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Memorandum

Date: MAY 7 2008

To: Ms. Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

From: Department of Water Resources

Subject: Petition for Temporary Change to allow 2008 Transfer of up to 7,000 acre-feet from
Tulare Lake Basin Water Storage District to Westlands Water District

This is to transmit the attached Petition for temporary change to allow the transfer of 7,000 acre-feet of State Water Project water from the Tulare Lake Basin Water Storage District to Westlands Water District (WWD) in the U.S. Bureau of Reclamation's service area.

Also included are (1) a check for the \$4,097 fee to the State Water Resources Control Board, (2) a check for \$850 to the Department of Fish and Game, and (3) maps showing the areas of the proposed change and the depth to shallow groundwater within WWD.

If you have any questions or need additional information, please contact Maureen Sergent of my staff at (916) 653-9467.



Robert B. Cooke, Chief
State Water Project Analysis Office
(916) 653-4313
Attachments

cc: (Attached list)

MAY 9 2008
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Mr. Terry Erlewine
General Manager
State Water Contractors
1121 L Street, Suite 1050
Sacramento, California 95814

Mr. Mark Gilkey, Manager
Tulare Lake Basin Water
Storage District
1001 Chase Avenue
Corcoran, California 93212

Ms. Marty Kaiser
Bureau of Reclamation
U.S. Department of the Interior
2800 Cottage Way
Sacramento, California 95825

Mr. Dean Marston
California Department of
Fish and Game, Region 4
1234 East Shaw
Fresno, California 93710

U.S. Fish and Wildlife Service
Habitat Conservation
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

Fresno County Board of Supervisors
2281 Tulare-Hall of Records, Room 301
Fresno, California 93721-2198

Mr. Tom Birmingham
General Manager
Westlands Water District
Post Office Box 6056
Fresno, California 93703

Mr. James E. Turner
Office of the Solicitor
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, California 95825

Mr. Anthony Toto
Central Valley Regional Water
Quality Control Board
1685 E Street
Fresno, California 93706-2007

Kings County Board of Supervisors
1400 West Lacey Boulevard
Hanford, California 93230

Tulare County Board of Supervisors
2800 West Burrel
Visalia, California 93291

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**PETITION FOR TEMPORARY TRANSFER
OF WATER/WATER RIGHTS**

(Water Code 1725)

Point of Diversion Point of Rediversion Place of Use Purpose of Use

Application No(s). 17512 Permit No. 16482 License No. _____
Statement or Other No. _____

Present Holder of Water Right

California State Department of Water Resources
Nancy Quan, Chief
Program Development and Water Supply and Transfers Branch
Post Office Box 942836
Sacramento, California 94236-0001
nquan@water.ca.gov

(916) 653-0190

Present User of Water Right

Tulare Lake Basin Water Storage District
Mark Gilkey, Manager
1001 Chase Avenue
Corcoran, California 93212
mgilkey@tlbwsd.com

(559) 992-4127

Proposed New User

Westlands Water District
Thomas Birmingham, General Manager
Post Office Box 6056
Fresno, California 93703
tbirmingham@westlandswater.org

(559) 241-6241

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are shown on the accompanying map and described as follows:

Amount of Water to be Transferred Up To 7,000 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is _____ cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) May 2008 through April 2009

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present Rediversion at San Luis Dam SW¼ of SE¼ of projected Section 15, T10S, R8E, MDB&M.

Proposed No Change

JFG 7 5/8/08
\$ 850.00
DC
5/8/08
\$ 4,097.00
DC

Place of Use

Present Tulare Lake Basin Water Storage District service area as shown on the attached maps.
Proposed Westlands Water District As shown on the attached maps

Purpose of Use

Present Irrigation
Proposed Irrigation

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	<u>May-December 2008</u>	_____	<u>Up to 7,000 acre-feet</u>
Proposed	<u>May 2008-April 2009</u>	_____	<u>Up to 7,000 acre-feet</u>

The proposed transfer/exchange water is presently used or stored within the county/counties of: Kings and Tulare

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties: Fresno

The water covered by this petition, up to 7,000 AF of State Water Project water, is currently allocated to Tulare Lake Basin Water Storage District. Two farming interests in TLBWSD, Newton Farms and Hansen Ranches/Vista Verde Farms, will deliver the water to lands owned by the same farming interests in Westlands Water District.

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change.

Current SWP allocations are 35 percent of the annual Table A amounts. Newton Farms and Hansen Ranches/Vista Verde Farms own and irrigate land within TLBWSD. In the absence of the proposed temporary change, TLBWSD's SWP Table A water would have been used for irrigation on Hansen Ranches/Vista Verde Farms and Newton Farms lands in TLBWSD. Depending on availability, alternate local sources of surface water will be used to farm landholders' lands within TLBWSD. No additional groundwater will be pumped as a result of the transfer/exchange. Newton Farms and Hansen Ranches/Vista Verde Farms may also elect to either fallow or crop shift on a portion of the lands within TLBWSD. Due to a number of factors, CVP allocations to WWD for the 2008 irrigation season are currently at 45 percent of contract amounts. There is a significant unmet demand in WWD this irrigation season.

- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? N/A
(yes/no)
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? No
(yes/no)
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.
- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange.

The water is currently in storage in San Luis Reservoir; therefore there is no effect on streamflow or hydrologic regime. The water has already been moved out of the watershed in which it originates. Although the total amount of water used will not change, the delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and USBR so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and is not adversely impacted as a result of this transfer.

Dependent upon local water supplies, Newton Farms and Hansen Ranches/Vista Verde Farms will either fallow, crop shift or continue with normal farming operations within TLBWSD.

**Summary of Water Available to Lands in WWD
Receiving Water From Transfer**

The figures shown in the table below reflect the current CVP allocation of 45% for WWD.

Landholder	Approximate Acreage	CVP (45%) AF	Transfer AF	AF/A with Transfer
Hansen/Vista Verde Farms	3,461	2,024	6,000	2.32
Newton Farms	875	1,023	1,000	3.31

Water delivered to Hansen Ranches/Vista Verde Farms will be used for irrigation in 2008. The water to be used on land within Newton Farms will be used for irrigation in 2008 and pre-irrigation prior to the end of April 2009. The total water demand for the Newton farms acreage has increased in recent years due to the conversion of some acreage previously devoted to cotton to almonds. Almonds require at least 4 acre-feet per acre. In addition, if the season continues to be dry, total demand for imported irrigation water will increase as a result of a reduction in spring precipitation. Water will not be applied in excess of crop demand. The water obtained through the transfer will reduce the need for supplemental groundwater pumping.

In general, land in WWD has complete tailwater control within each field. Water planned for transfer to WWD will be delivered to Priority Area II lands (3,461 acres) in the western half of the District and Priority Area I lands (875 acres) in the southern half of the District. Lands within the WWD area having selenium and other drainage problems are located in the low lying areas in the northern quarter of the District. However, most lands in WWD to receive the transferred water are located west of the California Aqueduct (Portions of Sections 10, 15, and 16, T20S, R18E are located east of the California Aqueduct) and no further north or west than T17S, R15E.

All lands, as shown on the attached transfer map, have depths to groundwater of greater than 15 feet of the ground surface as identified on WWD map Generalized Depth to Shallow Groundwater, October 2007 with the exception of portions of Sections 10 and 15, T20S, R18E, which have a depth to groundwater of greater than 10 feet. Total quantities of water delivered to the drainage problem area will not be affected by this transfer. Lands to receive increased water deliveries due to this transfer have not been shown to have drainage or selenium problems. None of WWD's drainage is discharged to the San Joaquin River system. In addition, WWD has an aggressive program to deal with water conservation and drainage reduction.

- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1).

The quantity of water associated with this transfer was diverted at the Banks Pumping Plant and rediverted to storage in San Luis Reservoir in conformance with the criteria contained in State Water Resources Control Board Decision 1641 and the criteria mandated under the Biological Opinions for protection of Sacramento River winter-run Chinook Salmon, Delta Smelt, Spring-run Chinook Salmon and Steelhead and the interim remedies imposed by the recent Wanger Decision. The water has been diverted out of the watershed in which the water originated. There are no other legal users of the water downstream of the point of diversion. Therefore, no legal user of the water would be injured.

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. Anthony Toto (559) 445-6278; FAX: (559) 445-5910

5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. Dean Marston (559) 243-4014, ext 241; FAX (559) 243-4020

5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? No
(yes/no)

5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change.

No effect; water already in San Luis Reservoir and/or approved for delivery in accordance with existing permits.

5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2).

No change in diversions from the Delta would result from this transfer. Water diverted and re-diverted from the Sacramento - San Joaquin Delta has been moved in conformance with the criteria contained in State Water Resources Control Board Decision 1641, and the criteria mandated under the NMFS and Fish and Wildlife Service's Biological Opinions for protection of Sacramento River winter-run Chinook Salmon, Delta Smelt, Spring-run Chinook Salmon and Steelhead and the interim remedies imposed by the recent Wanger Decision.

6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No
(yes/no)?

6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred.

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

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

Dated: May 2, 2008 at Sacramento, California

Nancy Du (916) 653-0190
Signature(s) Telephone No.

NOTE: This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

Proof of Service: Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

Fees: The following fees must accompany the petition before the petition will be accepted:

1. The fee of \$2000 plus \$0.30 per acre-foot shall be submitted with the petition. (Title 23, California Code of Regulations section 1064). The fee is made payable to the State Water Resources Control Board.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

EXHIBIT 'A'
LOCATION OF LANDS IN TULARE LAKE BASIN WATER STORAGE DISTRICT

Landholder	Approximate Acreage	Transferred Water
Hansen Ranches/Vista Verde Farms	3,807	6,000 AF
Newton Farms	3,091	1,000 AF
Total	6,898	7,000 AF

T21S, R19E, MDB&M:
 E½, Section 1
 E½, Section 12

T21S, R20E, MDB&M:
 Section 5
 Section 6
 Section 7
 Section 8

T21S, R21E, MDB&M:
 Portion, Section 5
 Section 6
 Portion, Section 7
 Section 8

T22S, R22E, MDB&M:
 S½ & S½ N½, Section 7
 Portion W½, Section 8
 S½ & NE¼, Section 20
 Section 31

T23S, R22E, MDB&M:
 Portion, Section 5
 Portion, Section 6

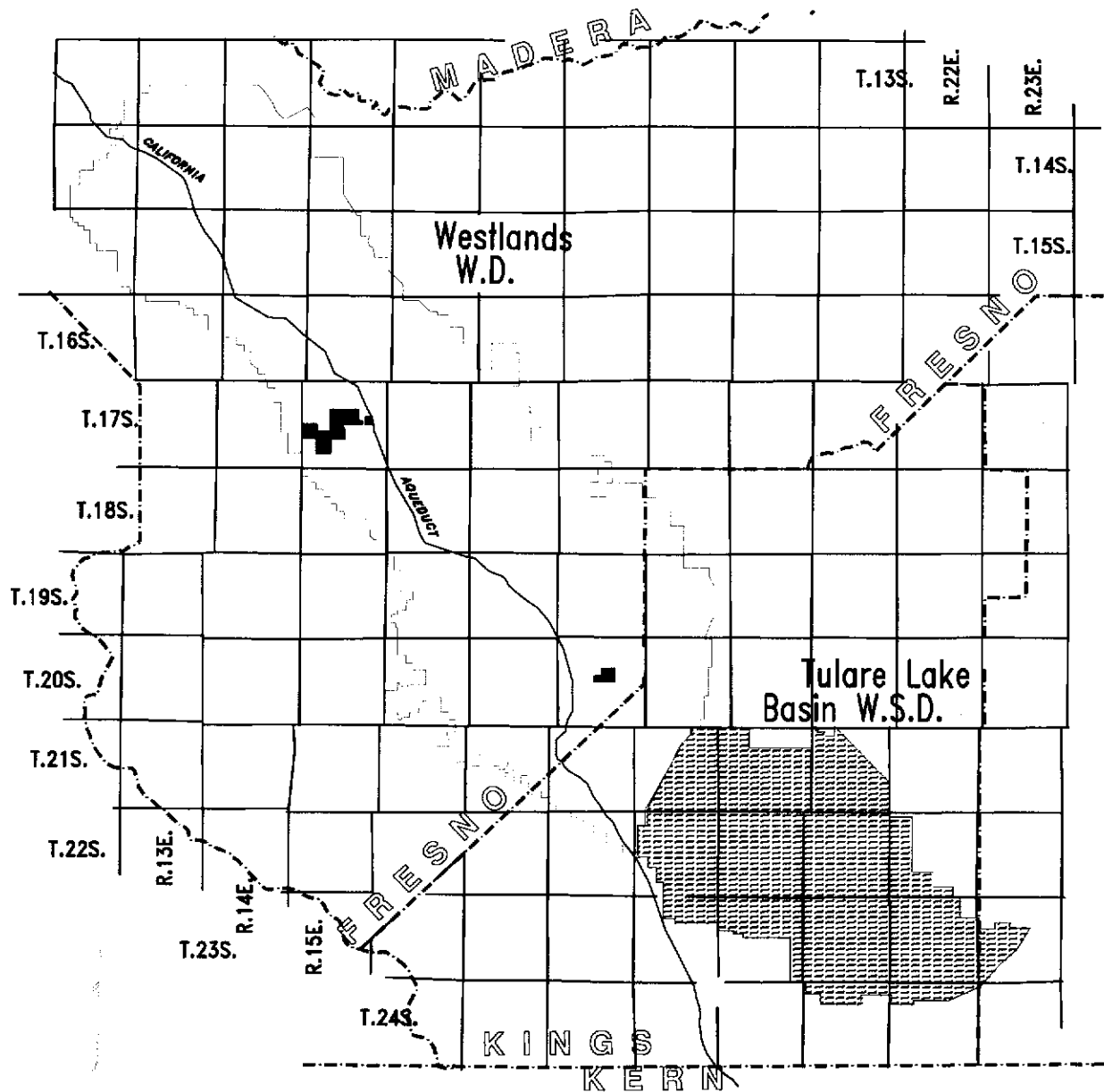
EXHIBIT 'B'
LOCATION OF LANDS IN WESTLANDS WATER DISTRICT

Landholder	Approximate Acreage	WWD Water Allocation ¹	Transferred Water "up to"
Hansen Ranches/Vista Verde Farms	3,461	2,024 AF	6,000 AF
Newton Farms	875	1,023 AF	1,000 AF
Total	4,336	3,047 AF	7,000 AF

T17S, R15E, MDB&M:
SE¼ & SW¼ SW¼, Section 14
Section 15
Section 16
Section 19
S½, Section 20
Section 21
Section 29

T20S, R18E, MDB&M:
SW¼, Section 10
Section 15
SE¼, Section 16

¹ Based on a current 45% CVP allocation to Westlands Water District.



■ WWD AREAS INVOLVED IN TRANSFER

