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State Water Resources Control Board



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Division of Water Rights

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NOTICE OF PETITIONS REQUESTING CHANGES, CORRECTIONS OR EXTENSIONS OF TIME IN WATER RIGHT PERMITS AND LICENSES

Dated: March 12, 2004

NOTICE: The purpose of this notice is to advise interested persons of petitions requesting changes to water right permits and licenses. This notice provides a summary of all petitions that have been reviewed and prepared for noticing during the month by the State Water Resources Control Board (SWRCB), Division of Water Rights (Division).

This notice provides a short summary of each petition and also provides instructions for filing a protest against the requested changes. If you would like additional information relating to a petition, or information relating to the procedure for filing a protest, please call the contact person listed for the specific petition. Public notices of the State Water Resources Control Board's Division of Water Rights may be viewed and printed at the Division's web site www.waterrights.ca.gov.

GENERAL INFORMATION: Persons diverting water from a stream must, in most cases, obtain a water right permit issued by the SWRCB, in accordance with provisions of the California Water Code. (People can also divert water from a stream under riparian rights or rights initiated prior to 1914.) A water right permit issued by the SWRCB defines the:

- Stream or river from which water is diverted;
- Amount of water that can be diverted;
- Season of the year during which the water can be diverted;
- Point of diversion from the stream;
- Place of use of the diverted water; and
- Purpose of use.

In addition, the water right permit includes a date for applying water to beneficial use. Any party having a water right permit must submit a petition and receive approval from the SWRCB to change the place of use, the purpose of use, point of diversion, or to request an extension of time to make full beneficial use of water. The SWRCB must consider the potential impacts to other water users that could be affected by the proposed change and must also consider the potential environmental impacts that would result from the proposed change. The SWRCB must comply with the requirements of the California Environmental Quality Act prior to the approval of any petition.

PROCEDURES FOR FILING PROTESTS: Any person may file a protest against the changes proposed in a petition. However, protests filed in response to this notice **must be postmarked or received** in the office of the Division of Water Rights of the SWRCB at the address listed below by **4:00 p.m.** on the **30th day after the date of this notice.**

A protest should be submitted on the standard protest form that is available from the Division, or can be printed from the Division's web site www.waterrights.ca.gov/forms/. Due to the constraints of the noticing period, protestants may file protests, etc., by FAX. However, an original copy of all materials must be received, for the SWRCB to consider your protest. The protest should be submitted to:

State Water Resources Control Board
Division of Water Rights
c/o Katherine Mrowka
P.O. Box 2000
Sacramento, CA 95812-2000

Additionally, a copy of the protest must also be sent to the petitioner. SWRCB will respond to all protests within 90 days from the date of the notice.

A protest may be based on any of the factors listed below:

Injury existing water rights;
Has an adverse environmental impact;
Is not in the public interest;
Is contrary to law; or
Is not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the petition and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

The SWRCB may grant an extension of time to file a protest, for good cause. A request for an extension of time must be submitted in a timely manner, must specify the additional time required, and must state why additional time is needed to file the protest. A pamphlet is available that provides additional information relating to water rights and the procedure for filing protests. Please contact the person listed below if you would like a copy of the pamphlet or protest forms.

RESOLUTION OF PROTESTS The petitioner and the protestant are encouraged to meet and discuss methods that could be used to resolve the protest. If the protest can not be resolved, SWRCB staff may conduct a field investigation with all interested parties or may hold a water right hearing.

CONTACT PERSON: Please contact the staff person designated under the petition of interest, if you would like additional information regarding the petition, protests, information pamphlets, protest forms, or to request an extension of time in which to file a protest.

DESCRIPTION OF PETITIONS: The following provides a summary of all petitions for changes in water rights or extensions of time to put water to use. The petitions are listed alphabetically by County.

COUNTY	OWNER	APPLICATION NO.
NAPA, SOLANO, YOLO	U.S. Bureau of Reclamation	11199, 12716, 12578

NOTICE FOR A PROJECT LOCATED WITHIN THE COUNTIES OF NAPA, YOLO AND SOLANO

APPLICATIONS 11199, 12578 AND 12716	PERMITS 10657, 10658 AND 10659	ISSUED ON FEBRUARY 28, 1957
Permittee	U.S. Bureau of Reclamation Marty Kaiser 2800 Cottage Way Sacramento, CA 95825	
Source(s)	Putah Creek thence Sacramento River	
Point(s) of Diversion	(1) Monticello Dam (Lake Berryessa) – South 47 ⁰ 30’ West 2,640 feet from NE corner of section 29, T8N, R2W, MDB7M, being within the SW ¼ of NE ¼ of section 29 in Yolo and Solano Counties (2) Putah Diversion Dam (Lake Solano) – South 52 ⁰ 30’ East 7,550 feet from NW corner of the Rio De Los Putos land grant, within the SE ¼ of projected section 31, T8N, R1W, MDB&M in Yolo and Solano Counties	
Purpose(s) of Use	Permit 10657: Irrigation, Domestic, Municipal, Industrial and Incidental Recreation Permit 10658: Irrigation, Incidental Domestic Permit 10659: Municipal, Domestic, Recreation, Industrial	

<p>Diversion Quantities and Season of Diversion</p>	<p>Permit 10657: Collection to storage of 1,000,000 acre-feet (af) in Lake Berryessa from November 1 of each year to May 31 of the succeeding year</p> <p>Permit 10658: Direct diversion of 900 cubic feet per second (cfs) from February 1 to November 15 of each year and 600,000 af collection to storage in Lake Berryessa from November 1 of each year to May 31 of the succeeding year</p> <p>Permit 10659: Direct diversion of 116 cfs from January 1 to December 31 of each year and collection to storage of 320,000 af in Lake Berryessa from November 1 of each year to May 31 of the succeeding year</p>
<p>Place of Use</p>	<p>Permits 10657, 10658 and 10659 – 440,000 acres located within the areas delineated on Map No. 413-212-1 in Yolo and Solano Counties as shown on map filed with the State Water Resources Control Board (SWRCB).</p>
<p>Existing project</p>	<p>Permits 10657, 10658 and 10659 were issued to the Bureau of Reclamation (Reclamation) in 1957 for storage in Lake Berryessa and direct diversion to provide water for Yolo and Solano Counties. Water stored in Lake Berryessa is released from Monticello Dam, flows downstream in Putah Creek to the Putah Diversion Dam. Water is diverted and rediverted at the Putah Diversion Dam into the Putah South Canal. The 32-mile long concrete-lined ditch is capable of delivering stream flows of up to 956 cfs to the Solano Project service area. The canal begins at the Putah Diversion Dam and terminates near Cordelia.</p> <p>Water from the Solano Project is delivered to municipal, industrial, and agricultural users in Solano County and a portion of the University of California, Davis campus in Yolo County. Within Solano County, the Solano County Water Agency delivers Solano Project water to eight contracting agencies; Solano Irrigation District, Main Prairie Water District, the City of Vacaville, City of Fairfield, City of Suisun City, City of Vallejo, the California Medical Facility/California State Prison Solano, and the University of California at Davis.</p> <p>Within the Solano Project service area, approximately 75 percent of the Solano Project water supply is used for agricultural purposes, while the balance of the supply is used for municipal and industrial purposes.</p> <p>In 1992, Reclamation requested that the SWRCB issue a license for Permits 10657 and 10658. Reclamation has filed a Petition for</p>

	Extension of Time for Permit 10659, which is described below.
Petition for: Change(s)	<p>Reclamation has petitioned to do the following to all three permits: (a) add the 1,000 acre University of California, Davis campus to the place of use; (b) add an additional approximate 4,000 acres in Solano County that has been served by Reclamation to the authorized place of use; (c) add 4,800 acres within sixteen areas scattered along the western boundary of the existing place of use; (d) eliminate 16,510 acres located in Napa County north of Vallejo from the existing place of use; (e) add the 29-miles of Putah Creek stream channel between Monticello Dam and the Sacramento River Deep Water Ship Toe Drain on the eastern side of the Yolo Bypass (portions of this channel segment are in the existing place of use) to the place of use and dedicate flows to fish and wildlife enhancement pursuant to a Water Code section 1707 petition in this stream reach; (f) modify the purposes of use for the three permits to be the same – domestic, municipal, industrial, irrigation, frost protection, recreation, fish and wildlife protection and enhancement.</p> <p>Reclamation seeks to modify existing permit condition 11 regarding instream flows downstream of the Putah Diversion Dam. This modification is sought to conform Permits 10657, 10658 and 10659 to the Putah Creek Accord and conditions imposed by the Second Amended Judgments in the <i>Putah Creek Water Cases</i>, Judicial Council Coordination Proceeding No. 2565. Specifically, Reclamation proposes to operate the project to comply with Exhibits E-1, E-2, and E-3 resulting from the accord and court cases.</p> <p>The petitioner does not request that Condition 13, regarding protection of senior, downstream water rights, including those rights and obligations related to percolation, be modified.</p>
Extension of Time	<p>Permittee requests a 20-year extension of time to develop full beneficial use of water authorized under Permit 10659.</p> <p>Permittee requests a time extension for purposes of licensing Permits 10657 and 10658. No additional time is requested for purposes of developing additional beneficial use of water under these permits, beyond the quantity already placed to beneficial as of the date of request for licensing of these two permits.</p>
Environmental Documents	<p>Solano Project Water Rights Permit 10659 Extension of Time, SCH # 2001122078, Notice of Determination filed April 23, 2002 prepared by Solano County Water Agency.</p> <p>Solano Project Water Rights Amendment, Negative Declaration, SCH # 95023011, Notice of Determination filed June 21, 1995, prepared by Solano County Water Agency. This document is</p>

	<p>related to amendment of Solano Project water rights permits to include additional water uses and modify the place of use defined in Permits 10657, 10658 and 10659.</p> <p>Petition to amend the water rights to the Solano Project to increase releases for fish and wildlife enhancement in Putah Creek, Notice of Exemption, filed January 22, 2001 by Solano County Water Agency.</p> <p>Solano Project Water Rights Permit Extension of Time Project Negative Declaration for Permits 10657 and 10658 filed January 7, 2004, prepared by Solano County Water Agency, Notice of Determination filed February 12, 2004.</p>
Contact person	Katherine Mrowka at (916) 341 - 5363

March 2004 Monthly Petition Mailing List

Mr. David Okita
Solano County Water Agency
508 Elmira Road
Vacaville, CA 95687

Solano County Water Agency
c/o Ms. Jeanne Zolezzi
Herum, Crabtree & Brown
2291 West March Lane, Suite B-100
Stockton, CA 95207

Putah Creek Council
c/o Mr. Daniel J. O'Hanlon
Kronick, Moskovitz, Tiedemann
& Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814

University of CA, Davis
c/o Mr. Alan B. Lilly
Barkiewicz, Kronick & Shanahan
1011 22nd Street, Suite 100
Sacramento, CA 95816-4907

City of Davis
c/o Ms. Martha Lennihan
Law Offices of Martha Lennihan
2311 Capitol Avenue
Sacramento, CA 95816

Cities of Fairfield, Vallejo &
Vacaville
c/o Ms. Martha Burch
DeCuir & Somach
400 Capitol Mall, Suite 1900
Sacramento, CA 95814

Solano Irrigation District
c/o Mr. Paul Minasian
P.O. Box 1679
Oroville, CA 95965-1679

Putah Creek Landowners Assn.
c/o Mr. Chris Horsley
P.O. Box 705
Winters, CA 95964

Mr. Jim Turner
Assistant Regional Solicitor
U.S. Bureau of Reclamation
2800 Cottage Way
Sacramento, CA 95825

Mr. John Renning
U.S. Bureau of Reclamation
Water Rights, MP-440
2800 Cottage Way
Sacramento, CA 95826