

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>

PETITION FOR CHANGE
(WATER CODE 1700)

RECEIVED
DIVISION OF WATER RIGHTS
MAY 13 2011 10:11 AM

Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Split
Application 1199 Permit _____ License 904

If the change petition is being submitted for the purpose of requesting to split the water right between two or more owners, see page 2.

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

For General Description of Petition, See Attachment No. 1

Point of Diversion or Rediversion: (Give coordinate distances in California Coordinates, NAD 83, or other ties as allowed by CCR, tit. 23, section 715. Also provide the 40-acre subdivision in which the present and proposed points of diversion lie.)

Present: See Attachment No. 2

Proposed: See Attachment No. 2

Place of use (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present: See Attachment No. 3

Proposed: See Attachment No. 3

Purpose of Use

Present: See Attachment No. 4

Proposed: See Attachment No. 4

GIVE REASON FOR PROPOSED CHANGE:

See Attachment No. 5

WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED: (yes or no) See Attachment No. 6

WATER WILL BE USED FOR See Attachment No. 4 **PURPOSES.**

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of?

Ownership _____, lease _____, verbal or written agreement _____. If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

See Attachment No. 7

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? (yes or no) Yes. Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See files at Division of Water Rights, State Water Resources Control Board.

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: See Attachment No. 8

All petitioners must sign at the bottom of page 2.

Fill out this section only if you are requesting to split a water right among multiple owners.

REQUEST FOR DIVISION OF LICENSE/PERMIT

Request to divide License/~~Permit~~ 904 issued on Application 1199 into two licenses/~~permits~~. Fill out and attach a separate sheet of paper if the water right will be divided among more than two owners, or you need additional space.

ITEM:	First Owner	Second Owners
Name:	See Attachment No. 9	See Attachment No. 9
Address:		
Phone Number:		
Source:		
Direct Diversion Quantity Assigned in Gallons Per Day (gpd) or Cubic Feet Per Second (cfs):		
Storage Quantity Assigned (in Acre-Feet):		
Maximum Rate of Diversion to Offstream Storage (cfs)		
Maximum Amount (afa)		
Diversion Season:		
Point(s) of Diversion in CA Coordinates (NAD 83)		
Place of Use (APN Number)		
Purpose(s) of Use		
Note: A map showing the place of use boundaries must be submitted.		

All Petitioners Must Sign Below:

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

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

Dated March 17, 2011, 20 11 at Sacramento, California

[Signature], as Attorney and Agent for Longway Preservation Co.
 First Owner's Signature and Telephone Number Second Owner's Signature and Telephone Number

NOTE: All petitions must be accompanied by the filing fee (see fee schedule at www.waterrights.ca.gov) made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany a change petition. Separate petitions are required for each water right.

Attachment No. 1
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

GENERAL

The purpose of this Petition for Change (Petition) is to split Conaway Preservation Group's (CPG) License 904 (Application 1199) into two licenses in accordance with the Agreement between CPG and the Woodland-Davis Clean Water Agency (Agency) dated December 15, 2010 (Agreement) – License 904A (Application 1199A) for the Agency, and License 904B (Application 1199B) for CPG. The Agreement also provides that CPG's License 5487 (Application 12073) is to be split between CPG and the Agency– License 5487A (Application 12073A) for the Agency, and License 5487B (Application 12073B) for CPG; and thus, a separate petition for change will be filed with the Division of Water Rights (Division) for this purpose. The split of these licenses will result in a source of water supply for use by the Agency when the diversion prohibition in Term 91 is in effect, in accordance with the State Water Resources Control Board's (State Water Board) Decision adopted on March 1, 2011. The changes proposed to CPG's licenses are in conformance with the Agreement between the Agency and CPG; and also, in conformance with the Agency's Application 30358 and the State Water Board's Decision. These changes involve the split of Licenses 904 and 5487 and additions to the purposes of use, point of diversion, and place of use. No other changes to Licenses 904 and 5487 are proposed. Together, the portions of Licenses 904 and 5487 proposed to be held by the Agency in the form of new licenses will authorize direct diversions from the Sacramento River at a rate of up to 80 cfs during about April 1 through about October 31 for the proposed purposes and places of use described in this Petition and the petition for change to License 5487. CPG will retain the remaining portions of Licenses 904 and 5487 in the form of new licenses, as identified below.

Specifically, as provided for under the Agreement, the Agency's License 904A will identify: (1) a maximum authorized monthly average direct diversion rate of 80 cfs, with a maximum instantaneous diversion rate of 100 cfs, from about April 1 through about September 30; (2) the total maximum authorized annual diversions under Licenses 904A and 5487A will be 10,000 AF/yr; (3) the total maximum authorized diversions under License 904A during about July 1 through about September 30 of each year will be 7,500 AF; (4) additional point of diversion (with subsequent deletion of existing point of diversion); (5) municipal, industrial, irrigation, fish and wildlife enhancement, and fisheries and aquaculture research as authorized purposes of use; and (6) authorized places of use for both the proposed Davis-Woodland Water Supply Project service area (which is specified as the authorized place of use in the Agency's Application 30358) and CPG's present place of use covered by License 904.

CPG's License 904B will, as provided for under the Agreement, include: (1) all rights under License 904 that are not in License 904A; (2) additional point of diversion (with subsequent deletion of existing point of diversion); and (3) the addition of fish and wildlife enhancement as a purpose of use in addition to the existing use of irrigation.

Conaway Preservation Group License 904
Attachment to Petition for Change

In addition to the above, as provided for under the Agreement, the Agency's License 904A and CPG's License 904B will both specify: (1) priorities of CPG's Licenses 904B and 5487B and CPG's License 905 (Application 1588) are junior to priorities of Licenses 904A and 5487A as long as water used under Licenses 904A and 5487A are for municipal and industrial uses within the Agency's place of use; (2) a provision that for any uses by the Agency besides municipal and industrial uses within the Agency's place of use, Licenses 904A and 904B will have equal priorities and Licenses 5487A and 5487B will have equal priorities; (3) the maximum seasonal quantity of water to be directly diverted pursuant to Licenses 904A, 904B, 905, 5487A, and 5487B and Central Valley Project water entitlements under licensees' Sacramento River Settlement Contracts with the U.S. Bureau of Reclamation shall not exceed 50,862 acre-feet during the period from about April 1 through about October 31 during the term of those contracts or any renewals thereof, and for an amount not to exceed 94,400 acre-feet during the period from about April 1 through about October 31, if those contracts are not in place; and, (4) no other substantive changes from License 904 to Licenses 904A and 904B. No changes are proposed for CPG's License 905.

CPG's Licenses 904, 905, and 5487 are the basis for the quantities identified in CPG's Sacramento River Settlement Contract (Settlement Contract) with the U.S. Bureau of Reclamation (Reclamation). In accordance with the Agreement, CPG's Settlement Contract will be split into two Settlement Contracts, one assigned to the Agency and the other assigned to CPG, for conformance with the split of Licenses 904 and 5487. Diversions under Licenses 904A, 904B, 905, 5487A, and 5487B will be undertaken consistent with the Settlement Contracts.

Attachment No. 2
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

POINT OF DIVERSION OR REDIVERSION

Present and Proposed Points of Diversion

The present point of diversion from the Sacramento River will not change within the next few years. During this period, it is expected that a new pumping facility and fish screen will be constructed within a few hundred feet downstream of the present point of diversion. Following construction and operation of this new facility, which is identified as a point of diversion in the Agency's Application 30358, the existing facility will be abandoned. Thus, the present point of diversion under License 904 will continue to be relied upon for diversions under proposed Licenses 904A and 904B until the new facility and fish screen are complete. No diversions to the Agency will occur until the new facility and fish screen are complete and operational. The Division will be notified of the completion and operation of this new facility. Therefore, CPG proposes to include the new facility as an additional point of diversion to Licenses 904A and 904B for diversions from the Sacramento River.

The present point of diversion will be used during the next several years for direct diversions under Licenses 904A and 904B. The map identifying this point of diversion for Licenses 904A and 904B is the existing map for License 904 contained in the Division's files. The present point of diversion is currently described as follows:

<u>Description</u> *	<u>Located Within</u> *			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
East 7,220 feet from the NW corner of Section 33, T10N, R3E	SE, SW	27	10N	3E

* All references to Section, Township, and Range are to the MDB&M.

Conaway Preservation Group License 904
Attachment to Petition for Change

The proposed additional point of diversion is expected to be used following construction and operation of the new pumping facility and fish screen. The map identifying this proposed additional point of diversion for Licenses 904A and 904B is the existing map for the Agency's Application 30358 contained in the Division's files. The proposed additional point of diversion is described as follows:

<u>Description</u> [†]	<u>Located Within</u> [*]			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
North 2,008,200 feet, East 6,667,300 feet	NE, NW	34	10N	3E

Present and Proposed Points of Rediversion

No points of rediversion are presently identified in License 904 and no points of rediversion are proposed to be added for Licenses 904A and 904B.

[†] All coordinates are referenced to CCS, Zone 2, NAD 83 Datum.

Attachment No. 3
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

PLACE OF USE

Present Place of Use

The present place of use covered by License 904 includes irrigation of 21,314 acres within T9N and 10N, R2E and 3E, MDB&M, as shown on a map received by the Division on February 17, 1920.

Proposed Places of Use

The proposed place of use for the Agency's License 904A is the present place of use covered by License 904 and an additional place of use including 23,950 acres shown on the map for the Agency's Application 30358. The map identifying the proposed place of use for License 904A is the existing map for License 904 and the existing map for Application 30358. See the Division's files for copies of these maps and for lists of assessor's parcel numbers associated with the existing place of use for License 904 and the place of use for Application 30358. The proposed place of use for License 904A is described as follows:

Municipal and Industrial uses within T8N, R1E, and T8N, 9N, 10N, R2E and 3E, MDB&M;

Irrigation uses within 23,950 acres located within T8N, R1E, and T8N, 9N, 10N, R2E and 3E, MDB&M;

Irrigation and Fish and Wildlife Enhancement uses within 21,314 acres located within T9N and 10N, R2E and 3E, MDB&M; and,

Fisheries and Aquaculture Research uses within Sections 16 and 21, T8N, R2E, MDB&M.

The proposed place of use for CPG's License 904B is the present place of use covered by License 904. The map identifying the proposed place of use for License 904B is the existing map for License 904. See the Division's files for a copy of this map and for a list of assessor's parcel numbers associated with the existing place of use for License 904. The proposed place of use for License 904B is described as follows:

Irrigation and Fish and Wildlife Enhancement uses within 21,314 acres located within T9N and 10N, R2E and 3E, MDB&M.

Attachment No. 4
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

PURPOSE OF USE

Present Purpose of Use

The purpose of use presently authorized by License 904 is Irrigation.

Proposed Purposes of Use

The proposed purposes of use for the Agency's License 904A include Municipal, Industrial, Fish and Wildlife Enhancement, Fisheries and Aquaculture Research, and the presently authorized purpose of Irrigation. The proposed purposes of use for CPG's License 904B include Fish and Wildlife Enhancement and the presently authorized purpose of Irrigation.

Attachment No. 5
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

GIVE REASON FOR PROPOSED CHANGE

The changes identified in this Petition are proposed as a result of the Agreement between CPG and the Agency in order to meet the condition of the State Water Board's Decision, adopted on March 1, 2011, that the Agency demonstrate a dependable alternate source of water supply for use by the Agency when the diversion prohibition in Term 91 is in effect and prohibits diversions from the Sacramento River under the permit issued upon the Agency's Application 30358. Based on discussions with the Agency, approval of this Petition would authorize the Agency's diversion and use of a water supply that meets a portion of the Agency's demand when the diversion prohibition in Term 91 is in effect.

This Petition requests to divide CPG's License 904 into License 904A for the Agency and into License 904B for CPG. License 904A would provide the Agency with a reliable surface water supply from the Sacramento River during periods when Term 91 prohibits diversions under the permit issued upon the Agency's Application 30358. This Petition is being filed in advance of completing construction of the new pumping facility and fish screen for diversions from the Sacramento River under the Agency's Application 30358. Diversions at the existing pumping facility will continue under proposed Licenses 904A and 904B for use within the existing place of use for License 904 until such time that the new facility is complete. Thereafter, diversions will occur at the new facility under License 904A, with the flexibility to deliver and use surface water upon the existing place of use covered by License 904 and the proposed additional place of use for the Agency. In addition, diversions will occur at the new facility under License 904B for the use of surface water upon the existing place of use covered by License 904. These proposed changes are in conformance with the Agreement between the Agency and CPG; and also, in conformance with the Agency's Application 30358 and the State Water Board's Decision.

Attachment No. 6
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

ABANDONMENT OF POINT OF DIVERSION

As previously identified in this Petition, the present point of diversion under License 904 will continue to be relied upon for diversions under proposed Licenses 904A and 904B until the new facility and fish screen are complete. No diversions to the Agency will occur until the new facility and fish screen are complete. Until that time, diversions from the Sacramento River will be used upon the existing place of use for License 904, approximately 24,314 acres, which is proposed to be included in Licenses 904A and 904B. Following construction of this new facility, which will be located within a few hundred feet downstream of the present point of diversion, the existing facility will be abandoned. At that time, the Division will be informed of the completion and operation of the new facility and the proposed deletion of the present point of diversion from the licenses.

Attachment No. 7
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

OWNERSHIP AND ACCESS

CPG intends to convey to the Agency and Reclamation District No. 2035 (RD 2035) the property on which the Agency and RD 2035 will construct a new, screened diversion facility. The property will be owned by the Agency and RD 2035 as tenants in common, with the Agency holding a 20% interest and RD 2035 holding an 80% interest in the property. As such, under proposed License 904A, access to the place of use for the delivery of surface water will be by virtue of ownership of the property on which the diversion facility is located, or via the conveyance system, or as a condition of service to the Agency's customers in accordance with its rules and regulations, including the Agreement between CPG and the Agency. Under proposed License 904B, access to the place of use for the delivery of surface water is by virtue of ownership of the conveyance system and land, or as a condition of service to CPG's customers in accordance with its rules and regulations.

Attachment No. 8
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

DEPARTMENT OF FISH AND GAME

The Department of Fish and Game (DFG) was contacted; and no comments were provided at this time. A copy of this Petition has been provided to Lauren Dailey (916-358-2909) of DFG.

Attachment No. 9
Petition for Change to License 904 (Application 1199)
held by Conaway Preservation Group

REQUEST FOR DIVISION OF LICENSE

As discussed with Division staff, the table shown on Page 2 of the petition form is not applicable to the changes described in this Petition. The proposed changes to License 904 and the resulting terms (e.g., quantities, seasons, purposes of use, etc.) to be included in Licenses 904A and 904B are described in Attachments 1 through 8 of this Petition.

CPG is the current owner of License 904 and will be the owner of License 904B. The contact information for CPG's authorized representative is as follows:

Somach Simmons and Dunn
Attn: Stuart L. Somach
500 Capitol Mall, Suite 1000
Sacramento, CA 95814
(916) 446-7979

The Agency will be the owner of License 904A. The contact information for the Agency's authorized representative is as follows:

Bartkiewicz, Kronick & Shanahan, P. C.
Attn: Alan B. Lilly
1011 22nd Street
Sacramento, CA 95816
(916) 446-4254