

SMC
A001061



SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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SOMACHLAW.COM

March 12, 2015

Scott McFarland
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Petition for Change for License 1062

Dear Mr. McFarland:

The County of Sacramento (County) has filed a change of ownership form for License 1062 with the State Water Resources Control Board (State Water Board), thereby adding the Sacramento County Water Agency (SCWA) as a co-owner of License 1062. The County and SCWA (collectively, Petitioners) request that the State Water Board add a point of diversion, place of use, and purpose of use to License 1062.

Currently, License 1062 entitles Petitioners to divert 2,715.3 acre-feet of water from the Sacramento River between about April 1st and October 1st each year for irrigation use on land near the Sacramento International Airport. Petitioners submit the attached Petition for Change for License 1062. (See Exhibit A.) Petitioners request that the State Water Board: (1) add the Freeport Regional Water Project (FRWP) point of diversion to License 1062; (2) add SCWA's Zone 40 service area as a place of use for License 1062; and (3) add municipal and industrial uses to License 1062 so that SCWA can serve such uses throughout its Zone 40 place of use. Petitioners are concurrently requesting changes to License 4060.

As explained further in Exhibit B, the proposed changes would not adversely affect fish and wildlife. Nor is it likely that the changes would injure any other legal user of water. The proposed changes would allow SCWA to divert, treat and distribute water using existing FRWP facilities, and such diversion would not require modification of these facilities. SCWA has previously evaluated the potential impacts of operating the FRWP, and determined that such operations would not adversely affect fish and wildlife or water users downstream of the FRWP point of diversion. SCWA has also determined that there is a reasonable likelihood that the proposed changes would not injure any users of water between the current and proposed points of diversion.

Scott McFarland
Re: Petition for Change for License 1062
March 12, 2015
Page 2

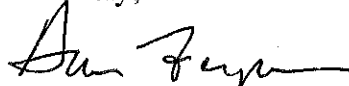
To comply with the California Environmental Quality Act (CEQA), SCWA prepared an initial study to determine whether the requested changes to License 1062 could have a significant impact on the environment. The initial study did not identify any potentially significant impacts. Therefore, SCWA has prepared a proposed negative declaration and is circulating the initial study and proposed negative declaration for public review and comment. For your convenience, a copy is included as Exhibit C. Following the public review period, SCWA, serving as the lead agency under CEQA, will determine the final CEQA action necessary to support any project approvals. Once this final action is taken, SCWA will transmit to the State Water Board all documents necessary for its use in making an independent CEQA determination for petition approval.

A representative of SCWA and the County has contacted the California Department of Fish and Wildlife (CDFW) and the Central Valley Regional Water Quality Control Board to discuss the proposed changes. Copies of this petition were sent to the contacts listed below. Petitioners will share any comments or concerns of these agencies with the State Water Board.

Please find enclosed a check in the amount of \$2,952.47 for Petition for Change filing fees for Licenses 1062 and 4060. Please apply \$1,811.59 of the total to this petition. Also, enclosed is a check for \$850.00 to cover CDFW's review fee.

Petitioners look forward to their petition being processed as soon as possible. If there are any questions regarding the petition, please do not hesitate to contact me at 916-446-7979.

Sincerely,


Aaron A. Ferguson

AAF:yd

Enclosure(s)

cc: Marylisa Lynch
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670

Elizabeth Lee
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Exhibit A

(To Petitioners' March 12, 2015 Letter)

SMC

Please indicate County where your project is located here:

[Empty box for County]

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

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 [Empty box]
 Application [1061] Permit [513] License [1062] Statement [Empty]

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 Attachment 1]
 Proposed: [See Attachment 1]

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

Present: [See Attachment 1]
 Proposed: [See Attachment 1]

Purpose of Use

Present: [Irrigation]
 Proposed: [Add: Municipal and Industrial]

Split

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

[Large empty box for water right holders information]

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: [Empty box]
 Proposed: [Empty box]

REC'D 3/12/15 REC'D 3/12/15
 \$850.⁰⁰ CHK# 1101988107 \$2,952.47 CHK# 1101988103
 GC (\$1,811.59) GC

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 ¼-¼ 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.

See Attachment 1
[]

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.

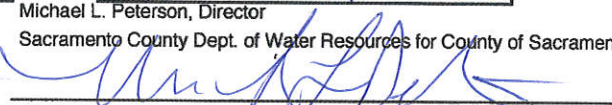
See Attachment 1
[]

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 3/11/15 at SACRAMENTO, CA

Michael L. Peterson, Agency Engineer
Sacramento County Water Agency

Michael L. Peterson, Director
Sacramento County Dept. of Water Resources for County of Sacramento


Right Holder or Authorized Agent Signature


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)

**Sacramento County Water Agency/County of Sacramento
Petition for Change – License 1062 (A1061)
Attachment 1**

The Sacramento County Water Agency (SCWA) and County of Sacramento (County) co-own License 1062 (A1061). SCWA and the County petition the State Water Resources Control Board (State Water Board) to add a point of diversion, place of use, purpose of use to License 1062.

1. Points of Diversion

Present (See attached map.)

Mile 9.8L: South two hundred (200) feet and West two thousand one hundred fifty (2,150) feet from the Northeast corner of section 12, T 9 N, R 3 E, M.D.B. & M. being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12.

Mile 9.3L: South Two Thousand Two Hundred Ninety-Two (2,292) feet and West eight hundred forty (840) feet from NE corner of Section 12, T 9 N, R 3 E, MDB&M, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 12.

Mile 7.9L: South three thousand four hundred fifty (3,450) feet and West sixteen hundred (1,600) feet from the NE corner of Section 7, T 9 N, R 4 E, M.D.B. & M., being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 7.

Mile 7.8L: South two thousand nine hundred thirty (2,930) feet and West seven hundred fifty (750) feet from NE corner of Section 7, T 9 N, R 4 E, M.D.B. & M., being within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 7.

Proposed

Add Freeport Regional Water Project as a point of diversion. The NAD 83 coordinates for the Freeport Regional Water Project point of diversion are:
X: 6702919; Y: 1934237.

2. Place of Use

Present

A tract containing 306.75 acres in the SE $\frac{1}{2}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 6, T. 9 N., R. 4 E., M.D.B.&M., and 34.05 acres in Lot 34, as the said tract and the said lot are delineated and so designated on that certain map entitled "Natomas Riverside Subdivision No. 3," filed in the office of the County Recorder of the County of Sacramento, State of California, in Book 15 of Maps, map No. 43; 20.89 acres in Lot 30, 32.89 acres in Lot 35, 36.17 acres in Lot 36 and 46.98 acres in Lot 37 of said Subdivision; 34.96 acres in Lot 27 and 62.87 acres in Lot 28 of the said Subdivision;

46.43 acres in Lot 29 of the said Subdivision; and a tract containing 93.59 acres in the SE ¼ of SE ¼ of Section 6, the E ½ of NE ¼, and the NE ¼ of SE ¼ of Section 7, T. 9 N., R. 4 E., M.D.B.&M., being 715.06 acres total, all as shown on a map received August 28, 1918 filed in the Office of the Division of Water Resources.

Proposed

Add SCWA's Zone 40 Place of Use. See attached complete property description and map.

3. Purpose of Use

Present

Irrigation

Proposed

Add Municipal and Industrial Use

4. Water Rights Holders Between the Present Points of Diversion and the Proposed Point of Diversion (Based on e-WRIMS)

Rights junior to L1062 between existing points of diversion and proposed point of diversion with right to divert Sacramento River water during April-September time period with diversion point located upstream of confluence with American River:

A1413-Natomas Central Mutual Water Company (NCMWC); Priority: 8/27/1919; Rate: 120 cfs; Season: 5/1-10/1

A15572- NCMWC; Priority: 10/8/1953; Rate: 131 cfs; Season: 4/1-6/30

Rights junior to L1062 between existing points of diversion and proposed point of diversion with right to divert Sacramento River water during April-September time period with diversion point located downstream of confluence with American River:

A1743 - City of Sacramento; Priority: 3/1920; Rate: 225 cfs; Season: 1/1-12/31

A25331 - Department of General Services; Priority: 1977; Rate: 15 cfs; Season: 1/1-12/31

A4369 - Correa; Priority: 1924; Rate: 0.12 cfs; Season: 5/1-11/1

A4376 - Serpa; Priority: 1924; Rate: 0.38 cfs; Season: 5/1-10/1

Right junior to L1062 between existing points of diversion and proposed point of diversion without right to divert during April-September time period:

A25727-NCMWC; Priority: 5/1/78; Rate: 168 cfs Season: October 1-April 1

Rights senior to L1062 between existing points of diversion and proposed point of diversion:

A534-NCMWC; Priority: 12/3/1916

A1056-NCMWC; Priority: 8/22/18

S10294 - riparian

S14834 - City of Sacramento, pre-1914; Rate: 75 cfs

S16904 - riparian

S20230 - riparian

S23180 - riparian

S23856 - riparian

S16543 - riparian

S16544 - riparian

S16541 - riparian

S16548 - riparian

S16546 - riparian

S21072 - riparian

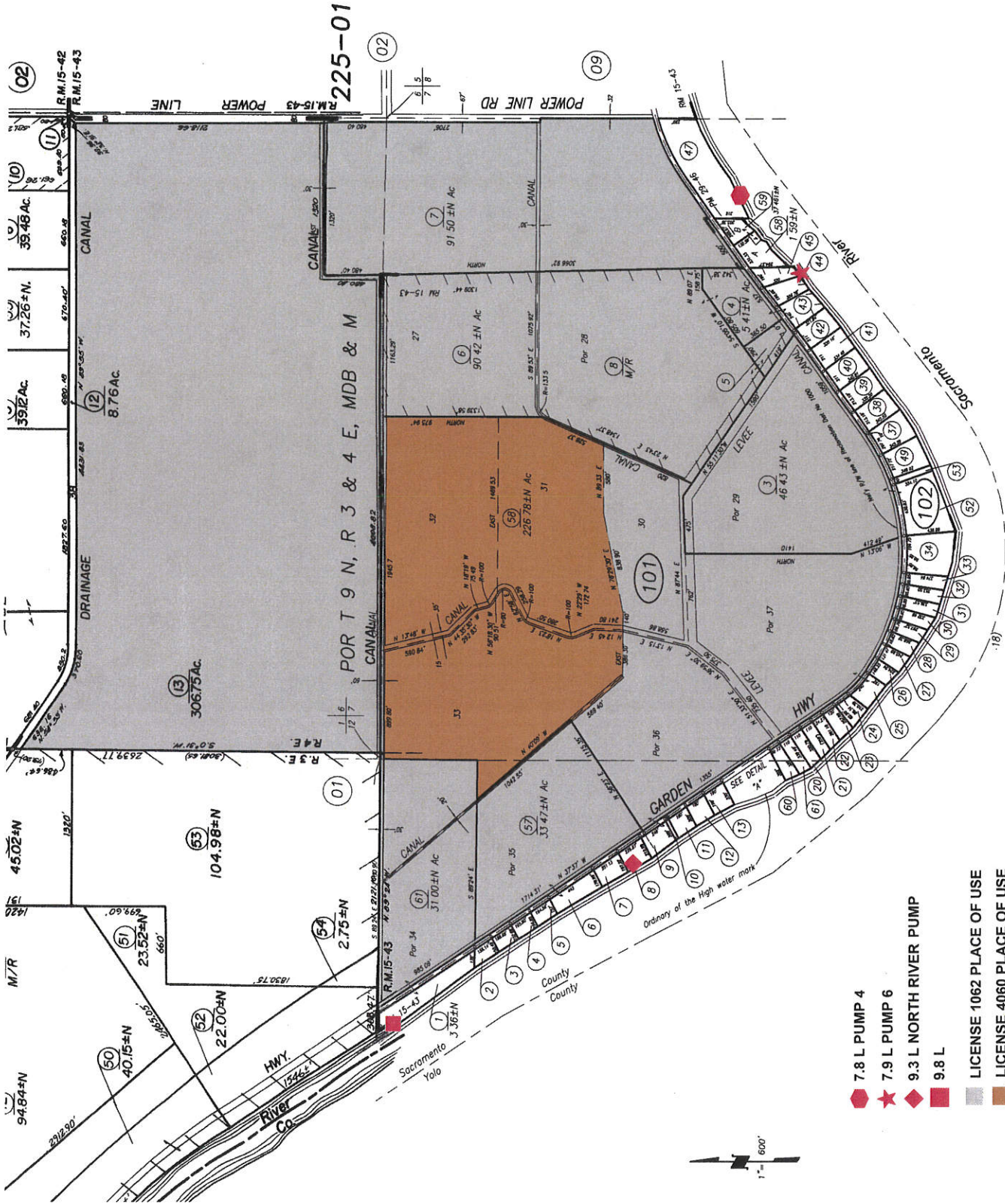
S23135 - riparian

Rights to divert/redirect water from the American River diverted and stored at Folsom Lake:

A13370 – Reclamation; Priority: 1949; Point of redirection of Folsom Lake water; stored water

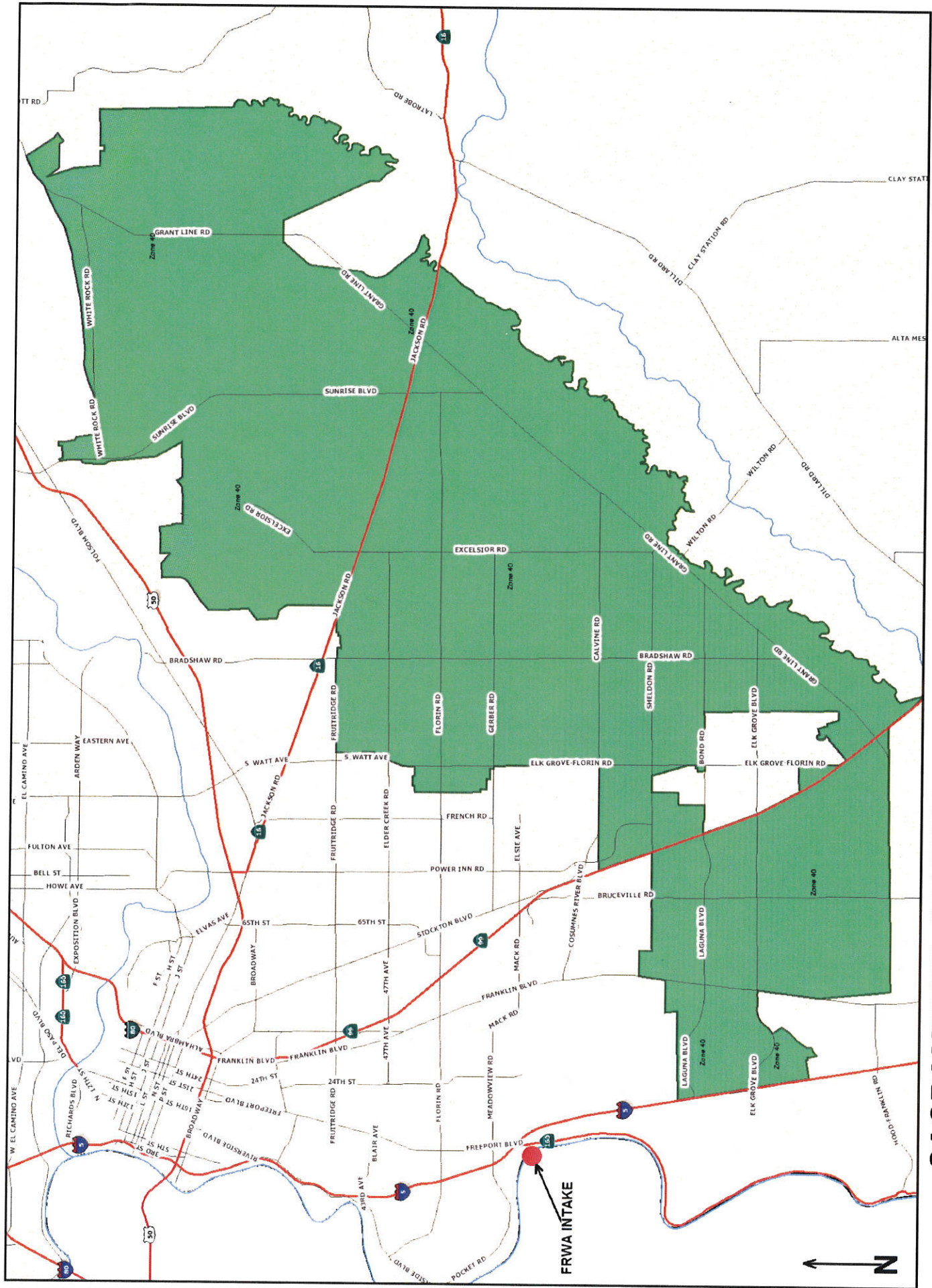
A13371 – Reclamation; Priority: 1949; Point of redirection of Folsom Lake water; stored water

ATTACHMENT 1: SACRAMENTO METROPOLITAIN FIELD WATER RIGHTS PARCELS



- 7.8 L PUMP 4
- 7.9 L PUMP 6
- 9.3 L NORTH RIVER PUMP
- 9.8 L
- LICENSE 1062 PLACE OF USE
- LICENSE 4060 PLACE OF USE

NOTE: ALL PARCELS ARE OWNED BY THE COUNTY OF SACRAMENTO, EXCEPT PARCEL NO. 61. PARCEL NO 61. IS OWNED BY THE SACRAMENTO AREA FLOOD CONTROL AGENCY (SAFCA).



SACRAMENTO COUNTY WATER AGENCY ZONE 40 PLACE OF USE

EXHIBIT A

ZONE 40 PROPERTY DESCRIPTION

SACRAMENTO CALIFORNIA

All those properties included within the following described parcel:

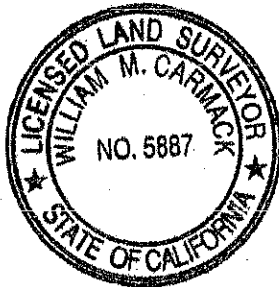
Beginning at the intersection of State Route 99 and the Southern Pacific Railroad; thence Northwesterly along State Route 99 to Kammerer Road; thence Westerly along Kammerer Road to Bruceville Road; thence Westerly along the center of Sections 15, 16 and 17 of Township 6 North Range 5 East to the Western Pacific Railroad; thence Northerly along the Western Pacific Railroad to Franklin Boulevard; thence Northerly along Franklin Boulevard to Elk Grove Boulevard; thence Westerly and Southwesterly along Elk Grove Boulevard to the Northwesterly boundary of Parcel A Lakeside Wetland Mitigation Area as described by Board Resolution No. 92-0237; thence Southeasterly, Southwesterly, Northerly, Westerly Southerly, and Westerly along said boundary to Interstate 5; thence Northwesterly along Interstate 5 to the Northerly line of 400.163 Acre parcel shown in Book 33 of Surveys Page 2; thence easterly along the Northerly line of said parcel to the Northwest corner of Parcel 11 as shown in Book 144 of Parcel Maps Page 21; thence Easterly along the Northerly line of said parcel to the Western Pacific Railroad; thence Northwesterly along said railroad to Dwight Road; thence Easterly along Dwight Road to Franklin Boulevard; thence Northwesterly along Franklin Boulevard to the Northwest corner of Parcel 1 as shown in Book 84 of Parcel Maps Page 3, thence Easterly along the North line of said parcel 1 to the Northeast corner; thence Southerly along the East line of said parcel 1 to the Northerly line of Section 28, Township 7 North, Range 5 East; thence Easterly along the Northerly line of said section to the Northeast corner; thence Easterly along the Northerly line of Section 27, Township 7 North, Range 5 East to the Northeast corner; thence Easterly along Sheldon Road to State Route 99; thence Northwesterly along state Route 99 to the Northerly line of Section 15, Township 7 North, Range 5 East; thence Easterly along the Northerly line of said section to the Northeast corner; thence Easterly along the Northerly line of Section 14, Township 7 North, Range 5 East to the Northeast corner; thence Easterly along the Northerly line of Section 13, Township 7 North, Range 5 East to Elk Grove Florin Road; thence Northerly along Elk Grove Florin Road to Gerber Road; thence Westerly along Gerber Road to East line of the property described in deed in Book 3819 Page 66; thence Northerly and Westerly along said property to the East line shown in Book 69 of Parcel Maps Page 4; thence Northerly along the East line of said parcel to the Northeast corner; thence Westerly along the North line of said parcel map to the West line of the East half of Section 1, Township 7 North, Range 5 East; thence Northerly along said West line to the Southeast corner of the property described in deed in Book 87 07 09 Page 279; thence Westerly along the South line of said property to the Southeast corner of Parcel A as shown in Book 35 of Parcel Maps Page 3; thence Northerly

along the East line of said parcel A to the Northeast corner; thence Westerly to along the North line of said parcel to the Northwest corner; thence Northerly along the West line of the Southeast quarter of Section 1, Township 7 North, Range 5 East to the Northwest corner; thence Northerly along the West line of the Northeast quarter of Section 1, Township 7 North, Range 5 East to the Northwest corner; thence Northerly along the West line of the Southeast quarter of Section 36, Township 8 North, Range 5 East to the Southwest corner of the 45.104 Acre parcel shown in Book 24 of Surveys Page 38; thence Easterly along the South line of said parcel to the Southwest corner of the 5.00 Acre parcel shown on said survey; thence Northerly along the West line of said parcel to the Northwest corner of said parcel; thence Easterly along the North line of said parcel to the Northeast corner; thence Southerly along the East line of said parcel to the North line of Southeast quarter of Section 36, Township 8 North, Range 5 East; thence Easterly along said North line to South Watt Avenue; thence Northerly along South Watt Avenue to the Southwest corner of Parcel 2 as shown in Book 91 of Parcel Maps Page 4; thence Easterly along the South line of said parcel to the Southeast corner; thence Northerly along the East line of said map to the Northeast corner of parcel 1; thence Westerly along the Northerly line of said parcel to the Southeast corner of Parcel A as shown in Book 37 of Surveys Page 23; thence Northerly along the East line of said parcel to the Northeast corner; thence Westerly along the North line of said parcel to South Watt Avenue; thence Northerly along South Watt Avenue to Osage Avenue; thence Easterly along Osage Avenue to the Southeast corner of Lot 10 as shown on the Plat of Tokay Meadows; thence Northerly along the east line of said lot 10 to the Southeast corner of Lot 3 of said plat; thence Northerly along the East line of said lot 3 to Fruitridge Road; thence Easterly along Fruitridge road to Mayhew Road; thence Easterly along the North line of Section 29, Township 8 North, Range 6 East to the Northeast corner; thence Easterly along the North line of Section 28, Range 6 East, Township 8 North to the Northeast corner; thence Easterly along the North line of Parcel C as shown in Book 45 of Parcel Maps Page 32 to the Northeast corner; thence Southerly along the Westerly line of Parcel 2 as shown in Book 22 of Surveys Page 29 to the Southwest corner; thence Easterly along the South line of said parcel 2 to the Southeast corner; thence Northerly along the East line of said parcel 2 to the Southeast corner of Parcel 1 of said survey; thence Northerly along the East line of said parcel 1 to the North line of Tract 1 as shown in Book 2 of Surveys Page 14; thence Easterly along the North line of said Survey to the intersection with the Southerly prolongation of East line of Morris Toomey property as shown in Book 21 of Surveys Page 38; thence Northerly along said prolonged line and said East line to Kiefer Boulevard; thence Northwesterly along the boundary described in deed in Book 74 05 09 Page 2 the following two courses, N 36°43'05" W 4.88 feet, N 37°45'40" W 401.31 feet; thence Northwesterly and Westerly along the Easterly and Northerly line of Tract 704 described in deed in Book 78 07 25 Page 1186 to Happy Lane; thence Northerly along Happy Lane to the Southwest corner of parcel C as shown in book 26 of Parcel Maps Page 13; thence Northeasterly along the Southeasterly line of said map to the Southeast corner of Parcel A of said map; thence Northerly along the Westerly boundary of Mather Air Force Base as shown in Book 45 of surveys Page 16 to Old Placerville Road; thence Northeasterly and Northerly along Old

Placerville Road to the Southwest corner of the property described in deed in Book 98 10 21 Page 1492; thence Easterly along the South line of said property to Mather Field Road; thence Southeasterly along Mather Field Road to the Easterly boundary of Lot 69, as shown on the amended Map of Natomas American Subdivision No.4; thence Northerly along the easterly line of said map to the Southwest corner of Parcel 1 as shown in Book 84 of Parcel Maps Page 16; thence Easterly, Southerly, Easterly, Northeasterly, Southeasterly, and Easterly along the South line of Parcels 1 and 7 of said parcel map to Folsom South Canal; thence Northerly along said canal to Sunrise Boulevard; thence Northerly along Sunrise Boulevard to Citrus road; thence Northeasterly along Citrus Road to the Northwest corner of parcel 1 as shown in Book 43 of Parcel Maps Page 39; thence Easterly, Southerly, Easterly, Northerly, and Easterly along the North boundary of said parcel map to the Northeast corner of Parcel 8; thence Southerly along the Folsom South Canal to the Northeast corner of Parcel D as shown in Book 76 of Parcel Maps Page 1; thence Southerly along the Easterly boundary of said parcel map to the Northwest corner of Parcel 4 as shown in Book 87 of Parcel Maps Page 8; thence Easterly along the North line and Southerly along the East line of said parcel to White Rock Road; thence Easterly along White Rock Road to Old White Road ; thence Easterly along Old White Rock Road to the Northerly corner of Parcel D as shown in Book 32 of Surveys Page 40; thence Southeasterly along the Northeasterly lines of Parcels D and C of said survey to the Easterly corner of said parcel C; thence Southwesterly along the Southeast line of said parcel C to the Southerly corner; thence Northwesterly along the Southwesterly line of said parcel C to the Northerly line of Parcel B as shown in Book 22 of Parcel Maps Page 2; thence Westerly and Northwesterly along the line of said parcel B to the most Northerly corner; thence Southeasterly and Southerly along the Westerly line of said parcel B to the Southwest corner; thence Easterly, Southerly, Easterly, Northerly, and Easterly along the Southerly line of said parcel B to the Southeast corner; thence Easterly along the North line of the Southwest Quarter of Section 31, Township 9 North, Range 8 East to the Pacific Gas and Electric Transmission line as shown the U.S. Geological Survey 7.5 minute series topographic map of Buffalo Creek 1967; thence Southerly along said transmission line approximately 3 miles to the Northerly line of Zone A as shown on Panel 250 of 705 Flood Insurance Rate Map revised September 30, 1988; thence Southwesterly along the Northwesterly line of said Zone A to the Previously Proposed Buffer Line as shown the 2000' Buffer Map of the Kiefer Landfill of August 1995 on file with the Department of Public Works, Division of Waste Management and Recycling; thence Northwesterly along said proposed buffer line to the south line of Section 23, Township 8 North, Range 7 East, thence westerly along the south line of said Section 23 to the southwesterly corner of Parcel 7 as shown in Book 73 of Surveys, Page 8, thence following the westerly boundary 7 courses to a point in Grantline road said point coincident with said 2000' buffer line, thence Southwesterly, and Southeasterly along said proposed buffer line to the Northerly line of Zone A as shown on Panel 250 of 705 Flood Insurance Rate Map revised September 30, 1988; thence Southwesterly along the Northwesterly line of said Zone A to the Northerly line of the Northerly Zone A as shown on Panel 375 of 705 Flood Insurance Rate Map revised September 30, 1988; thence Southwesterly along the

Northwesterly line of said Zone A to the Northerly line of Zone A as shown on Panel 335 of 705 Flood Insurance Rate Map revised July 6, 1998; thence Southwesterly along the Northwesterly line of said Zone A to the Northerly line of the Northerly Zone A as shown on Panel 345 of 705 Flood Insurance Rate Map revised September 30, 1988; thence Southwesterly along the Northwesterly line of said Zone A to the Northerly line of Zone A as shown on Panel 345 of 705 Flood Insurance Rate Map revised July 6, 1998; thence Southwesterly along the Northwesterly line of said Zone A to the Northerly line of Zone A as shown on Panel 475 of 705 Flood Insurance Rate Map revised July 6, 1998; thence Southwesterly along the Northwesterly line of said Zone A to the Southern Pacific Railroad; thence Southeasterly along said railroad to the Point of Beginning.

All maps and deeds referenced are filed with the Office of the Recorder of the County of Sacramento except flood insurance rate maps and U.S. Geological Survey 7.5 minute series topographic maps.



William M Carmack

William M. Carmack, P.L.S. 5887

August 28, 2013

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

License 1062

Petitioners request that the State Water Board: (1) add the Freeport Regional Water Project (FRWP) point of diversion to License 1062; (2) add SCWA's Zone 40 service area as a place of use for License 1062; and (3) add municipal and industrial use to License 1062 so the Sacramento County Water Agency can serve such uses throughout its Zone 40 place of use.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

CVRWQCB

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

[Empty text box for additional information]

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

N/A

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

Grading Permit Use Permit Watercourse Obstruction Permit

Change of Zoning General Plan Change Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

[Empty text box for additional information]

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

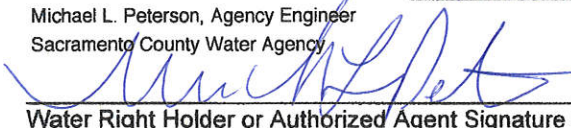
Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

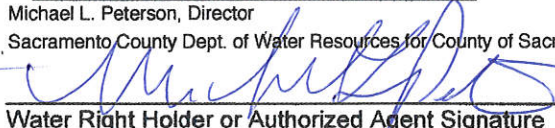
All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 3/11/15 at SACRAMENTO, CA.

Michael L. Peterson, Agency Engineer
Sacramento County Water Agency

Michael L. Peterson, Director
Sacramento County Dept. of Water Resources for County of Sacramento

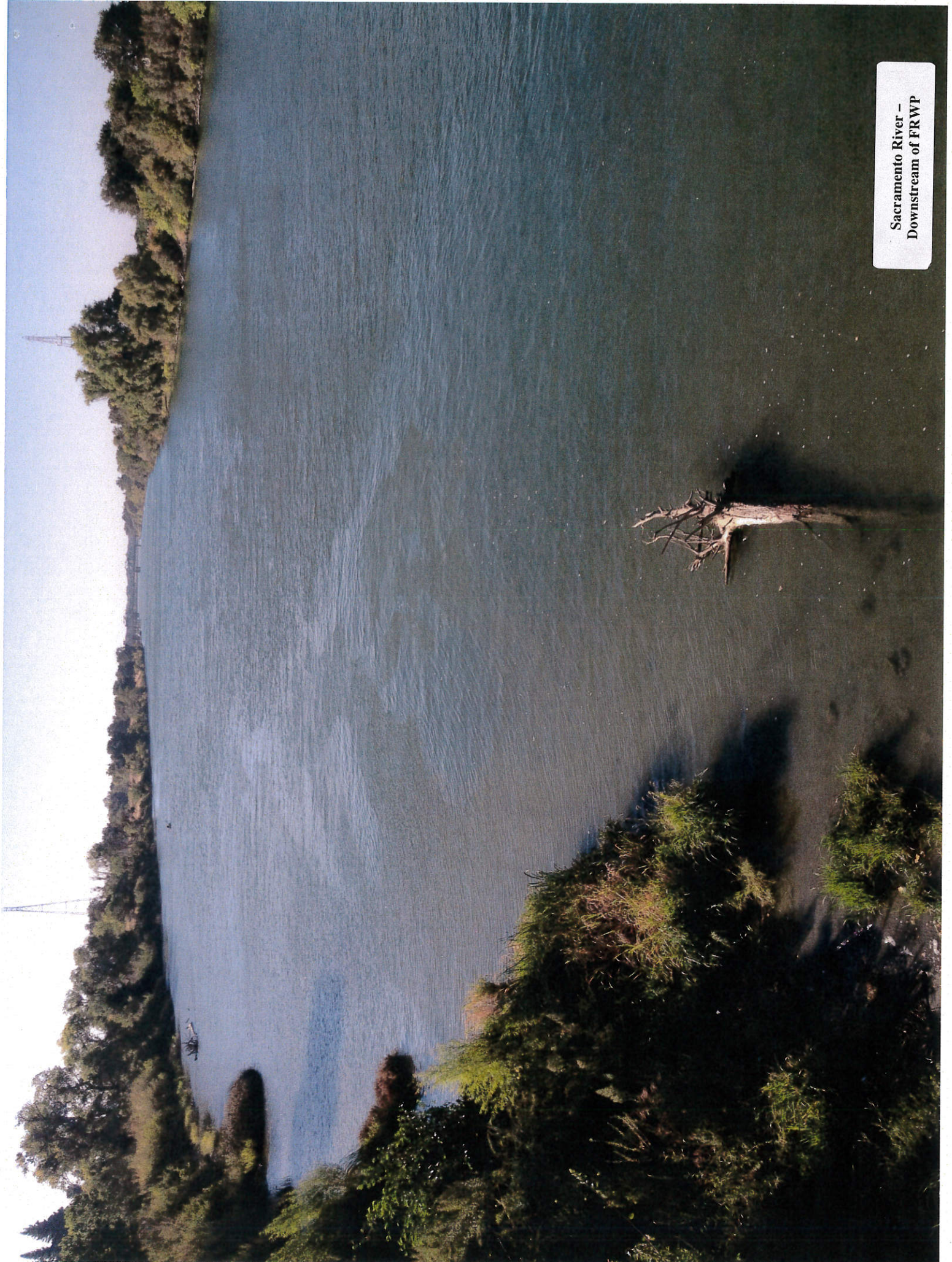

Water Right Holder or Authorized Agent Signature


Water Right Holder or Authorized Agent Signature

NOTE:

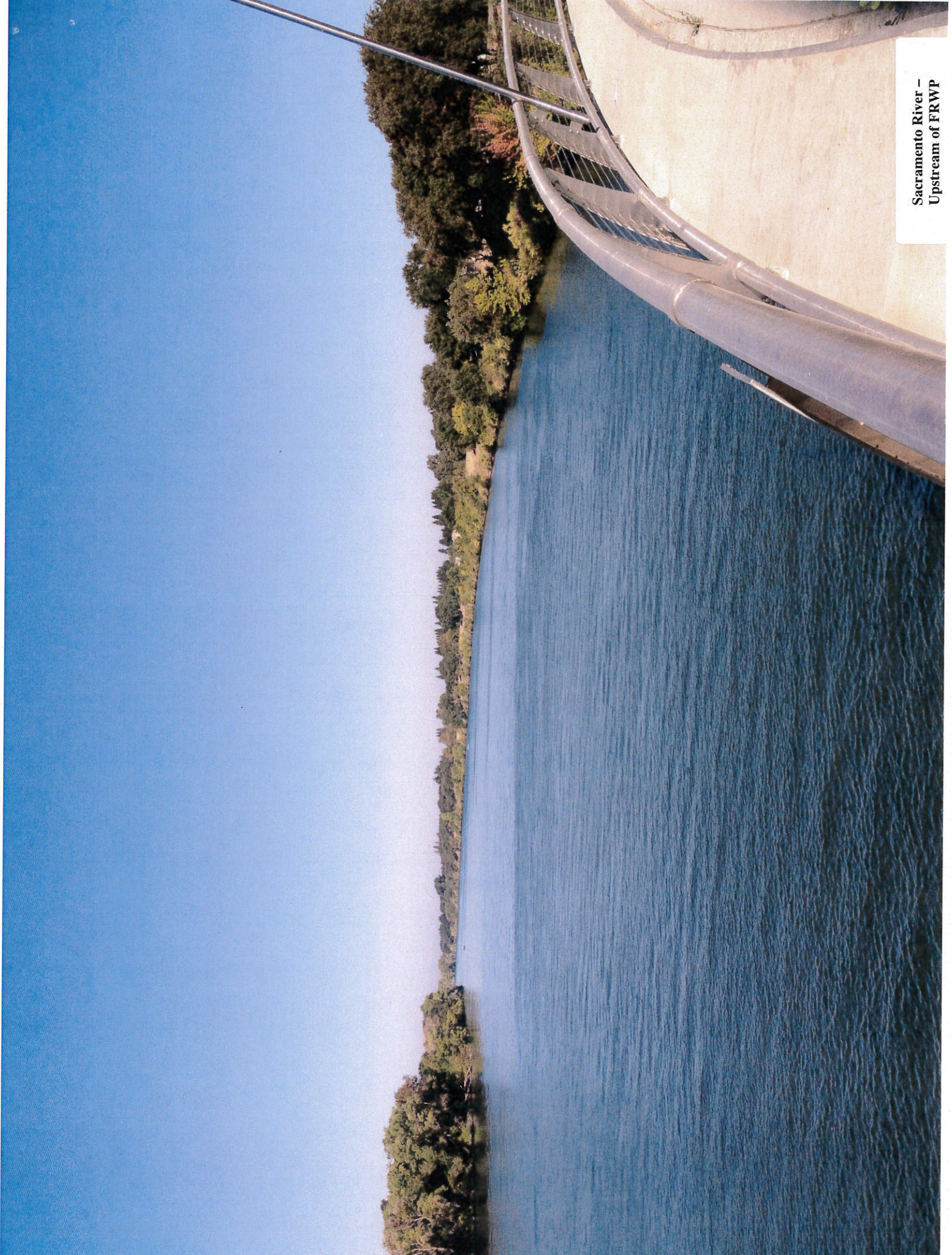
- Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

PHOTOS



Sacramento River -
Downstream of FRWP

Sacramento River -
Upstream of FRWP

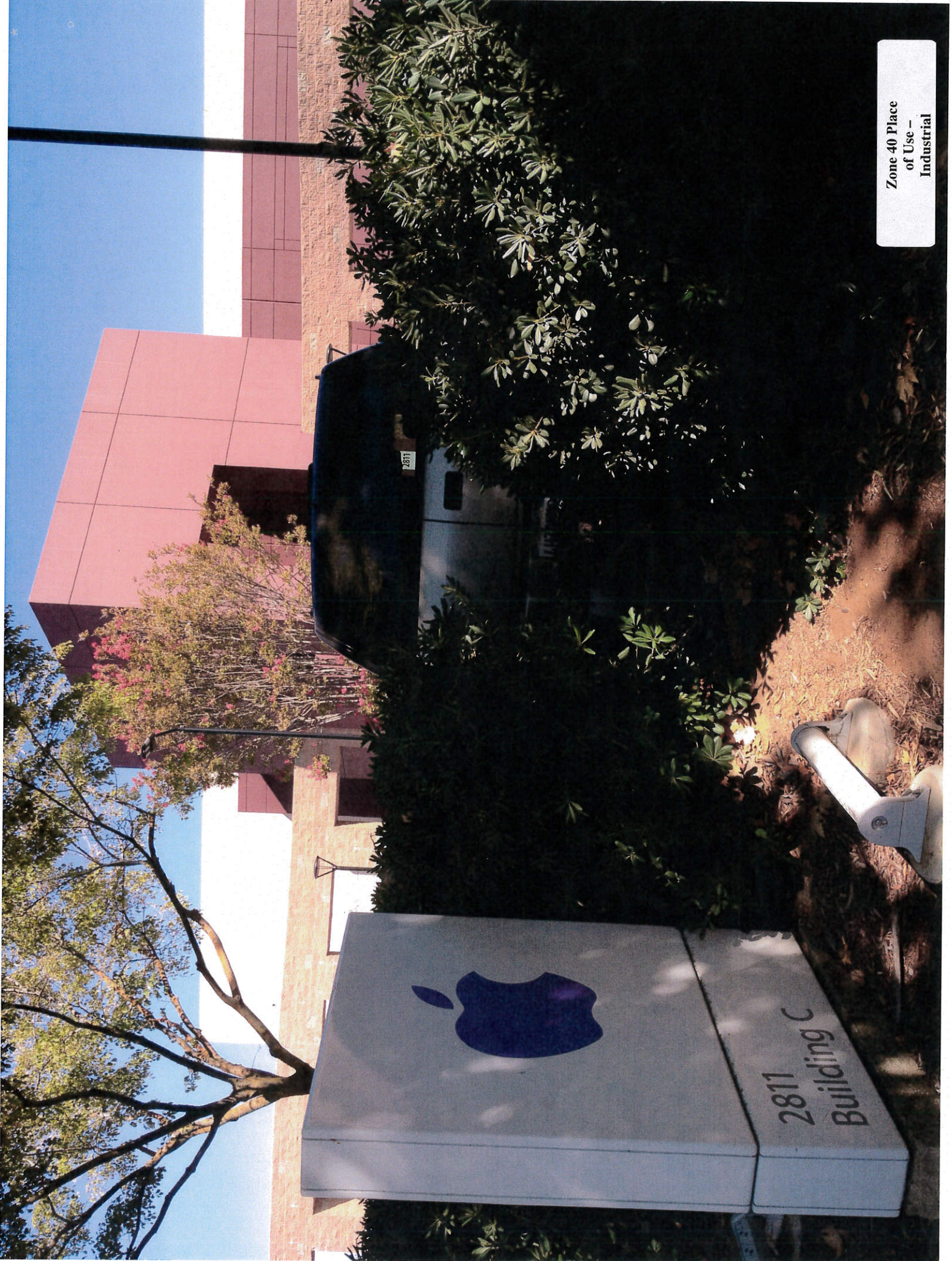




Zone 40
Place of Use —
Residential



Zone 40 Place
of Use -
Commercial



Zone 40 Place
of Use –
Industrial

2811
Building C



2811



Exhibit B

(To Petitioners' March 12, 2015 Letter)


SOMACH SIMMONS & DUNN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
500 CAPITOL MALL, SUITE 1000, SACRAMENTO, CA 95814
OFFICE: 916-446-7979 FAX: 916-446-8199
SOMACHLAW.COM

smc/KMG

SWRCB - DWR
17 NOV 9 4:11:02
A001061
A014494

November 6, 2017

Kate Gaffney
Division of Water Rights
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Re: Petition for Change for License 1062 and License 4060

Dear Ms. Gaffney:

On March 12, 2015, the County of Sacramento (County) and Sacramento County Water Agency (SCWA) (collectively, "Petitioners") filed a petition for change. Petitioners requested that the State Water Resources Control Board (State Water Board) add a point of diversion, place of use, and purpose of use to Licenses 1062 and 4060. Exhibit B to each petition contains a narrative project description, an analysis of impacts to fish and wildlife, and an assessment of injury to other legal users of water. Petitioners have revised Exhibit B by adding information regarding historic maximum water use, a river loss analysis, and a discussion of how approval of the petition furthers the public interest and would not initiate a new right. Petitioners request that the State Water Board replace Exhibit B in each petition with the revised Exhibit B of each petition included in this letter. Petitioners then request that the State Water Board proceed to notice these petitions.

Sincerely,


Aaron A. Ferguson

AAF:yd

Enclosure(s)

cc: Marylisa Lynch
California Department of Fish and Wildlife
North Central Region
1701 Nimbus Road
Rancho Cordova, CA 95670

Elizabeth Lee
Central Valley Regional Water Quality Control Board
11020 San Center Drive, Suite 200
Rancho Cordova, CA 95670

Petition for Change for License 1062

Project Description/Analysis of Impacts to Fish and Wildlife/Assessment of Injury to Other Legal Users of Water

November 6, 2017

I. Proposed Change

A. License 1062

The County of Sacramento (County) and Sacramento County Water Agency (SCWA) are co-owners of License 1062 (L1062). The County and SCWA (collectively, Petitioners) request that the State Water Resources Control Board (State Water Board) add a point of diversion, place of use, and purpose of use to L1062.

L1062 entitles Petitioners to divert 7.44 cubic feet per second (cfs) of water from the Sacramento River between about April 1st and October 1st each year for irrigation use on about 715 acres alongside the Sacramento River near the Sacramento International Airport (SIA). L1062 authorizes diversion of 2,715.3 acre-feet during each irrigation season.

Petitioners request that the State Water Board: (1) add the Freeport Regional Water Project (FRWP) point of diversion to L1062; (2) add SCWA's Zone 40 service area as a place of use for L1062; and (3) add municipal and industrial use to L1062 so SCWA can serve such uses throughout its Zone 40 place of use. Petitioners propose that water use at the FRWP point of diversion under L 1062 be limited to 804 acre-feet per year (afy) at the existing diversion rate of 7.44 cfs.

B. License 4060

Concurrent with this petition, Petitioners are filing a petition for change for License 4060 (L4060). L4060 currently entitles Petitioners to divert 1.57 cfs of water between about May 1st and October 1st from the Sacramento River for irrigation use on about 123 acres alongside the Sacramento River near the SIA. L4060 authorizes diversion of 479.6 acre-feet of water during the irrigation season. Petitioners are

requesting that the State Water Board: (1) add the FRWP point of diversion to L4060; (2) add SCWA's Zone 40 service area as a place of use for L4060; and (3) add municipal and industrial use to L4060 so that SCWA can serve such uses throughout its Zone 40 place of use. Petitioners propose that water use at the FRWP point of diversion under L4060 be limited to 101 acre-feet per year (afy) at the existing diversion rate of 1.57 cfs.

Combined, Petitioners request permanent changes for L1062 and L4060 that would allow SCWA to divert up to 9.01 cfs and 905 acre-feet of water per year (afy) at the FRWP point of diversion for municipal and industrial use throughout the Zone 40 place of use (Project). This combined amount reflects the most recent year of maximum historical use under these two water rights and a reasonable loss factor of 6.4% to account for losses in Sacramento River flow between the current and proposed points of diversion. This document demonstrates that it is reasonably likely that the Project would neither adversely affect fish and wildlife nor injure any other legal user of water. It also shows that the Project would not initiate a new right. Finally, it explains why approval of the Project is in the public interest.

II. Legal Requirements

The State Water Board may approve a change in the place of use, purpose of use or point of diversion of an appropriative water right, but “[b]efore permission to make such a change is granted, the petitioner shall establish, to the satisfaction of the [State Water Board], and it shall find, that the change will not operate to the injury of any legal user of the water involved.” (Wat. Code, § 1702.) The petitioner must also establish that the proposed change will not effectively initiate a new right. (Cal. Code Regs., tit. 23, § 791, subd. (a).) A change petition must also be in the public interest and not unreasonably harm fish, wildlife and other instream beneficial uses.

Water Code section 1701.2 requires that a petition for change in a license shall include: (1) all information reasonably available to the petitioner, or that can be obtained from the Department of Fish and Game, concerning the extent, if any, to which fish and wildlife would be affected by the change, and a statement of any measures proposed to be

taken for the protection of fish and wildlife in connection with the change; and (2) sufficient information to demonstrate a reasonable likelihood that the proposed change will not injure any other legal user of water. When submitting a petition for change, a licensee shall include “[t]he amount(s) of water which would have been diverted ... under the water right in the absence of the proposed change(s) ... in a maximum year if the change is permanent.” (Cal. Code Regs., tit. 23, § 794(a)(1).)

A. Amount of Water Diverted in a Maximum Year

The place of use for L 1062 includes approximately 715 acres, as shown in Attachment 1 to Petitioners’ March 12, 2015 Petition for Change. The parcels, corresponding acreage, landowner and appropriative surface water right for each parcel are shown in **Table 1**.

**Table 1
L 1062 & L4060 Parcels
Sacramento International Airport**

Assessor Parcel Number	Acres	Landowner	Water Right
225-0010-013	306.75	Sacramento Co.	L1062
225-0101-003	46.43	Sacramento Co.	L1062
225-0101-004	5.41	Sacramento Co.	L1062
225-0101-005	1.96	Sacramento Co.	L1062
225-0101-006	90.42	Sacramento Co.	L1062
225-0101-007	91.15	Sacramento Co.	L1062
225-0101-058	226.78	Sacramento Co.	L1062 (103 ac.) L4060 (123 ac.)
225-0101-057	33.47	Sacramento Co.	L1062
225-0101-061	31.00	Sac. Area Flood Control Agency	L1062
	833.37		

According to evidence in the State Water Board’s records, Sacramento River water has not been used on Parcel Number 225-0010-013 since about 1947.¹ (See

¹ There is also evidence that, in 1973, the former owner of Parcel Number 225-0010-013 revoked his ownership interest in L1062. (See Letter to Mr. Frates, August 20, 1973, attached hereto as Exhibit B.) Subsequently, the State Water Board recommended that the area to be irrigated

Memorandum from M.K. Lininger, June 29, 1964, attached hereto as Exhibit A.)

Because there is no recent historic use for Parcel Number 225-0010-013, the 306.75 acres that comprise this parcel, and are included in the place of use for L1062, are excluded from the following maximum water use analysis. Thus, the maximum water use analysis uses a gross acreage of 408 acres for L1062 and 123 acres for L4060.

With the exception of one parcel, the properties comprising the places of use for L1062 and L4060 are owned by the County of Sacramento and sit adjacent to the SIA. Historically, the County has leased these lands to tenants for agricultural purposes. No crops have been grown on this land, however, since about 2006 because Federal Aviation Administration (FAA) guidance strongly discourages agriculture on property near airports where farming activities attract birds and other wildlife hazardous to aircraft operations. The issue of attracting birds is particularly acute where the siphon method of irrigation is used because it causes movement of invertebrates to the surface, which attracts birds in search of prey. This is a real issue for SIA, which has had the sixth highest number of reported bird strikes in a year of any airport in the United States. To reduce wildlife attractants on property adjacent to the airport, the County allowed all tenant agricultural leases on such property south of Interstate 5, including the places of use for L1062 and L4060, to expire on December 31, 2007. Now, the County manages the land exclusively to reduce bird attraction, and the County has no intention of reinstating tenant agriculture.

Because water use on these airport properties was diminishing leading up to ultimate cessation around 2006, SCWA reviewed records prior to this time period to identify the most recent period of maximum use under these rights. Based on review of land-use information in various County leases as well as documents from the Sacramento County Agricultural Commissioner and the United States Department of Agriculture,

against this license be reduced by 306.75 acres. (See Memorandum from Om Gulati, September 15, 1977, attached hereto as Exhibit C.) This reduction, however, has apparently never occurred because current State Water Board records for L1062 show the acreage of the place of use is 715 acres. Regardless, in this petition, SCWA is only seeking to use water under L1062 that is attributable to historic water use on parcels other than 225-0010-013.

Farm Services Agency (FSA), SCWA has determined that the most recent years of maximum use were 2001 and 2003. Direct water use figures for the respective parcels that are within the places of use for L1062 and L4060 are not available in the State Water Board’s records for these licenses. Therefore, SCWA has estimated historic water use under L1062 and L4060 by applying standard water use values to reliable cropping data.

To determine historic water use for purposes of this analysis, SCWA focused on available and reliable data showing years of maximum water use prior to the cessation of irrigated agriculture around 2006. To determine water use for Assessor Parcel Numbers 225-0101-003, 004, 006, 007 and 008, all of which are included in the place of use for L1062, SCWA reviewed its tenant leases to find the parcels in irrigated agricultural use, and then used cropping data from the Sacramento County Agricultural Commissioner to identify the crops grown on the group of parcels under the leases. This research resulted in a determination that, in 2001, 28 acres of wheat and 180 acres of processing tomatoes were grown throughout Assessor Parcel Numbers 225-0101-003, 004, 006, 007 and 008. (See “2001 Leased Land Crops”, attached hereto as Exhibit D.) To determine water use on these parcels, SCWA used the applied water value from the California Department of Water Resources’ Agricultural Land and Water Use Estimates for Sacramento County for 2001, as shown in Table 2.²

Table 2
CA DWR – Water User Estimates

Year	Applied Water (af/ac)		
	Grain³	Processing Tomatoes	Safflower
2001	1.63	3.83	n/a
2003	1.03	n/a	0.88

² <http://www.water.ca.gov/landwateruse/anlwuest.cfm>

³ DWR includes “wheat” in the “grain” category.

The estimated total water use on Assessor Parcel Numbers 225-0101-003, 004, 006, 007 and 008 for 2001 is 735 acre-feet, as shown in **Table 3**. This quantity is entirely attributable to L1062.

Table 3
Water Use – Parcels 225-0101-003, 004, 006, 007 and 008

	Water Use (af)			
Year	Grain	Processing Tomatoes	Safflower	Total
2001	46	689	n/a	735

To determine water use for parcels 225-0101-057 and 225-0101-058, SCWA relied on 2003 cropping data from the FSA. FSA Tract 8777 corresponds to parcels 225-0101-057 and 225-0101-058. (See FSA Map, attached hereto as Exhibit E.) For 2003, 130 acres of safflower and 133.9 acres of wheat was irrigated and grown on “Tract 8777”. (See 2003 “Report of Acreage, Farm and Tract Detail Listing” for Tract 8777, attached hereto as Exhibit F.) Because Tract 8777 includes places of use for both L1062 and L4060, it was necessary to determine the total quantity of water used on Tract 8777 attributable to L1062 and L4060, respectively. The FSA records do not identify where the crops were grown within Tract 8777. To produce a conservative water use estimate for each license, SCWA uses the safflower unit duty for the entire 263 acres in Tract 8777 because the safflower unit duty is less than grain. See **Table 4** for the water use assigned to each right included in Tract 8777.

Table 4
“Tract 8777” Water Use
(Using Safflower Unit Duty)

	Water Use (af)		
Year	L1062	L4060	Total
2003	124	108	232

Table 5 shows the maximum water use assigned to each right for purposes of the analysis in this petition.

Table 5
Maximum Water Use
L1062 and L4060

	Water Use (af)		
Year	L1062	L4060	Total
Total	859	108	967

B. Loss Analysis

SCWA proposes to divert an amount of water at the FRWP point of diversion that is equal to the maximum recent historic diversions for the existing places of use minus a calculated loss factor to account for Sacramento River water losses between the existing and proposed points of diversion. Again, the most recent maximum amount of water diverted under L1062 and L4060 at the existing points of diversion was about 967 acre feet. SCWA recently analyzed whether the Sacramento River is a losing or gaining river between the existing and proposed points of diversion. (See River System Losses Analysis, attached hereto as Exhibit G.) Using calendar year 2013 data, SCWA's analysis indicates that about 6.4% of river flow was lost between the Sacramento River at Verona and the Sacramento River at Freeport gauge stations during the months of April – September (the months of authorized diversion under L1062 and L4060), after accounting for the flow contribution of the American River, diversions by the City of Sacramento, SCWA (at Freeport), and Carmichael Water District, and flows into the Deep Water Ship Channel. See Table 6 for average loss in calendar year 2013 during the April – September time frame.

Table 6
Avg. Sacramento River Water Loss
Between Verona and Freeport

2013	
Month	% Loss
April	-2.6%
May	-11.1%
June	-10.2%
July	-6.4%
August	-4.0%
September	-4.3%
Monthly Avg.	-6.4%

Based on this analysis, SCWA proposes to cap the volume of water subject to the change at an amount equal to the most recent maximum amount of water diverted (967 acre-feet) minus 6.4% to account for losses between the existing and proposed points of diversion. With the cap, SCWA would divert a maximum of 905 afy at the Freeport point of diversion between both licenses combined. Under L1062, SCWA proposes a cap of 804 afy and retention of the 7.44 cfs diversion rate.

C. The Project Would Not Adversely Affect Fish and Wildlife

Current Place of Use. The Project would not adversely affect fish and wildlife within the current place of use. The Project would not result in a change in the use(s) of the properties that comprise the existing place of use for L1062. Historically, these properties supported irrigated agricultural uses. Currently, a portion of L1062's place of use is managed for aircraft approach and departure protection. Also, a portion of the properties in L1062's place of use and all properties in L4060's place of use mitigate for Swainson's hawk foraging habitat that the SIA has displaced. Non-irrigated crops provide sufficient Swainson's hawk foraging opportunities without attracting other bird species that are hazardous to aviation. Thus, these properties currently sit idle, do not require irrigation water, and will not for the foreseeable future following approval of the Project.

Therefore, the Project would not result in adverse effects upon fish and wildlife within the existing place of use.

Additional Point of Diversion. The Project would allow Petitioners to divert up to 905 afy of water at the FRWP point of diversion. The Freeport Regional Water Authority (FRWA), a Joint Powers Agency formed by SCWA and East Bay Municipal Utility District (EBMUD), constructed the FRWP to meet regional water supply needs. A primary purpose of the FRWP is to support acquisition of additional SCWA surface water entitlements to facilitate conjunctive use of groundwater in the Zone 40 place of use consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies. In 2003, the United States Department of the Interior, Bureau of Reclamation (Reclamation) and FRWA prepared the Freeport Regional Water Project Draft Environmental Impact Report/Environmental Impact Statement (July 2003) (FRWP EIR). The FRWP EIR evaluated the potential environmental effects of the construction and operation of a 185 million gallons per day (mgd) – capacity intake facility and pumping plant located on the Sacramento River near the community of Freeport, and a water treatment plant located in central Sacramento County. (FRWP EIR at p. 2-2.) The FRWP diversion capacity is divided between SCWA (85 mgd) and EBMUD (100 mgd). The FRWP EIR evaluated the potential environmental effects of SCWA’s diversion and treatment of existing and planned surface water supplies. The FRWP EIR evaluated the diversion and use of a quantity of water greater than the current surface water supply quantity available to SCWA for diversion at the FRWP point of diversion plus the quantity of water that the Project would make available. Therefore, Petitioners rely on the analyses in the FRWP EIR to evaluate the Project’s potential effects on fish and wildlife.⁴

⁴ The FRWP EIR evaluated a range of project alternatives. Ultimately, the FRWA identified “Alternative 5” as the Preferred Alternative and the Environmentally Superior Alternative. (FRWP EIR at pp. 2-5, 2-6.) FRWA eventually constructed the FRWP diversion facility and Zone 40 WTP consistent with Alternative 5 in the FRWP EIR. Where relevant, this document considers the analyses of potential impacts associated with operating the FRWP diversion facilities consistent with Alternative 5.

The FRWP EIR assumed that SCWA would divert, on average, 71,000 afy through the FRWP facilities. (FRWP EIR at p. 3-10.) The FRWP EIR further assumed that the following surface water supplies would be available for diversion by SCWA: (1) Public Law 101-514 Water Supply Contract (Fazio Contract) – 12,500 afy; (2) Sacramento Municipal Utility District (SMUD) Central Valley Project (CVP) contract assignments – 25,500 afy; (3) Appropriated Water – 16,000 afy; (4) Other Water Supplies – 14,500 afy. (FRWP EIR at p. 1-7.)⁵ SCWA's Other Water Supplies include up to 5,200 afy of anticipated transfer agreement supplies and 9,300 afy of purchased water from the City of Sacramento. (FRWP EIR at pp. 2-37, 2-38.) SCWA has not yet secured any of the 5,200 afy of transfer agreement supplies identified and evaluated in the FRWP EIR. For purposes of this analysis, SCWA assumes that the FRWP EIR evaluated the diversion and use of the 905 afy that the Project would entitle SCWA to divert at the FRWP point of diversion.

With respect to fish, the FRWP EIR determined that any impacts associated with ongoing diversion of surface water supplies were less-than-significant. (FRWP EIR at Tables S-1, p. 1, S-2, p. 2.) Specifically, the FRWP EIR found that there would be less-than-significant impacts on the spawning, rearing, and migration habitat of fish, water temperature, and fish entrainment during ongoing operations of the FRWP. (*Ibid.*) In light of these conclusions, SCWA does not anticipate that the addition of the FRWP point of diversion would adversely affect fish species in the Sacramento River.

For wildlife, in addition to assessing direct effects associated with construction, the FRWP EIR assessed indirect impacts on wildlife, including changes in habitat suitability and other effects on wildlife populations that could occur after completion of the project and that result indirectly from project implementation (e.g., increased human population, vehicle traffic or other disturbance). (FRWP EIR at p. 8-16.) The FRWP EIR concluded that any significant impacts could be mitigated to a less-than-significant

⁵ The modeled long-term average supply quantity – 71,000 afy - is slightly higher than the anticipated average available under the four identified surface supply sources because of the specific hydrologic sequence used in the modeling program. The modeling was conservative because it assumed a quantity of water available for diversion at the FRWP point of diversion greater than actual surface water supply available.

level, and all other impacts to wildlife would be less than significant. (FRWP EIR at Table S-1, pp. 3-4, Table S-2, p. 4.) In light of these conclusions, SCWA does not anticipate that the addition of the FRWP point of diversion would adversely affect wildlife.

Additional Place of Use. The Project would allow SCWA to divert an additional 905 afy of water for use throughout SCWA's Zone 40 place of use. Alternative 5 of the FRWP EIR assumed SCWA would use the FRWP facilities to supply surface water to the Zone 40 place of use. SCWA's Zone 40 place of use consists of approximately 86,000 acres of agricultural, residential, and industrial land in central Sacramento County. (2002 Zone 40 Water Supply Master Plan, Draft Environmental Impact Report, November 2003 [Zone 40 EIR] at p. 1-3.) Generally, all relevant impacts associated with the use, operation, and delivery of water through the FRWP facilities were either significant and mitigable to a less-than-significant level, or they were considered to be less-than-significant. (See FRWP EIR at Tables S-1 and S-2.) Therefore, diversion and distribution of water under the Project would not adversely affect wildlife throughout the Zone 40 place of use. (FRWP EIR at Table S-1, pp. 3-4, Table S-2, p. 4.)

The FRWP EIR evaluated whether growth-inducing effects would result from construction of the FRWP facilities and from use of water supplies made available through the FRWP. (FRWP EIR at p. 20-2.) The FRWP EIR concluded that projected growth would result in significant effects on biological resources throughout the Zone 40 place of use, but concluded that "[c]onservation element policies included in the [1992] Sacramento County General Plan Update Draft EIR as mitigation measures would reduce most significant and adverse effects to less-than-significant levels." (FRWP EIR at pp. 20-10, 20-11.) Further, the FRWP EIR concluded that "[o]ther significant adverse effects would be compensated for by contributions to mitigation banks or creation and enhancement of preserves." (*Id.* at p. 20-11.)

The County's Environmental Impact Report for the General Plan Update (General Plan Update EIR) contains conservation element policies and a thorough discussion of

the proposed South Sacramento Habitat Conservation Plan (SSHCP), both of which should reduce any adverse wildlife effects associated with urban development in the Zone 40 place of use to less than significant levels and compensate for other effects. Importantly, the General Plan Update EIR built upon, updated, and/or modified wetland and riparian policies from the 1993 General Plan. (General Plan Update EIR at p. 8-31.)

The County anticipates implementing the SSHCP within south Sacramento County, which area includes the Zone 40 place of use. (General Plan Update EIR at pp. 8-10, 8-11.) The anticipated SSHCP strategy is to conserve covered species and their habitat types to aid recovery of the species and fully mitigate for impacts of covered activities on the species and their habitats and landscape ecology. (*Id.* at p. 8-12.) Covered activities include private and commercial development, as well as surface and groundwater deliveries, water treatment, sanitation, public and recreation facilities. (*Id.* at p. 8-18.)

The environmental analyses conducted for the FRWP and urban development in central Sacramento County demonstrate that the Project would not adversely affect fish and wildlife.

D. There Is a Reasonable Likelihood that the Project Will Not Injure Any Other Legal User of Water

1. Addition of Point of Diversion

Between Current and Proposed Points of Diversion. It is reasonably likely that the Project will not injure any other legal user of water between the current and proposed points of diversion. Currently, the County is authorized to divert 7.44 cfs on a continuous basis between about April 1st and October 1st each year under L1062, which totals 2,715.3 acre-feet during the authorized diversion period. Again, for a permanent change, a petitioner shall include “[t]he amount(s) of water which would have been diverted ... in a maximum year if the change is permanent.” (Cal. Code Regs., tit. 23, § 794(a)(1).) As explained in Section II.A., the most recent maximum annual historic water use under L1062 was **859 acre-feet**. As compared to the recent maximum agricultural use under

this right at the current place of use, the change in return flow under the Project is unlikely to injure junior water right holders.

Using the State Water Board electronic water right information management system (e-WRIMS), Petitioners have identified each water right holder with a point of diversion between the current points of diversion and the FRWP. (See Attachment 1 to Petitioners' March 12, 2015 Petition for Change.) Petitioners have classified each water right holder by priority relative to L1062. L1062 has a priority date of August 28, 1918. Any appropriative right holder with a priority date earlier than L1062 or a claimed riparian right is assumed to be senior to L1062, and would not otherwise be injured by the Project. This analysis focuses on the likelihood of injury to any junior water right holder.

The junior water right holders with a point of diversion between L1062's existing points of diversion and the FRWP, and that are upstream of the American River include:

- (1) A1413 - Natomas Central Mutual Water Company (NCMWC): Priority: 8/27/1919; Rate: 120 cfs; Season: 5/1-10/1
- (2) A15572 – NCMWC; Priority: 10/8/1953; Rate: 131 cfs; Season: 4/1-6/30

The junior water right holders with a point of diversion between L1062's existing points of diversion and the FRWP, and that are downstream of the American River include:

- (1) A1743 - City of Sacramento; Priority: 3/1920; Rate: 225 cfs; Season: 1/1 - 12/31
- (2) A25331 - Department of General Services; Priority: 1977; Rate: 15 cfs; Season: 1/1-12/31
- (3) A4369 – Correa; Priority: 1924; Rate: 0.12 cfs; Season: 5/1-11/1
- (4) A4376 – Serpa; Priority: 1924; Rate: 0.38 cfs; Season: 5/1-10/1

The Bureau of Reclamation has the following two points of diversion/rediversion between L1062's points of diversion and the FRWP:

- (1) A13370 - Reclamation; Priority: 1949; Point of rediversion of Folsom Lake water; stored water
- (2) A13371 – Reclamation; Priority: 1949; Point of rediversion of Folsom Lake water; stored water

These points of diversion/rediversion authorize Reclamation to divert/redivert American River water that it has previously diverted to storage in Folsom Lake. These points of diversion/rediversion are not for diversion of Sacramento River water. Thus, Reclamation would not otherwise have a claim against Petitioners for a change in use to a Sacramento River water right.

Thus, rights junior to L1062 between the existing points of diversion and the FRWP are: A1413, A15572, A25331, A4369, A4376, and A1743. The cumulative direct diversion rate for these rights is 251 cfs upstream of the American River, and 240.5 cfs downstream of the American River.

While the Project would result in junior water right holders between the current and proposed points of diversion losing legal access to return flows that historically entered the Sacramento River following diversion and use at the existing place of use, the reduced quantity of return flows available to junior users would be nearly imperceptible compared to the average flow in the Sacramento River during the diversion period authorized under L1062. The mean monthly June through November flow in the Sacramento River is 16,500 cfs at the FRWP point of diversion. (FRWP EIR at p. 3-2.) Mean monthly flow in the lower American River during the same time period is about 3,500 cfs.⁶ Thus, flow in the Sacramento River upstream of the confluence with the

⁶See USGS Gage 11446500 AMERICAN R A FAIR OAKS CA.
http://waterdata.usgs.gov/nwis/monthly?referred_module=sw&site_no=11446500&por_11446500_2=2209847,00060,2,1904-10,2013-10&format=html_table&date_format=YYYY-MM-DD&rdb_compression=file&submitted_form=parameter_selection_list.

American River during the same time period is about 13,000 cfs. Petitioners are authorized to divert 7.44 cfs between April 1st and October 1st. The agricultural land in the existing place of use has historically been flood irrigated to grow grain, row crops, and alfalfa. On average, flood irrigation can achieve about 75% irrigation efficiency.⁷ Assuming an irrigation efficiency of 75%, and that all water not used by the crops historically reentered the Sacramento River as surface runoff, then the recent maximum amount of return flow generated from irrigating crops at the existing place of use was about 1.86 cfs.

It is reasonably likely that the identified junior diverters did not rely on the small increment of return flow associated with historic irrigation under L1062 at the existing place of use to meet their needs. Cumulative diversion rights between the existing points of diversion and the FRWP are a small fraction of the typical mean flow in the Sacramento River. Cumulative maximum authorized diversions comprise about 1.9% (251 cfs/13,000 cfs) of the typical June through November river flow upstream of the American River, and about 1.5% (240.5 cfs/16,500 cfs) south of the American River. The return flow that was historically available downstream of the existing points of diversion during recent maximum diversion years under L1062 was a nearly imperceptible fraction of total river flow. Given that junior diverters only take a small fraction of total river flow, and the return flow from use at the airport property was only a small portion of total river flow, it is unlikely junior diverters have relied on this small amount of return flow that would be unavailable with approval of the petition for change. Considered alone, the addition of a point of diversion to L1062 is not likely to injure junior water users between the current and proposed points of diversion.

When the combined return flow of both L1062 (1.86 cfs) and 4060 (0.39 cfs) is considered, total maximum return flow to the Sacramento River associated with historic irrigation practices was, on average, about 2.25 cfs. With the Project, junior diverters will no longer have access to this return flow between the current and proposed points of diversion. Yet, it is reasonably likely that the identified junior diverters have not relied

⁷ Terry A. Howell, *Irrigation Efficiency*, in *Encyclopedia of Water Science* 467 (1st ed. 2003).

on the small increment of return flow that returned to the Sacramento River following irrigation at the existing places of use associated with both L1062 and L4060 because the return flow was only ever a small fraction of total average river flow. Thus, there is a reasonable likelihood that the Project will not injure any other legal user of water between the existing and proposed points of diversion.

Downstream of the FRWP Point of Diversion. The FRWP EIR confirmed that “[a]s a result of the relatively small size of the maximum project-related diversion rates compared to background flows, there are no discernible differences in the overall distribution of flows” with and without the FRWP. (FRWP EIR at p. 3-14.) Under both dry and wet water year conditions, the changes to Sacramento River flows resulting from Freeport intake facility diversion rates of up to 286 cfs were considered negligible relative to background Sacramento River flows, which are rarely less than 10,000 cfs. (*Ibid.*) Further, with respect to CVP and State Water Project (SWP) south-of-Delta deliveries, “the relatively small project-related diversions ... compared to Delta export operations would not be expected to cause substantial changes in deliveries and no discernible difference can be observed with the frequency distribution.” (FRWP EIR at p. 3-15.) Since the FRWP EIR evaluated the diversion and use of a quantity of water greater than the current surface water supply quantity available to SCWA for diversion at the FRWP point of diversion plus the quantity of water that the Project would make available, and FRWP diversions are not anticipated to affect Lower Sacramento River flows, it is reasonably likely that the Project will not injure water rights holders downstream of the FRWP diversion facility.

2. Addition of Municipal and Industrial Use

The downstream impact analysis in the FRWP EIR was based on a maximum total diversion rate of 286 cfs and average SCWA diversion quantity of 71,000 acre-feet per year. The FRWP EIR did not more specifically evaluate how the portion of SCWA’s anticipated supply mix that would come from transfer agreements may affect the downstream water supply. With a transfer supply, any downstream impact to water supply related to the transfer agreement supply being diverted at FRWP is equal to the

difference in return flows that historically returned to the Sacramento River at the existing places of use and those that will return under the Project following diversion at the FRWP and use throughout Zone 40.

The quantity of flow that historically returned following irrigation at the existing place of use is similar to the quantity of return flows that would be generated from municipal and industrial use throughout Zone 40. As discussed above, surface water return flows associated with flood irrigation of grain, row crops and alfalfa is conservatively 25%. Municipal and industrial diversions at FRWP generate an increment of return flow associated with indoor use, which is sent to the Sacramento River Wastewater Treatment Plant (SRWTP) and discharged into the Sacramento River just downstream from the FRWP point of diversion. For those water demands with an indoor component, about 25% of the total use is attributable to indoor use.⁸ SCWA estimates that approximately 90% of its retail water demands are associated with water use categories that include an indoor component. (See Zone 41 UWMP, pp. 3-5, -7.) About 10% of diverted water is lost to the system. (See Zone 41 UWMP, pp. 3-8, -9.) Assuming 10% system losses, 90% of SCWA deliveries are for water demands with an indoor use component, and 25% of demands are attributable to indoor uses, then at least 20% of water diverted for use throughout Zone 40 would return to the Sacramento River just downstream of the FRWP point of diversion.

Assuming 20% of the 7.44 cfs that Petitioners would be authorized to divert at the FRWP returns to the Sacramento River, then approximately 1.49 cfs would return to the Sacramento River. The difference between the estimated quantity that returned to the Sacramento River at the existing place of use in a maximum year and the quantity that would return from the proposed place of use is 0.37 cfs. This difference is almost imperceptible relative to the average mean flow in the Sacramento River of 16,500 cfs between June and September. Thus, it is reasonably likely that the proposed addition of

⁸ City of Folsom 2010 Urban Water Management Plan. This is a very conservative assumption, and is essentially the low-end of the range for various residential and non-residential uses.

municipal and industrial use to L1062 would not injure any other legal user of water downstream of the FRWP point of diversion.

When the combined impact of both L1062 (1.49 cfs) and L4060 (0.31 cfs) is considered, total return flow to the Sacramento River associated with diversions at FRWP under the proposed project would be about 1.8 cfs. The difference in the combined return flow of 2.25 cfs under both L1062 and L4060 that historically returned following diversion at the existing places of use and the return flow from diversion at the FRWP is 0.45 cfs. The combined difference in return flow is almost imperceptible relative to the average mean flow in the Sacramento River of 16,500 cfs between June and September. Thus, it is reasonably likely that the proposed addition of municipal use will not injure any other legal user of water downstream of the FRWP point of diversion.

3. Addition of Place of Use

Groundwater Users. The Zone 40 place of use overlies a groundwater subbasin that is roughly bounded by the American River to the north and the Cosumnes River to the south (Central Area Basin).⁹ As part of the Zone 40 EIR, SCWA evaluated potential impacts to groundwater levels and supplies associated with implementation of its water supply master plan. SCWA modeled groundwater production scenarios, each with different surface water supply assumptions. The modeling assumed that, in 2030, SCWA would have between 52,400 and 67,000 afy of surface water available. (Zone 40 EIR at p. 4.7-24.) With this quantity of surface water, modeling indicated that groundwater production necessary to meet demand in the Zone 40 place of use would be within the basin's sustainable yield, and would result in higher than acceptable groundwater levels. (Zone 40 EIR at p. 4.7-30.)

The Zone 40 EIR did not contemplate the availability of additional "transfer" supplies. The water supply for the Project would constitute an additional surface supply. Any additional surface supply is likely to offset SCWA's groundwater use because

⁹ The Central Area Basin roughly corresponds to the South American Sub-Basin (DWR Basin Number 5-21.65).

SCWA uses surface water and groundwater conjunctively. With Project surface supplies, SCWA would likely produce less groundwater than projected in the Zone 40 EIR, which should result in even more favorable groundwater conditions than those anticipated in the Zone 40 EIR. Also, the Project would aid in SCWA's conjunctive use plans to meet Sustainable Groundwater Management Act goals. Therefore, it is reasonably likely that the Project will not injure any other legal user of groundwater.

Cosumnes River Water Users. Future groundwater pumping between about 54,000 and 74,000 afy would not adversely affect surface flows in the Cosumnes River. The Zone 40 EIR concluded that implementation of the 2002 Water Supply Master Plan would result in a less-than-significant impact on Cosumnes River surface flows. (Zone 40 EIR at p. 4.7-31.) SCWA would likely offset groundwater use with any new surface water supplies that become available. In this respect, the Project would likely reduce groundwater use throughout the Zone 40 place of use. Absent impacts to the Cosumnes River at SCWA's projected groundwater production levels, and the fact that the Project would likely result in even less groundwater use than SCWA projected, it is reasonably likely that the Project will not injure those holding surface water rights in the Cosumnes River.

E. The Change Petition Would Not Initiate a New Right

The change will not initiate a new right because SCWA would divert at the FRWP point of diversion at the same combined rate and in an amount that is equal to the recent historic diversions for the existing place of use minus a calculated loss factor to account for Sacramento River water losses between the existing and proposed points of diversion. A change amounts to an initiation of a new right where the change would result in an increase in the rate or volume of water appropriated from a given source during a given period of time. (State Water Board Order WR 2009-0061, pp. 5-6.) Again, SCWA proposes to divert at a rate up to 9.01 cfs, which is the combined rate currently authorized by L1062 and L4060. Also, the most recent maximum amount of water diverted under L1062 and L4060 at the existing points of diversion was about 967 acre feet. SCWA recently analyzed whether the Sacramento River is a losing or gaining

river between the existing and proposed points of diversion. (See Exhibit G, attached hereto.) SCWA's analysis indicates that about 6.4% of river flow is lost between the Sacramento River at Verona and the Sacramento River at Freeport gauge stations, after accounting for the flow contribution of the American River, diversions by the City of Sacramento, SCWA (at Freeport), and Carmichael Water District, and flows into the Deep Water Ship Channel. SCWA proposes to cap the volume of water subject to the change at an amount equal to the most recent maximum amount of water diverted minus 6.4% to account for losses between the existing and proposed points of diversion. With this adjustment, approval of the petition would not initiate a new right because SCWA would not divert any more water than the amount historically diverted at the existing points of diversion minus losses between the current and proposed points of diversion.

F. The Change Is In the Public Interest

Petitioners' Project is in the public interest. Petitioners' predecessors developed L1062 and L4060 by making considerable investments in pumps and other infrastructure to provide for use of water on productive agricultural land. The County of Sacramento, once it acquired the subject parcels, continued to ensure the productive use of these water rights by executing agricultural leases on the land encompassed in the places of use for L1062 and L4060. Then, in effort to improve airport traffic safety by reducing the presence of birds on lands adjacent to the airport, and at the direction of the FAA, the County ceased all irrigated agricultural production on these lands by allowing its tenant leases to expire and irrigation to cease as of 2006. Sacramento County, along with its co-owner, SCWA, should not be left with a stranded asset for protecting the public by allowing all irrigated agriculture to cease. By allowing Petitioners to make use of a portion of these rights, County residents and SCWA customers can realize the benefit of this valuable resource.

SCWA's diversion and use of water in the Zone 40 service area will further state water policy. State policy, as codified in Water Code section 106, provides that "the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation." Approval of this change petition would allow water under L1062 and

L4060 to transition from irrigation to domestic use, thereby advancing state policy. In this respect, approval of the change is in the public interest.

Approval of the change petition would also allow SCWA to maximize use of the recently-constructed FRWP and thereby further its conjunctive use program. A primary purpose of the FRWP is to support acquisition of additional SCWA surface water entitlements to facilitate conjunctive use of groundwater in SCWA's Zone 40 place of use consistent with the Sacramento Area Water Forum Agreement (Water Forum Agreement) and County of Sacramento General Plan policies. The availability of water for diversion is critical to the long-term operational performance of the FRWP and improves the return on SCWA's investment in the state of the art facility. With the ability to use two senior appropriative water rights in Zone 40, SCWA will likely be able to divert water at the FRWP when its more junior appropriative right or other less reliable contract rights might be curtailed. By doing so, it would be able to advance its commitment in the Water Forum Agreement to aggressively implement a conjunctive use program. Approval of the change would help SCWA achieve these objectives.

G. Environmental Review

In March 2015, County of Sacramento, Planning and Environmental Review Division prepared an Initial Study and Proposed Negative Declaration (See Exhibit C to Petitioners' March 12, 2015 Letter) for the project pursuant to the California Environmental Quality Act (CEQA). Based on the analysis in the Initial Study, the County noticed and circulated the Proposed Negative Declaration for public comment. On July 14, 2015, SCWA, as the lead agency for the Project, adopted the Negative Declaration. Subsequently, the County and SCWA decided to reduce the total amount of water subject to the change petition, and plan to issue an Addendum to the Negative Declaration after the State Water Board notices this petition for change.

III. Conclusion

The Project would not adversely affect fish and wildlife. Nor is the Project reasonably likely to injure any other user of water or initiate a new right. The Project is in the public interest because it would allow SCWA to use a valuable resource to meet

municipal demands throughout Zone 40. The changes to L1062 discussed in Section I are components of the Project. Therefore, the requested changes to L1062 would not adversely affect fish and wildlife, and are not reasonably likely to injure any other user of water.

EXHIBIT A

(To L1062 Petition Narrative - 11/6/17)

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

1 DRS

MEMORANDUM

A. A. Chesler
S. S. Skeehan
TO Files
FROM M. K. Lininger

DATE June 29, 1964
Application 1061
SUBJECT Crop Map

Note: 307 acres have been deleted from the licensed place of use as of the time of this visit.

A crop map was made on Application 1061 as requested by S. S. Skeehan.

Mr. Jones was the only owner home, as covered under this filing, during this visit; however, he was most helpful being that he has lived at his present address since 1922. Mr. Jones stated that the 307 acres owned by Mr. Frates has not been served by Sacramento River water since approximately 1947. He stated that the Frates acreage is now being served by 2 deep wells instead.

During my tour of the Frates acreage, the two wells were in operation.

Mr. Jones also stated that at diversion point No. 1 the 50 hp pump has not been used since 1947; however, during the same year he put a 10 hp pump beside the 50 hp pump to serve his own water needs.

Mr. E. D. Willup's new address was obtained from Mr. Jones which is as follows: 6110 Wyeliff Way, Sacramento, California.

The cropmap made during this visit may be found in the main file folder.

Wyeliff

M. K. Lininger
Assistant Civil Engineer

JUL 28 '64 5:25

ST

EXHIBIT B

(To L1062 Petition Narrative - 11/6/17)

AUG 20 1973

Mr. and Mrs. Frank V. Frates
Route 3, Box 418
Sacramento, CA 95837

Dear Mr. and Mrs. Frates:

License 1062 (Application 1061)
Sacramento River, Sacramento County

It is our understanding that you are no longer interested in maintaining your partial share in ownership of the above license. In fact our records indicate that you have not used Sacramento River water since about 1947.

Section 1240 of the State Water Code states "The appropriation must be for some useful or beneficial purpose and when the appropriator or his successor in interest ceases to use it for such a purpose the right ceases."

We have enclosed a form, "Request for Revocation." If you will fill it out and return it to us, we can remove your name from the ownership record.

Sincerely,

Original Signed by
J. M. Page

J. M. Page
Supervising Engineer

Enclosure

EMMiller:lpbrew

EMM
8-16-73

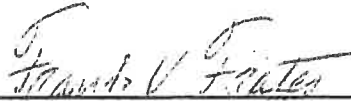
JMM
8/20/73

Exhibit B

State Water Resources Control Board
Division of Water Rights
1416 Ninth Street, Room 1015
Sacramento, California 95814

Gentlemen:

The undersigned hereby requests revocation
of his right, title, or interest in License 1062,
Permit 513, issued on water right Application 1061.



(Signature)

(Signature)

Dated: 8/22/73

MRS FRATES IS DECEASED.

EXHIBIT C

(To L1062 Petition Narrative - 11/6/17)

INTERNAL MEMO

TO: FILE NUMBER 1061 FROM: Om GulatiDATE: SEP 15 1977 SIGNATURE: *Om Gulati*SUBJECT: FIELD INVESTIGATION OF APPLICATION NUMBER 1061, LICENSE NUMBER 1062

On August 16, 1977, Shig Okada and I conducted the subject investigation. The purpose of the investigation was to check ownership of the place of water use, area under different crops, and the status of water use by the different owners.

Background Information

1. According to correspondence in the file, the ownership of place of use has changed several times. The file does not show clearly the current ownership of the place of use.
2. License for diversion and use of water allows 7.44 cubic feet per second for irrigation of 715.56 acres from April 1st to October 1st of each year.
3. The total amount of water permitted for diversion at three points is at the rate of 4.67, 1.60 and 1.17 cubic feet per second.
4. According to the USBR Map the area owned by Fong Shee and Sons has a contract for their water supply.
5. The 1956 Cooperative Study indicates that the place of use excluding the Frates property is riparian to the Sacramento River.

Investigations

As per appointment, Mr. Rolland Fong (916-925-5071), Manager of Fong Shee and Sons property was available to assist the investigations. Based on discussion with him and visit to the place of use, the following findings are reported.

1. Ownership: The ownership is shown in Attachment A. At present, the place of use is owned by four owners or joint owners and consists of parcels 1, 2, 3, and 4 in Attachment A.

2. As Mr. Frank Frates, one of the licensees, revoked his interest for irrigation of 306.75 acres, the area to be irrigated against this license is reduced to 408.81 acres. Consequently, the amount of water required for irrigation of reduced acreage will be less.
3. Instead of diverting water at three permitted points, water is diverted at four points as shown in Attachment B i.e. one point of diversion for each owner or joint owner.
4. The crop land use during 1977 season is shown in Attachment B.

Recommendations

Permit and License Section should review the license to:

1. reduce amount of permitted water as the irrigation area has been reduced from 715.56 acres to 408.81 acres.
2. revise metes and bounds description of the place of use.
3. check location of three permitted points of diversion and incorporate location and description of fourth point of diversion, and
4. update changes in ownership of the property.

OGulati:mvincent

Attachment A

INVESTIGATION NOTES (1067)

DATE 8-16-1977

INVESTIGATORS = O.M. GILBERT & SHIRLEY A. ...

Place of Use or Property Under License

Crop Land Use & Points of Diversion

Pasture = 34 Acs.
Orchard - Peaches = 30 Acs.
TOMATOES = 164 Acs.

Wheat Area = 90 Acs.
Safflower = 2.1 Acs.

4 Points of Diversion, One for each owner.

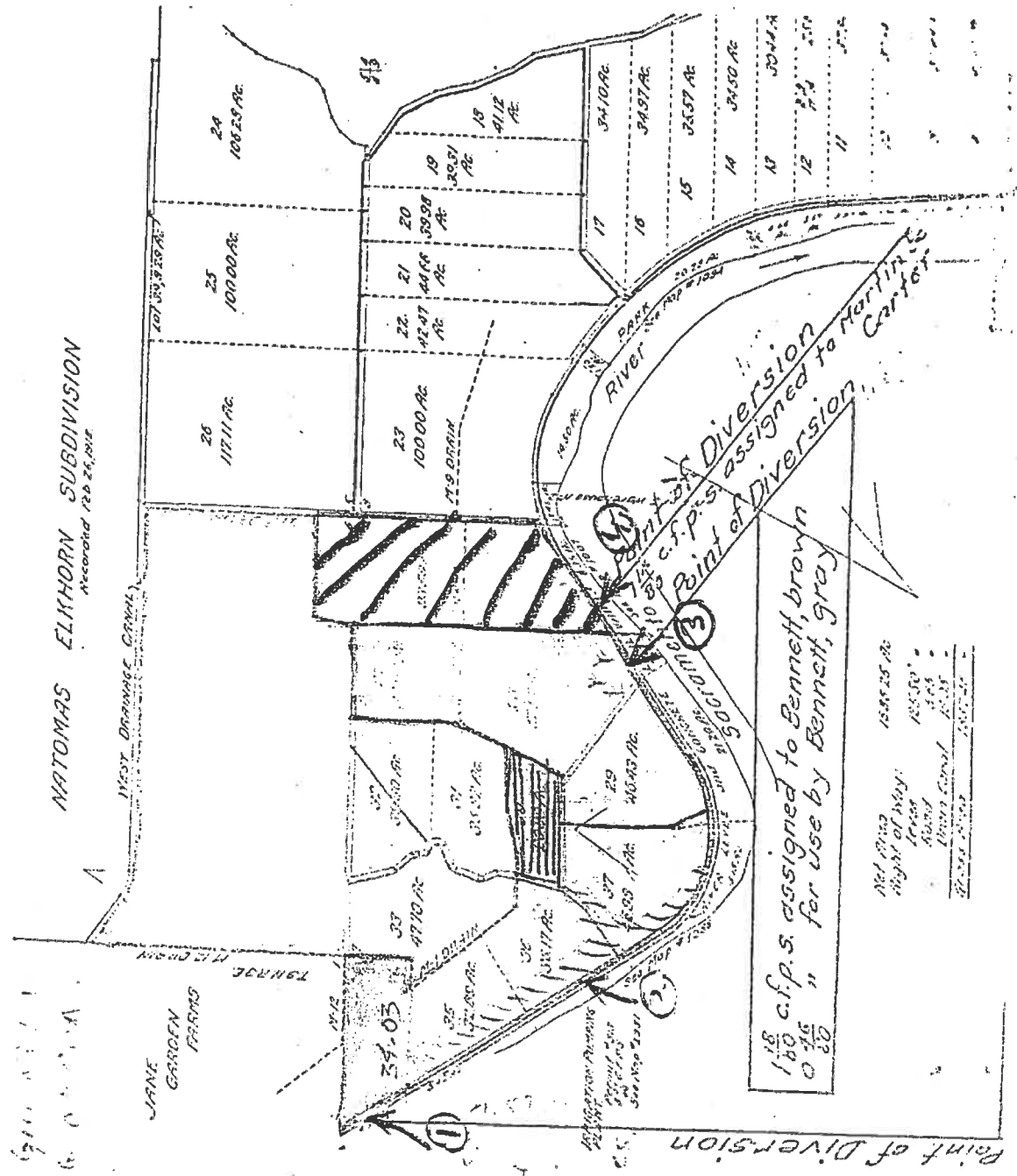


EXHIBIT D

(To L1062 Petition Narrative - 11/6/17)

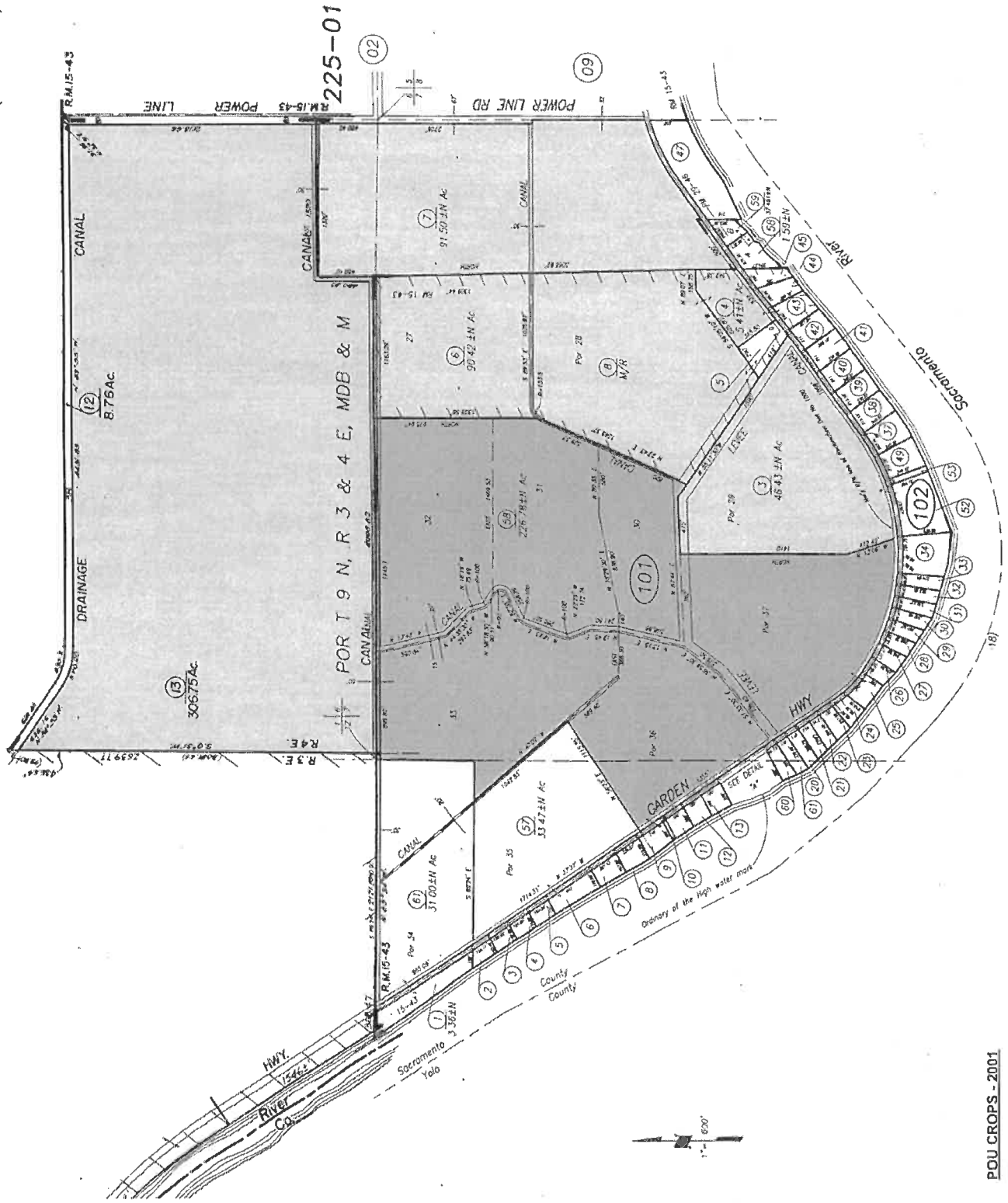
Exhibit D
12/3/15

2001 Leased Land Crops

Permit #	Permittee	Location	Commodity	Township	Range	Section	Quantity	Units	Associated parcels as best as can be determined from provided spreadsheets and partial copies of leases.	Associated Water Right license for assumed parcel.
3400920	BIANCHI, ED	7E	CORN FOR/FOD	09N	04E	6	110	A	225-0010-013	1062
3400920	BIANCHI, ED	7E	UNCULTIVATED AG	09N	04E	6	110	A	225-0010-013	1062
3400920	BIANCHI, ED	8A	SAFFLOWER	09N	04E	6	100	A	225-0010-013	1062
570043A	JOE YEUNG FARMS	43	WHEAT	09N	04E	7	28	A	225-0101-003,004,006,007,008	1062
570043A	JOE YEUNG FARMS	43	UNCULTIVATED AG	09N	04E	7	28	A	225-0101-003,004,006,007,008	1062
570043A	JOE YEUNG FARMS	45	TOMATO PROCESS	09N	04E	7	95	A	225-0101-003,004,006,007,008	1062
570043A	JOE YEUNG FARMS	45	UNCULTIVATED AG	09N	04E	7	95	A	225-0101-003,004,006,007,008	1062
570043A	JOE YEUNG FARMS	46	TOMATO PROCESS	09N	04E	7	85	A	225-0101-003,004,006,007,008	1062
570043A	JOE YEUNG FARMS	46	UNCULTIVATED AG	09N	04E	7	85	A	225-0101-003,004,006,007,008	1062

Exhibit D
(9/23/15)

SACRAMENTO METROPOLITAN FIELD WATER RIGHTS PARCELS - CROPS PLANTED IN 2001



POU CROPS - 2001

- ☐ WHEAT, TOMATO & UNCULTIVATED (JOE YEUNG FARMS) (POR LICENSE 1062)
- ☐ CORN FOR/FOD, SAFFLOWER & UNCULTIVATED (ED BIANCHI) (POR LICENSE 1062)
- ☐ (PORTION OF SHADED AREA) EGG PLANT, PEPPER, TOMATO (LAUSEVIC FARMS) (POR OF LICENSE 1062 & 4060)

EXHIBIT E

(To L1062 Petition Narrative - 11/6/17)

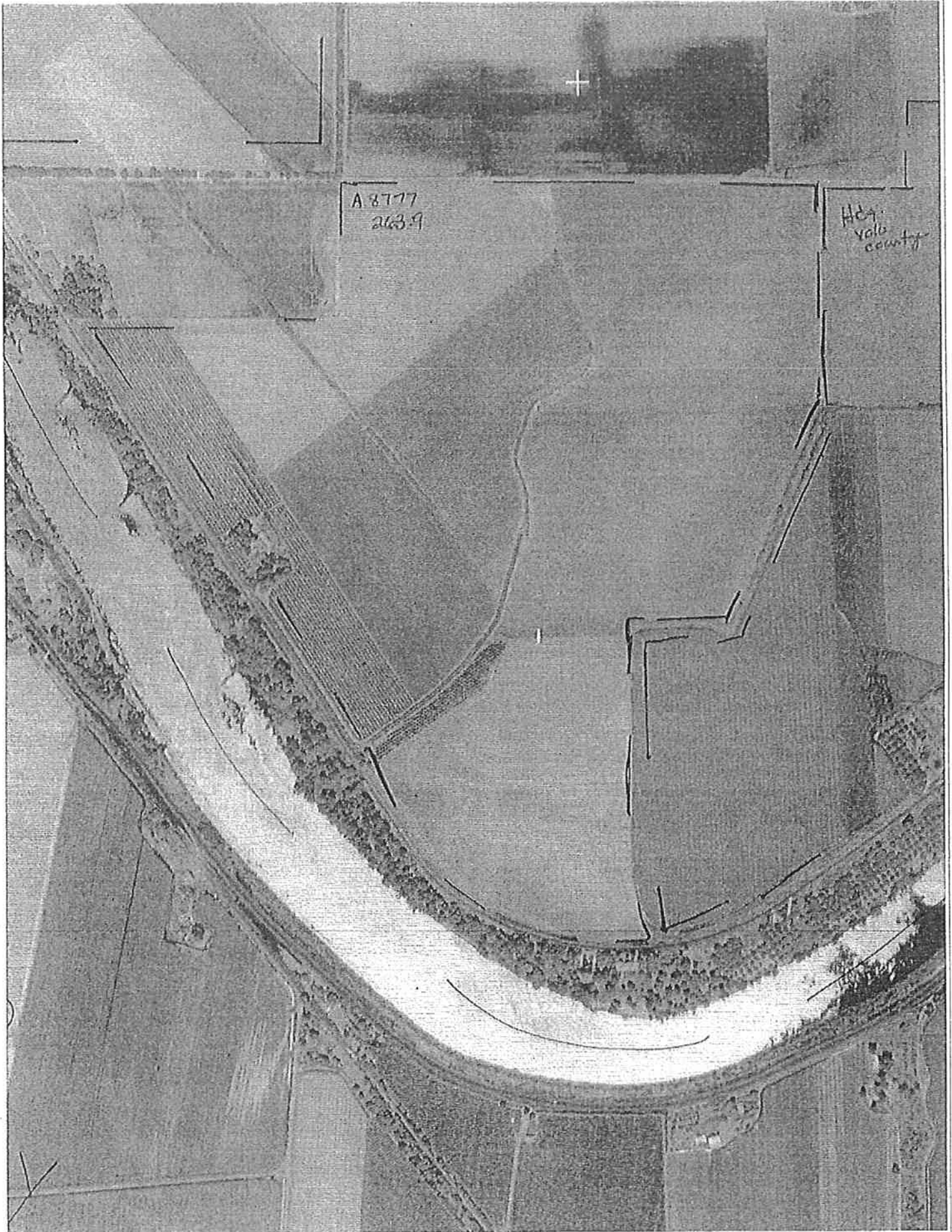


EXHIBIT F

(To L1062 Petition Narrative - 11/6/17)

CALIFORNIA

8 (02-01-91)

REPORT OF ACREAGE

PROGRAM YEAR 2003

NUMBER: 3193

FARM AND TRACT DETAIL LISTING

DATE: 04-30-2003

Owner Name and Address ID

JARD R BIANCHI 1918
 40 GARDEN HWY
 SACRAMENTO, CA 95837-9307

Original: _____

Revision: _____

Cropland: 263.9

Farmland: 266.0

Tract Number	Field Num ID	Irr Prc	Crop	Var/ Type	Int Use	Land Use	Reported Acreage	Determined Acreage	O/ H	Crop Stat	Prod Share	Prod ID	RMA Unit	Opt Unit
8777	1A	Ir	SFLWR		Seed		130.00			1	1.0000	1918		
	1B	Ir	WHEAT	HRW	Grain		133.90			1	1.0000	1918		
Crop Type		Prac IU	Non-Irrig	Irrigated	Crop Type	Prac IU	Non-Irrig	Irrigated						
SFLWR		I SD		130.0	WHEAT HRW	I GR		133.9						

Photo Number/Legal Description: H-5

Cropland: 263.9 Reported: 263.9 Difference: .0 Reported D,S,R: .0

APR 30 2003

EXHIBIT G

(To L1062 Petition Narrative - 11/6/17)

2013 and 2015 River System Losses

2013 MONTHLY AVG FLOWS (CFS)								2013 GAIN/LOSS (CFS)				
MONTH	VON	AFO	FPT	DWS	CSAC	FRWA	CWD	VON + AFO - DWS-CSAC-FRWA-CWD	FPT	GAIN/LOSS	LOSS AMOUNT	% LOSS
Jan	19,362	3,098	23,655	-289	79	6.1	6.1	22,657	23,655	GAIN	998	4.4%
Feb	13,619	2,181	15,817	-525	68	10.5	6.4	16,239	15,817	LOSS	-422	-2.6%
Mar	12,160	1,544	13,411	-490	42	12.6	9.3	14,131	13,411	LOSS	-720	-5.1%
Apr	11,453	1,111	12,313	-161	63	13.2	10.1	12,640	12,313	LOSS	-327	-2.6%
May	11,167	943	11,015	-409	95	24.7	13.1	12,385	11,015	LOSS	-1,371	-11.1%
Jun	12,057	2,354	12,983	-198	114	23.4	15.0	14,457	12,983	LOSS	-1,474	-10.2%
Jul	15,277	3,211	17,074	86	118	24.9	17.4	18,243	17,074	LOSS	-1,168	-6.4%
Aug	15,871	2,547	17,373	184	107	23.7	15.7	18,088	17,373	LOSS	-715	-4.0%
Sept	12,542	1,760	13,090	497	94	21.9	12.5	13,677	13,090	LOSS	-587	-4.3%
Oct	7,424	1,281	7,877	551	88	22.6	12.0	8,032	7,877	LOSS	-154	-1.9%
Nov	8,222	1,338	8,875	744	88	20.6	10.2	8,697	8,875	GAIN	178	2.0%
Dec	7,777	1,327	8,352	-227	11	7.1	8.0	9,305	8,352	LOSS	-953	-10.2%
Yrly Avg CFS	12,244	1,891	13,486	-20	81	18	11	14,046	13,486	LOSS	-560	-4.0%
Annual AC-FT	8,864,457	1,369,340	9,763,655	-14,248	58,335	12,749	8,209	10,168,753	9,763,655	LOSS	-405,098	-4.0%
Jun-Sept Avg CFS	13,937	2,468	15,130	142	108	23	15	16,116	15,130	LOSS	-986	-6.1%
Oct-May Avg CFS	11,398	1,603	12,664	-101	67	15	9	13,011	12,664	LOSS	-346	-2.7%

2015 MONTHLY AVG FLOWS (CFS)								2015 GAIN/LOSS (CFS)				
MONTH	VON	AFO	FPT	DWS	CSAC	FRWA	CWD	VON + AFO - DWS-CSAC-FRWA-CWD	FPT	GAIN/LOSS	LOSS AMOUNT	% LOSS
Jan	9,668	891	10,853	-221	0	2.3	5.8	10,772	10,853	GAIN	82	0.8%
Feb	16,327	860	18,035	-116	0	0.0	5.3	17,297	18,035	GAIN	738	4.3%
Mar	7,043	741	7,875	-362	20	9.0	8.3	8,109	7,875	LOSS	-234	-2.9%
Apr	5,792	528	6,308	-105	56	78.4	7.0	6,284	6,308	GAIN	23	0.4%
May	6,656	1,338	7,070	-377	0	148.1	1.5	8,221	7,070	LOSS	-1,150	-14.0%
Jun	5,500	2,332	6,716	-108	0	140.5	0.0	7,799	6,716	LOSS	-1,083	-13.9%
Jul	5,899	3,076	7,550	231	0	120.2	0.0	8,623	7,550	LOSS	-1,073	-12.4%
Aug	6,296	2,144	7,556	191	0	109.1	0.0	8,140	7,556	LOSS	-584	-7.2%
Sept	7,675	819	7,865	589	0	141.1	0.0	7,764	7,865	GAIN	100	1.3%
Oct	7,159	541	7,140	836	0	96.2	0.0	6,768	7,140	GAIN	373	5.5%
Nov	6,482	498	6,323	1,066	63	118.2	6.3	5,727	6,323	GAIN	596	10.4%
Dec	10,432	509	10,738	500	70	63.0	5.4	10,302	10,738	GAIN	436	4.2%
Yrly Avg CFS	7,911	1,190	8,669	177	17	86	3	8,817	8,669	LOSS	-148	-1.7%
Annual AC-FT	5,727,135	861,259	6,276,149	128,217	12,627	61,903	2,383	6,383,264	6,276,149	LOSS	-107,116	-1.7%
Jun-Sept Avg CFS	6,342	2,093	7,422	226	0	128	0	8,082	7,422	LOSS	-660	-8.2%
Oct-May Avg CFS	8,695	738	9,293	153	26	64	5	9,185	9,293	GAIN	108	1.2%

- VON Sacramento River Flow Station @ Verona (North of Sac International)
- AFO American River Flow Station @ Fair Oaks (Hazel Avenue)
- FPT Sacramento River Flow Station @ Freeport
- DWS Deep Water Shipping Channel Flow Station
- CSAC City of Sacramento River Diversions
- FRWA Freeport Water Authority Diversions
- CWD Carmichael Water District Diversions

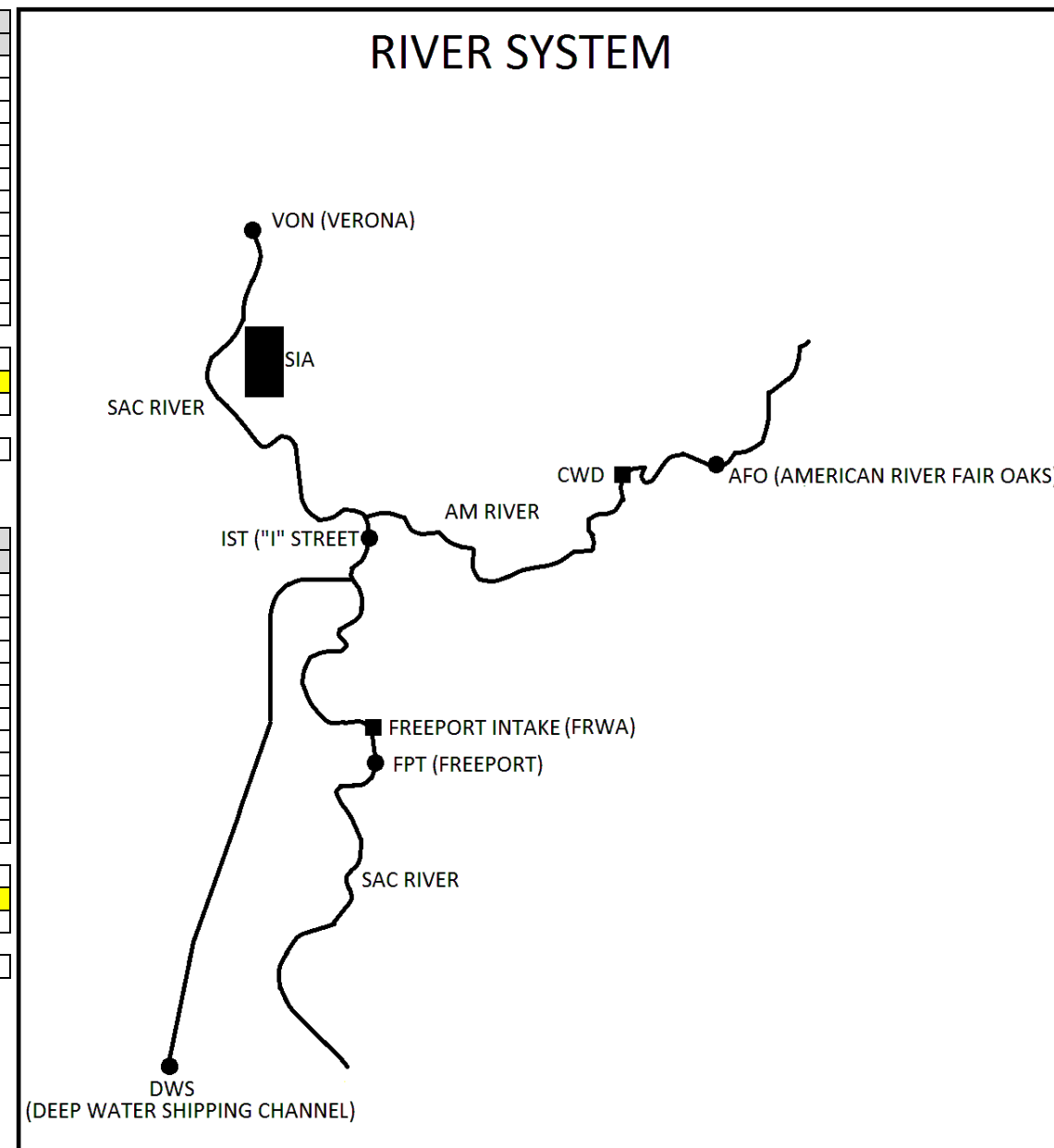


Exhibit C

(To Petitioners' March 12, 2015 Letter)

**Tiered Initial Study and
Proposed Negative Declaration
for
Sacramento County Water Agency/
County of Sacramento
Petition for Change to Water Rights**

Lead Agency: Sacramento County Water Agency

**For additional information
regarding this document contact:**

Todd Smith, County of Sacramento Department of Community Development – Planning
and Environmental Review
827 7th Street, Room 220, Sacramento, CA 95814

March 10, 2015

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SECTION 1 PROJECT DESCRIPTION

1.0 PROJECT INTRODUCTION AND BACKGROUND

The County of Sacramento (County) currently owns water rights Licenses 1062 (L1062) and 4060 (L4060). The County anticipates filing a change of ownership form with the State Water Resources Control Board (State Water Board) to add the Sacramento County Water Agency (SCWA) as a co-owner of water rights Licenses 1062 and 4060. As co-owners, the County and SCWA (collectively, Petitioners) plan to petition the State Water Board for specific changes to Licenses 1062 and 4060, as further discussed herein.

License 1062 entitles the County to divert 7.44 cubic feet per second (cfs) from the Sacramento River between about April 1st and October 1st each year for irrigation use on about 715 acres alongside the river near the Sacramento International Airport. License 1062 authorizes diversion of 2,715.3 acre-feet during each irrigation season.

License 4060 entitles the County to divert 1.57 cfs from the Sacramento River between about May 1st and October 1st each year for irrigation use on about 123 acres alongside the river near the Sacramento International Airport. License 4060 authorizes diversion of 479.6 acre-feet during each irrigation season.

The proposed project consists of the request by Petitioners that the State Water Board: (1) add the Freeport Regional Water Project (FRWP) point of diversion to Licenses 1062 and 4060; (2) add SCWA's Zone 40 service area as a place of use for Licenses 1062 and 4060; and (3) add municipal and industrial uses to Licenses 1062 and 4060 so SCWA can divert, treat, and distribute the water subject to diversion under the Licenses throughout its Zone 40 place of use.

1.1 Sacramento County Water Agency

SCWA is a special act district formed to make water available for any beneficial use of lands and inhabitants, and to produce, store, transmit, and distribute groundwater. SCWA has the authority to establish groundwater management zones for the purpose of distributing surface water to replenish the groundwater basin and to stabilize groundwater levels. SCWA formed "Zone 40" in 1985 for the purpose of constructing facilities for the production, conservation, transmittal, distribution, and sale of surface water and groundwater for conjunctive use in the Zone 40 area. Currently, the Zone 40 Place of Use consists of approximately 86,000 acres of agricultural, residential, and industrial land in central Sacramento County, and encompasses portions of the cities of Elk Grove and Rancho Cordova.

The Freeport Regional Water Authority (FRWA) was created by exercise of a joint powers agreement between SCWA and East Bay Municipal Utility District (EBMUD) to, among other purposes, facilitate conjunctive use of surface water and groundwater in central Sacramento County. To this end, FRWA has constructed the FRWP on the Sacramento River near the town of Freeport to meet regional water supply needs. A primary purpose of the FRWP is to support acquisition of additional SCWA surface water entitlements to facilitate conjunctive

use of groundwater in SCWA's Zone 40 place of use consistent with the Sacramento Area Water Forum Agreement and County of Sacramento General Plan policies.

Currently, SCWA holds an appropriative water right (Permit 21209), and contracts with the United States Department of the Interior, Bureau of Reclamation (Reclamation) (SMUD Assignment Contracts (2), and a CVP Water Service Contract) that allow SCWA to divert water from the Sacramento River at the FRWP point of diversion for use throughout the Zone 40 service area. The proposed project would allow SCWA to rely on two additional appropriative water rights – L1062 and L4060 – to divert water at FRWP for treatment and distribution throughout its Zone 40 service area.

1.2 Project Location and Environmental Setting

The existing places of use for L1062 and L4060 comprise about 715 and 123 acres, respectively, alongside the Sacramento River near the Sacramento International Airport. (See **Figure 1.**) The County of Sacramento owns nearly all of the lands that comprise the existing place of use for L1062, and owns all of the lands that comprise the place of use for L4060. Historically, the County of Sacramento leased these lands for farming field crops. These County properties currently sit idle and provide mitigation for Swainson's hawk foraging habitat that the Sacramento International Airport has displaced. The Sacramento Area Flood Control Agency owns one parcel within L1062's place of use. This parcel is managed for flood control purposes, and currently sits idle. Under the existing licenses, water either has been diverted at the points of diversion near the airport or, when not diverted, has remained in the Sacramento River and continued past the FRWP point of diversion and into the Sacramento-San Joaquin River Delta.

1.3 Project Description

The proposed project consists of the request by Petitioners that the State Water Board: (1) add the FRWP point of diversion to Licenses 1062 and 4060; (2) add SCWA's Zone 40 service area as a place of use for Licenses 1062 and 4060; and (3) add municipal and industrial uses to Licenses 1062 and 4060 so SCWA can divert, treat, and distribute the water subject to diversion under the Licenses throughout its Zone 40 place of use. Under the proposed project, the properties that comprise the current places of use are anticipated to remain idle for the foreseeable future. Instead of diverting water at the existing points of diversion, SCWA would divert water at the FRWP point of diversion, which is approximately 12-13 miles downstream of the existing points of diversion. Project approval would authorize SCWA to divert up to 3,194.9 acre-feet per year (afy) from the Sacramento River at the FRWP point of diversion on the Sacramento River for municipal and industrial uses throughout SCWA's Zone 40 place of use. (See **Figure 2.**)

The proposed project would not result in any physical change in the capacity of the FRWP diversion facility and associated water treatment and delivery infrastructure. Construction of the FRWP facilities was completed in April 2011 at a capacity of 185 million gallons per day (mgd). The FRWP diversion capacity is divided between SCWA (85 mgd) and EBMUD (100 mgd). SCWA has constructed adequate water treatment and distribution systems to handle a maximum of 85 mgd from the FRWP. The proposed project would neither change

the physical dimensions of any of these facilities, nor change FRWA or SCWA's planned operations.

1.4 Tiering from FRWP EIR

This Initial Study/Negative Declaration tiers from a previously certified final environmental impact report (EIR) for the FRWP (Final EIR). The Final EIR maintained the project description from the Freeport Regional Water Project Draft Environmental Impact Report/Environmental Impact Statement (July 2003) (Draft EIR) with limited revisions to the intake design and Zone 40 WTP site components. (Final EIR at pp. 2-4, 2-8, 2-12.)¹ FRWA circulated the Draft EIR for public review on August 8, 2003, and certified the Final EIR on April 15, 2004. The Final and Draft EIRs are available for public review during business hours at the Freeport Regional Water Authority, 827 7th Street, Room 301, Sacramento, CA 95814. The document also may be viewed online at <http://www.freeportproject.org/nodes/project/environmental.php>.

The California Environmental Quality Act (CEQA) provides for adoption of a negative declaration as a "second tier" environmental document where an initial study demonstrates that the proposed project was evaluated in a prior EIR and none of the criteria for a subsequent EIR under Public Resources Code section 21166 exist (i.e., the subsequent project would not result in new significant environmental impacts and there are no new mitigation measures or alternatives not previously known at the time the prior EIR was certified that would substantially lessen the significant impacts identified in the prior EIR). (CEQA Guidelines, §§ 15070, 15152(d), (f).)

In April 2011, the FRWA finished construction of the FRWP facilities. As part of project approval, the United States Department of the Interior, Bureau of Reclamation (Reclamation) and FRWA prepared the Draft EIR. The Draft EIR evaluated the potential environmental effects of the construction and operation of a 185 million gallons per day (mgd) – capacity intake facility and pumping plant located on the Sacramento River near the community of Freeport, a water treatment plant located in central Sacramento County (Zone 40 WTP), and a series of alternative pipeline configurations for conveying water to key locations throughout central Sacramento County. (Draft EIR at p. 2-2.) Under the FRWP, up to 85 mgd will be diverted under SCWA's existing Reclamation contracts, its appropriative right, and other anticipated entitlements. FRWA's evaluation of the potential environmental effects of SCWA's diversion and treatment of existing and planned surface water supplies addressed the potential effects of diverting and distributing water made available by the proposed project.

The FRWP EIR assumed that, on average, the following surface water supplies would be available for diversion by SCWA: (1) Public Law 101-514 Water Supply Contract (Fazio Contract) – 12,500 afy; (2) Sacramento Municipal Utility District (SMUD) Central Valley Project (CVP) contract assignments – 25,500 afy; (3) Appropriated Water – 16,000 afy; (4) Other Water Supplies – 14,500 afy. (Draft EIR at pp. 1-7, 1-12.)² "Other Water Supplies"

¹ The terms "Final EIR" and "Draft EIR" are used throughout this Initial Study to refer specifically to each document when necessary. The term "FRWP EIR", when used throughout this Initial Study, generally refers to both documents.

² The modeled long-term average supply quantity – 71,000 afy - is slightly higher than the anticipated average available under the four identified surface supply sources because of the specific hydrologic sequence used in the

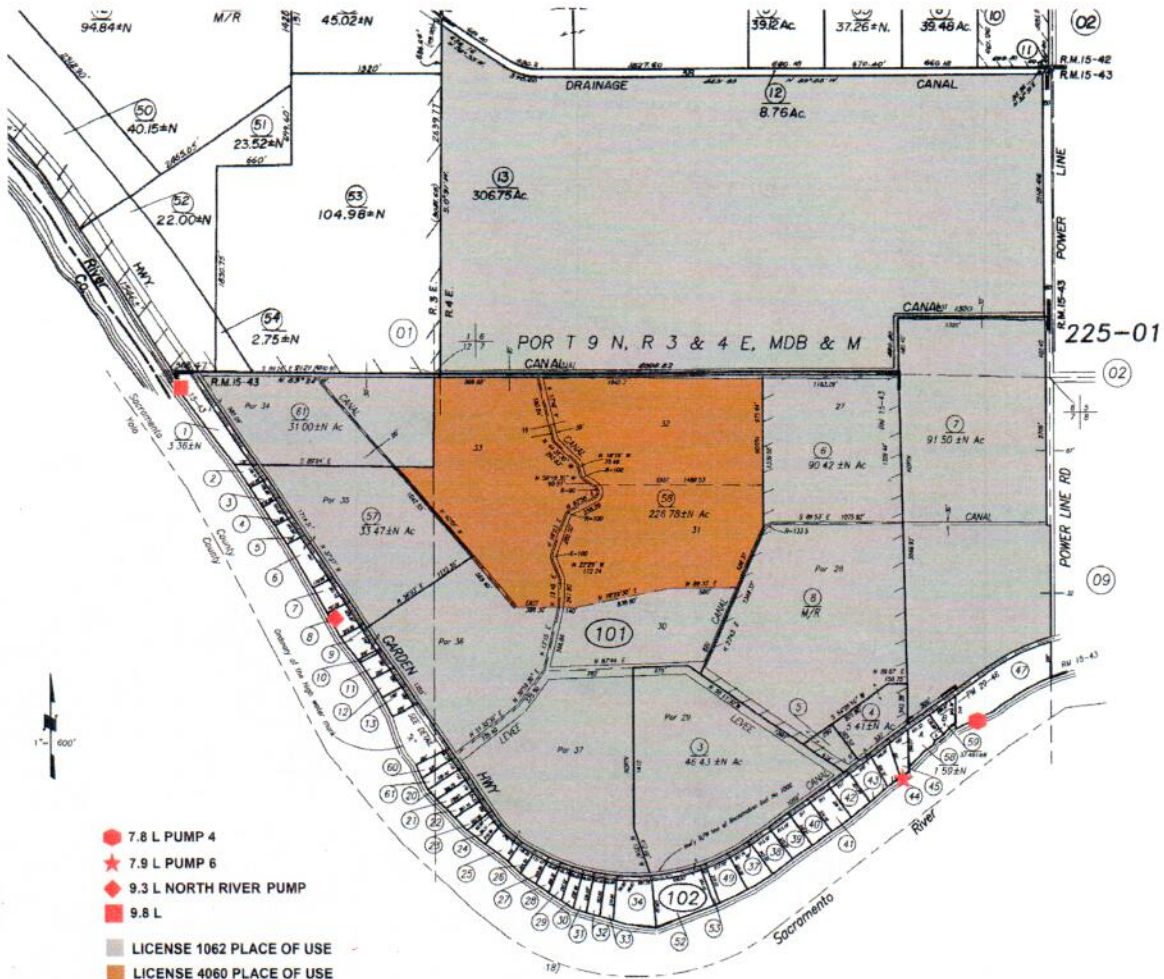
include transfer supplies from water users upstream of the FRWP diversion facility, City of Sacramento entitlements, and additional appropriative water right supplies. (Draft EIR at pp. 2-38, 2-39.) More specifically, the FRWP EIR assumed SCWA's "Other Water Supplies" include up to 9,300 afy of purchased water from the City of Sacramento to serve the area within Zone 40 that overlaps the City of Sacramento's American River water rights place of use. (Draft EIR at pp. 2-37, 2-38.) The Draft EIR assumed that the difference between total "Other Water Supplies" and City of Sacramento entitlements, 5,200 afy, would come from transfer and other appropriative right supplies. (Draft EIR at p. 2-38.) SCWA has not yet secured the 5,200 afy of transfer or appropriative right supplies identified and evaluated in the Draft EIR. The 3,194.9 afy that the proposed project would entitle SCWA to divert at the FRWP point of diversion is a transfer agreement supply, the diversion and use of which was evaluated in the FRWP EIR as part of its analysis of the Other Water Supplies. Further, the FRWP EIR assumed that SCWA diversions and deliveries through the FRWP facilities would be relatively uniform and range from 42,000 to 90,000 afy, with an average of 71,000 afy. (Draft EIR at p. 3-10.) The assumed average deliveries are far greater than the quantity of water that SCWA will actually divert through the FRWP facilities for the foreseeable future; the volume of water that would be diverted as a result of the proposed project is within the range evaluated in the FRWP EIR.³ Thus, the proposed project is within the scope of the project evaluated in the FRWP EIR.

The FRWP EIR evaluated a range of project alternatives for diversion of water from the Sacramento River and subsequent treatment and distribution. Ultimately, the FRWA identified "Alternative 5" as the Preferred Alternative and the Environmentally Superior Alternative (Draft EIR at pp. 2-5, 2-6.) The Final EIR was certified as adequate under CEQA and Alternative 5 was approved. FRWA eventually constructed the FRWP diversion facility and Central WTP consistent with Alternative 5 in the FRWP EIR. Alternative 5 addressed diversion and distribution of the water supply that is the subject of the proposed project, for the reasons stated above. (Draft EIR at pp. 1-7, 1-12, 3-10.) Thus, this Initial Study considers the impact analyses in the FRWP EIR associated with Alternative 5, and considers whether there is any evidence that the proposed project would result in new significant impacts or there are new mitigation measures or alternatives that would substantially lessen the significant impacts identified for Alternative 5. Since FRWA has constructed the FRWP diversion facility and Zone 40 WTP, this Initial Study focuses on the effects of the proposed project relative to existing uses at the existing points of diversion and diversion at the existing FRWP facility. Based on the evaluation of potential environmental effects in the environmental checklist below, there is no evidence that the proposed project would result in a new significant impact not identified in the FRWP EIR, or that there are new mitigation measures or alternatives capable of substantially reducing a previously identified significant impact.

modeling program. The modeling was conservative because it assumed a quantity of water available for diversion at the FRWP point of diversion greater than actual surface water supply available.

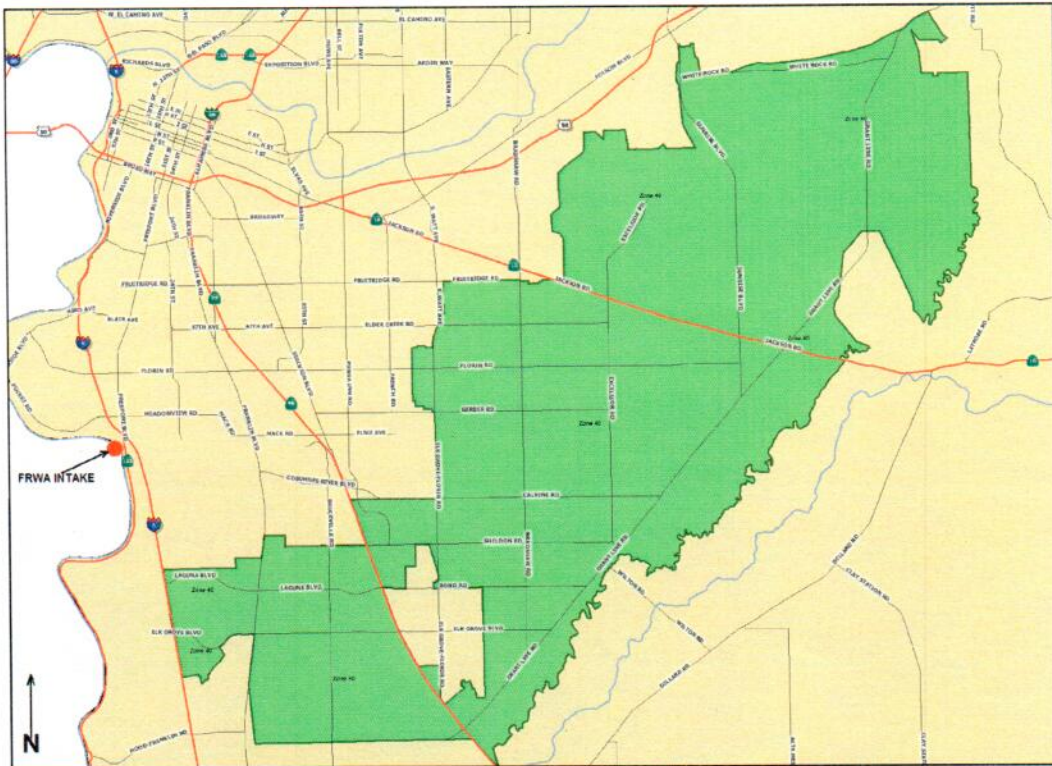
³ Current diversions from the Sacramento River at the FRWP average about 15,000 afy. For planned diversions at the FRWP point of diversion, see the SCWA 2010 Zone 41 Urban Water Management Plan, Table 4-4, p. 4-15.

FIGURE 1
Existing Places of Use for Licenses 1062 and 4060



NOTE: ALL PARCELS ARE OWNED BY THE COUNTY OF SACRAMENTO, EXCEPT PARCEL NO. 61.
PARCEL NO 61. IS OWNED BY THE SACRAMENTO AREA FLOOD CONTROL AGENCY (SAFCA).

FIGURE 2
SCWA Zone 40 Place of Use



SACRAMENTO COUNTY WATER AGENCY ZONE 40 PLACE OF USE

SECTION 2 INITIAL STUDY

The following Initial Study, Environmental Checklist, and evaluation of potential environmental effects (see Section 3) were completed in accordance with Section 15063(d)(3) of the state CEQA Guidelines to determine if the proposed project could have any potentially significant impact on the physical environment.

An explanation is provided for all determinations. A "No Impact" determination indicates that the proposed project would not have a significant effect on the physical environment for that specific environmental category. No environmental category was found to have a potentially significant adverse impact with implementation of the proposed project.

INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Sacramento County Water Agency/County of Sacramento Petition for Change to Water Rights

2. Lead Agency Name and Address: Sacramento County Water Agency
827 7th Street, Room 301
Sacramento, CA 95814

3. Contact Person and Phone Number: Todd Smith
Senior Environmental Analyst
County of Sacramento
Department of Community Development –
Planning and Environmental Review
(916) 874-6918

4. Project Location: Refer to Section 1, above.

5. Project Sponsor's Name and Address: Sacramento County Water Agency
827 7th Street, Room 301
Sacramento, CA 95814

6. Description of Project: Refer to Section 1, above.

7. Surrounding Land Uses and Setting: Agricultural/Residential/Rural Residential.

8. Other Agencies Whose Approval is Required:

State Water Resources Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Michael L. Peterson, Agency Engineer
For Sacramento County Water Agency

SECTION 3 EVALUATION OF ENVIRONMENTAL IMPACTS

I. AESTHETICS – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

Discussion:

a, b, c, d) No Impact. The proposed project would allow SCWA to divert water at the Freeport Regional Water Project (FRWP) point of diversion to serve existing and planned municipal and industrial (M&I) uses. As there would not be any construction activities with implementation of the proposed project or change in land use in the current place of use, no potential aesthetic or scenic resources would be impacted or altered. The proposed project would not affect any scenic vista, damage scenic resources, or degrade the existing visual character or quality of the existing place of use or the Zone 40 service area, or create a new light source.

II. AGRICULTURAL RESOURCES – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? X

Discussion:

- a, b, c) **No Impact.** The proposed project would not change land uses on the existing place of use. The land will remain in agricultural zoning and will continue to be used as Swainson’s hawk mitigation land. Any farmland conversion that was associated with construction of the FRWP diversion facility, the Zone 40 WTP and associated distribution systems has occurred. The diversion and distribution of water under the proposed project would not convert farmland, conflict with zoning for an agricultural use or a Williamson Act contract, or involve changes in the existing environment that would result in conversion of farmland to non-agricultural use.
- d, e) **No Impact.** The proposed project would have no impact to existing forest lands or timber, as the proposed project does not pertain to such lands or resources.

III. AIR QUALITY – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?				X
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

- a, b, c, d, e) **No Impact.** The proposed project would not change land uses at the existing places of use. The FRWP EIR evaluated the potential air quality impacts of operating the FRWP and distributing water to Zone 40. The FRWP EIR concluded that operation of the FRWP facilities consistent with Alternative 5 is not anticipated to result in any significant air quality impacts. (Draft EIR at p. 13-24.) The proposed project is an element of the project evaluated in the FRWP EIR and would not change any of the FRWP operations; thus it would not result in any new significant impacts to air quality.

IV. BIOLOGICAL RESOURCES – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Discussion:

a, d) No Impact. The FRWP EIR evaluated the potential impacts to fish associated with operating the FRWP facilities. (Draft EIR at p. 5-14.) Central Valley steelhead, Sacramento River winter-run chinook salmon, Central Valley spring-run chinook salmon, delta smelt, and splittail occur in streams of the Central Valley and are listed under the federal ESA. (Draft EIR at p. 5-1.) Other species that occur within Central Valley streams and rivers include fall-run chinook salmon, striped bass, American shad, largemouth bass, and several species of minnows, sunfish, and catfish. (Draft EIR at p. 5-2.)

Fish species habitat attributes potentially affected by water supply operations include spawning habitat area, rearing habitat area, migration habitat conditions, water temperature, food, and entrainment in diversions. (Draft EIR at p. 5-14.) Operation related impacts are those effects that result from operation of existing and proposed water supply project components, including reservoirs and export and diversion facilities (e.g., the effects of changes in reservoir storage, flow, and diversion). (Draft EIR at p. 5-20.)

The FRWP EIR assumed that water supply operations for the FRWP would include diversions under SCWA's existing contracts with Reclamation and other water sources. In addition, the FRWP EIR assumed that diversions could affect operation of the Central Valley Project (CVP) and State Water Project (SWP)

reservoirs. The FRWP EIR concluded that operation of the CVP and SWP Delta export facilities might also be affected. Consequently, the EIR determined that changes in flow and diversions might affect fish and fish habitat in reaches of the Trinity, Sacramento, Feather, American, Mokelumne, and San Joaquin Rivers and in the Delta and Suisun Bay.

The FRWP EIR evaluated simulated flow and water temperature conditions. The FRWP EIR concluded that changes in flow would have a less-than significant adverse impact or beneficial effect on rearing and spawning habitat for fish species in the Trinity, Sacramento, Feather, American, and Mokelumne Rivers and in the Delta. (Draft EIR at pp. 5-30, 5-31.) Modeled water temperature conditions and survival indices indicated that the change in water temperature would have a less-than-significant impact on adult migration, spawning, incubation, rearing, and juvenile migration life stages of coho salmon (Trinity River only), chinook salmon, and steelhead in the Trinity, Sacramento, Feather, and American Rivers. (Draft EIR at pp. 5-40, 5-41.)

The FRWP EIR determined that based on the small proportion of Sacramento River flow diverted and the low approach velocity of the fish screen, entrainment of egg, larval, juvenile, and adult life stages would have a less-than-significant impact on populations of chinook salmon, steelhead, delta smelt, striped bass, and other species. Entrainment of egg, larval, juvenile, and adult life stages in Delta exports would have a less-than-significant impact on populations of chinook salmon, steelhead, delta smelt, striped bass, and other species because the FRWP would result in less than 2% change in CVP and SWP exports during most months. The few substantial increases (December and July) and decreases (November, May, July, and September) in exports would be expected to have minimal effect on fish populations. The increases occur primarily during months when presence of delta smelt, chinook salmon, and steelhead near the export facilities is relatively low. (Draft EIR at pp. 5-41, 5-42.) Based on the small change in reservoir conditions and the existing relatively poor spawning and rearing habitat for many species, the FRWP EIR concluded that the change in reservoir storage would have a less-than-significant impact on reservoir fishes. (Draft EIR at p. 5-42.)

The FRWP EIR thus concluded that the FRWP would not result in significant operation-related impacts on fish, and no mitigation measures were necessary. (Draft EIR at p. 5-48.) The FRWP EIR further concluded that cumulative impacts related primarily to ongoing and future (year 2020) water supply operations, including operations by the CVP, SWP, SCWA, and EBMUD would have less-than-significant impacts on fish species. (Draft EIR at p. 5-48.)

The proposed project would not change the amount of water SCWA is authorized to divert under its licenses, and SCWA would divert Project water consistent with the operations assumptions in the FRWP EIR. The primary project-related changes are that water currently authorized for diversion near the airport would remain in stream for an additional 12-13 miles before being diverted at the FRWP. Moreover, diversions at FRWP would be through a state of the art screened facility, which is an improvement over conditions at the existing point of diversion. Thus, the proposed project would not result in any significant impacts on fish.

- b, c) No Impact.** Any impacts to riparian, wetland and sensitive natural communities identified in the FRWP EIR were associated with construction of the FRWP facilities. (Draft EIR at pp. 7-20 – 7-26.) The FRWP facilities have been constructed and the proposed project would not change these conditions. No habitat or sensitive communities would be affected at the existing place of use near the airport.
- e, f) No Impact.** There are no adopted HCPs or NCCPs that would be affected by the proposed project.

V. CULTURAL RESOURCES – Would the proposed Action:

Issues and Determination:	<u>Less Than Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

Discussion:

a-d) No Impact. Diversion and use of the proposed project water supply would not involve any land alteration, and thus no archeological or paleontologic disturbances would occur. In addition, with no construction activities proposed, there would be no disturbances to potential burial sites or cemeteries. Therefore, no impact to cultural resources would occur with implementation of the proposed project.

VI. GEOLOGY AND SOILS – Would the proposed action:

Issues and Determination:	<u>Less Than Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on strata or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral				

- | | |
|--|---|
| spreading, subsidence, liquefaction, or collapse? | X |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property? | X |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | X |

Discussion:

a, b, c, d, e) No Impact. The proposed project would not change land uses at the existing places of use. The FRWP EIR evaluated the potential impacts to geology, soils, and seismicity associated with operating the FRWP and distributing water to Zone 40. The FRWP EIR concluded that all such impacts would be less than significant and that no mitigation measures were necessary. (Draft EIR at p. 9-17.) Diversion, treatment and distribution of the proposed project water supply would not require construction of new facilities or changes in the location or operation of any FRWP facilities, and thus would not result in any significant impacts to geologic resources.

VII. GREENHOUSE GAS EMISSIONS – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment?				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X

Discussion:

a-b) No Impact. The Global Warming Solutions Act of 2006, otherwise referred to as Assembly Bill 32 (AB 32), requires the California Air Resource Board to establish a statewide greenhouse gas (GHG) emissions cap for 2020 based on 1990 emission levels, and to adopt mandatory reporting rules for significant sources of GHGs. AB 32 requires major producers of GHG emissions to reduce emissions to 1990 levels by 2020, which is a 30% reduction. Energy development and use is a primary source of GHG emissions. The proposed project would not increase energy use because the only project-related change with the potential to affect energy use would be to move the point of diversion downstream to the FRWP. Water that is not diverted at the existing points of diversion would flow by gravity to the FRWP point of diversion. The FRWP is a modern diversion facility that would pump the same water from the Sacramento River more efficiently than the older pumps at the existing points of diversion. The proposed project would not change the FRWP diversion facility or Zone 40 WTP operations. Because the proposed project would not increase energy use or otherwise involve other actions with the potential to release GHG emissions, it would not generate GHG emissions that may have a significant effect on the environment nor would it conflict with an applicable plan, policy or regulation adopted for the purpose of reducing GHG emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the proposed Action:

Issues and Determination:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

Discussion:

a-h) No Impact. The proposed project would not involve the transport or use of hazardous materials nor change any public exposure to hazards or hazardous materials beyond what is currently occurring within the existing and proposed places of use. The proposed project would not occur on a hazardous materials site that would create a risk to the public or environment. The proposed project would not affect a public airport or private air strip. There are no new structures or buildings included in the proposed project; therefore, no people or structures would be exposed to wild land fires as a result of implementation. Overall, there would be no hazardous materials impacts associated with implementation of the proposed project.

IX. HYDROLOGY AND WATER QUALITY – Would the proposed Action:

Issues and Determination:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?				X
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation of seiche, tsunami, or mudflow?				X

Discussion:

- a) **No Impact.** The proposed project does not involve any discharges and thus would not violate water quality standards or waste discharge requirements. When diverting water at the FRWP point of diversion, SCWA must comply with all current state and federal regulatory requirements in effect at the time of pumping,

including numerous environmental standards, laws, and regulations relating to fish protection, environmental needs, water rights, and the needs of other legal users. The proposed project does not increase FRWP diversion amounts, or change the rate or timing of diversions from those evaluated in the FRWP EIR. Hence, no impacts to water quality standards would occur with implementation of the proposed project.

- b) **No Impact.** As the proposed project would not extract groundwater supplies nor inject water into aquifers, there would be no direct project impacts resulting from substantial depletion of groundwater supplies or interference with groundwater recharge resulting in a net deficit in aquifer volume or lowering of local groundwater table level. Since SCWA uses surface and groundwater conjunctively, any surface water that this Project allows SCWA to divert would, to some extent, result in a net reduction in groundwater production by SCWA in Zone 40, which would have a beneficial effect on groundwater resources.

The FRWP EIR evaluated the potential environmental effects of the FRWP's indirect effect on groundwater production south of the Sacramento-San Joaquin River Delta. The hydrologic modeling for the FRWP alternatives indicates that CVP agricultural contractors south of the Delta (primarily in the San Joaquin Valley) may experience small changes in water deliveries as a result of implementation of Alternative 5. (Draft EIR at p. 9-16.) It also indicated that annual deliveries to SWP contractors are expected to be slightly reduced. (Draft EIR at p. 9-16.) Although the response of water purveyors and individual water users was difficult to predict, the potential minor reductions in water deliveries could conceivably result in a response by affected water purveyors and individuals to pump additional groundwater to meet water needs in the San Joaquin Valley and coastal southern California. (Draft EIR at pp. 9-16, 9-17.) Under a very conservative assumption that any reductions in deliveries would lead directly to a proportional increase in groundwater use, the FRWP EIR concluded that Alternative 5 may result in a slight increase in groundwater use. (Draft EIR at p. 9-17.) Based on this information, the FRWP EIR concluded that any potential impact would be less than significant. Even under extremely conservative assumptions, any increase in groundwater pumping would be much less than 1% of existing levels, and there is no evidence to suggest that such a minor increase in the already large volume of groundwater pumping would have any effect on existing groundwater levels, availability, quality, or surface subsidence. The proposed project would not change these groundwater pumping assumptions, so the proposed project would not have any environmental impact related to groundwater pumping indirectly caused by diversions at Freeport.

- c-d) **No Impact.** The proposed project would not substantially alter the existing drainage patterns of the current or proposed additional place of use, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation on- or off-site, or increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. In addition, there are no construction activities associated with the proposed project. No impacts relating to water drainage patterns would occur with project implementation.
- e) **No Impact.** The proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems.
- f) **No Impact.** The only potential effect of the project on water quality would result from slightly more water remaining instream in the Sacramento River between the existing and proposed points of diversion. This change would have no measurable effect on water quality of the river, and the proposed project would not result in degradation of water quality.
- g-i) **No Impact.** The proposed project would not expose people or property to water-related hazards such as flooding or impede or redirect flood flows. The proposed project would not involve constructing any housing. All facilities that would be used are existing facilities constructed according to standard engineering design practices to limit the potential for exposure of people or property to water-related hazards, such as flooding. Therefore, no impact relating to flooding would occur with implementation of the proposed project.
- j) **No Impact.** The proposed project would not be subject to tsunami or seiche wave inundation. Also, the associated facilities are not subject to mudslides.

X. LAND USE AND PLANNING – Would the project:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?				X

Discussion:

- a) **No Impact.** The proposed project would not displace or divide an established community, as no new construction activities would occur with implementation of the proposed project. Only existing facilities and equipment would be employed to divert and distribute water under the proposed project.
- b) **No Impact.** All FRWP diversion, treatment and distribution facilities were constructed consistent with local land use plans, including the County of Sacramento General Plan and relevant zoning ordinances. No zoning or land use changes would be required for diversion, treatment and distribution of water under the proposed project. The FRWP EIR concluded that operation of the project facilities would be consistent with general plan policies of the City of Sacramento and Sacramento County. The FRWP EIR further concluded that operation of the project facilities would not conflict with any general plan designations or policies, and that any impacts that might arise are less-than-significant. The proposed project would not alter operations of the FRWP as evaluated in the FRWP EIR and approved.
- c) **No Impact.** The FRWP EIR addressed the growth-inducing effects of operating the Freeport diversion and treatment facilities. The analysis evaluated the potential for growth-inducing effects on conservation resources to result from use of water supplies made available under the FRWP. (Draft EIR at p. 20-2.) The County of Sacramento anticipates adopting a Habitat Conservation Plan to address the potential effects of growth on biological resources, but currently there is not an applicable HCP or NCCP that would be affected by the proposed project.

XI. MINERAL RESOURCES – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

Discussion:

- a, b) No Impact.** As the existing place of use is agricultural land, and the proposed project would not change the land-use practices within the existing place of use, the proposed project would not result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state. No impacts to mineral resources would occur with diversion and delivery of water under the proposed project because existing diversion, treatment and distribution facilities would be used to deliver such water. No impacts to mineral resources would occur with the proposed project.

XII. NOISE – Would the proposed Action result in:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport of public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

- a-f) No Impact.** The proposed project does not involve the development or enhancement of any new noise emitting devices. In addition, there would be no construction activities, associated with the Project. Only existing facilities and equipment would be used for Project implementation, and the proposed project would not change FRWP operations. The operation-related noise impacts of the FRWP facilities were evaluated in the FRWP EIR. The FRWP EIR concluded that any noise impacts would be less than significant. (Final EIR at p. 2-8.) SCWA would implement the proposed project consistent with the FRWP operations assumptions in the FRWP EIR. Thus, the proposed project would not result in any new significant noise impacts.

XIII. POPULATION AND HOUSING – Would the proposed Action:

Issues and Determination:	<u>Potentially Significant Impact</u>	<u>Less Than Significant With Mitigation Incorporation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people necessitating the construction of replacement housing elsewhere?				X

Discussion:

- a) **No Impact.** Operation of the FRWP facilities is intended to accommodate projected growth in the Zone 40 service area through 2030. (Draft EIR at p. 20-7.) The FRWP EIR addressed potential growth-inducing effects of the diversion and use of an average 71,000 afy of water by SCWA, including water that is the subject of the proposed project (as one of the Other Supplies). (Draft EIR at p. 20-7.) The FRWP EIR found that growth accommodation will have significant and unavoidable effects on transportation, air quality, loss of farmland, water supply, groundwater quality, biological resources, and visual quality. (Draft EIR at p. 20-7.) The types of expanded services and infrastructure commensurate with the land use needs and population demands in this area, along with the impacts of growth in this area on population and housing, and other resources, also have been analyzed by Sacramento County in the General Plan Update EIR, pursuant to state planning law, which determines growth and plans for development on a 20-30 year horizon. (Gov. Code, § 65041; Sacramento County General Plan Update EIR, 2011) The General Plan Update EIR evaluated the potential environmental effects of the County adopting an updated general plan for the unincorporated portion of Sacramento County, including the Zone 40 service area. (General Plan Update EIR at pp. 2-1, 2-3, 2-4.) The General Plan Update EIR assumed that the 2030 water demand in Zone 40 would be 131,727 afy. (General Plan Update EIR at pp. 6-27, 6-47, B-33.) Similar to the FRWP EIR, the General Plan Update EIR assumed a surface water supply of 70,000 afy. (General Plan Update EIR at p. 6-18; Appendix B at p. B-30.) The proposed project would not increase the amount of water authorized for diversion at the FRWP or change the operations assumptions of the FRWP diversion and treatment facilities as compared to those assumed in the FRWP EIR. Also, the proposed project would not entail expansion of SCWA’s existing water delivery and storage systems that the FRWP EIR assumed would be necessary to accommodate this growth. The proposed project would not induce or deter economic development or population growth because it would not modify any water supply assumptions in the FRWP EIR or approved land-use planning documents. In sum, the proposed project modification would not induce growth in the region because: (1) the proposed project does not include new or expanded infrastructure, and (2) any growth for which proposed project water will be used is an existing use or already planned-for growth that previously underwent CEQA analysis. Thus, the proposed project would not result in any new significant effects from growth, and there are not any new mitigation measures or alternatives not previously known at the time the FRWP EIR was certified that would substantially lessen the identified significant impacts.
- b, c) **No Impact.** Diversion, treatment and distribution of the proposed project water via the FRWP facilities would not displace any housing or people.

XIV. PUBLIC SERVICES – Would the proposed Action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities?				X

Discussion:

- a) **No Impact.** The FRWP EIR determined that the FRWP would result in significant effects on the provision of public services because of the removal of an obstacle to planned growth. (Draft EIR at p. 20-11.) Nevertheless, the FRWP EIR concluded that all of the effects on public services could be mitigated by policies in the County of Sacramento General Plan and/or the Sacramento County General Plan Update Draft EIR. (Draft EIR at p. 20-11.) The proposed project does not create any new demand for public services or alterations to existing public facilities. Diversion, treatment, and distribution of proposed project water would occur within existing FRWP facilities. These actions would not create a new demand for public services, and therefore, the proposed project would not impact public services or facilities.

XV. RECREATION – Would the proposed action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				X

Discussion:

- a, b) **No Impact.** The proposed project would not change the amount of water authorized for diversion under the existing licenses; the only physical change would be that water currently authorized for diversion near the airport would remain in the Sacramento River for an additional 12-13 miles before it is diverted at the FRWP for use within the Zone 40 service area. The proposed project would not change the operation of the FRWP

or associated facilities nor would it alter the demand for recreational services. Thus, the proposed project would not have any impact on recreational services.

XVI. TRANSPORTATION / TRAFFIC – Would the proposed action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

Discussion:

a-g) No Impact. The proposed project does not create any new demand for any mode of transportation services. There are no construction activities associated with the proposed project (such as movement of trucks) and it would not change the operations or staffing of the FRWP. Therefore, no transportation impacts would occur with implementation of the proposed project.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the proposed action:

Issues and Determination:	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing				

- facilities, the construction of which could cause significant environmental effects? X
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? X
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? X
- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? X
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? X
- g) Comply with federal, state, and local statutes and regulations related to solid waste? X

Discussion:

- a-g) **No Impact.** The proposed project would neither place additional demands on nor affect public utilities, including wastewater treatment facilities, water facilities, and storm drain systems in the area. No new or expanded water entitlements would be necessary. No solid waste or other waste-disposal facilities would be needed for the proposed project. Therefore, no impacts to existing utilities and conveyance systems would occur with implementation of the proposed project.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –
Would the proposed action:**

Issues and Determination:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects,				

the effects of other current projects, and the effects of probable future projects.)

X

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

X

Discussion:

- a-b) **No Impact.** As previously discussed, the proposed project does not have the potential to degrade the environment. Thus, there are no individually or cumulatively significant impacts.
- c) **No Impact.** There would be no construction activities associated with the proposed project, nor will it result in any change in the operation of the FRWP or associated Zone 40 facilities. Therefore, the proposed project would not cause substantial adverse effects on human beings, either directly or indirectly.