge Requirement (“WDR”) is simply ignored, despite the obvious needs for both a WDR as well as a 401 Certification. Moreover, no federal and state permits are identified as needed, despite the applicants’ full knowledge of the host of federal and state permits that are required.

While there are many other defects, the examples enumerated above show that the Petition for Change is incomplete if not deliberately erroneous. (Wat. Code, §§ 1701, 1701.2.) Among other deficiencies, the Petition: (1) does not adequately describe the changes sought; (2) fails to attempt to demonstrate a reasonable likelihood that the change will not injure any other legal user of water; and (3) fails to describe the extent of impacts to fish and wildlife. Thus, the Petition is incomplete and must be rejected.

Please also be advised that, due to the numerous grievous factual misstatements in the Petition, we are requesting that the Office of the Sacramento County District Attorney review the Petition and associated documents to assess whether perjury has occurred. (Penal Code, §§ 118, 118a.) It is shocking that after nine years of planning this Project, that the applicants would provide such a deficient and misleading Petition to the SWRCB. The cavalier manner in which some of the most senior water rights in the state are dismissed as nonexistent (e.g., “N/A”) is disturbing given the major changes to Delta waterways being proposed.

Tom Howard  
State Water Resources Control Board  
August 31, 2015  
Page 4 of 4

We appreciate your attention to this urgent matter and respectfully request that you direct DWR and BOR to correct and complete their Petition prior to the SWRCB taking any action to begin processing of the Petition.

Very truly yours,



Osha R. Meserve  
Counsel for LAND

Yours very truly,



Dante John Nomellini  
Manager and Co-counsel CDWA

cc: Felicia Marcus Chair, State Water Resources Control Board  
(Felicia.Marcus@waterboards.ca.gov)  
Frances Spivey-Weber, Vice-Chair, State Water Resources Control Board  
(Frances.Spivey-Weber@waterboards.ca.gov)  
Dorene D'Adamo, State Water Resources Control Board  
(Dorene.Dadamo@waterboards.ca.gov)  
Tam M. Doduc, State Water Resources Control Board  
(Tam.Doduc@waterboards.ca.gov)  
Steven Moore, Board Member, State Water Resources Control Board  
(Steven.Moore@waterboards.ca.gov)  
Michael Lauffer, Chief Counsel, State Water Resources Control Board  
(mlauffer@waterboards.ca.gov)  
Michael George, Delta Watermaster  
(deltawatermaster@waterboards.ca.gov)  
Mark Cowin, Director DWR  
(mark.cowin@ca.water.gov)  
David Murillo, Regional Director Bureau of Reclamation  
(dmurillo@usbr.gov)

# **ATTACHMENT 1**



1320120001

What can I find?

- Help
- Layers
- Legend
- Select Parcels
- Recent Sales Activity
- Measure
- Search Results
- Parcel Details**

Information for Parcel:  
132-0120-001-0000

PROPERTY INFORMATION

Assessor Parcel #	13201200010000
Address	10405 STATE HWY 160
City, Zip	HOOD 95639
Jurisdiction	UNINCORPORATED
County Supervisor District	Don Nottoli - District 5

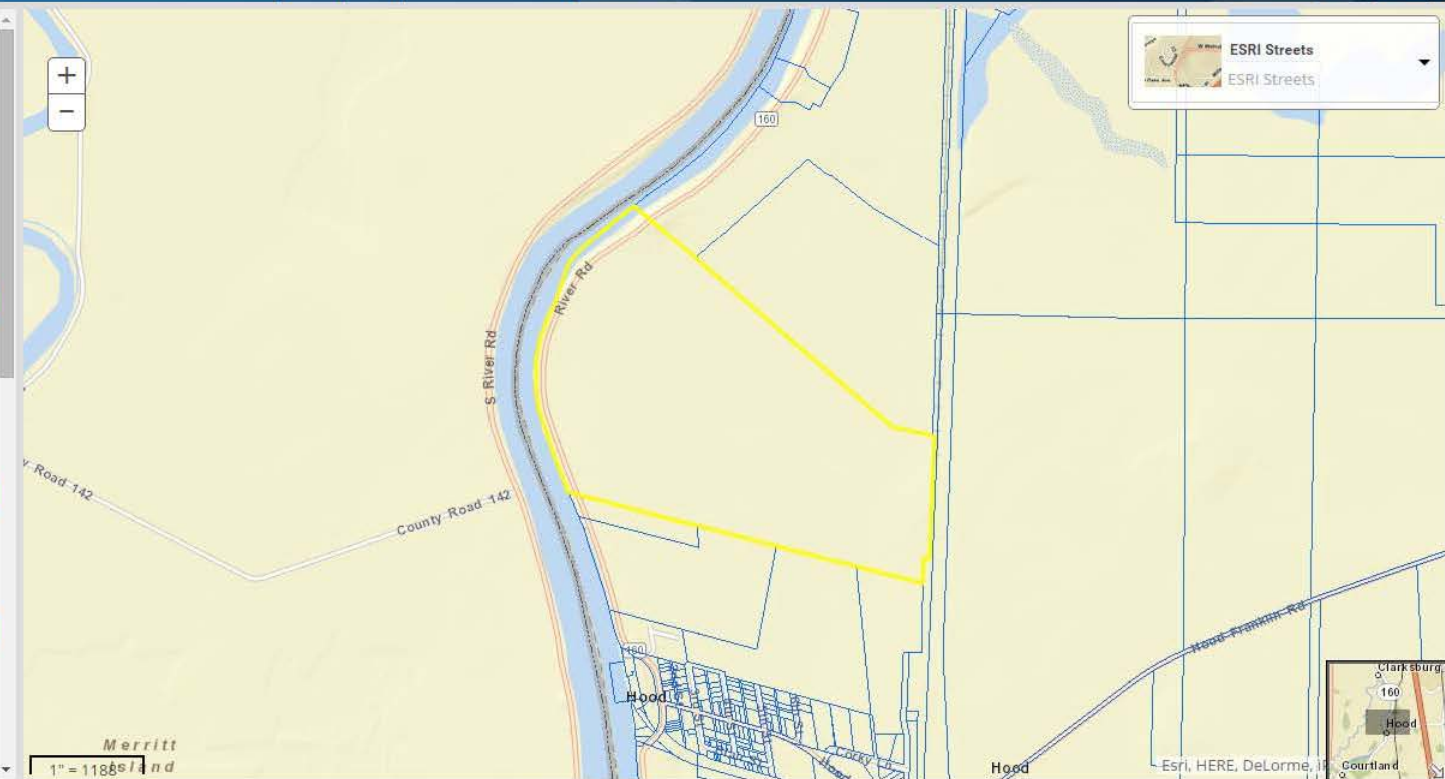
PROPERTY TAX BILL

A summary of the most recent property tax bill is available on the e-PropTax site:  
Tax Rate Area Code: 56-006

ASSESSOR'S ROLL VALUES

as of July 1, 2015

Land Value	\$677,579
Improvement Value	\$22,350
Personal Property Value	\$0



1320120081

What can I find?

- Help
- Layers
- Legend
- Select Parcels
- Recent Sales Activity
- Measure
- Search Results
- Parcel Details**

Information for Parcel:  
132-0120-081-0000

PROPERTY INFORMATION

Assessor Parcel # 13201200810000  
 Address 11003 STATE HWY 160  
 City, Zip COURTLAND 95615  
 Jurisdiction UNINCORPORATED  
 County Supervisor District Don Nottoli - District 5

PROPERTY TAX BILL

A summary of the most recent property tax bill is available on the e-PropTax site:

Tax Rate Area Code 56-006

ASSESSOR'S ROLL VALUES

as of July 1, 2015

Land Value \$294,271  
 Improvement Value \$56,634  
 Personal Property Value \$0



1190230042

What can I find?

- Help
- Layers
- Legend
- Select Parcels
- Recent Sales Activity
- Measure
- Search Results
- Parcel Details

Information for Parcel:  
119-0230-042-0000

PROPERTY INFORMATION

Assessor Parcel #	11902300420000
Address	9431 RIVER RD
City, Zip	SACRAMENTO 95832
Jurisdiction	UNINCORPORATED
County Supervisor District	Don Nottoli - District 5

PROPERTY TAX BILL

A summary of the most recent property tax bill is available on the e-PropTax site:  
Tax Rate Area Code: 53-007

ASSESSOR'S ROLL VALUES

as of July 1, 2015

Land Value	\$154,799
Improvement Value	\$265,440
Personal Property Value	\$0



1190230042

What can I find?

Search Results Parcel Details

Information for Parcel:  
119-0230-044-0000

PROPERTY INFORMATION

Assessor Parcel # 11902300440000  
Address 1120 SCRIBNER RD  
City, Zip SACRAMENTO 95832  
Jurisdiction UNINCORPORATED  
County Supervisor District Don Nottoli - District 5

PROPERTY TAX BILL

A summary of the most recent property tax bill is available on the e-PropTax site:

Tax Rate Area Code 56-006

ASSESSOR'S ROLL VALUES

as of July 1, 2015

Land Value	\$133,880
Improvement Value	\$51,877
Personal Property Value	\$0
Fixtures	\$0
Homeowner's Exemption	\$0
Other Exemption	\$0
Net Assessed Value	\$185,757



132-0210-032-0000

**PROPERTY INFORMATION**

Assessor Parcel # 13202100320000  
 Address LAMBERT RD  
 City, Zip COURTLAND 95615  
 Jurisdiction UNINCORPORATED  
 County Supervisor District Don Nottoli - District 5

**PROPERTY TAX BILL**

A summary of the most recent property tax bill is available on the e-PropTax site:  
 Tax Rate Area Code 56-000

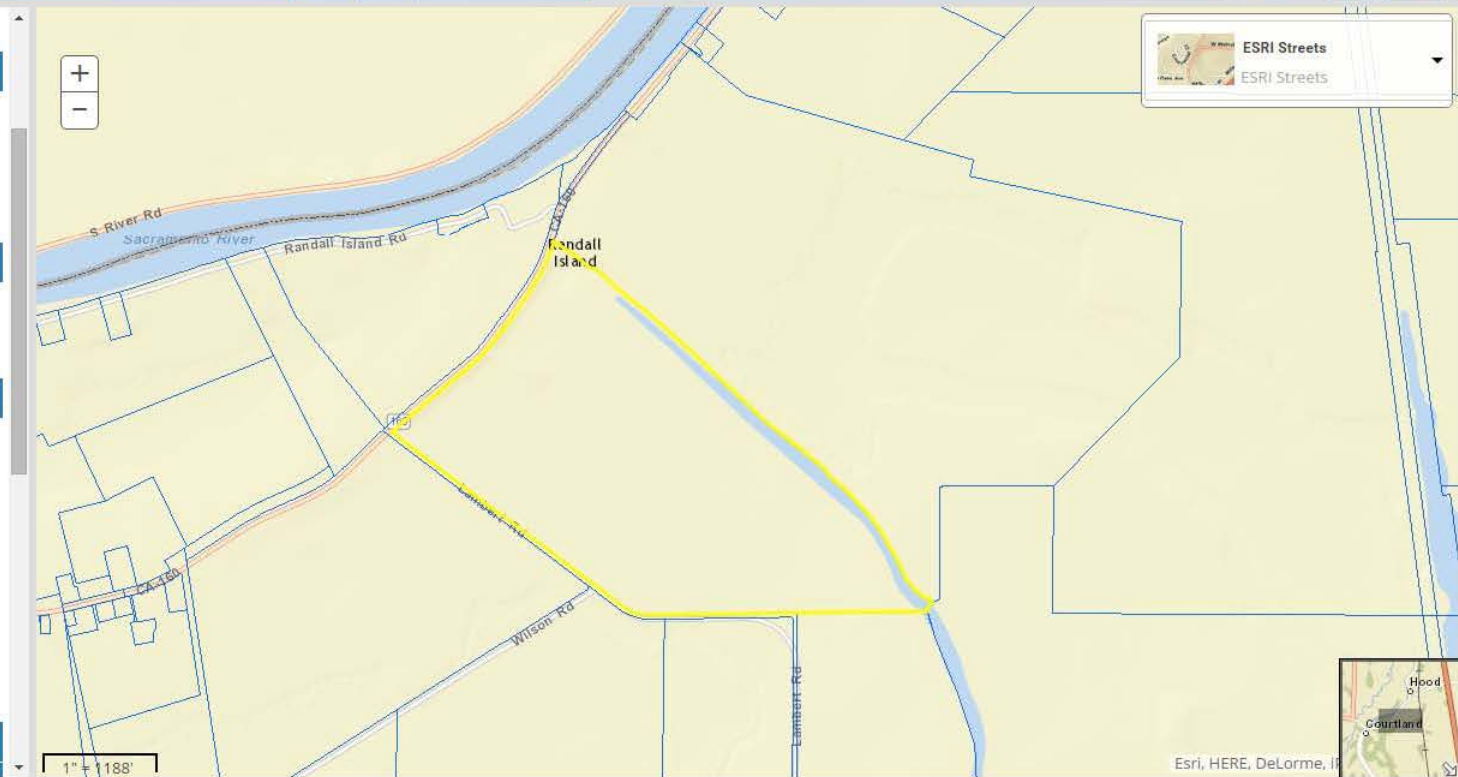
**ASSESSOR'S ROLL VALUES**

as of July 1, 2015

Land Value	\$501,443
Improvement Value	\$1,377,960
Personal Property Value	\$0
Fixtures	\$0
Homeowner's Exemption	\$0
Other Exemption	\$0
Net Assessed Value	\$1,879,403

For changes made after July 1, 2015, please see Assessed Value Lookup viewer

**LAND INFORMATION**



1320210054

What can I find?



132-0210-054-0000

PROPERTY INFORMATION

Assessor Parcel # 13202100540000  
 Address STATE HWY 160  
 City, Zip COURTLAND 95615  
 Jurisdiction UNINCORPORATED  
 County Supervisor District Don Nottoli - District 5

PROPERTY TAX BILL

A summary of the most recent property tax bill is available on the e-PropTax site:  
 Tax Rate Area Code 56-006

ASSESSOR'S ROLL VALUES

as of July 1, 2015

Land Value	\$301,371
Improvement Value	\$304,242
Personal Property Value	\$0
Fixtures	\$0
Homeowner's Exemption	\$0
Other Exemption	\$0
Net Assessed Value	\$605,613

For changes made after July 1, 2015, please see Assessed Value Lookup viewer

LAND INFORMATION



# **ATTACHMENT 2**

Water Rights in Sacramento Watershed

waterrightsmaps.waterboards.ca.gov/ewrims/gisapp.aspx

# eWRIMS GIS

HOME HELP  
FAQ EXIT

AERIAL / QUAD MAP TOGGLE

Core App Link Scale ~ 1:120000

Task Assistant

- Find Water Right By
- Find Water Right By County
- Find Water Right By Special Use Area
- Find Water Right By PLSS
- Find Water Right By Watershed
- Find Water Right By Stream
- Find Water Right By Owner
- [Clear All](#)
- Upstream/Downstream
- Quad Map Lookup

Records 1

© 2011 State of California

[POD Legend](#) [Metadata](#) [Conditions of Use](#) [Privacy Policy](#)

stelpdb5421928 (1).docx stelpdb5421928.docx

Show all downloads...

8:13 PM 8/30/2015



energy.gov/si x LexisNexis Pr x Get a Docum x 30 Google Calen x www.hasting x Friends of So x CA Codes (pr x www.blm.gov x State Water x California Int x eWRIMS GIS x

waterrightsmaps.waterboards.ca.gov/ewrims/gisapp.aspx

**eWRIMS GIS**

HOME HELP  
FAQ EXIT

AERIAL / QUAD MAP TOGGLE

Core App Link

Scale ~ 1:1200000

**Task Assistant**

- Find Water Right By
- Find Water Right By County
- Find Water Right By Special Use Area
- Find Water Right By PLSS
- Find Water Right By Watershed
- Find Water Right By Stream
- Find Water Right By Owner
- [Clear All](#)
- Upstream/Downstre
- Quad Map Lookup

R

© 2011 State of California

[POD Legend](#) [Metadata](#) [Conditions of Use](#) [Privacy Policy](#)

stelpdb5421928 (1).docx stelpdb5421928.docx

Show all downloads...

8:17 PM 8/30/2015

# **EXHIBIT B**

## **Exhibit B: Description of LAND Water Rights**

**Protestant claims a right to the use of water from the source from which petitioner is diverting, or proposes to divert, which right is based on (identify type of right protestant claims, such as permit, license, pre-1914 appropriative or riparian right):**

Water bodies within the northern geographic area of the Sacramento San Joaquin Delta.

**Permit or license or statement of diversion and use numbers, which cover water use within the LAND area, include but are not limited to:**

LAND member agencies, and their respective individual participants, cover an approximately 118,000 acre area of the Delta; current LAND participants include agricultural and residential users within Reclamation Districts 3, 150, 307, 317, 349, 407, 501, 551, 554, 556, 744, 755, 813, 999, 1002, 2111, 2067, and the Brannan-Andrus Levee Maintenance District. Some of these agencies provide both water delivery and drainage services, while others only provide drainage services. These districts also assist in the maintenance of the levees that provide flood protection to homes and farms. This general area is also served with surface water by the 1981 North Delta Water Agency Contract.

Note that due to time constraints the description of water rights within the LAND area may be supplemented with additional information.

**Where is your diversion point located?**

See LAND Diversion Map, Exhibit C

**If new point of diversion is being requested, is your point of diversion downstream from petitioner's proposed point of diversion?**

Yes, most LAND participant diversions are downstream of CWF proposed diversion points.

**The extent of present and past use of water by protestant or his predecessors in interest is as follows:**

a. Sources: Sacramento River, Elk Slough, Sutter Slough, Steamboat Slough, other Delta channels, and groundwater.

b. Approximate date first use made: Various, prior to 1914 for surface water, and various to 2015 for groundwater.

c. Amount used (list units): See water reporting on file with SWRCB.

d. Diversion season: typically March – November, though pre-irrigation may occur in winter months.

## **Exhibit B: Description of LAND Water Rights**

e. Purpose(s) of use: Agricultural irrigation (vineyard, row- and tree-crop); as well as pre-irrigation and salt control for agriculture; and other farming (including livestock watering), residential and domestic uses.

# **EXHIBIT C**

# EXHIBIT C

## WATER RIGHTS WITHIN LAND AREA

