



Water Resources • Flood Control • Water Rights

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CONSULTANTS:  
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April 15, 2009

Ms. Victoria Whitney, Chief  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

2009 APR 19 AM 11:30  
DWR OF WATER RESOURCES  
STATE WATER RESOURCES CONTROL BOARD

**Subject: Greg Amaral Ltd. Pension Plan and Trust and Tule Basin Farms, LLC  
(Giusti Ranch) Petition for Temporary Transfer under License 2840  
(Application 10030)**

Dear Ms. Whitney:

On behalf of Giusti Ranch, enclosed are the following:

1. Petition for Temporary Transfer Form with Attachment (one original and one copy).
2. Environmental Information Form with Attachment (one original and one copy).
3. Check in the amount of \$ 3,126.50 to cover the Petition fees.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Game.

Giusti Ranch is petitioning to temporarily add points of diversion, places of use, and purposes of use to License 2840 (Application 10030) in order to transfer up to a total of 3,765 AF to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) by groundwater substitution. As you are aware, time is of the essence to process this petition for the implementation of the water transfer to the DWB; and we appreciate your attention to this temporary transfer petition.

Please call if you have any questions or require additional information.

Sincerely,  
MBK ENGINEERS

*Darren B. Cordova*  
Darren Cordova

DC/pp  
1474/VICTORIA WHITNEY 2009-04-15.DOC

Enclosures

cc: Giusti Ranch  
John Brennan  
Teresa Geimer, DWB Coordinator  
Sharon Stohrer, Department of Fish and Game (via certified mail)  
Sutter County Board of Supervisors (via certified mail)  
Jacqueline Matthews, CVRWQCB (via certified mail)  
Dan Peterson, Sutter County Public Works Department (via certified mail)

Rec'd  
\$3,126.50  
\$850.00 DFG  
4/16/09  
MS

State of California  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
 P.O. Box 2000, Sacramento, CA 95812-2000  
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES CONTROL BOARD  
 2009 APR 16 AM 11:30  
 DIV. OF WATER RIGHTS  
 SACRAMENTO

**PETITION FOR TEMPORARY TRANSFER  
 OF WATER/WATER RIGHTS**  
*(Water Code 1725)*

Point of Diversion    Point of Rediversion    Place of Use    Purpose of Use

Application No(s). 10030   Permit No. \_\_\_\_\_   License No. 2840

Statement or Other No. \_\_\_\_\_

**Present Holder and User of Water Right**

Greg Amaral Ltd. Pension Plan & Trust	Greg Amaral	(707) 864-1196
Person or Company name	Contact person	Telephone No
1606 Amaral Court	Fairfield CA	94534
Address	City State	Zip Code

E-MAIL (For noticing purposes)

**Co-petitioner**

Tule Basin Farms, LLC	John Brennan	(530) 458-8063
Person or Company name	Contact person	Telephone No
315 Fourth Street	Colusa CA	95932
Address	City State	Zip Code

pfbsons@frontiernet.net

E-MAIL (For noticing purposes)

**Proposed New User**

See Attachment 1

Person or Company name	Contact person	Telephone No
Address	City State	Zip Code

E-MAIL (For noticing purposes)

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows** (attach additional pages, as needed):

**Amount of Water to be Transferred** 3,765 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is 21.05 cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year)

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Rec'd  
 \$3,126.50  
 \$850.00 DFG  
 4/16/09  
 MS

Present See Attachment 1

Proposed \_\_\_\_\_

**Place of Use**

Present See Attachment 1

Proposed \_\_\_\_\_

**Purpose of Use**

Present See Attachment 1

Proposed \_\_\_\_\_

	<b>Season of Use</b>	<b>Direct Use (cfs)</b>	<b>Storage (ac-ft)</b>
Present	<u>No Change</u>	<u>No Change</u>	<u>No Change</u>
Proposed	<u>No Change</u>	<u>No Change</u>	<u>No Change</u>

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Sutter County

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

See Attachment 1

1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes  
(yes/no)

1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Attachment 1

2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? Yes  
(yes/no)

2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? Yes  
(yes/no)

2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.

See Attachment 1  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. \_\_\_\_\_  
See Attachment 1

3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See Attachment 1

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. \_\_\_\_\_  
See Attachment 1

5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. See Attach. 1

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? Yes  
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment 1
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment 1
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No  
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred. \_\_\_\_\_

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE STATE WATER BOARD ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: April 15, 2009 at Sacramento, California

*Domen B. Cordova*  
Signature(s) AGENT

( 916 ) 456-4400  
Telephone No.

**NOTE:** This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

**Proof of Service:** Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

**NOTE:** All petitions must be accompanied by the **filing fee**, (see fee schedule at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)), made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

**Attachment No. 1  
to Petition for Temporary Transfer  
License 2840 (Application 10030)  
held by Greg Amaral Ltd. Pension Plan and Trust**

**BASIS OF NEED**

As identified in a memorandum prepared by the Department of Water Resources (DWR), dated March 5, 2009, the need for this proposed temporary transfer of water is based on the following:

*"The 2009 Drought Water Bank (Water Bank) began in the summer of 2008 in response to Governor Schwarzenegger's June 4, 2008, Executive Order S-06-08 to help alleviate the drought conditions should they continue into 2009. On June 12, the Governor issued an Emergency Proclamation for nine counties in the San Joaquin Valley due to the critically dry conditions. 2009 is proving to be another critically dry year."*

In addition, on February 27, 2009, the Governor declared a State of Emergency to address California's water shortage by directing state agencies to utilize their resources to provide assistance for people, communities, and business impacted by the drought. Attached is a copy of the Governor's declaration. As identified in the attached Environmental Information for Petitions Form, on March 9, 2009, DWR issued a Notice of Exemption (NOE) from the requirements under the California Environmental Quality Act (CEQA) for the DWB. This NOE was issued by DWR based on the Governor's declaration of a State of Emergency.

**PROJECT DESCRIPTION**

In order to assist in addressing this State of Emergency, Greg Amaral Ltd. Pension Plan and Trust (Guisti Ranch) proposes to participate in the DWB by transferring up to 3,765 AF, which will be made available by groundwater substitution. Groundwater substitution involves the use of water pumped to produce crops in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, Guisti Ranch would divert the entire quantity of surface water proposed for transfer from the West Borrow Pit of the Sutter By-Pass tributary to the Sacramento River pursuant to its water rights. This petition is being filed to facilitate a one year transfer to the DWB for use by water users within the Central Valley Project (CVP) or State Water Project (SWP) Service Areas.

**PROPOSED NEW USER**

The proposed new users will be water users within the places of use of the CVP and SWP; facilitated through the Drought Water Bank.

Drought Water Bank  
Department of Water Resources  
c/o Teresa Geimer  
Drought Water Bank Coordinator  
P.O. Box 942836  
Sacramento, CA 94236-0001

**PERIOD OF TRANSFER/EXCHANGE**

July 1, 2009 through June 30, 2010

**POINT OF DIVERSION OR REDIVERSION**

*Present Point of Diversion:*

<u>Description*</u>	<u>Located Within*</u>			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
North 950 feet and West 275 feet from SE corner of Section 5, T14N, R2E	SE, SE	5	14N	2E

*Proposed Additional Points of Diversion:*

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

**CW "Bill" Jones Pumping Plant**

N 481,100, E 1,694,000, California Coordinate System Zone 3, within the NE ¼ of the SW ¼ of Projected Section 29, T1S, R4E, MDB&M

**Banks Pumping Plant via the Clifton Court Forebay**

N 486,035, E 1,695,057, California Coordinate System Zone 3, within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M

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

**Barker Slough Pumping Plant**

N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE ¼ of SW ¼ of projected Section 18, T5N, R2E, MDB&M

**Contra Costa Canal**

N 89°52'W, 8.9 feet from the E ¼ Corner of Section 33, T2N, R3E, MDB&M, within the SE ¼ of NE ¼ of Section 33, T2N, R3E, MDB&M.

These proposed points of diversion are identified on maps filed with the Division of Water Rights (Division) under Applications 5630 and 5626.

**PLACE OF USE**

***Present:***

The present place of use is 842.13 acres within the North Basin Tract, as shown on maps contained in the Division's files for License 2840.

***Proposed:***

No change in the present place of use is proposed. Guisti Ranch proposes to add the service areas of the CVP and the SWP served by the proposed points of diversion as proposed additional places of use. The service area of the CVP is shown on Map 214-208 – 12581 on file with the Division under Application 5626. The service area of the SWP is shown on Map 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630.

**PURPOSE OF USE**

***Present:***

Irrigation

***Proposed:***

Guisti Ranch proposes to temporarily add Domestic, Municipal, and Industrial as additional purposes of use.

**PROPOSED TRANSFER WILL BE PLACED TO USE IN THE FOLLOWING COUNTY/COUNTIES**

The water will be placed to beneficial use within the following counties: Yolo, Solano, Napa, Contra Costa, Alameda, Santa Clara, San Benito, San Joaquin, Stanislaus, Merced, Fresno, Madera, Kings, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside.

**RESPONSES TO NUMBERED ITEMS ON PETITION:**

- 1b. Absent the proposed temporary transfer to the DWB, groundwater would not be pumped and Guisti Ranch would have diverted the surface water to meet its irrigation demands.
- 2c. Guisti Ranch is proposing to add the CVP CW "Bill" Jones Pumping Plant, the SWP Banks Pumping Plant and Barker Slough Pumping Plant, and the Contra Costa Canal as points of diversion. The proposed transfer will result in an increase in the flow between Guisti Ranch's present point of diversion and the additional proposed points of diversion. This increase in flow, up to approximately 19 cfs which is the capacity of the three groundwater wells proposed for participation in the DWB, may result in a positive effect to the water users between the present and proposed points of diversion. These water users may include the Delta water users, the CVP, the SWP and the Cities of Sacramento and West Sacramento. See files of the State Water Resources Control Board.
- 3a & 3b. Water from Guisti Ranch's groundwater substitution program will be made available consistent with guidelines associated with the DWB. These guidelines have been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users. Guisti Ranch has submitted a proposal to the DWB for participation, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, and associated maps. Currently, DWR and Reclamation are conducting an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by Guisti Ranch meets the relevant criteria to demonstrate a reduction in water use will occur as a result of the proposed transfer. In addition, it is our understanding that DWR and Reclamation are in contact with the Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS) to address potential concerns.

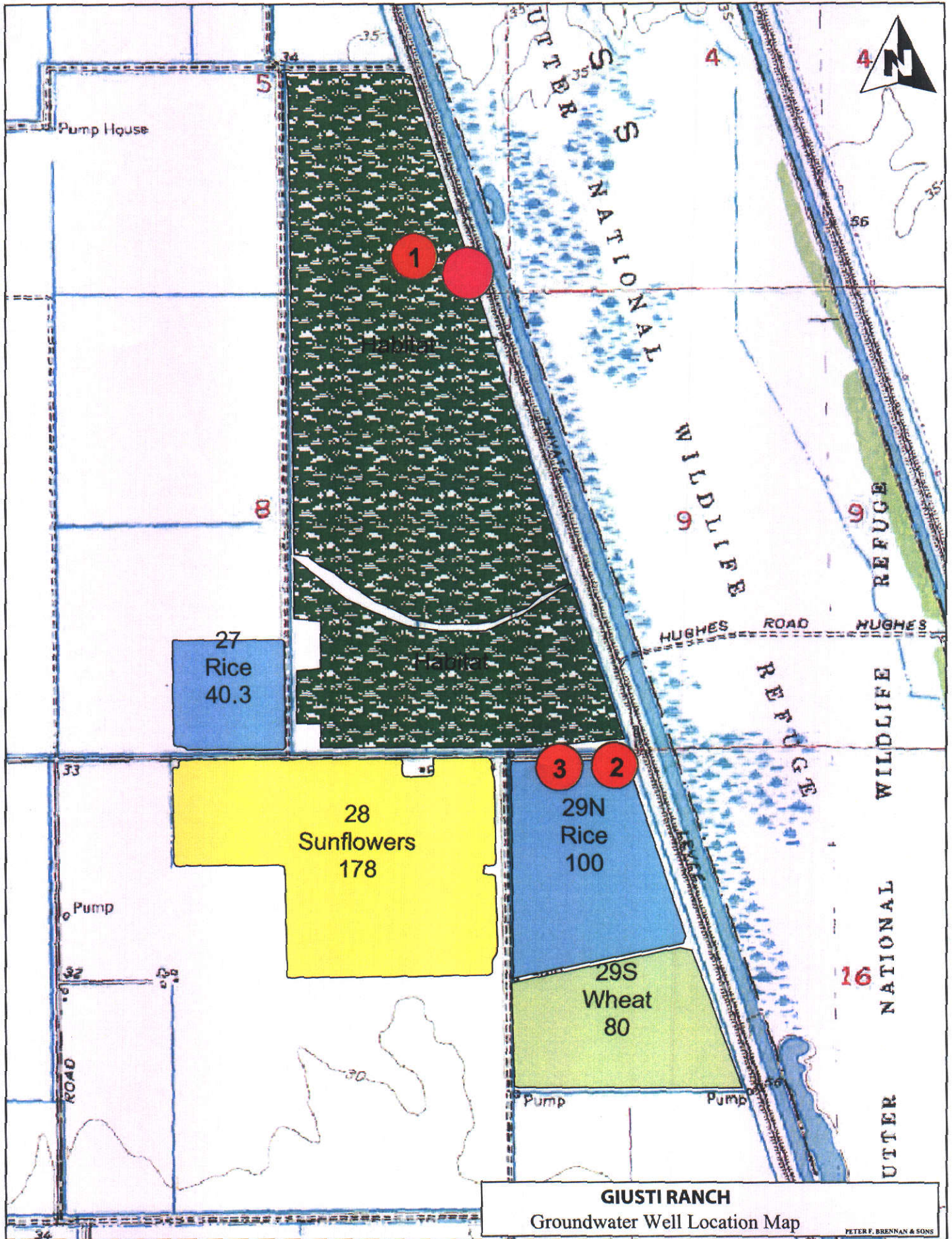
Only wells which have been approved by the DWR or Reclamation for use in the DWB will be used for the proposed temporary transfer. Attachment 2 to this petition is a map showing the location of each of these wells within Guisti Ranch. Guisti Ranch is not a public entity; and therefore, is not authorized to prepare a groundwater management plan. Guisti Ranch is participating in the development of a groundwater management plan being prepared by Sutter County, which will include the wells and the overlying lands within the boundaries of Guisti Ranch. Guisti Ranch does not



believe the proposed temporary transfer to the DWB by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the DWB, Guisti Ranch will develop a monitoring and mitigation plan in cooperation with DWR and Reclamation to assure the proposed transfer does not result in any unreasonable impacts to the groundwater basin.

As a result of this proposed temporary transfer petition, the flow in the Sacramento River will increase by up to 3,765 AF during the period of transfer over what would have occurred absent the proposed transfer. The increased flow in the Sacramento River to the proposed points of diversion will be a small percentage of the total flow and will be water that would be available to Guisti Ranch, absent this proposed transfer. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, the increased flows may result in instream benefits through the increased flow below Guisti Ranch's point of diversion.

4. The Central Valley Regional Water Quality Control Board was contacted; and a copy of this petition has been provided.
- 5a. It is our understanding that representatives of the DWB have been in contact with staff of the DFG. In addition, we contacted Paul Forsberg (916) 323-7215 of DFG staff. Mr. Forsberg did not have an initial opinion relative to the effects of the proposed temporary transfer; and thus, a copy of this petition has been provided to DFG staff.
- 5c & 5d. The proposed transfer may provide environmental benefits through increased flows downstream of Guisti Ranch's present point of diversion due to the reduction in surface water diversions. These reduced diversions may provide additional flows during critical periods of the year from Guisti Ranch's point of diversion to the proposed additional points of diversion. These additional flows may enhance habitat for fisheries and wildlife.



**GIUSTI RANCH**  
Groundwater Well Location Map

PETER F. BRENNAN & SONS

**California Environmental Protection Agency**  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**ENVIRONMENTAL INFORMATION  
FOR PETITIONS**

**Petition for Change**

**Petition for Extension of Time**

License 2840 (Application 10030)

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

**1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED**

For a petition to 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.

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See Attachment No. 1

**2. COUNTY PERMITS NOT APPLICABLE.**

a. Contact your county planning or public works department and provide the following information:

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

- Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. \_\_\_\_

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project: **NOT APPLICABLE.**

- Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management  
 Soil Conservation Service  Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board  
 Coastal Commission  State Lands Commission Other (specify) \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?  YES  NO

If YES, explain: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. \_\_\_\_

d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Paul Forsberg (916) 323-7215

**4. ENVIRONMENTAL DOCUMENTS**

a. Has any California public agency prepared an environmental document for your project?  YES  NO  
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: See Attachment No. 1.

b. If NO, check the appropriate box and explain below, if necessary:

- The petitioner is a California public agency and will be preparing the environmental document.\*
- I expect that the SWRCB will be preparing the environmental document.\*\*
- I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

See Attachment No. 1

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

a. 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 **NOT APPLICABLE.**

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

\_\_\_\_\_  
 See Attachment No. \_\_\_\_\_

b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_\_

**6. ARCHEOLOGY**

a. Have any archeological reports been prepared on this project?  YES  NO

b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO

c. Do you know of any archeological or historic sites located within the general project area?  YES  NO

If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_


**7. ENVIRONMENTAL SETTING *SEE ATTACHMENT No. 1***

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge

Date: April 14, 2009 Signature:   
*AGENT*

**Attachment No. 1  
to Environmental Information for  
Petition for Temporary Transfer  
License 2840 (Application 10030)  
held by Greg Amaral Ltd. Pension Plan and Trust**

1. DESCRIPTION OF PROJECT

Greg Amaral Ltd. Pension Plan and Trust (Guisti Ranch) is petitioning to temporarily add points of diversion, places of use, and purposes of use to the water right identified above in order to transfer up to a total of 3,765 AF to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) by groundwater substitution. The Central Valley Project (CVP) CW "Bill" Jones Pumping Plant, the State Water Project (SWP) Banks Pumping Plant and Barker Slough Pumping Plant, and the Contra Costa Canal are to be added as points of diversion. In addition, the service areas of the CVP and SWP are proposed to be added as places of use. Domestic, Municipal, and Industrial are proposed to be added as purposes of use. There is no change to the existing point of diversion, place of use, or purpose of use. These proposed additions would authorize the transfer of water to the DWB, which was formed by DWR to facilitate water transfers during 2009.

The quantity of water to be made available by groundwater substitution involves the use of water pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, Guisti Ranch would divert the entire quantity of surface water proposed for transfer from the West Borrow Pit of the Sutter By-Pass tributary to the Sacramento River pursuant to its water rights. For this reason, the proposed temporary transfer does not involve any construction or other physical changes to Guisti Ranch's facilities.

4. ENVIRONMENTAL DOCUMENTS

On March 4, 2009, DWR published an Addendum to the Environmental Water Account (EWA) Environmental Impact Statement/Environmental Impact Report (EIS/EIR) and the EWA Supplemental EIS/EIR, to address issues relevant to the DWB (State Clearinghouse #1996032083). The Addendum is available at:  
<http://www.water.ca.gov/drought/docs/030409DWBaddendum.pdf>

On March 5, 2009, the U.S. Bureau of Reclamation published a Draft Environmental Assessment (Draft EA), Draft Finding of No Significant Impact, and a Biological Assessment for the DWB pursuant to requirements under the National Environmental Policy Act (NEPA). These documents are available on Reclamation's web site at:  
[http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=3591](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3591)

On March 9, 2009, the DWR issued a Notice of Exemption from the requirements under the California Environmental Quality Act (CEQA) for the DWB, which states that "This Project is subject to the Governor's Proclamation of a State of Emergency of February 27, 2009, among whose purposes is to protect the safety of persons and property from the natural disaster created by the critical drought conditions currently existing in the State. Therefore, CEQA exemptions under Section 17 and CCR title 14, section 1529(c) shall apply, therefore; the 2009 Drought Water Bank falls within this exemption." This document can be located at:  
<http://www.water.ca.gov/drought/docs/030909noe.pdf>

## 7. ENVIRONMENTAL SETTING

The proposed additions to the points of diversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the proposed additions to the places of use are also well known and documented with the Division. Therefore, for these reasons, photographs of the proposed additional points of diversion and places of use are not included.