



**Terry Tamminen**  
*Secretary for  
Environmental  
Protection*

# State Water Resources Control Board

## Division of Water Rights

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FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)



**Arnold Schwarzenegger**  
*Governor*

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

**Dated: July 14, 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](http://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 30<sup>th</sup> 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/](http://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.

NOTICE WITHIN THE COUNTY OF SAN JOAQUIN

APPLICATION 12842	PERMIT 10477	ISSUED ON July 3, 1956
Permittee	North San Joaquin Water Conservation District (District) 25 N. School Street Lodi, CA 95240	
Source(s)	Mokelumne River tributary to San Joaquin River	
Point(s) of Diversion	Comanche Reservoir – SE ¼ of SE ¼ of Section 6, T4N, R9E, MDB&M Direct Diversion and Rediversion – (1) NE ¼ of SE ¼ of Section 26, T4N, R7E, MDB&M (2) NW ¼ of SW ¼ of Section 35, T4N, R7E, MDB&M	
Purpose(s) of Use	Recreational, Domestic, Municipal, Industrial, Irrigation	
Direct Diversion Rate and Season of Diversion	80 cubic feet per second (cfs). Direct diversion shall be limited to no more than 40 cfs at any one pumping facility to be diverted from December 1 of each year to July 1 of the succeeding year	
Storage Amount and Season of Diversion	20,000 acre-feet from December 1 of each year to July 1 of the succeeding year	
Max Annual Amount	20,000 acre-feet per year	
Place of Use	Recreational at Camanche Reservoir. Domestic, municipal and industrial and irrigation located in 45,000 net acres within gross area of 52,000 acres being within the service area of the District, including T3 N, Ranges 6, 7, 8 East, and T4N, Ranges 6, 7 and 8 East, MDB&M as shown on maps filed with the SWRCB.	
Existing project	<p>In 1948, the District filed Application 12842 to build a project to divert Mokelumne River water to lands on both sides of the river east of Lodi. East Bay Municipal Water District (EBMUD) filed Application 13156 to build a project to export additional Mokelumne River water to the East Bay area. In Decision 858, EBMUD was granted priority over the District. This decision gave the District water that is surplus to the needs of EBMUD.</p> <p>District storage in Camanche Reservoir is done pursuant to a contract with EBMUD.</p> <p>Permit 10477 prohibits the District from diverting any water bypassed or released from Camanche Reservoir by EBMUD under permitted Application 13156 for the protection and/or enhancement of fish and wildlife. Permit 10477 contains permit conditions 80, 90 and 91.</p> <p>The District has recently diverted the following amounts of water: zero in 2001; 1,969 af in 1998, 1,465 af in 1997; 2,644 af in 1995; and 186 af in 1994.</p>	

<p>Petition for: Change(s)</p>	<p>Permittee petitioned to add a point of diversion to implement a CAL FED funded project near the Mokelumne River on May 5, 2004. The new point of diversion is in the SE ¼ of NW ¼ of Section 33, T4N, R7E, MDB&amp;M. The District states that a Department of Fish and Game approved fish screen will be provided on the proposed 10 cfs pump intake, and no water will be returned to the Mokelumne River unless it meets the standards listed in the Mitigated Negative Declaration.</p> <p>The District has been awarded a CALFED conjunctive use grant for this project. The site of the project is near Woodbridge and Dustin Roads, Acampo, CA. Wet year water from the Mokelumne River would be spread on a ten-acre site on the northerly side of the Mokelumne River, near the community of Victor. Up to 50 percent of the recharged water, less a 5 percent annual loss allowance, would be available for extraction by wells for discharge into the Mokelumne River, thereby providing additional Delta inflow during dry and critically dry years. Test data suggest that a large-scale project may be feasible. The current pilot project will be constructed to provide information on recharge rates, water quality, recharged water migration and costs. The pilot project is designed to divert a total annual quantity of 1,000 af. To utilize the CAL FED grant, the District plans to construct the project this summer.</p>
<p>Extension of Time</p>	<p>On December 29, 2000, the Permittee petitioned for an extension of time until December 31, 2010 to develop full beneficial use of water authorized under this permit.</p>
<p>Environmental Document</p>	<p>The District is the lead agency pursuant to the California Environmental Quality Act. The District prepared a Mitigated Negative Declaration dated April 2, 2004, for the CALFED Conjunctive Use Project. The District has not yet prepared an environmental document for the time extension petition.</p>
<p>Contact person</p>	<p>Katherine Mrowka at (916) 341 - 5363</p>

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