

KMG
A005632

Please indicate County where your project is located here:

See Attachment.

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

2014 OCT 15 PM 6:18

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion** Wat. Code, § 1701
 - Point of Rediversion** Cal. Code Regs., tit. 23, § 791(e)
 - Place of Use** Wat. Code, § 1701
 - Purpose of Use** Wat. Code, § 1701
 - Distribution of Storage** Cal. Code Regs., tit. 23, § 791(e)
 - Temporary Urgency** Wat. Code, § 1435
 - Instream Flow Dedication** Wat. Code, § 1707
 - Waste Water** Wat. Code, § 1211
 - Split** Cal. Code Regs., tit. 23, § 836
 - Terms or Conditions** Cal. Code Regs., tit. 23, § 791(e)
 - Other**
- Application 5632 Permit 15026 License Statement

ORIGINAL

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present: See Permit No. 15026 - no change to existing points of diversion or rediversion.

Proposed: See Attachment (Proposed Additional Point of Rediversion)

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present: No proposed change to the authorized place of use. See Attachment (Place of Use).

Proposed: No proposed change to the authorized place of use.

Purpose of Use

Present: No proposed change to the authorized purpose of use.

Proposed: No proposed change to the authorized purpose of use.

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

Not applicable.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: Not applicable.

Proposed: Not applicable.

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Temporary Urgency

This temporary urgency change will be effective from to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location:
Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).


Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

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.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at


Right Holder or Authorized Agent Signature
Ryan S. Bezerra, Attorney for the County Water Agency
Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

ATTACHMENT TO YUBA COUNTY WATER AGENCY'S PETITION FOR CHANGE

Petitioner

The name and address of the petitioner is Yuba County Water Agency (YCWA), 1220 F Street, Marysville, CA 95901, (530) 741-5000.

Project Background

Until December 31, 2025, YCWA is authorized under Corrected Order WR 2008-0014 for the long-term transfer of up to a total of 200,000 acre-feet per year (af/yr) of YCWA transfer water under Permit 15026. Corrected Order WR 2008-0014 also added the State Water Project (SWP) and the Central Valley Project (CVP) service areas to Permit 15026's authorized place of use for the long-term transfer's duration.

In January 2014, YCWA filed a Temporary Urgency Change Petition with the SWRCB requesting to add San Luis Reservoir (SLR) as a temporary point of rediversion (PORD). The Bureau of Reclamation (Reclamation) and San Luis Delta-Mendota Water Authority (SLDMWA) requested that YCWA seek a temporary change to add SLR as a temporary point of rediversion in order for Reclamation to enter into Warren Act contracts to enable members of SLDMWA to store approximately 7,400 af of YCWA transfer water in SLR in the 2014-2015 CVP contract year. The SWRCB issued an order approving the requested temporary change on February 14, 2014, so use of the temporary PORD was authorized for 180 days until August 13, 2014.

Reclamation and SLDMWA have requested that YCWA add SLR as a point of rediversion through December 31, 2025 in order for Reclamation to enter into Warren Act contracts to enable members of SLDMWA to store approximately 70,000 af/yr of YCWA transfer water in SLR from CVP contract year to CVP contract year. This petition therefore seeks to add SLR as an authorized PORD for Permit 15026 until December 31, 2025, for the purpose of allowing carryover storage of up to 70,000 af/yr of YCWA transfer water in SLR by virtue of one or more Warren Act contracts between CVP contractors and Reclamation. YCWA estimates that 70,000 af is the maximum amount of carryover storage of YCWA transfer water that would occur in any one year.

Proposed Additional Point of Rediversion

The proposed additional authorized PORD would be located on San Luis Creek at the point of diversion for San Luis Dam within the SW ¼ of SE ¼ of projected section 15, T10S, R8E, MDB&M at North 1,848,478 feet and East 6,393,579 feet by California Coordinate System in Zone 3 (NAD 83). Maps showing the proposed authorized PORD are attached to the accompanying Environmental Information for Petition form.

Location of Project

The current authorized points of diversion for Permit 15026 are located in Yuba County with authorized PORDs in the Counties of Sacramento (Freeport diversion), Contra Costa (Clifton Court Forebay) and Alameda (Jones Pumping Plant). This petition proposes to add an authorized PORD at SLR in Merced County until December 31, 2025.

Place of Use

In Corrected Order WR 2008-0014, the SWRCB approved the addition of the CVP's and the SWP's authorized places of use to YCWA's Permit 15026 through December 31, 2025. This petition does not seek to modify the existing authorized place of use for Permit 15026.

Access to Proposed Additional Point of Rediversion

CVP contractors that purchase YCWA transfer water will store that water in SLR carryover storage under Warren Act contracts with Reclamation.

Compliance with the California Environmental Quality Act (CEQA)

YCWA is preparing, for its Board of Directors' consideration, a proposed addendum to the certified Yuba Accord environmental impact report (State Clearinghouse #200506211) for the proposed project change of adding SLR as an authorized PORD and for the carryover storage of up to 70,000 af/yr in SLR through 2025. YCWA staff anticipates presenting that addendum to the YCWA Board of Directors in October 2014.

As indicated below, YCWA also is proposing permit terms to address environmental issues.

Lack of Effects on Instream Resources or Legal Users of Water

YCWA's technical analysis to support its proposed addendum to the certified Yuba Accord EIR will address any fish and wildlife concerns associated with the addition of the proposed PORD. Because that addition would involve only carryover storage of YCWA transfer water whose transfer the SWRCB already has approved, and because of SLR's nature as an off-stream reservoir, YCWA anticipates that the technical analysis will demonstrate that the addition of the proposed PORD would not have any significant effects on instream resources.

The addition of the proposed PORD will not injure any legal users of water because the water that may be carried over in SLR storage if that PORD is approved is water whose transfer the SWRCB already has approved. There are no water-right holders in SLR other than the CVP and the SWP, and the SWRCB approved transfers of YCWA water within the CVP and the SWP places of use in Corrected Order WR 2008-0014.

Proposed Terms of Approval of Additional Point of Rediversion

YCWA proposes that the SWRCB issue an order approving the addition of the proposed authorized PORD under the following terms:

1. The point of rediversion at San Luis Dam is authorized until December 31, 2025. The location of that point of rediversion is on San Luis Creek at NAD 83, Zone 3, North 1,848,748 feet and East 6,393,579 feet, being within SW 1/4 of SE 1/4 of projected section 15, T10S, R8E, MDB&M.
2. The maximum quantity of water that may be stored in San Luis Reservoir by virtue of one or more Warren Act contracts between Central Valley Project contractors and the Bureau of Reclamation under this Order is 70,000 acre-feet per year.
3. The additional point of rediversion at San Luis Dam is authorized to enable carryover storage of YCWA water transferred pursuant to Corrected Order 2008-0014 under one or more Warren Act contracts between Central Valley Project contractors and the Bureau of Reclamation.
4. Diversions at the new point of rediversion are subject to all terms of any biological opinions and incidental take permits that apply to the operation of San Luis Reservoir by the Bureau of Reclamation and the Department of Water Resources.
5. The addition of San Luis Dam as an authorized point of rediversion shall not authorize any diversions of water under Permit 15026 at Clifton Court Forebay and Jones Pumping Plant other than those authorized by Corrected Order 2008-0014.
6. YCWA shall provide a report describing the storage of YCWA water in San Luis Reservoir authorized under this Order to the Deputy Director of Water Rights with the annual electronic report(s) of water diversion and use for Permit 15026 covering the period of this Order.
7. This Order does not authorize any act that results in the taking of a candidate, threatened, or endangered species, or any act that is now prohibited, or becomes prohibited in the future, under either the Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this Order, the permittee shall ensure authorization for an incidental take permit is obtained prior to operation of the project.
8. This Order does not authorize any physical use of the Central Valley Project or State Water Project facilities absent independent agreements with the Department of Water Resources or Reclamation for the use of those facilities.

BARTKIEWICZ, KRONICK & SHANAHAN

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PAUL M. BARTKIEWICZ
RICHARD P. SHANAHAN
ALAN B. LILLY
RYAN S. BEZERRA
JOSHUA M. HOROWITZ
KATRINA C. GONZALES
ANDREW J. RAMOS

A PROFESSIONAL CORPORATION
1011 TWENTY-SECOND STREET
SACRAMENTO, CALIFORNIA 95816-4907
TEL. (916) 446-4254
FAX (916) 446-4018
E-MAIL bks@bkslawfirm.com

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Of Counsel
STEPHEN A. KRONICK
JAMES M. BOYD, JR.

October 16, 2014

Ms. Barbara Evoy
Deputy Director, Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, California 95814

VIA HAND-DELIVERY

Re: Application 5632/Permit 15026 – Petition of Yuba County Water Agency
to Add San Luis Dam as Point of Rediversion

Dear Ms. Evoy:

Please find enclosed the Petition for Change of Yuba County Water Agency (YCWA), and related Environmental Information for Petitions form, concerning a proposed change to Permit 15026, which was issued on Application 5632. In addition, please find enclosed the following checks in payment of fees associated with filing the Petition for Change: (1) a \$6,153 check payable to the SWRCB; and (2) an \$850 check payable to the California Department of Fish and Wildlife.

At the request of the Bureau of Reclamation and San Luis & Delta-Mendota Water Authority (SLDMWA), the enclosed Petition for Change seeks to add San Luis Dam as a point of rediversion until December 31, 2025 to allow Central Valley Project (CVP) contractors to carry YCWA transfer water over, in the CVP's San Luis Reservoir storage, from one CVP contract year to the next. (The CVP contract year is March 1-February 28.) CVP contractors will carry that water over in the CVP's San Luis Reservoir storage pursuant to one or more Warren Act contracts with the Bureau of Reclamation. The enclosed Petition for Change does not seek to increase the amount of YCWA transfer water that can be conveyed to CVP and State Water Project contractors above the amount approved by the SWRCB in Corrected Order WR 2008-0014.

Earlier this year, the SWRCB approved a temporary urgency change to Permit 15026 to allow, for this year alone, the same change that the enclosed Petition for Change seeks for a longer term. SLDMWA is seeking increased ability to store YCWA transfer water in light of continuing dry conditions and limitations on CVP supplies. The enclosed Petition for Change therefore is consistent with paragraph four of the Governor's January 17, 2014 drought declaration and paragraph two of the Governor's April 25, 2014 renewed drought declaration, both of which seek to expedite transfers to areas of need. SLDMWA seeks to have the change

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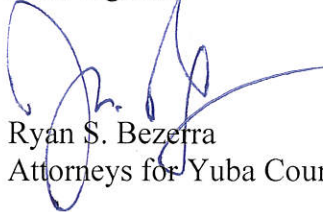
Ms. Barbara Evoy
October 16, 2014
Page 2

proposed in the attached Petition for Change in place by February 28, 2015 so that its members can store YCWA transfer water into the 2015-2016 CVP contract year.

YCWA is preparing an addendum to the Yuba Accord environmental impact report (State Clearinghouse #200506211) as the CEQA document for the enclosed Petition for Change. YCWA intends to present that addendum to its Board of Directors for potential certification at the Board of Directors' October 28, 2014 meeting. If the Board of Directors certifies the addendum, YCWA will notify the SWRCB immediately.

Please do not hesitate to contact me if you have any questions.

Kind regards,



Ryan S. Bezerra
Attorneys for Yuba County Water Agency

RSB:tmo

7021/YAI/L101614rsb SWRCB Petition

Cc (via email) (w/encl.):

Curt Aikens, YCWA

Frances Mizuno, SLDMWA

Jon Rubin, SLDMWA

Maureen King, DWR