

MAR 22 2021



Birgitta E. Corsello, Clerk
of the Board of
the Superior Court, State of California
Deputy: *Juanita Adams*



State Water Resources Control Board

**NOTICE OF PETITIONS FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 183,418 ACRE-FEET OF WATER
FROM WATER RIGHT HOLDERS IN THE SACRAMENTO VALLEY
TO VARIOUS STATE WATER PROJECT AND
CENTRAL VALLEY PROJECT CONTRACTORS**

Notice is hereby given that on March 12, 2021, parties represented by MBK Engineers each filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The parties represented by MBK Engineers are Reclamation District No. 1004 (RD 1004), Princeton-Codora-Glenn Irrigation District (PCGID), Provident Irrigation District (Provident ID), Plumas Mutual Water Company (Plumas MWC), River Garden Farms (RGF), Reclamation District No. 108 (RD 108), Sutter Mutual Water Company (Sutter MWC), Conaway Preservation Group (Conaway), Natomas Central Mutual Water Company (Natomas Central MWC), Jack W. Baber (Baber), Sycamore Mutual Water Company (Sycamore MWC), Windswept Orchards, LLC (Windswept), David and Alice Te Velde Family Revocable Trust (Te Velde), Henle Family Farms (Henle), and Pelger Mutual Water Company (Pelger MWC), referred to collectively as the petitioners. The petitions request the transfer of a combined total of up to 183,418 acre-feet (af) of water for use within various Central Valley Project (CVP) and State Water Project (SWP) service areas. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

Due to similarities in the requested changes and proximity in filing dates, the State Water Board is issuing one public notice for the petitions.

DESCRIPTION OF THE TRANSFERS

The petitioners propose to transfer water to provide an additional water supply for participating agencies. The total amount of water intended for transfer pursuant to these petitions is up to 183,418 af. The petitioners hold water right licenses authorizing the direct diversion of approximately 2,171 cubic feet per second (cfs) of water from the Sacramento River or its tributaries (between the cities of Colusa and Sacramento) for irrigation use. Table 1 below identifies the specific water right licenses under which each of the petitions was filed, the amount of water each petitioner proposes to transfer, the corresponding rate of diversion, and the transfer type.

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Deputy Clerk of the Board

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

In order to make water available for transfer, the petitioners have proposed to reduce their consumptive use (CU) by a like amount. The majority of this reduction will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution, or GW). The remaining CU reduction will be achieved either by voluntary fallowing of lands which, absent the transfer, would have been planted (crop idling, or CI) or varying the types of crops planted to reduce water demand (crop shifting, or CS).

The petitioners propose to rely on SWP or CVP facilities to convey water. The petitioners have stated that the proposed transfers will be in accordance with the guidelines contained in the Department of Water Resource's "Draft Technical Information for Preparing Water Transfer Proposals", published December 2019 and available at: <https://water.ca.gov/Programs/State-Water-Project/Management/Water-Transfers>.

Table 1. List of Petitioners, Water Rights, and Details of Proposed Transfers

Petitioner	Application No.	License No.	Transfer Amount (af)	Transfer Rate (cfs)	Transfer Type
RD 1004 (S)	27	3165	20,000	166	CI/CS
PCGID (S)	244	2646	4,500	120	CI/CS
Provident ID (S)	462	7205	10,000	250	CI/CS
Plumas MWC (F)	480	7296	5,500	37	GW
RGF (S)	575	1718	7,500	32	CI/CS and GW
RGF (S)	577	3123	8,500	35	CI/CS and GW
RD 108 (S)	576	3065	10,000	180	GW
RD 108 (S)	763	3066	40,000	500	CI/CS
Sutter MWC (S)	878	2818	28,500	116.72	CI/CS and GW
Conaway (S)	1199B	904B	10,088	40	CI/CS
Natomas Central MWC (S)	1203	3109	18,000	160	GW
Baber (S)	1617	1407	1,400	5.37	CI/CS
Sycamore MWC (S)	1659	8129	10,000	108.27	CI/CS
Windswept (S)	3247	4255	1,300	9.63	GW
Te Velde (S)	3423	9994	2,000	7.25	GW
Te Velde (S)	4901	9995	2,000	22	GW
Henle (S)	6146	1484	380	9.6	GW
Pelger MWC (S)	12470B	8547B	3,750	53.5	GW

(S) indicates a Sacramento River Settlement Contractor

(F) indicates a Feather River Settlement Contractor

PROPOSED CHANGES

The petitioners request the following temporary changes to their respective water right licenses.

1. Add portions of the SWP and CVP service areas to the place of use;
2. Add the Banks Pumping Plant, the Jones Pumping Plant, and/or the Barker Slough Pumping Plant as points of diversion;
3. Add San Luis Reservoir as a point of rediversion; and
4. Add municipal, industrial, and/or domestic to the authorized purposes of use.

Each transfer is proposed to occur between May 1 and September 30. Petitions submitted by Sacramento River Settlement Contractors propose that the U.S. Bureau of Reclamation may hold the quantity of water made available by the petitioners in Shasta Lake until export capacity at the State Water Project or Central Valley Project pumping facilities is available, which is typically during July, August, or September. A link to all petition submittals for the temporary changes listed above is available on the State Water Board's website at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/.

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses; and

4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant Water Code section 1726, subdivision (d), the State Water Board is providing notice of these petitions and seeking information to assist in the evaluation of the proposed temporary changes. Comments may address individual or multiple petitions; comments should identify the application or license numbers(s) being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since at this time the State Water Board has not made a determination regarding whether the petitions identified above present prima facie cases, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on April 21, 2021.

Comments are encouraged to be submitted by April 6, 2021 to allow additional time for staff to address issues within the timelines provided by the Water Code.

Send comments to both:

(see following page)

Patricia Fernandez
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For more information regarding this matter, please contact Patricia Fernandez by email at patricia.fernandez@waterboards.ca.gov.

Date of Notice: **March 22, 2021**

