



State Water Resources Control Board



Linda S. Adams

Secretary for
Environmental Protection

Division of Water Rights

1001 I Street, 14th Floor ♦ Sacramento, California 95814 ♦ 916.341.5300

P.O. Box 2000 ♦ Sacramento, California 95812-2000

Fax: 916.341.5400 ♦ www.waterrights.ca.gov

Arnold Schwarzenegger

Governor

**NOTICE OF PETITION FOR CHANGE
IN POINT OF DIVERSION AND REDIVERSION
UNDER THE PERMITS OF
THE UNITED STATES BUREAU OF RECLAMATION'S
CENTRAL VALLEY PROJECT
AND CONTRA COSTA WATER DISTRICT'S
PERMIT 20749 (APPLICATION 20245)**

Notice is hereby given that on August 9, 2007

Contra Costa Water District
Walter J. Bishop, General Manager
P.O. Box H2O
Concord, CA 94524

United States Bureau of Reclamation
Mid-Pacific Region
Richard J. Woodley,
Regional Resources Manager
2800 Cottage Way
Sacramento, CA 95825-1895

jointly filed with the State Water Resources Control Board (State Water Board), a Petition for Change under Water Code section 1700, et seq. Contra Costa Water District (CCWD) and the United States Bureau of Reclamation (USBR) are requesting the addition of a point of diversion to CCWD's Permit 20749 (Application 20245) and the addition of a point of diversion and/or rediversion to seventeen of the permits of the USBR's Central Valley Project (CVP)¹. The proposed new point of diversion/rediversion is located on Victoria Canal (about 3 miles northwest of the intake to Clifton Court Forebay) and is intended to improve the quality of CCWD's water supply. This notice and other related documents may be viewed and printed at the following Division of Water Rights website: <http://www.waterrights.ca.gov/application/PetNot.htm>.

BACKGROUND

Contra Costa Water District (CCWD) serves treated and untreated water to approximately 500,000 people in central and eastern Contra Costa County and obtains its water supply exclusively from the San Francisco Bay/Sacramento-San Joaquin Delta (Delta). CCWD's water supply is diverted pursuant to water right Permit 20749 (Application 20245) and License 10514 (Application 5941). Additionally, CCWD receives CVP water pursuant to Water Service Contract I75r-3401A-LTR1 with the USBR. CCWD diverts its water supply from the Mallard Slough Intake (located near Chipps Island), the Rock Slough Intake (Rock Slough), and the Old River Intake Pumping Station (Old River). Water may be diverted at Old River to offstream storage

¹ The seventeen CVP permits affected by this petition are listed on page 4 of this notice.

at Los Vaqueros Reservoir and released for blending with lower quality water diverted at other times of the year.

The quality of water at CCWD's current intake locations varies greatly based on season, water year type, and other factors. In order to improve the water quality available for diversion, CCWD has proposed its Alternate Intake Project to construct a new intake at a location which (at times) has better water quality than that found at Old River. CCWD is proposing to construct this new point of diversion/rediversion on Victoria Canal approximately 3 miles northwest of the intake to the Clifton Court Forebay. Additional information regarding the Alternate Intake Project is available for viewing online at: <http://www.ccwater-alternativeintake.com>.

A map showing the location of the new point of diversion/rediversion is available for viewing online with the copy of this notice at:
<http://www.waterrights.ca.gov/application/PetNot.htm>

DESCRIPTION OF THE PROPOSED CHANGE

The petition requests the addition of a new point of diversion at Victoria Canal to CCWD's Permit 20749 and the addition of the same point as a point of diversion/rediversion to 17 water right permits held by USBR. The proposed new Victoria Canal point of diversion/rediversion is described as follows:

Victoria Canal Intake

By California Coordinates of 1983, Zone 3, North 2,139,610 feet and East 6,259,970 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 9, T1S, R4E, MDB&M.

The maximum rate of diversion from the Victoria Canal Intake would be 250 cfs. The maximum combined rate of diversion from both the Old River Intake and the Victoria Canal Intake would be 320 cubic feet per second (cfs). CCWD's petition states that the proposed change will not increase the total rate of diversion of water from the Delta or the maximum annual volume of water diverted by CCWD pursuant to both its water rights and its USBR contract entitlements.

CO-PETITIONER'S WATER RIGHTS

Contra Costa Water District

Permit 20749 authorizes the diversion to offstream storage at Los Vaqueros Reservoir of up to 95,850 af of water per year from November 1 of each year through June 30 of the succeeding year. The authorized point of diversion under Permit 20749 is located at Old River and the authorized point of rediversion is located at Los Vaqueros

Reservoir. Water is authorized for municipal, industrial, domestic, irrigation, recreation, incidental fish and wildlife preservation and/or enhancement, and water quality within CCWD's authorized service area and sphere of influence, the Cities of Pittsburg, Antioch, and Brentwood with their spheres of influence, the Oakley subarea, the Los Vaqueros recreation area, and the rural county subarea as shown on the map on file with Application 20245. The maximum rate of diversion to offstream storage at Los Vaqueros Reservoir is 200 cfs. Additional information regarding issuance of Permit 20749 is contained in State Water Board Decision 1629, which is available for viewing online at: <http://www.waterrights.ca.gov/hearings/decisions/WRD1629.PDF>

United States Bureau of Reclamation

Seventeen water right permits are used by the USBR to serve water to CCWD pursuant to Water Service Contract I75r-3401A-LTR1. These USBR water rights all include Rock Slough and Old River as points of diversion and/or rediversion. Following is a description of the location for these points of diversion:

Old River

By California Coordinates of 1983, Zone 3, North 2,156,554 feet and East 6,254,667 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 31, T1N, R4E, MDB&M.

Rock Slough

By California Coordinates of 1983, Zone 3, North 2,179,904 feet and East 6,232,667 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 33, T2N, R3E, MDB&M.

The maximum combined rate of diversion/rediversion at Old River and Rock Slough by USBR is 350 cfs. The seventeen USBR water right permits included in this petition are listed on the next page in Table 1.

Table 1			
Application No.	Permit No.	Project Description	Type of Diversion
5626	12721	Shasta Project	PORD
5628	11967	Trinity Project	PORD
9363	12722	Shasta Project	POD and PORD
9364	12723	Shasta Project	POD and PORD
9366	12725	Contra Costa Canal	POD
9367	12726	Contra Costa Canal	POD
13370	11315	Folsom Project	PORD
13371	11316	Folsom Project	PORD
14858A	16597	New Melones Project	PORD
15374	11968	Trinity Project	PORD
15375	11969	Trinity Project	PORD
16767	11971	Trinity Project	PORD
17374	11973	Trinity Project	PORD
17376	12364	Whiskeytown Lake	PORD
19304	16600	New Melones Project	PORD
22316	15735	Contra Costa Canal	POD
18115	13776	Black Butte Project	PORD

Legend: POD = Point of Diversion
 PORD = Point of Rediversion

Further information regarding these water rights is contained in State Water Board Revised Decision 1641, which is available for viewing online at:
<http://www.waterrights.ca.gov/hearings/decisions/WRD1641.pdf>

ENVIRONMENTAL INFORMATION

CCWD and USBR served as joint lead agencies for preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on the proposed Alternate Intake Project pursuant to requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). On November 15, 2006, CCWD certified the Final Environmental Impact Report/Environmental Impact Statement (FEIR/FEIS) for the Alternate Intake Project. Alternative 3, as described in the FEIR/FEIS, was selected by CCWD as its preferred Alternative. Copies of both the Draft and Final EIR/EIS for the Alternative Intake Project are posted on the USBR website:

http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=1818

If you do not wish to file a protest, but would like to provide us with information regarding the potential significant effects of the proposed change on water resources that the FEIR/FEIS does not address, please send this information immediately to:

Gita Kapahi
State Water Board, Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000.

Additionally, USFWS and NMFS have issued Biological Opinions on the operation of the Alternate Intake Project pursuant to the Endangered Species Act. Copies of these documents are available for viewing online with the copy of this notice at:

<http://www.waterrights.ca.gov/application/PetNot.htm>

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest against approval of the petition with the State Water Board. The protest may be based on any appropriate grounds consistent with the water code, including:

- Injury to any legal user of water.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the petition, and the factual basis for those objections. For example, if the objection is based on injury to a legal water user, the protest must describe the specific injury to the user that would result from approval of the changes proposed by the petition. In addition, the party claiming injury must provide specific information that describes the basis of the use, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests should be project-specific. The Division will not accept protests that are directed against the underlying water right, rather than the changes proposed by the petition.

A protest should also contain a description of measures that could result in withdrawal of the protest.

Procedure for Submitting Protests

Any protest must comply with article 9 of the California Code of Regulations, title 23, commencing with section 745. Standard protest submittal forms are available from the State Water Board's Division of Water Rights or from the Division of Water Rights website at <http://www.waterrights.ca.gov/forms/pro-pet.pdf>. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail.

Protests must be submitted in writing by post, fax, electronic mail or hand delivery to:

Mail:

State Water Resources Control Board, Division of Water Rights
Attn: Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000

FAX: (916) 341-5400

E-mail: gwilson@waterboards.ca.gov

Hand Delivery:

State Water Resources Control Board, Division of Water Rights
Attn: Greg Wilson
1001 "I" Street, 14th Floor
Sacramento, CA 94812

If you choose to fax or e-mail the protest, timely delivery of an original signed copy to the Division (either by hand or by mail) must follow in order for the protest to be accepted.

Additionally, a protestant must provide both petitioners, CCWD and USBR, with duplicate copies of the protest, sent to:

Contra Costa Water District
Walter J. Bishop, General Manager
P.O. Box H2O
Concord, CA 94524

United States Bureau of Reclamation
Mid-Pacific Region
Richard J. Woodley,
Regional Resources Manager
2800 Cottage Way
Sacramento, CA 95825-1895

Protest Submittal Deadline

Protests submitted in response to this notice **must be received by the Division by 4:00 p.m. on November 19, 2007**, the close of the protest period.

Protests not submitted by the close of the protest period will be subject to rejection.

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension **prior to the end of the protest period.**

Resolution of Protests

If the State Water Board receives protests that are not resolved in settlement, the State Water Board intends to conduct a hearing on the petition. A public Notice of Hearing would be issued at a later date. All protestants would be provided with a copy of the Notice of Public Hearing.

Contact Person

To obtain additional information regarding this petitions, or to obtain copies of protest forms or general information pamphlets, please contact Greg Wilson by phone at (916) 341-5427 or by electronic mail at gwilson@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: October 19, 2007