

# Memorandum

Date: February 10, 2010

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 Long Term Transfer to allow Transfer of up to 10,000 acre-feet from Tulare Lake Basin Water Storage District and Empire West Side Irrigation District to Westlands Water District

This is to transmit the attached Petition for Long Term Transfer of Water/Water Rights to allow the transfer of 10,000 acre-feet of State Water Project water from the Tulare Lake Basin Water Storage District (TLBWSD) and Empire West Side Irrigation District to Westlands Water District (WWD) in the U.S. Department of the Interior's Bureau of Reclamation's service area.

Also included are (1) a check for the \$4,997 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, (4) the environmental documents prepared by TLBWSD for the transfer.

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)

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  
1109 S. Whitley  
Corcoran, California 93212

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

Mr. Ray Salhberg  
U.S. Department of the Interior  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, California 95825

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

Ms. Julie Means  
California Department of  
Fish and Game, Region 4  
1234 East Shaw  
Fresno, California 93710

Mr. Brian Erlandsen  
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

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

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

Mr. John Howe, President  
Empire West Side Irrigation District  
Post Office Box 66  
Stratford, California 93232



regulatory restrictions governing SWP operations including the criteria mandated under the Biological Opinions for protection of Delta smelt, and anadromous fishes and marine mammal species. The transfer will not result in an increase in diversions from the Sacramento-San Joaquin Delta or an increase in return flows to the San Joaquin River.

- (c) Will transfer unreasonably effect the overall economy of the area from which the water is being transferred (Water Code Section 386)? No
- (d) Have you consulted the California Department of Fish and Game concerning this proposed change? Yes x No   . If Yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed change on fish and other wildlife and state measures required for mitigation. Julie Means (559) 243-4014 ext 240, jmeans@dfg.ca.gov; Brian Erlandsen, berlandsen@dfg.ca.gov

6. State the conditions that are the basis of this transfer.  
The water covered by this petition, up to 8,000 AF of TLBWSD SWP Table A water currently allocated to two farming interests in TLBWSD, Hansen Ranches/Vista Verde Farms (Hansen) and Newton Farms (Newton), and up to 2,000 AF of EWSID SWP Table A water currently allocated to two farming interests in EWSID, Newton and Brooks Farms (Brooks) will be delivered to lands owned by the same farming interests in WWD (in total, up to 6,000 AF for Hansen, up to 3,000 AF for Newton, and up to 1,000 AF for Brooks). The lands farmed by these landowners in TLBWSD and EWSID are in agricultural production, consisting of open land that has historically been planted with annual field crops such as cotton, small grains, safflower, and alfalfa. The quantity of water associated with this transfer has been made available through the use of alternate local supplies to farm the lands within TLBWSD and EWSID. Depending on the availability of these local supplies, Hansen, Newton, and Brooks will either fallow, crop shift, or continue with normal farming operations within TLBWSD and EWSID. The lands owned by these landowners in WWD are in agricultural production, consisting of open land that has historically been planted with annual field crops such as alfalfa, cotton tomatoes and wheat, and permanent plantings of almonds and pistachios. The conversion of field crops to high dollar permanent plantings requires a more reliable water supply. In the absence of surface water, growers would likely pump groundwater to keep the trees from reaching their permanent wilting point. The water resulting from this transfer will be used to supplement supplies and to reduce the need for groundwater pumping.

Since 2004, SWRCB has approved temporary transfers to these landowners in TLBWSD, and to Brooks in EWSID in 2009. These approvals and actual amounts transferred are shown in the table below.

### Summary of Transfers to WWD

	Hansen Approved up to Amount Acre-Feet	Hansen Actual Transferred Acre-Feet	Newton Approved up to Amount Acre-Feet	Newton Actual Transferred Acre-Feet	Brooks Approved up to Amount Acre-Feet	Brooks Actual Transferred Acre-Feet	Total Approved up to Amount Acre-Feet	Total Actual Transferred Acre-Feet
2009	6,000	2,000	2,000	1,590	1,000	870	9,000	4,460
2008	6,000	1,932	2,000	753			8,000	2,685
2007	6,000	3,110	2,000	1,230			8,000	4,340
2006	6,000	3,000	2,000	-			8,000	3,000
2005	6,000	1,000	2,000	850			8,000	1,850
2004	6,000	3,500	2,000	2,000			8,000	5,500
Total	36,000	14,542	12,000	6,423	1,000	870	49,000	21,835
Average	6,000	2,424	2,000	1,071	1,000	870	8,167	3,639

2009 actuals through September 30.

Although the SWRCB orders approving the transfers authorized the transfer of up to a total of 49,000 AF over the six year period, the actual amount transferred is significantly less, totaling 21,835 AF over the period. The actual quantities diverted are dependent on crop water demand and the total quantity ultimately available in WWD. TLBWSD and EWSID must make estimates early in the season as to what ultimately might be required and conditions may change from what was anticipated as the irrigation season progresses. Water is not applied in excess of crop water demands and no water is diverted for use within WWD outside these specific farming operations. The following tables illustrate the maximum combined water supply per acre at various CVP and SWP allocations. Note that these tables assume maximum SWP and CVP allocations at 60%—it is anticipated that transfer amounts would reduce proportionally should the allocation increase above this amount.

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

**Hansen/Vista Verde Farms**                      3,461 Acres  
 Maximum CVP Allotment                      8,999 AF  
 Maximum SWP Allotment                      6,000 AF

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation						
	0%	10%	20%	30%	40%	50%	60%
0%	0.0	0.2	0.3	0.5	0.7	0.9	1.0
10%	0.3	0.4	0.6	0.8	1.0	1.1	1.3
20%	0.5	0.7	0.9	1.0	1.2	1.4	1.6
30%	0.8	1.0	1.1	1.3	1.5	1.6	1.8
40%	1.0	1.2	1.4	1.6	1.7	1.9	2.1
50%	1.3	1.5	1.6	1.8	2.0	2.2	2.3
60%	1.6	1.7	1.9	2.1	2.3	2.4	2.6

**Newton Farms**                                      875 Acres  
 Maximum CVP Allotment                      2,275 AF  
 Maximum SWP Allotment, TLBWSD      2,000 AF  
 Maximum SWP Allotment, EWSID      1,000 AF

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation						
	0%	10%	20%	30%	40%	50%	60%
0%	0.0	0.3	0.7	1.0	1.4	1.7	2.1
10%	0.3	0.6	0.9	1.3	1.6	2.0	2.3
20%	0.5	0.9	1.2	1.5	1.9	2.2	2.6
30%	0.8	1.1	1.5	1.8	2.2	2.5	2.8
40%	1.0	1.4	1.7	2.1	2.4	2.8	3.1
50%	1.3	1.6	2.0	2.3	2.7	3.0	3.4
60%	1.6	1.9	2.2	2.6	2.9	3.3	3.6

**Brooks Farms**  
 Maximum CVP Allotment  
 Maximum SWP Allotment

1,319 Acres  
 3,429 AF  
 1,000 AF

AF/Acre at Various Allocations

CVP Allocation	SWP Allocation						
	0%	10%	20%	30%	40%	50%	60%
0%	0.0	0.1	0.2	0.2	0.3	0.4	0.5
10%	0.3	0.3	0.4	0.5	0.6	0.6	0.7
20%	0.5	0.6	0.7	0.7	0.8	0.9	1.0
30%	0.8	0.9	0.9	1.0	1.1	1.2	1.2
40%	1.0	1.1	1.2	1.3	1.3	1.4	1.5
50%	1.3	1.4	1.5	1.5	1.6	1.7	1.8
60%	1.6	1.6	1.7	1.8	1.9	1.9	2.0

In general, land in WWD has complete tailwater control within each field. Water planned for transfer to WWD will be delivered to 3,461 acres (Hansen) and 1,319 acres (Brooks) in the western half WWD and 875 acres (Newton) in the southern half WWD. Lands within WWD area having selenium and other drainage problems are in the low lying areas in the northern quarter of the District. However, all lands in WWD to receive the transferred water are located west of the California Aqueduct (except portions of Sections 10, 15, and 16, T19S, R18E) and no further north or west than T16S, R14E.

WWD has acquired and retired the water supply from about 94,000 acres within the eastern third of the District that is known to be susceptible to shallow groundwater conditions. Most of the retired land is situated in the area most likely to contribute to subsurface return flows back to the San Joaquin River (refer to the attached WWD map Generalized Depth of Shallow Groundwater, April 2009 for locations of those retired lands with monitoring wells, and representative hydrographs). Continued irrigation of upslope (more westerly) lands has not been shown to be contributing water to the San Joaquin River through subsurface return flows, as WWD's shallow groundwater monitoring program has identified that the shallow water table has steadily declined since the District acquisitions.

All lands have depths to groundwater of greater than 15 feet of the ground surface as identified on the attached WWD map Generalized Depth of Shallow Groundwater, April 2009. 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 in their district.

7. If the point of diversion is being changed, are there any persons taking water from the stream between the old point of diversion and the new point? Yes \_\_\_ No x. Between the old point of return flow and the new point of return flow? Yes \_\_\_ No x. If the answer is "yes", please list names and addresses. Point of diversion is not being changed.
8. Following the expiration of the transfer period, all rights shall automatically revert to the original holders of such right without any action by the State Water Board.

THIS TRANSFER OF WATER/WATER RIGHTS DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE RIGHT OR SEASON OF USE.

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

Dated: 2/10/10 at Sacramento, California.

*Nancy J...*  
Signature(s)

(916) 653-0190  
Telephone No.

If there is insufficient space for answers to this form, attach extra sheets. Please cross reference all remarks to the numbered paragraph to which they refer.

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

**LONG TERM CHANGE IN PLACE OF USE**  
 SWP Table A Water from Tulare Lake Basin Water Storage District  
 and Empire West Side Irrigation District to Westlands Water District  
 UNDER STATE WATER RIGHT PERMIT 16482. APPLICATION 17512

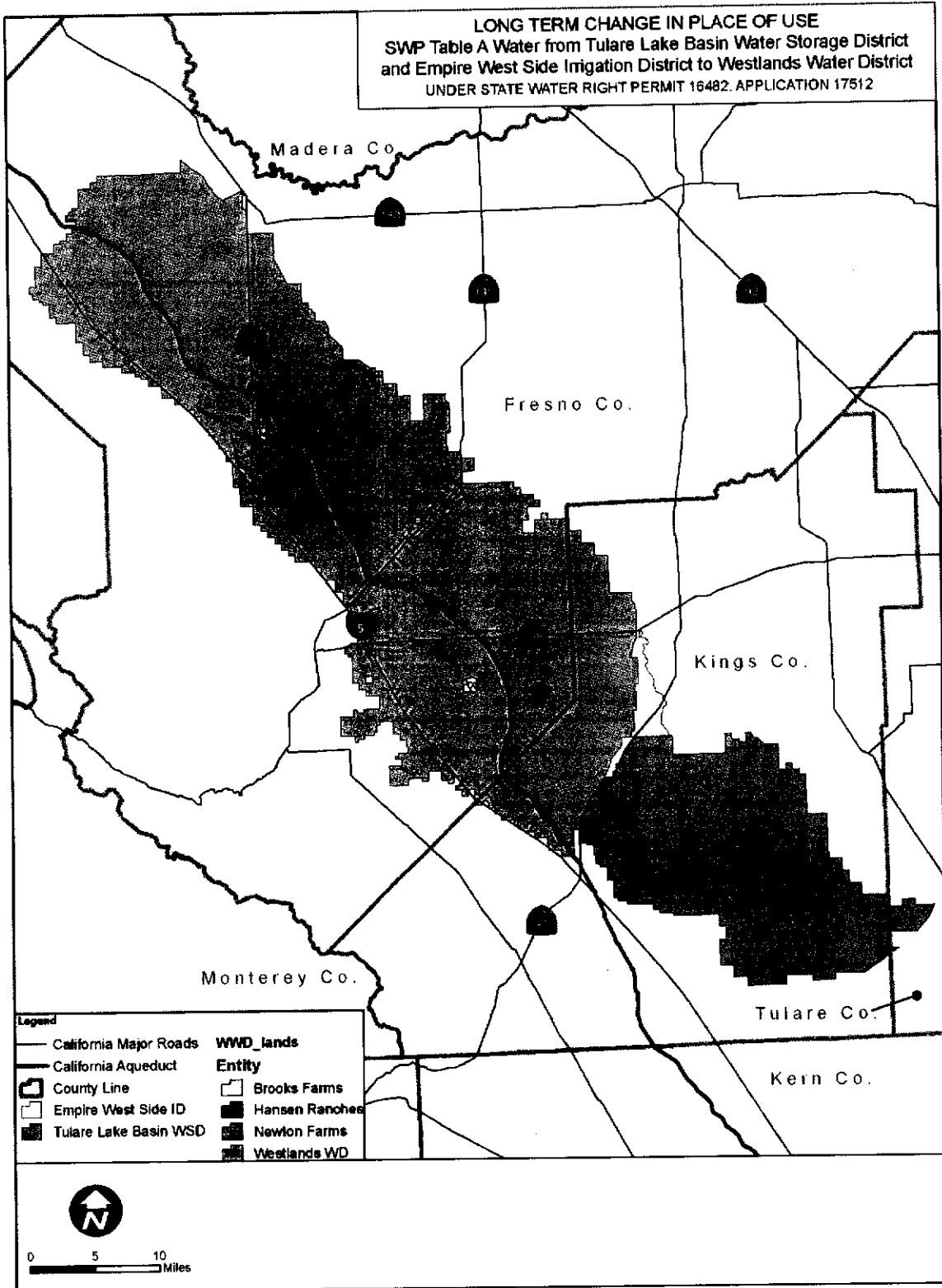






EXHIBIT 'A'  
LOCATION OF LANDS IN TULARE LAKE BASIN WATER STORAGE DISTRICT

Landowner	Approximate Acreage	Transferred Water "up to"
Hansen/Vista Verde Farms	9,176 Ac.	6,000 AF
Newton Farms	3,093 Ac.	2,000 AF
Total	12,269 Ac.	8,000 AF

T21S, R19E, MDB&M:

E $\frac{1}{2}$ , Section 1  
E $\frac{1}{2}$ , Section 12

T21S, R20E, MDB&M:

Portion, Section 5  
Section 6  
Section 7  
Portion, Section 8

T21S, R21E, MDB&M:

Portion, Section 5  
Portion, Section 6  
N $\frac{1}{2}$ , Section 7  
Section 8  
W $\frac{1}{4}$ , Section 16  
Portion, Section 17

T22S, R22E, MDB&M:

Portion, SW $\frac{1}{4}$ , Section 5  
Portion, S $\frac{1}{2}$ , Section 6  
Section 7  
W $\frac{1}{2}$ , Section 8  
SW $\frac{1}{4}$ , Section 17  
Section 19  
W $\frac{1}{2}$ , Section 20  
W $\frac{1}{2}$ , Section 28  
Section 29  
Section 30  
Section 31  
Section 32  
Section 33

T23S, R22E, MDB&M:

Portion, Section 4  
Portion, Section 5  
Portion, Section 6

**EXHIBIT 'B'**  
**LOCATION OF LANDS IN EMPIRE WESTSIDE IRRIGATION DISTRICT**

<u>Landowner</u>	<u>Approximate Acreage</u>	<u>Transferred Water "up to"</u>
Brooks Farms	1,437 Ac.	1,000 AF
Newton Farms	1,483 Ac.	1,000 AF
Total	2,920 Ac.	2,000 AF

T20S, R19E, MDB&M:

- Portion, Section 1
- Portion, Section 12
- Portion, Section 13
- Portion, Section 24
- Portion, Section 25
- Portion, Section 36

T20S, R20E, MDB&M:

- Portion, Section 7
- Portion, Section 18
- Portion, Section 19
- Portion, Section 30
- Portion, Section 31
- Portion, Section 32

**EXHIBIT 'C'**  
**LOCATION OF LANDS IN WESTLANDS WATER DISTRICT**

Landowner	Approximate Acreage	WWD Water Allocation <sup>1</sup>	Transferred Water "up to"
Brooks Farms	1,319 Ac.	3,429 AF	1,000 AF
Hansen/Vista Verde Farms	3,461 Ac.	8,999 AF	6,000 AF
Newton Farms	875 Ac.	2,275 AF	3,000 AF
<b>Total</b>	<b>5,655 Ac.</b>	<b>14,703 AF</b>	<b>10,000 AF</b>

T16S, R15E, MDB&M:  
Section 31

T17S, R14E, MDB&M:  
SW ¼ Section 12  
Portion of W ½ Section 13  
Portion of NE ¼ of NE ¼ Section 14  
Portion of Section 24

T17S, R14E, MDB&M:  
Portion, Section 13  
Portion, Section 14  
Portion, Section 24

T17S, R15E, MDB&M:  
SW ¼, Section 12  
SE¼ & SW¼ SW¼, Section 14  
Section 15  
Section 16  
Section 19  
S½, Section 20  
Section 21  
Section 29

T19S, R18E, MDB&M:  
SW¼, Section 10  
Portion, Section 15  
SE¼, Section 16

<sup>1</sup> Based on a 100% CVP allocation to Westlands Water District; 2009 allocation was 10% of these values. The first official 2010 CVP water allocation announcement is planned for February 26, 2010.