

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

STATE WATER RESOURCES CONTROL BOARD

2016 MAR -9 AM 9:16

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 10529 Permit 6242 License 9063 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: Irrigation, Municipal, Industrial, Domestic

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: Not Applicable
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

Table with 12 columns for months (Jan-Dec) and empty rows for data entry.

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 17,433 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 234 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 redirection and the proposed point of diversion or redirection, 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 3-7-2016 at Yuba City, Ca.

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, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
- (2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
- (3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Attachment No. 1
to Petition for Change Involving Water Transfers
License 9063 (Application 10529)
Held by Sutter Extension Water District

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, (2) add San Luis Reservoir as a point of rediversion, (3) add a portion of the service area of the SWP as an additional place of use, and (4) add municipal, industrial, and domestic purposes under Sutter Extension Water District's (SEWD) License 9063 (Application 10529). This petition is being filed to facilitate a temporary transfer (2016 Water Transfer) of up to 17,433 acre-feet (AF) of surface water from SEWD within May through September 2016, which will be made available by groundwater substitution (up to 4,540 AF prior to subtracting streamflow depletion loss) and by crop idling/shifting (up to 12,893 AF), to participating State Water Contractor (SWC) Agencies in order to provide an additional water supply for irrigation, municipal, industrial, and domestic purposes. Groundwater substitution involves the use of groundwater pumped to produce crops within SEWD in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional point of diversion. The quantity of surface water to be made available for transfer by crop idling and/or crop shifting involves only the consumptive use savings as a result of actions by growers within SEWD's boundaries. Absent the proposed temporary transfer, SEWD would divert the entire quantity of surface water proposed for transfer from the Feather River pursuant to its water right. The proposed 2016 Water Transfer is consistent with the Governor's Executive Order B-36-15 dated November 13, 2015, which states that the orders and provisions contained in the initial State of Emergency Drought Proclamation dated January 17, 2014, and associated subsequent Proclamations and Executive Orders, remain in full effect.

POINT OF DIVERSION OR REDIVERSION

POINT OF DIVERSION

Present Point of Diversion:

No change in the present points of diversion is proposed. SEWD's authorized points of diversion under License 9063 are listed below:

<u>Description*</u>	<u>Located Within*</u>			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
North 87° East 950 feet from the S¼ corner of Section 9, T16N, R3E	SW, SE	9	16N	3E
North 87½° West 2,200 feet from the SE corner of Section 32, T19N, R3E	SW, SE	32	19N	3E

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

Proposed Additional Point of Diversion:

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

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.

POINT OF REDIVERSION

Proposed Additional Point of Rediversion:

SEWD proposes to add the following point of rediversion:

San Luis Reservoir

N 1,845,103 ft., E 6,393,569 ft., California Coordinate System Zone 3, NAD 83, being within the SW ¼ of SE ¼ of Projected Section 15, T10S, R8E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under Application 5630.

PLACE OF USE

Present:

The present place of use is 23,240 acres within the boundaries of the Sutter Extension Water District, as shown on a map contained in the Division's files for License 9063.

Proposed:

No change in the present place of use is proposed. SEWD 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, 3, and 4 on file with the Division under Application 5630.

PROPOSED NEW USERS

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

Dudley Ridge Water District
c/o Rick Besecker
Provost & Pritchard Engineering Group, Inc.
286 W. Cromwell Avenue
Fresno, CA 93711-6162

Kern County Water Agency
Lara Kimm
P. O. Box 58
Bakersfield, CA 93302

Metropolitan Water District of Southern
California
Steve Hirsch
1121 L. Street, Suite 900
Sacramento, CA 95814-3974

Palmdale Water District
Jon Pernula
2029 East Avenue Q
Palmdale, CA 93550

Santa Clara Valley Water District
Francis Brewster
5750 Almaden Expressway
San Jose, CA 95118

San Bernardino Valley Municipal Water
District
Doug Headrick
P.O. Box 5906
San Bernardino, CA 92412

GENERAL INFORMATION

Surface water will be made available for transfer from SEWD's groundwater substitution and crop idling/shifting programs, consistent with the Draft Technical Information for Preparing Water Transfer Proposals, dated December 2015 (Draft Technical Information) published by the Department of Water Resources (DWR) and the 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. SEWD will submit a proposal(s) to DWR for a water transfer to the SWC Agencies during 2016, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, historical cropping data, and associated maps. DWR will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by SEWD meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary transfer. Absent the proposed temporary transfer to the SWC Agencies, groundwater would not be pumped by SEWD for its groundwater substitution program and crops would not be idled/shifted to make surface water available for the SWC Agencies; thus, SEWD would have diverted surface water to meet its irrigation demands.

Only wells which have been approved by DWR will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, SEWD does not believe the proposed transfer to the SWC Agencies by groundwater substitution will result in an overdraft of the underlying groundwater basin. In addition, the proposed 2016 Water Transfer is consistent with SEWD's Groundwater Management Plan adopted on August 15, 1995. As a condition of participation in the proposed temporary transfer, SEWD 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. As described above, the requirements of the monitoring program are outlined in the Draft Technical Information and will be implemented by SEWD accordingly. The program also includes review of groundwater level monitoring data relative to potential subsidence, in accordance with the Draft Technical Information, as provided for in Mitigation Measure GW-1 of the Environmental Impact Statement/Environmental Impact Report (EIS/EIR) prepared by Reclamation and San Luis & Delta-Mendota Water Authority regarding Long-Term Water Transfers for the period of 2015 through 2024, which was developed pursuant to the requirements under the National Environmental Policy Act (NEPA) and California Environmental Quality Act. A copy of the Final EIS/EIR is available at: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=18361. To account for anticipated streamflow depletion, DWR will apply a factor of 13% to the amount of water pumped pursuant to SEWD's proposed groundwater substitution transfer in accordance with the Draft Technical Information. Evaluation and approval by DWR of the groundwater monitoring, reporting, and mitigation plans will be obtained for SEWD's groundwater substitution program.

The boundaries of SEWD 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 SEWD are within approximately -5 to +15 feet of the groundwater elevations during fall 1912-1913. Groundwater elevation data for DWR's Monitoring Well No. 15N02E35D001M, which is located near the center of SEWD, shows that during 1947 through 2015, groundwater elevations fluctuated seasonally each year with greater fluctuations during drier periods. Similarly, DWR's Monitoring Well Nos. 14N03E33C001M, 16N02E26Q001M, and 16N03E21D002M, located near the southern, northern, and northeastern portions of SEWD, respectively, show annual fluctuations with no trend in declining groundwater elevations.

Crop idling/shifting water transfers involve surface water made available for transfer by reducing the consumptive use of surface water applied for irrigation. As indicated above, SEWD is preparing a water transfer proposal for submittal to DWR to provide the information required pursuant to the Draft Technical Information, which includes supporting documentation to determine the quantity of surface water to be made available by crop

idling/shifting. Following submittal of a proposal for the 2016 Water Transfer, DWR will evaluate the fields proposed to be idled/shifted for the proposed temporary transfer. Evaluation and approval by DWR of the lands to be idled/shifted and verification of the quantity of surface water made available will ensure the proposed transfer does not result in any unreasonable and adverse impacts to the environment or third parties. In accordance with the Draft Technical Information, SEWD's crop idling/shifting program incorporates relevant conservation measures that minimize impacts on threatened species, including the Giant Garter Snake, under both the federal Endangered Species Act and California Endangered Species Act. These measures are described in Section 2.3.2.4 of the EIS/EIR. The quantity of surface water proposed to be made available by SEWD will not exceed 20 percent of the water that would have been applied in absence of the proposed 2016 Water Transfer; and thus, there is no need to conduct a public hearing pursuant to Water Code Section 1745.05(b).

As a result of the proposed temporary transfer, the flow in the Feather River downstream of SEWD's present points of diversion will increase by up to 17,433 AF over what would have occurred absent the proposed transfer. These increases will occur during the period that surface water is made available by SEWD or if possible, during the following months thereafter through releases by DWR for conveyance to the participating SWC Agencies. The increased flow in the Feather River to the proposed additional points of diversion and rediversion will be a small percentage of the total flow and will be water that would be diverted by SEWD absent this proposed transfer. SEWD's reduced diversions will provide additional flows during critical periods of the year, up to a maximum of approximately 150 cfs. 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 points of diversion and the proposed additional point of diversion.

SEWD entered into an Agreement on Diversion of Water from the Feather River with Richvale Irrigation District, Biggs-West Gridley Water District, and Butte Water District (collectively referred to as the Joint Water Districts) and DWR (Agreement), dated May 27, 1969, for the purpose of a water rights settlement associated with the operation of Oroville Dam, specifically relative to SEWD's License 9063 and its other water rights. The proposed quantity for the 2016 Water Transfer is based on a 100% supply under the Agreement with DWR. SEWD's beneficial use of water from the Feather River during 2016 will include diversions for its crop water demands and surface water made available for transfer by groundwater substitution and crop idling/shifting. In the case that the Division issues a curtailment notice for cessation of diversions under SEWD's License 9063 due to hydrologic conditions, the water transfer from SEWD may occur under the Agreement with DWR. Although SEWD may receive a curtailment notice for its License 9063, SEWD will continue beneficial use of water in accordance with the terms of its water rights and the Agreement with DWR for the reasons identified above.

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 Central Valley Project, and the SWP. The Department of Fish and Wildlife (DFW) has been contacted regarding the

Sutter Extension Water District License 9063
Attachment No. 1 to Petition for Change Involving Water Transfers

Petition; however, no comments have been provided at this time. The Central Valley Regional Water Quality Control Board (CVRWQCB) has also been contacted and were provided information regarding the proposed temporary water transfer; CVRWQCB staff are currently reviewing the Petition. Copies of this Petition have been provided to MaryLisa Lynch (916-358-2921) of DFW and Nichole Morgan (916-464-4848) of the CVRWQCB for review and comment.