



# United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1898

IN REPLY REFER TO:

**AUG 23 2017**

MP-440  
WTR-4.10

Mr. Leslie Grober  
Deputy Director for Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Subject: Petitions for Temporary Change – Applications 5626, 9363, and 9364  
(Permits 12721, 12722, and 12723), Central Valley Project, California

Dear Mr. Grober:

Please find the enclosed Petitions for Temporary Change Involving Water Transfers and for Instream Dedication for the subject permits, filed pursuant to Water Code Sections 1725 and 1707. Reclamation has filed these Petitions as part of an expected two-year pilot study (Pilot Study) to evaluate the reliability and efficiency of conveying Central Valley Project water through the Butte Creek system for delivery to the Sutter National Wildlife Refuge.

The enclosed Petitions contain a pre-printed statement that an \$850.00 fee made payable to the California Department of Fish and Wildlife (CDFW) must accompany each Petition. Therefore a check for \$850.00 made payable to the CDFW is enclosed with these Petitions. Since these Petitions will be reviewed and considered together for all of the subject permits, only one fee is enclosed pursuant to Section 10005(e) of the California Public Resources Code.

Reclamation understands that the administrative filing fee required to process these Petitions is covered by the water right fees program to the extent that sufficient funds are available. Any administrative costs incurred as a result of processing Reclamation's Petitions that exceed the funds available under the water right fees program will be covered under the existing contract between Reclamation and the State Water Board (Board) for services rendered by Board staff.

Reclamation appreciates the assistance that the Division will be providing in processing these Petitions. Reclamation's point of contact for these Petitions is Mr. Bob Colella, Water Rights Specialist, at 916-978-5256 and by email at [rcolella@usbr.gov](mailto:rcolella@usbr.gov). Reclamation's point of contact for the Environmental Assessment being prepared for the Pilot Study is Mr. Daniel Cordova, Natural Resources Specialist, at 916-978-5483 and by email at [dcordova@usbr.gov](mailto:dcordova@usbr.gov).

Sincerely,



Richard J. Woodley  
Regional Resources Manager

Enclosure

cc: Attached List  
(each w/enclosure)

Department of Fish and Wildlife  
Attn: Tracy Reynolds  
Senior Environmental Scientist  
California Department of Fish and  
Wildlife  
629 Entler Ave. Suite 12  
Chico, CA 95928

Central Valley Regional  
Water Quality Control Board  
Attn: Nichole Morgan  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

364 Knollcrest Drive, Suite 205  
Redding, CA 96002

Board of Supervisors  
County of Contra Costa  
651 Pine Street  
Martinez, CA 94553

Board of Supervisors  
County of Sacramento  
700 H Street  
Sacramento, CA 95814

Board of Supervisors  
County of Glenn  
526 W. Sycamore  
Willows, CA 95988

Board of Supervisors  
County of Shasta  
1450 Court St., Suite 308B  
Redding, CA 96001-1680

Board of Supervisors  
County of Tehama  
Courthouse  
P.O. Box 250  
Red Bluff, CA 96080

Board of Supervisors  
County of Sutter  
1160 Civic Center Boulevard  
Yuba City, CA 95993

Reclamation District 1004  
134 5<sup>th</sup> Street  
Colusa, CA 95932

Sacramento National Wildlife Refuge  
Complex  
752 County Road 99W  
Willows, CA 95988

Dale Garrison  
U.S. Fish and Wildlife Service  
2800 Cottage Way  
Sacramento, CA 95825

California Department of Water  
Resources  
Sutter Maintenance Yard  
6908 Colusa Highway  
Yuba City, CA 95993

California Department of Water  
Resources  
3310 El Camino Avenue, Room 300  
Sacramento, CA 95821

Butte Slough Irrigation Company  
P.O. Box 129  
Meridian, CA 95957

Sutter Bypass/Butte Slough Water  
Users' Association  
12755 Garden Highway  
Yuba City, CA 95991

Sutter Extension Water District  
4525 Franklin Road  
Yuba City, CA 95993

Meridian Farms Water Company  
P.O. Box 308  
Meridian, CA 95957

Central Valley Project Water  
Association  
1521 "I" Street  
Sacramento, CA 95814

San Luis & Delta Mendota Water  
Authority  
P.O. Box 2157  
Los Banos, CA 93635

Please indicate County where your project is located here:

See Supplement

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 Wat. Code, § 1701
Point of Rediversion Wat. Code, § 1701
Place of Use Wat. Code, § 1701
Purpose of Use Wat. Code, § 1701
Temporary Urgency Wat. Code, § 1435
Temporary Change Wat. Code, § 1725
Long-term Transfer Wat. Code, §§ 382, 1735
Instream Flow Dedication Wat. Code, § 1707

Application A5626 Permit 12721 License 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 supplement
Proposed: See supplement

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 supplement
Proposed: See supplement

Purpose of Use

Present: See supplement
Proposed: See supplement

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: See supplement
Downstream Location: See supplement

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Table with 12 columns for months (Jan-Dec) and a 'See sup' cell.

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 supplement

**Amount of Water to be Transferred**

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  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.

Reclamation will execute an agreement with RD 1004.

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 supplement

**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  at

  
Right Holder or Authorized Agent Signature

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

**NOTE: All petitions must be accompanied by:**  
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[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)

Please indicate County where your project is located here:

See Supplement

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

Application A9363 Permit 12722 License 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 supplement
Proposed: See supplement

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 supplement
Proposed: See supplement

Purpose of Use

Present: See supplement
Proposed: See supplement

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: See supplement
Downstream Location: See supplement

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Table with 12 columns for months (Jan-Dec) and a 'See sup' column.

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 supplement

**Amount of Water to be Transferred**

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**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

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See supplement

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Right Holder or Authorized Agent Signature

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(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:  
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Point of Rediversion Wat. Code, § 1701
Place of Use Wat. Code, § 1701
Purpose of Use Wat. Code, § 1701
Temporary Urgency Wat. Code, § 1435
Temporary Change Wat. Code, § 1725
Long-term Transfer Wat. Code, §§ 382, 1735
Instream Flow Dedication Wat. Code, § 1707

Application A9364 Permit 12723 License 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 supplement
Proposed: See supplement

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 supplement
Proposed: See supplement

Purpose of Use

Present: See supplement
Proposed: See supplement

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: See supplement
Downstream Location: See supplement

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Table with 12 columns for months (Jan-Dec) and a 'See sup' 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 supplement

**Amount of Water to be Transferred**

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**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

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Reclamation will execute an agreement with RD 1004.

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 supplement

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Right Holder or Authorized Agent Signature

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(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

Central Valley Project (CVP) Applications 5626, 9363, 9364 (Permits 12721, 12722,  
12723)

### **Present Holder and User of Water Right**

Bureau of Reclamation  
Mid-Pacific Region, MP-440  
Attention: Mr. Bob Colella  
2800 Cottage Way  
Sacramento, CA 95825

Telephone: (916) 978-5256  
Email: rcolella@usbr.gov

### **Background and Proposed New User**

For the first year of an expected two-year pilot project, up to 14,354 acre-feet (AF) of CVP water would be conveyed by Reclamation District No.1004 (RD 1004) from the Sacramento River via the Princeton Pumping Plant through about 15 miles of RD 1004's conveyance system, and would thence flow for about another 27 miles through Butte Creek and Butte Slough, thence the East Borrow Ditch (EBD) (Sutter Bypass) to the points of delivery at Sutter National Wildlife Refuge (SNWR). Reclamation's Map No. 214-208-825, enclosed with this petition, shows the proposed route from the Princeton Pumping Plant to the SNWR.

Water would be conveyed from September 2017 through January 2018, in accordance with a general agreed upon schedule that serves to help meet SNWR needs and to provide pilot study information to further determine feasibility of such a conveyance action. To date, Reclamation has not been able to deliver CVP water to the SNWR; the U.S. Fish and Wildlife Service has been exercising its own licensed rights to provide limited amounts of water to the SNWR. The proposed transfer/exchange will assist Reclamation in identifying a satisfactory conveyance route to meet SNWR's water scheduling requirements.

The pilot project is a two year project. Reclamation intends to file another temporary change petition to cover any second (though not necessarily consecutive) year of the pilot project.

Instream flow protection pursuant to Cal. Water Code §1707 is proposed as part of this temporary action for the reach beginning at the confluence of Dredger Cut and Butte Creek to Weir #2 on the East Borrow Ditch, constituting about a 27 mile reach through Butte Creek, Butte Slough and the EBD, as shown for the reach designated on Reclamation's Map No. 214-202-825.

The following documents are relevant to the proposed transfer/exchange:

- The Memorandum of Understanding Between the U.S. Bureau of Reclamation and the U.S. Fish and Wildlife Service Providing for Project and Acquired Water Supplies to the Sacramento, Delevan, Colusa, and Sutter National Wildlife Refuges, California, Contract No. 01-WC-20-1757, was executed on January 19, 2001 (2001 Memorandum, enclosed, and also available at this site: [https://www.usbr.gov/mp/cvpia/3406d/env\\_docs/final/1757\\_fws\\_cnt\\_11-15-00.pdf](https://www.usbr.gov/mp/cvpia/3406d/env_docs/final/1757_fws_cnt_11-15-00.pdf)). That Memorandum provides, among other things and subject to stated conditions and provisions, that during each year Reclamation shall convey CVP water to the U.S. Fish and Wildlife Service in quantities of CVP water required to provide each refuge with Level 2 (L2) supplies as set forth in Exhibit B to that Memorandum. Exhibit B provides for 20,500 AF of L2 water supplies for the SNWR. The 2001 Memorandum implements CVP water supply requirements under Section 3406(d) of the Central Valley Project Improvement Act (Title 34, P.L. 102-575) (CVPIA) for these refuges.
- Final NEPA Environmental Assessment and CEQA Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, Sacramento River Basin, January 2001 (U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife);
- CVPIA Final Programmatic Environmental Impact Statement (CVPIA PEIS), October, 1999;
- Sutter National Wildlife Refuge Water Supply Conveyance Study, January 2015, p. 5-19, Alternative 2 (without construction) (Conveyance Study).
- Environmental Assessment (Pilot EA), Sutter National Wildlife Refuge Reclamation District No. 1004 Pilot Refuge Water Conveyance Project, 17-16-MP, located within the following website:  
[https://www.usbr.gov/mp/nepa/nepa\\_base.cfm?location=ro](https://www.usbr.gov/mp/nepa/nepa_base.cfm?location=ro)

### **Period of Transfer/Exchange**

The period for the proposed temporary transfer/exchange is through January 31, 2018.

### **Points of Diversion and Rediversion**

On March 22, 2005, Reclamation and RD 1004 executed a Sacramento River Settlement Contract (SRSC) renewal (enclosed, and also available at this site: [https://www.usbr.gov/mp/cvpia/3404c/lt\\_contracts/2005\\_exec\\_cts\\_sac\\_river/05\\_sacriverr\\_reclamation\\_1004.pdf](https://www.usbr.gov/mp/cvpia/3404c/lt_contracts/2005_exec_cts_sac_river/05_sacriverr_reclamation_1004.pdf)), Contract No. 14-06-200-890A-R-1, for 56,400 AF of Base Supply and 15,000 AF of CVP Water. The RD 1004 currently authorized points of delivery from the Sacramento River for both Base and CVP supplies include the Princeton Pumping Plant at River Mile 111.8L (Located N2274336 E6559738 CA State Plane Feet, Zone 2, NAD 83) being within the SE ¼ of Section 18, T18N, R1W,

M.D.B.&M.) Reclamation will provide the State Water Board a copy of the executed conveyance agreement between Reclamation and RD 1004 for the two-year pilot program.

Present Points of Diversion and Rediversion

The points of diversion and rediversion are the same as on file with the State Water Board for the subject CVP Applications.

Proposed Points of Rediversion to be Added

For the subject CVP Applications, the proposed points of rediversion to be added are as follows, as shown on Map No. 214-202-825 (CA State Plane Feet, Zone 2, NAD 83):

Intake facility for SNWR, Located N2165336 E6628641 California Coordinate System, Zone 2, NAD 83, being within the NE1/4 of Section 32, T15N, R2E, M.D.B.&M.

Intake facility for SNWR, Located N2146337 E6636302 California Coordinate System, Zone 2, NAD 83, being within the NW ¼ of Section 22, T14N, R2E, M.D.B.&M.

**Places of Use**

Present Places of Use

The places of use are the same as on file with the State Water Board for the subject CVP Applications. See Map 214-208-12581, on file with the State Water Board.

Proposed Places of Use to be Added

No change. The water diverted and rediverted from the Sacramento River would be used within the places of use authorized for the subject CVP Applications.

**Purposes of Use**

Present Purposes of Use

The combined purposes of use for the subject CVP Applications are irrigation, domestic, incidental domestic, municipal, stockwatering, preservation and enhancement of fish and wildlife, water quality control, and recreational, as on file with the State Water Board.

Proposed Purposes of Use to be Added

No change.

## **Season of Use, Direct Use, and Storage**

### Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in the subject CVP Applications on file with the State Water Board.

### Proposed Season of Use, Direct Use, and Storage

No change.

## **Proposed New Users (transferees)**

Implementation of the proposed transfer/exchange includes the following proposed new users (transferees), consistent with implementation of the proposed transfer/exchange:

- U.S. Fish and Wildlife Service, whose mission is to conserve, protect, and enhance fish and wildlife and their habitats, would receive the water for use within the SNWR pursuant to the 2001 Memorandum;
- the public, through the protection and enhancement of instream beneficial uses held in the public trust;
- California Department of Fish and Wildlife, which holds fish and wildlife resources in trust for the people of the State.

## **Counties of Storage and Use**

The proposed transfer/exchange water is presently stored within the following counties:

Contra Costa, Glenn, Sacramento, Tehama, and Shasta.

The proposed transfer/exchange water will be placed to beneficial within the following counties within the existing CVP authorized places of use:

Sutter.

## **Amount of Water to be Transferred/Exchanged**

A total maximum of up to 14,354 AF would be diverted and/or rediverted for transfer/exchange and conveyed through the RD 1004 facilities. Assuming 17% combined losses in the RD 1004 conveyance system and in Butte Creek, and using a conveyance loss formula accepted by Reclamation to calculate conveyance losses, up to 12,000 AF of water would be available at the intake facilities for Sutter NWR (see: Table 5-11 and Section 5.5, loss discussion in the Conveyance Study).

The maximum rate of diversion/rediversion at the RD 1004 facilities is 75 cubic feet per second (cfs).

### **Requirements under Cal. Water Code §1725**

This petition meets the requirements under Cal. Water Code §1725, which authorizes temporary changes due to a transfer or exchange of water or water rights. This temporary transfer/exchange facilitates the delivery of L2 supplies to the SNWR pursuant to the 2001 Memorandum by enabling the exchange of CVP supply for limited historic diversions by the U.S Fish and Wildlife Service under its licensed applications 11632 and 11349, as well as by enabling delivery of up to 12,000 AF of CVP supply, under the pilot project. Absent the transfer/exchange, the CVP water under the subject CVP Applications would have either remained in storage or would have been delivered and consumptively used in the CVP service area subject to the Water Shortage and Apportionment provisions of the CVP contracts or otherwise would have been used to meet other legal obligations. Reclamation would not increase the allocation of CVP water to the U.S. Fish and Wildlife Service beyond the quantity authorized under the 2001 Memorandum as a result of this transfer/exchange. This transfer/exchange only involves water (1) that is part of the allocated supply provided through the 2001 Memorandum, (2) that was diverted consistent with all applicable regulatory requirements, (3) that would otherwise remain under the dominion and control of Reclamation as currently authorized under the subject CVP Applications, (4) that would otherwise not be available for use in the downstream water supply, and (5) that would clearly be consumptively used or stored in the absence of the proposed transfer.

### **Instream Flow Dedication**

An instream flow dedication, pursuant to Cal. Water Code §1707, is included as part of this petition.

### **Upstream and Downstream Locations of Flow Dedication Reach of Stream**

The proposed reaches of Butte Creek to be authorized for instream beneficial uses are indicated on Map No. 214-202-825, enclosed with this petition (CA State Plane Feet, Zone 2, NAD 83). Dedicated instream flows are within specific quantities and rates specified for the amounts proposed to be transferred/exchanged.

Upper Reach: Confluence of Dredger Cut and Butte Creek, Located N2230044 E6583854 California Coordinate System, Zone 2, NAD 83, being within the NW ¼ of Section 36, T 17N , R 1W, M.D.B.&M;

Lower Reach: Weir #2 on the East Borrow Ditch, Located N2163656 E6630233 California Coordinate System, Zone 2, NAD 83, being within the SW ¼ of Section 33, T15N , R2E, M.D.B.&M.

## **Monitoring of Flows Dedicated Pursuant to California Water Code §1707**

Reclamation, in coordination with the California Department of Water Resources, would monitor and publicly post river stage and flow conditions at the following locations during all periods when transfer/exchange water under the pilot project is likely to be flowing at these locations:

Princeton Pumping Plant (Sacramento River Mile 164.4);  
USGS Stream Gage (Butte Creek NR Meridian);  
USGS Stream Gage (Sutter Bypass at Long Bridge).

An Appendix A - Streamflow Monitoring Plan is included in the Pilot EA.

### **General Information**

The total quantity of water proposed to be transferred/exchanged under this petition will be up to 14,354 AF of water, including water for the dedication for instream flows.

Reclamation would divert and/or redivert Sacramento River flows at the Princeton Pumping Plant on the Sacramento River. Flows would continue through RD 1004's conveyance system<sup>1</sup>, thence to Butte Creek, Butte Slough, EBD (Sutter Bypass), and then be rediverted at the intakes to SNWR for delivery. A reach from the confluence of Dredger Cut and Butte Creek to Weir #2 on the East Borrow Ditch would be dedicated pursuant to Cal. Water Code §1707. See Map No. 214-202-825, enclosed with this petition.

The proposed diversion and/or rediversion, dedication, and use of flows for this transfer/exchange is described and analyzed as the Proposed Action in the Pilot EA.

Sections 3.2.2 and 3.3.2 of the Pilot EA address impacts relevant to operations and fish and wildlife resources.

As explained in Section 3.3.2 of the Pilot EA, the proposed transfer/exchange would not alter CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. The proposed transfer/exchange is a water management action to support existing uses and conditions regarding the SNWR. The proposed delivery of CVP refuge water supplies is described and analyzed at the program-level under various alternatives included of the CVPIA PEIS. The proposed temporary change will not change or affect the manner in which Reclamation will make CVP water available to CVP contractors under current approved operations. The CVPIA PEIS provides that the proposed transfer/exchange would have no impact on water resources, land use, biological resources, and cultural resources.

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<sup>1</sup> RD 1004's conveyance includes an underground delivery pipe from the Princeton Pumping Plant, thence conveyance through Drumheller Slough, thence (1) continuing to and through the Cutoff, thence an unnamed conveyance along a levee to and through Dredger Cut, thence to Butte Creek, and/or (2) the Main Canal, thence the Borrow Pit Waterway to and through Dredger Cut, thence to Butte Creek.



Section 3.2.2 of the Pilot EA also concludes that the proposed transfer/exchange: would not increase or decrease the amount of CVP water each contractor receives under contract with Reclamation; would not cause adverse impacts to RD 1004 or to any other local water users or districts and their respective CVP water supplies; through coordination, Reclamation's obligations to deliver water to other CVP contractors, refuges, and for other requirements would not be adversely impacted; there would be no adverse impacts to facilities; upstream operations, including power production, would not be affected; the water diverted/rediverted at the Princeton Pumping Plant would be within the range of RD 1004's normal diversion pumping patterns and would only occur during the period of September through January and diversion/rediversion would only occur when such would not adversely affect RD 1004's typical ongoing diversions and not affect internal agricultural deliveries.

The proposed transfer/exchange would be subject to the following parameters:

- No native or untilled land (fallow for three consecutive years or more) will be cultivated with the water involved in this action.
- The purposes of water use are consistent with existing authorized purposes of use.
- The delivery of CVP refuge water will be limited to existing supply and will not increase overall consumptive use.
- The delivery of CVP refuge water will not lead to any land conversion.
- The delivery of CVP refuge water will comply with all applicable Federal, State, Local or Tribal laws or requirements imposed for the protection of the environment and Indian Trust Assets (ITAs).
- The delivery of CVP refuge water will not alter the flow regime of streams, creeks, ponds, pools, wetlands, etc.
- The proposed transfer/exchange does not include construction or modification of facilities.

As discussed above, Reclamation is legally obligated to provide water to the Sutter NWR consistent with provisions of the CVPIA and the 2001 Memorandum. Subarticles 12(b) and 12(c) of the CVP long-term water service contract renewals provide that in a year where Reclamation is unable to deliver sufficient water to meet the maximum amount of water under subarticle 3(a) to which the Contractor is entitled due to Reclamation taking action to meet legal obligations, Reclamation shall apportion the available project water supply among the Contractor and others entitled under existing contracts and future contracts and renewals thereof to receive project water consistent with the contractual obligations of the United States. CVP interim contract renewals have similar provisions. For the Sutter NWR itself, subarticle 9(a) of the 2001 Memorandum subjects the refuge

to up to a 25% reduction under Shasta "Critical Year", similar to constraints on the availability of water for SRSC and other CVP water rights settlement contracts.

The proposed transfer/exchange would not affect water delivery obligations to other contractors and refuges. There would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies.

Therefore, the proposed transfer/exchange and dedication would not injure or unreasonably affect any legal user of water, nor increase the amount of water Reclamation is entitled to use under the subject CVP Applications.

The proposed transfer/exchange would not alter CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. The proposed transfer/exchange is relatively small compared to many other Sacramento River diversions, and, in the aggregate, accounts for a minor share of the volume of water diverted/rediverted from the Sacramento River. Princeton Pumping Plant is a screened facility to prevent adverse impacts to fisheries; the water would be diverted/rediverted only through appropriately screened diversions from the Sacramento River, further limiting the potential for impacts to fish species.

The proposed transfer/exchange action would result in a minor shift in the location of water use. However, there is no anticipated impact to fish species or habitat from the proposed transfer/exchange that was not analyzed in the Service's 2008 Biological Opinions (BO) or the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service's (NMFS) 2009 BO and 2011 amendment, for the general operations of the CVP (and State Water Project), with which this refuge water delivery action will be consistent. Likewise, there are no conditions of the action that would alter Reclamation's finding of "not likely to adversely affect" terrestrial species, including but not limited to the giant garter snake, with which the Service concurred in the 2008 BO. Waterfowl and other wetland species would not be impacted by the proposed transfer/exchange. Because this action occurs entirely within the Sacramento Basin and North of Delta, there are no concerns for species that are present South of Delta. Operations associated with the proposed transfer/exchange would be within the historic limits covered by the consultations for the CVPIA PEIS. A full assessment of the fishery resources and Endangered Species Action considerations is included in Appendix B to the Pilot EA- Biological Technical Memorandum.

Therefore, the proposed transfer/exchange and dedication would not unreasonably affect fish, wildlife, or other instream beneficial uses.

#### **Access**

Reclamation proposes to obtain access to RD 1004 facilities by virtue of seeking and entering into a one-year agreement for the diversion and/or rediversion of up to 30,800 AF of water from the Sacramento River (two-year pilot project). Reclamation will

provide the State Water Board a copy of an executed conveyance agreement between Reclamation and RD 1004.

**Persons Taking Water**

Diverters downstream of the Princeton Pumping Plant and between the Princeton Pumping Plant and the intakes to the SNWR are on file with the Board and/or are discussed in the Pilot EA.

**Other Persons Who May Be Affected**

The proposed transfer/exchange involves the diversion and/or redirection of CVP water to be dedicated to instream flow. Reclamation is unaware of other persons who may be affected by the recapture of these dedicated flows.

Reclamation's point of contact at the Central Valley Regional Water Quality Control Board is Nichole Morgan, (916) 464-4848.

Reclamation's point of Contact at the California Department of Fish and Game is Tracy McReynolds, 530-895-5111.

A copy of this petition has been furnished to the California Department of Fish and Game, the Regional Water Quality Control Board, and the appropriate Boards of Supervisors (see dated cover letter).

## 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.

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

See cover letter.

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

See cover letter.

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:

See Attachment.

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 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 Aug. 22, 2017 at Sacramento, CA.

  
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.)

## **Description of Proposed Changes**

For the first year of an expected two-year pilot project, up to 14,354 acre-feet (AF) of Central Valley Project (CVP) water would be conveyed by Reclamation District No.1004 (RD 1004) from the Sacramento River via the Princeton Pumping Plant. Reclamation would divert and/or redivert Sacramento River flows at the Princeton Pumping Plant on the Sacramento River. Flows would continue through about 15 miles of RD 1004's conveyance system, to Butte Creek, thence for about 27 miles through Butte Creek, Butte Slough, East Borrow Ditch (EBD) (Sutter Bypass), and then be rediverted at the intakes to the SNWR for delivery. A reach from the confluence of Dredger Cut and Butte Creek to Weir #2 on the EBD would be dedicated pursuant to Cal. Water Code §1707. See Map No. 214-202-825, enclosed with this petition, which shows the proposed route from the Princeton Pumping Plant to the SNWR delivery points. Reclamation intends to file another temporary change petition to cover any second (though not necessarily consecutive) year of the pilot project.

A total maximum of up to 14,354 AF of CVP water would be diverted/rediverted for transfer/exchange and conveyed through the RD 1004 facility. Assuming 17% combined losses in the RD 1004 conveyance system and in Butte Creek, and using a conveyance loss formula accepted by Reclamation to calculate conveyance losses, up to 12,000 acre-feet of water would be available at the intake facility for Sutter NWR. The maximum rate of diversion and/or rediversion at the RD 1004 facilities is 75 cubic feet per second (cfs) for this temporary transfer/exchange, and the action would occur through January 31, 2018.

An instream flow dedication for transfer/exchange quantities, pursuant to Cal. Water Code §1707, is included as part of this petition. The proposed reaches of Butte Creek to be authorized for instream beneficial uses are indicated on Map No. 214-202-825, enclosed with this petition. The instream flows dedication flow rate would be no greater than 75 cfs with a quantity no greater than 14,354 AF, and would extend in a reach from the confluence of Dredger Cut and Butte Creek to Weir #2 on the East Borrow Ditch.

The Preferred Alternative for Refuge Water Supplies in the Programmatic Environmental Impact Statement for the Central Valley Project Improvement Act (CVPIA, Title 34 of Public Law 102-575) (CVPIA PEIS), assumed Level 2 and 4 water supplies, subject to hydrologic shortages with a maximum shortage of 25 percent of the total amount. These supplies include CVP Level 2 (L2) and Level 4 purchases with figures of, annually, 30,000 AF at the refuge boundary, 3,333 AF losses, and 33,333 AF diverted. (See: Final NEPA Environmental Assessment and California Environmental Quality Act (CEQA) Initial Study, Refuge Water Supply Long-Term Water Supply Agreements, Sacramento River Basin, January 2001, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife)

In January 2001, Reclamation, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife issued the Final National Environmental Policy Act (NEPA) Environmental Assessment and CEQA Initial Study, Refuge Water Supply, Long-Term Water Supply



Agreements, Sacramento River Basin (2001 EA). On January 19, 2001, Reclamation issued a Finding of No Significant Impact (2001 FONSI) No. 01-02-MP, Refuge Water Supply – Long Term Agreements. The 2001 EA and 2001 FONSI addressed the impacts related to the execution of these agreements, including a Memorandum of Understanding between Reclamation and the U.S Fish and Wildlife Service for delivery of water to the Sutter National Wildlife Refuge (SNWR). That action is pursuant to Sections 3406(d)(1) and 3406(d)(2) of the CVPIA for the provision of firm water supplies to national wildlife refuges. The FONSI found that, among other things, execution of the agreements: would not adversely affect fish, wildlife, or plant species; would cause no significant effects on species listed pursuant to the Federal Endangered Species Act; would not cause on-refuge water quality and the quality of water downstream of the refuges to change; would not cause conditions on adjacent farmlands to change; and would not cause changes to on-refuge habitats to change recreation activities thereupon.

On January 19, 2001, Reclamation executed the Memorandum of Understanding Between the U.S. Fish and Wildlife Service Providing for Project and Acquired Water Supplies to the Sacramento, Delevan, Colusa, and Sutter NWRs California (2001 Memorandum, Contract No. 01-WC-20-1757). Exhibit B to the 2001 Memorandum calls for, among other water quantities and sources, the making available and/or conveyance of 20,500 AF per year of CVP L2 Water Supplies for the SNWR.

The 2001 EA and 2001 FONSI, as well as the 2001 Memorandum, are available at: [https://www.usbr.gov/mp/cvpia/3406d/env\\_docs/](https://www.usbr.gov/mp/cvpia/3406d/env_docs/).

In January 2015, Reclamation issued the SNWR Water Supply Conveyance Study (2015 Study). The 2015 Study includes Alternative 2, conveying 23,500 AF of CVP water to the SNWR from the Princeton Pumping Plant by utilizing RD 1004 facilities and Butte Creek for conveyance. The 2015 Study states that it would be prudent to conduct a pilot study of this alternative to evaluate the reliability and efficiency of conveying SNWR water through the Butte Creek system.

Reclamation has prepared an Environmental Assessment (Pilot EA) entitled Sutter National Wildlife Refuge Reclamation District No. 1004 Pilot Refuge Water Conveyance Project, 17-16-MP, located within the following website (draft at time of filing): [https://www.usbr.gov/mp/nepa/nepa\\_base.cfm?location=ro](https://www.usbr.gov/mp/nepa/nepa_base.cfm?location=ro). The purpose of the Pilot EA is to evaluate and disclose potential environmental impacts associated with entering into an agreement with RD 1004 to convey Refuge Level 2 CVP water to the Sutter NWR as part of a two-year pilot refuge water conveyance project. The proposed diversion and/or redirection, dedication, and use of flows for this transfer/exchange is described and analyzed as the Proposed Action in the Pilot EA.

As explained in Section 3.3.2 of the Pilot EA, the proposed transfer/exchange would not alter CVP operations or release patterns from CVP facilities, or the maximum volume of water delivered to CVP contractors. The proposed transfer/exchange is a water management action to support existing uses and conditions regarding the SNWR. The proposed delivery of CVP refuge water supplies is described and analyzed at the program-level under various alternatives included

of the CVPIA PEIS. The proposed temporary change will not change or affect the manner in which Reclamation will make CVP water available to CVP contractors under current approved operations. The CVPIA PEIS provides that the proposed transfer/exchange would have no impact on water resources, land use, biological resources, and cultural resources.

Section 3.1.6 (Land Use) of the Pilot EA states that there would be no development or land conversion under the proposed transfer/exchange; CVP water would only be conveyed to actively managed wetlands through existing facilities. The proposed transfer/exchange would modify water supply reliability but would not change CVP contract amounts or deliveries from within historical ranges and, therefore, land use would not change.

Section 3.2.2 of the Pilot EA states that the temporary addition of up to 75 cfs into Butte Creek between September 2017 and January 2018 would cause a minimal increase in the overall flows occurring in Butte Creek. Monitoring would occur to determine the actual temporary increase in flow. Based on the temporary nature of the action, the volume of water involved, and the projected flow rate, the addition of this refuge water and the increase in flow would not cause significant adverse impacts to Butte Creek hydrology. Additional flow in the EBD is expected to be less than 75 cfs during most of the duration of the proposed transfer/exchange. A lesser flow is expected due to losses along the Butte Creek stretch.

### **Coordination with Regional Water Quality Control Board**

Reclamation's point of contact at the Central Valley Regional Water Quality Control Board is Nichole Morgan, (916) 464-4848.

### **Federal and State Permits**

Reclamation's point of contact at the California Department of Fish and Wildlife is Tracy McReynolds, Senior Environmental Scientist, (530) 895-5111.

### **Archeology**

Section 3.1 of the EA states that the proposed change would result in no significant impacts to cultural resources and would result in no impacts related to the access or use of Indian sacred sites.

### **Photographs**

Photographs of the proposed points of diversion and/or redirection using existing facilities and proposed places of use are enclosed. Representational photographs are also presumed to be on file with the State Water Board.

## **Maps**

Reclamation's Map No. 214-202-825, enclosed, displays the locations of the proposed points of diversion and/or rediversion, the location of where water will be used, the reach of the instream flow dedication, and the existing CVP authorized places of use consistent with Map No. 214-208-12581, on file with the State Water Board.





Main Canal

Taken 12/16/2016



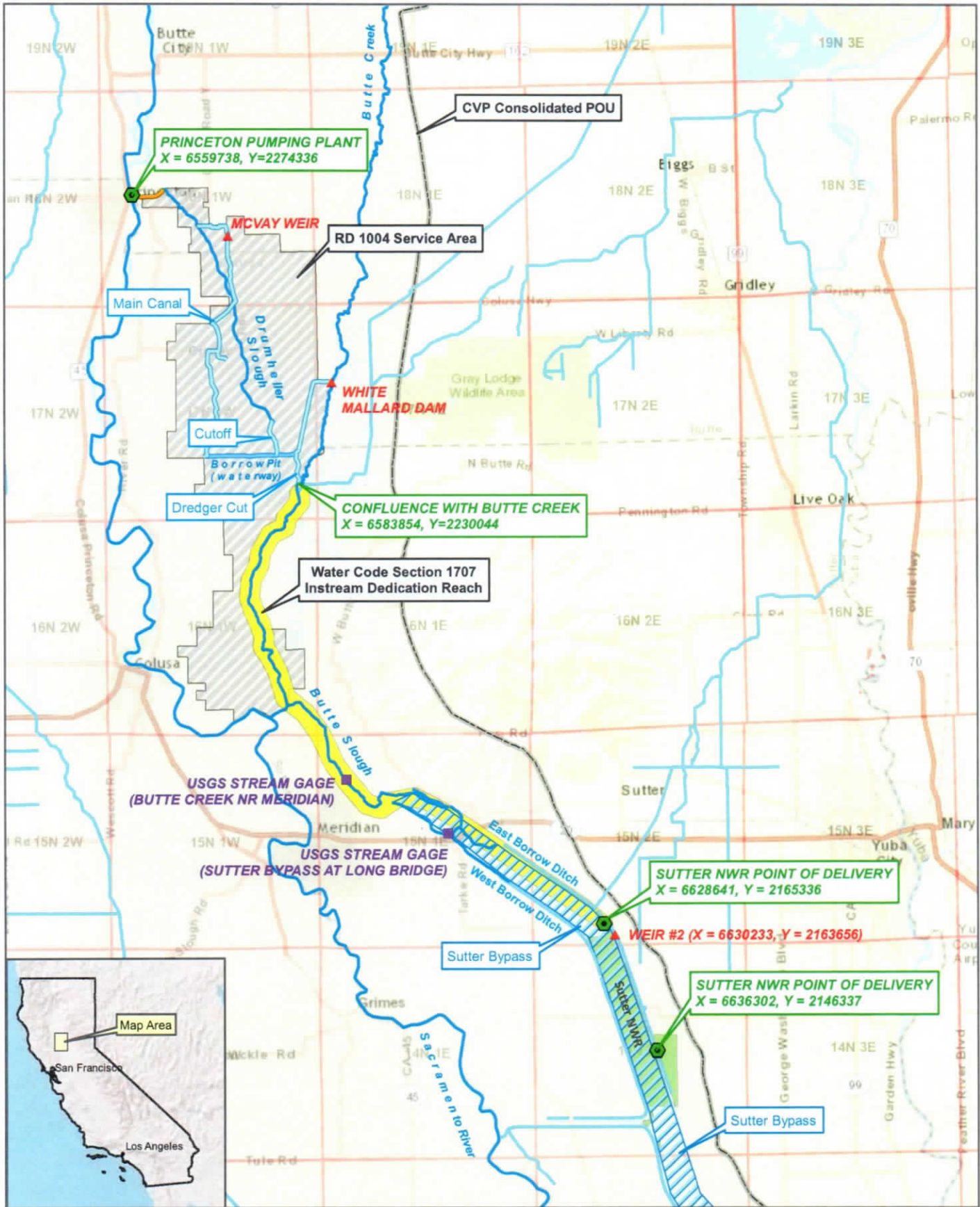




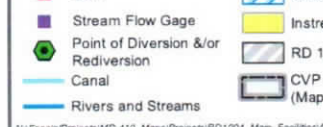




Photo 111  
Taken 6/22/2017



Map Area



San Francisco  
Los Angeles

- ▲ Dam
- Stream Flow Gage
- Point of Diversion &/or Rediversion
- Canal
- Rivers and Streams
- Sutter Bypass
- Instream Dedication Reach
- RD 1004 Service Area
- CVP Consolidated Place of Use (Map No. 214-208-12581)

**Sutter National Wildlife Refuge Reclamation District 1004  
Refuge Level 2 Water Conveyance Pilot Project  
Points of Diversion &/or Rediversion**

Projection: UTM Zone 10, NAD83  
XY Coordinates: CA State Plane Feet, Zone 2, NAD83



**RECLAMATION**  
Managing Water in the West