



Water Resources ♦ Flood Control ♦ Water Rights

GILBERT COSIO, JR., P.E.  
MARC VAN CAMP, P.E.  
WALTER BOUREZ, III, P.E.  
RIC REINHARDT, P.E.  
GARY KIENLEN, P.E.  
DON TRIEU, P.E.  
DARREN CORDOVA, P.E.  
NATHAN HERSHEY, P.E., P.L.S.

ANGUS NORMAN MURRAY  
1913-1985

CONSULTANTS:  
JOSEPH I. BURNS, P.E.  
DONALD E. KIENLEN, P.E.

May 1, 2013

Ms. Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

**Subject: Tule Basin Farms Petition for Change Involving Water Transfer  
under License 2840 (Application 10030)**

Dear Ms. Evoy:

On behalf of Tule Basin Farms (TBF), enclosed are the following documents relative to a Petition for Change Involving Water Transfer under TBF's License 2840 (Application 10030):

1. Petition for Change Involving Water Transfers Form with Attachment (one original and one copy).
2. Environmental Information Form with Attachment (one original and one copy).
3. Check in the amount of \$3,053.00 to cover the Petition fees.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Wildlife.

TBF is petitioning to temporarily add a point of diversion and a place of use to its License 2840 in order to transfer up to a total of 3,520 AF to participating State Water Contractor (SWC) Agencies by groundwater substitution. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer to the SWC Agencies; and we appreciate your attention to this Petition.

Please call if you have any questions or require additional information.

Sincerely,  
MBK ENGINEERS



Darren Cordova

DC/jp  
1474.13/ BARBARA EVOY 2013-05-01

Enclosures

cc: John Brennan, Tule Basin Farms  
Andrew Hitchings, Somach, Simmons & Dunn  
Kathy Mrowka, Division of Water Rights  
Nancy Quan, DWR SWPAO  
Chris Bonds, DWR Central District  
Brad Hubbard, U.S. Bureau of Reclamation  
Ken Landau, CVRWQCB (via certified mail)  
Lauren Mulloy, Department of Fish and Wildlife (via certified mail)  
Board of Supervisors, County of Kern (via certified mail)  
Board of Supervisors, County of Kings (via certified mail)  
Board of Supervisors, County of Sutter (via certified mail)

Please indicate County where your project is located here:

Sutter

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 INVOLVING WATER TRANSFERS

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, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication

Application 10030 Permit 5714 License 2840 Statement

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 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Attachment No. 1
Proposed: See Attachment No. 1

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attachment No. 1
Proposed: See Attachment No. 1

Purpose of Use

Present: Irrigation.
Proposed: No Change Requested.

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

Upstream Location:
Downstream Location:

Table with 12 columns for months (Jan-Dec) and rows for flow quantities (cubic feet per second or gallons per day).

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.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Attachment No. 1

**Amount of Water to be Transferred**

up to 3,520 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is up to 21.05 cubic feet per second or million gallons per day.

**General Information** – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?  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.

Not Applicable.

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 No. 1

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated May 2, 2013 at SACRAMENTO, CA

*Diana D. Cordova*  
Right Holder or Authorized Agent Signature  
MBK ENGINEERS, AGENT

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](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/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment No. 1**  
**to Petition for Change Involving Water Transfers**  
**License 2840 (Application 10030)**  
**held by Tule Basin Farms**

**PURPOSE OF PETITION**

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant as a point of diversion, and (2) add a portion of the service area of the SWP as an additional place of use under Tule Basin Farms' (TBF) License 2840 (Application 10030). This petition is being filed to facilitate a temporary transfer of up to 3,520 acre-feet (AF) of surface water from TBF, which will be made available by groundwater substitution, to participating State Water Contractor (SWC) Agencies in order to provide an additional water supply for irrigation. Groundwater substitution involves the use of groundwater pumped to produce crops within TBF in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional point of diversion. Absent the proposed temporary transfer, TBF would divert the entire quantity of surface water proposed for transfer from the West Borrow Pit of the Sutter By-Pass pursuant to its water right.

**POINT OF DIVERSION OR REDIVERSION**

**POINT OF DIVERSION**

***Present Point of Diversion:***

No change in the present point of diversion is proposed. TBF's authorized point of diversion under License 2840 is listed below:

<b><u>Description*</u></b>	<b><u>Located Within*</u></b>			
	<b><u>1/4, 1/4</u></b>	<b><u>Sec</u></b>	<b><u>T</u></b>	<b><u>R</u></b>
North 950 feet and West 275 feet from SE corner of Section 5, T14N, R2E	SE, SE	5	14N	2E

***Proposed Additional Point of Diversion:***

No change in the present point of diversion is proposed. TBF proposes to add the following point of diversion:

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

**Banks Pumping Plant via the Clifton Court Forebay**

N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

**PLACE OF USE**

***Present:***

The present place of use is 842.13 acres within the North Basin Tract, as shown on maps contained in the Division's files for License 2840.

***Proposed:***

No change in the present place of use is proposed. TBF proposes to add a portion of the service area of the SWP as the proposed additional place of use in order to facilitate the temporary water transfer to the participating SWC Agencies. This portion of the service area of the SWP is shown on Map 1878 – 2 and – 3 on file with the Division under Application 5630.

**PROPOSED NEW USERS**

The proposed new users will be water users within the following three SWC Agencies listed below:

**KERN COUNTY WATER AGENCY**

P.O. Box 58  
Bakersfield, CA 93302  
Lara Kimm  
Direct (661) 634-1419  
[lkimm@kcwa.com](mailto:lkimm@kcwa.com)

**DUDLEY RIDGE WATER DISTRICT**

286 W. Cromwell Avenue  
Fresno, CA 93711-6162  
Tom Glover  
cc: Rick Besecker  
(559) 449-2700  
[tglover@ppeng.com](mailto:tglover@ppeng.com)

**EMPIRE-WEST SIDE I.D.**

P.O. Box 66  
Stratford, CA 93266  
John Howe  
(559) 947-3168  
[jnhowe@att.net](mailto:jnhowe@att.net)

## **GENERAL INFORMATION**

Surface water will be made available for transfer from TBF's groundwater substitution program, consistent with the Draft Technical Information for Preparing Water Transfer Proposals, dated January 2013 (Draft Technical Information) published by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation). The Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users, instream beneficial uses, and the overall economy and environment. TBF is submitting a proposal to DWR and Reclamation for a water transfer to participating SWC Agencies during 2013, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, and associated maps. DWR and Reclamation will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by TBF meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary transfer. In addition, it is our understanding that Reclamation has addressed potential concerns with the U.S. Fish and Wildlife Service (USFWS). Absent the proposed temporary transfer to the participating SWC Agencies, groundwater would not be pumped by TBF for its groundwater substitution program to make surface water available for these SWC Agencies; thus, TBF would have diverted surface water to meet its irrigation demands. The crops produced within TBF and the associated irrigation practices would occur with or without the proposed temporary water transfer.

Only wells which have been approved by DWR and Reclamation will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, TBF does not believe the proposed transfer to the participating SWC Agencies by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the proposed temporary transfer, TBF has developed groundwater monitoring, reporting, and mitigation plans to ensure the proposed transfer does not result in any unreasonable and adverse impacts to the groundwater basin or third parties.

The boundaries of TBF are within Sutter County, which completed and adopted a groundwater management plan (GMP) in March 2012 under Water Code Section 10753. The GMP relies on data from an extensive network of DWR and water purveyors' production and monitoring wells. The GMP identifies that DWR does not currently consider any of the groundwater sub-basins underlying Sutter County to be in an overdraft state. As identified in the GMP, overdraft is characterized by a declining trend in groundwater levels over multiple years without recovery during recharge events. Figure 10 of the GMP indicates that groundwater elevations during fall 2007 near the vicinity of TBF are approximately ten feet above groundwater elevations during fall 1912-1913. Groundwater elevation data for DWR's Monitoring Well No. 14N01E24Q001M, which is located approximately 2.4 miles southwest of TBF's boundary, shows that during 1962 through 2011, groundwater elevations have fluctuated seasonally each year with greater fluctuations during drier periods. However, this data also shows that groundwater elevations have remained relatively stable during this 50-

year period. In addition, TBF has permitted DWR to install a multi-completion continuous groundwater monitoring well (DWR Well Nos. 14N02E17C001M to -004M) in 2010 near the center of TBF to further assist in documenting groundwater elevations. The monitoring results obtained from DWR for this groundwater well also indicate that groundwater elevations have fluctuated seasonally each year.

As a result of this proposed temporary transfer, the flow in the West Borrow Pit of the Sutter By-Pass downstream of TBF's present point of diversion will increase by up to 3,520 AF during the period of the transfer over what would have occurred absent the proposed transfer. The increased flow in the West Borrow Pit to the proposed additional point of diversion will be a small percentage of the total flow and will be water that would be diverted by TBF absent this proposed transfer. TBF's reduced diversions will provide additional flows during critical periods of the year, up to a maximum of approximately 21 cfs assuming the groundwater wells proposed to participate in the water transfer are operating simultaneously. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide benefits for fisheries and wildlife and may result in a positive effect to the water users between the present point of diversion and the proposed additional point of diversion.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the CVP, the SWP, and the Cities of Sacramento and West Sacramento. The Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) were contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. Copies of this petition have been provided to Lauren Mulloy (916-358-2909) of DFW and Ken Landau (916-464-4726) of the CVRWQCB.



## 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.

See Attachment No. 1

Insert the attachment number here, if applicable:

1

**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](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

April 30, 2013

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:

Ken Landau (916-464-4726) of the Central Valley Regional Water Quality Control Board was contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. A copy of this petition has been provided to Mr. Landau concurrently with the submittal of this petition to the Division of Water Rights.

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

May 1, 2013

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:

Not Applicable.

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
Not Applicable.				

If necessary, provide additional information below:

Not Applicable.

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:

Not Applicable.

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:

Not Applicable.

Insert the attachment number here, if applicable:

**Photographs** See Attachment No. 1

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** See Attachment No. 1

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 rediversion, 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 MAY 2, 2013 at SACRAMENTO, CA.

  
Water Right Holder or Authorized Agent Signature  
*MBK ENGINEERS, AGENT*

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.)

**Attachment No. 1  
to Environmental Information for  
Petition for Change Involving Water Transfers  
License 2840 (Application 10030)  
held by Tule Basin Farms**

DESCRIPTION OF PROPOSED CHANGES

Tule Basin Farms (TBF) is petitioning to temporarily add a point of diversion and a place of use to the water right identified above in order to transfer up to 3,520 AF to participating State Water Contractor (SWC) Agencies by groundwater substitution. The State Water Project's (SWP) Banks Pumping Plant is proposed to be added as a point of diversion; and a portion of the service area of the SWP is proposed to be added as a place of use. These proposed additions would authorize the transfer of water to the participating SWC Agencies during July through September 2013. There is no change to the existing point of diversion, place of use, or purpose of use.

The quantity of water to be made available by groundwater substitution involves the use of groundwater pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional point of diversion. Absent the proposed temporary transfer, TBF would have diverted up to 3,520 AF of surface water from the West Borrow Pit of the Sutter By-Pass pursuant to its water right. For this reason, the proposed temporary transfer does not involve any construction or other physical changes to TBF's facilities.

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from CEQA. Reclamation is preparing an Environmental Assessment (EA) for water transfers during 2013 pursuant to the requirements under the National Environmental Policy Act (NEPA). Although Reclamation's EA will not attempt to address TBF's proposed water transfer directly, the cumulative effects section is expected to include a water transfer from TBF of up to the quantity proposed for transfer during 2013. Following Reclamation's completion of the EA, a copy will be available upon request.

PHOTOGRAPHS

The present and proposed points of diversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the present and proposed places of use are also well known and documented with the Division. Therefore, for these reasons, photographs of the present and proposed points of diversion and places of use are not included.

MAPS

The present point of diversion and place of use are shown on a map filed with the Division for License 2840. The proposed additional point of diversion for the SWP Banks Pumping Plant is shown on maps filed with the Division for Application 5630. The proposed additional place of use is a portion of the SWP service area, as shown on Map 1878 – 2 and – 3 on file with the Division under Application 5630.