



RECLAMATION DISTRICT

**108**

975 Wilson Bend Road  
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(530) 437-2221  
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General Manager  
and Secretary  
Lewis Bair

April 9, 2009

*JK*  
*Greg / Patricia*

*LFG*  
*AD1589*  
2009 APR 10 PM 4:28  
per email dated 4/23/09 PDF

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

**Subject: Reclamation District No. 108 Petition for Temporary Urgency Change under License 3067 (Application 1589)**

Dear Ms. Whitney:

Enclosed are the following documents relative to a Petition for Temporary Urgency Change (Petition) under Reclamation District No. 108's (District) License 3067 (Application 1589):

1. Petition for Temporary Urgency Change 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 \$2,797 to cover the Petition fees.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Game.

The District is petitioning to temporarily add points of diversion, places of use, and purposes of use to its License 3067 in order to transfer up to a total of 6,000 AF to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) by groundwater substitution, crop idling, and crop shifting. 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 urgent change Petition. Please call if you have any questions or require additional information.

Sincerely,

Lewis Bair  
General Manager

*Lbair@rd108.org*

DC/pp  
3935/VICTORIA WHITNEY 04.09.2009.DOC

Enclosures

cc: Kevin O'Brien  
Marc Van Camp  
Teresa Geimer, DWB Coordinator  
Department of Fish and Game (via certified mail)  
Colusa County Board of Supervisors (via certified mail)  
Yolo County Board of Supervisors (via certified mail)

2009 APR 10 PM 11:36

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 9581 2-2000**  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**PETITION FOR TEMPORARY URGENCY CHANGE**

(Water Code ~~1435~~ 1725 per email dated 4/23/09 PDF)

X Point of Diversion, \_\_\_\_\_ Point of Rediversion, X Place of Use, X Purpose of Use

Application # 1589 Permit # \_\_\_\_\_ License # 3067 Statement or Other \_\_\_\_\_

I (we) Reclamation District No. 108 hereby petition for a temporary urgency  
(Water Right Holders Name)  
change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or California Coordinates, and the 40-acre subdivision in which the present and proposed points lie.)

Present See Attachment

Proposed See Attachment

**Place of Use** (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present See Attachment

Proposed See Attachment

**Purpose of Use**

Present See Attachment

Proposed See Attachment

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)? No (yes/no)

The temporary urgency change(s) is to be effective from July  
~~May~~ 1, 2009 to 180 days  
(Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? Yes (yes/no)

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes (yes/no)

State the "Urgent Need" (Water Code 1435(c)) that is the basis of this temporary urgency change petition (attach additional information as necessary):

See Attachment.

9/10/09  
\$850.00  
MT  
9/10/09  
\$2797.00  
MT

If the point of diversion or redirection is being changed, is any person(s) taking water from the stream between the old point of diversion or redirection and the proposed point?

Yes (yes/no)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Yes (yes/no)

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

See files of Division of Water Rights, State Water Resources Control Board.

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

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes (yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Paul Forsberg (916) 323-7215. Mr. Forsberg did not have an initial opinion relative to the effects of the proposed temporary urgency change; and requested that we provide a description of the proposed water transfer to additional staff at the Department of Fish and Game, which we did on April 9, 2009. To date, no comments or concerns have been received.

**THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.**

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

Dated 4-8-0, 20 09 at Grimes, California

Lewis Bani  
Signature(s)

(530) 437-2221

Telephone No.

P.O. Box 50, Grimes, CA 95950  
(Address)

**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  
to Petition for Temporary Urgency Change  
License 3067 (Application 1589)  
held by Reclamation District No. 108**

**POINT OF DIVERSION OR REDIVERSION**

***Present Points of Diversion:***

**WILKINS SLOUGH PLANT**

(1) South eighty degrees seventeen minutes east (S80°17'E) nine hundred (900) feet from the NW corner of Lot 35, as said lot is delineated and so designated on that certain map entitled "Map of Yolo Land Company Subdivision No. 1", filed November 6, 1912, in Book 1, Page 86, records of surveys, Colusa County records, and being within the SW¼ of SE¼ of projected Section 35, T14N, R1E, MDB&M.

**STEINER BEND NORTH PLANT**

(2) North forty-seven degrees forty-five minutes east (N47°45'E) six hundred fifty (650) feet from the NW corner of Lot 215, as said lot is delineated and so designated on that certain map entitled "Map of River Garden Farms Subdivision No. 4", filed March 3, 1913, in Book 1, Page 91, records of surveys, Colusa County records, and being within the SE¼ of SE¼ of projected Section 1, T13N, R1E, MDB&M.

**STEINER BEND SOUTH PLANT**

(3) South five degrees no minutes west (S5°00'W) one thousand four hundred forty (1440) feet from the NE corner of Lot 230, as said lot is delineated and so designated on that certain map entitled "Map of River Garden Farms Subdivision No. 4", filed March 3, 1913, in Book 1, Page 91, records of surveys, Colusa County records, and being within the NW¼ of SW¼ of projected Section 12, T13N, R1E, MDB&M.

**BOYERS BEND PLANT**

(4) North eighty-six degrees thirty-two minutes east (N86°32'E) eight hundred seventeen (817) feet from the SW corner of Lot 332, as said lot is delineated and so designated on that certain map entitled "Map of River Garden Farms Subdivision No. 5", filed July 7, 1913, in Book 1, Page 100, records of surveys, Colusa County records, and being within the SE¼ of SE¼ of projected Section 22, T13N, R1E, MDB&M.

**HOWELLS LANDING PLANT**

(5) North eighty-four degrees thirty minutes east (N84°30'E) one thousand eight hundred forty (1840) feet from the SW corner of Lot 435, as said lot is delineated and so designated on that certain map entitled "Map of River Garden Farms Subdivision No. 5", filed July 7, 1913, in Book 1, Page 100, records of surveys, Colusa County records and being within the NW¼ of SW¼ of projected Section 35, T13N, R1E, MDB&M.

TYNDALL MOUND PLANT

(6) South seventy-five degrees forty-seven minutes east (S75°47'E) two thousand six hundred thirty-nine (2639) feet from the NW corner of Section 12, T12N, R1E, MDB&M, and being within the NE¼ of NW¼ of said Section 12.

EL DORADO BEND PLANT

(7) North thirty-three degrees one and one half minutes east (N33°1½'E) eight thousand four hundred and six-tenths (8400.6) feet from the SW corner of Section 31, T12N, R2E, MDB&M, and being within the NE¼ of SE¼ of projected Section 30, T12N, R2E, MDB&M.

***Proposed Points of Diversion:***

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 proposed to be added as points of diversion. These proposed points of diversion are identified on maps filed with the Division of Water Rights (Division) under Applications 5630 and 5626. The CW "Bill" Jones Pumping Plant point of diversion is located at N481,100, E1,694,000, California Coordinate System Zone 3, within the NE ¼ of the SW ¼ of Projected Section 29, T1S, R4E, MDB&M. Surface water from the Delta is delivered to the Banks Pumping Plant via the Clifton Court Forebay, located at N486,035, E1,695,057, California Coordinate System Zone 3, within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. The Barker Slough Pumping Plant is located at 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. The intake for the Contra Costa Canal is located 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.

**PLACE OF USE**

***Present:***

The present place of use is a net irrigable area of thirty-eight thousand five hundred ten (38510) acres within the boundaries of Reclamation District No. 108 (District), as shown on maps contained in the Division's files for License 3067.

***Proposed:***

The District proposes to temporarily add the service areas of the CVP and the SWP to the present place of use. The service area of the State Water Project is shown on Maps 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630. The service area of the Central Valley Project is shown on Maps 214-208 – 12581 on file with the Division under Application 5626.

**PURPOSE OF USE**

***Present:***

Irrigation

***Proposed:***

The District proposes to temporarily add Domestic, Municipal, Industrial, Stockwatering, and Incidental Power as additional purposes of use.

**BASIS OF URGENT NEED**

As identified in a memorandum prepared by the Department of Water Resources (DWR), dated March 5, 2009, the urgent need for the transfer of water proposed in this petition 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. See Attachment A. As identified in the Environmental Information for Petitions Form attached to this petition, on March 9, 2009, DWR issued a Notice of Exemption (NOE) from the requirements under the California Environmental Quality Act (CEQA) for the 2009 Drought Water Bank (DWB). This NOE was issued by DWR based on the Governor's State of Emergency declaration.

In order to assist in addressing the State of Emergency, Reclamation District No. 108 (District) proposes to participate in the DWB by transferring up to ~~6,000~~ <sup>4,331</sup> AF of surface water. ~~On Wednesday, April 8, 2009, DWR staff identified that demand exists for the District to make water available to the DWB beginning on May 1, 2009 for diversion at Barker Slough Pumping Plant. A portion of the total quantity of water proposed to be made available will be diverted through this facility during the months of May and June. The remainder of the proposed quantity, up to a total of 6,000 AF, will be diverted at one or more of the four proposed points of diversion during the months of July through September.~~

4,331

2,500 crop shifting/idling  
1,831 groundwater substitution

The quantity of water identified in this petition is proposed to be made available from the District to the DWB by groundwater substitution, crop idling, and crop shifting. 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. Crop idling and shifting is the reduction in surface water use resulting from a reduction in the evapotranspiration of applied water to crops which would have occurred in absence of the proposed water transfer. The reduced surface water use will remain instream for diversion at the proposed points of diversion. Absent the proposed temporary urgency change, the District would divert the entire quantity of surface water proposed for transfer from the Sacramento River pursuant to its water rights. The District has submitted a proposal to the DWB for participation, which includes detailed information relative to historical groundwater pumping and crop data, groundwater well characteristics, and associated maps. Currently, DWR and the U.S. Bureau of Reclamation are conducting an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by the District meets the relevant criteria to demonstrate a reduction in water use will occur as a result of the proposed transfer.

DC/pp

3935/RD 108 ATTACHMENT TO PETITION FOR URGENCY CHANGE 04.10.2009.DOC





Office of the Governor

ARNOLD SCHWARZENEGGER  
THE PEOPLE'S GOVERNOR

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## Press Release

02/27/2009 GAAS:079:09 FOR IMMEDIATE RELEASE [Print Version](#) | [Email / Share](#)

### Gov. Schwarzenegger Takes Action to Address California's Water Shortage

*Proclaims State of Emergency, Directs Government to Utilize Resources, Help People*

To combat California's third consecutive year of drought, Governor Arnold Schwarzenegger today proclaimed a state of emergency and ordered immediate action to manage the crisis. In the proclamation, the Governor uses his authority to direct all state government agencies to utilize their resources, implement a state emergency plan and provide assistance for people, communities and businesses impacted by the drought.

"Even with the recent rainfall, California faces its third consecutive year of drought and we must prepare for the worst - a fourth, fifth or even sixth year of drought," Governor Schwarzenegger said. "Last year we experienced the driest spring and summer on record and storage in the state's reservoir system is near historic lows. This drought is having a devastating impact on our people, our communities, our economy and our environment - making today's action absolutely necessary. This is a crisis, just as severe as an earthquake or raging wildfire, and we must treat it with the same urgency by upgrading California's water infrastructure to ensure a clean and reliable water supply for our growing state."

The Governor's order directs various state departments to engage in activity to provide assistance to people and communities impacted by the drought. The proclamation:

- Requests that all urban water users immediately increase their water conservation activities in an effort to reduce their individual water use by 20 percent
- Directs the Department of Water Resources (DWR) to expedite water transfers and related efforts by water users and suppliers
- Directs DWR to offer technical assistance to agricultural water suppliers and agricultural water users, including information on managing water supplies to minimize economic impacts and implementing efficient water management practices
- Directs DWR to implement short-term efforts to protect water quality or water supply, such as the installation of temporary barriers in the Delta or temporary water supply connections
- Directs the Labor and Workforce Development Agency to assist the labor market, including job training and financial assistance
- Directs DWR to join with other appropriate agencies to launch a statewide water conservation campaign calling for all Californians to immediately decrease their water use
- Directs state agencies to immediately implement a water use reduction plan and take immediate water conservation actions and requests that federal and local agencies also implement water use reduction plans for facilities within their control

In particular, the order directs that by March 30, 2009, DWR shall provide an updated report on the state's drought conditions and water availability. According to the proclamation, if the emergency conditions have not been sufficiently mitigated, the Governor will consider additional steps. These could include the institution of mandatory water rationing and mandatory reductions in water use; reoperation of major reservoirs in the state to minimize impacts of the drought; additional regulatory relief or permit streamlining as allowed under the Emergency Services Act; and other actions necessary to prevent, remedy or mitigate the effects of the extreme drought conditions.

DWR and California's Department of Food and Agriculture will also recommend, within 30 days, measures to reduce the economic impacts of the drought, including but not limited to water transfers, through-Delta emergency transfers, water conservation measures, efficient irrigation practices, and improvements to the California Irrigation Management Information System.

Last week, DWR announced that California's severe drought had prevented it from increasing its State Water Project (SWP) delivery allocations for the first time since 2001. This year's allocation as of February is at just 15 percent of SWP contractor's requests. This is only the second time in SWP

#### RELATED CONTENT

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[02/26/09 - Gov. Schwarzenegger Issues Statement on Introduction of Safe, Clean, Reliable Drinking Water Supply Act of 2009](#)

[01/29/09 - Gov. Schwarzenegger Issues Statement on Department of Water Resources' Second Snow Survey of the Season](#)

[09/30/08 - Gov. Schwarzenegger Signs Legislation to Improve Water Supply Reliability and Conservation](#)

Attachment A

history that the February allocation has been this low.

The drought conditions and water restrictions are causing additional devastating economic and business losses. Agricultural revenue losses exceed \$300 million to date and could exceed \$2 billion in the coming season, with a total economic loss of nearly \$3 billion in 2009.

Full text of proclamation:

**A PROCLAMATION  
BY THE GOVERNOR OF THE STATE OF CALIFORNIA**

**WHEREAS** the State of California is now in its third consecutive year of drought; and

**WHEREAS** in each year of the current drought, annual rainfall and the water content in the Sierra snowpack have been significantly below the amounts needed to fill California's reservoir system; and

**WHEREAS** the rainfall and snowpack deficits in each year of the current drought have put California further and further behind in meeting its essential water needs; and

**WHEREAS** statewide, 2008 was the driest spring and summer on record, with rainfall 76 percent below average; and

**WHEREAS** the Sacramento and San Joaquin River systems, which provide much of the state's reservoir inflow, were classified as Critically Dry for the 2008 water year; and

**WHEREAS** in the second year of this continuous drought, on June 4, 2008, I issued an Executive Order proclaiming a statewide drought, and I ordered my administration to begin taking action to address the water shortage; and

**WHEREAS** because emergency conditions existed in the Central Valley in the second year of the drought, I issued an Emergency Proclamation on June 12, 2008, finding that conditions of extreme peril to the safety of persons and property existed in the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern caused by severe drought conditions, and I ordered my administration to take emergency action to assist the Central Valley; and

**WHEREAS** the drought conditions and water delivery limitations identified in my prior Executive Order and Emergency Proclamation still exist, and have become worse in this third year of drought, creating emergency conditions not just in the Central Valley, but throughout the State of California, as the adverse environmental, economic, and social impacts of the drought cause widespread harm to people, businesses, property, communities, wildlife and recreation; and

**WHEREAS** despite the recent rain and snow, the three year cumulative water deficit is so large there is only a 15 percent chance that California will replenish its water supply this year; and

**WHEREAS** in the time since the state's last major drought in 1991, California added 9 million new residents, experienced a significant increase in the planting of permanent, high-value crops not subject to fallowing, and was subjected to new biological opinions that reduced the flexibility of water operations throughout the year; and

**WHEREAS** because there is no way to know when the drought will end, further urgent action is needed to address the water shortage and protect the people and property in California; and

**WHEREAS** rainfall levels statewide for the 2008-2009 water year are 24 percent below average as of the February 1, 2009 measurement; and

**WHEREAS** the second snow pack survey of the 2009 winter season indicated that snow pack water content is 39 percent below normal; and

**WHEREAS** as of February 23, 2009, storage in the state's reservoir system is at a historic low, with Lake Oroville 70 percent below capacity, Shasta Lake 66 percent below capacity, Folsom Lake 72 percent below capacity, and San Luis Reservoir 64 percent below capacity; and

**WHEREAS** low water levels in the state's reservoir system have significantly reduced the ability to generate hydropower, including a 62 percent reduction in hydropower generation at Lake Oroville from October 1, 2008 to January 31, 2009; and

**WHEREAS** a biological opinion issued by the United States Fish and Wildlife Service on December 15, 2008, imposed a 30 percent restriction on water deliveries from the State Water Project and the Central Valley Project to protect Delta Smelt; and

**WHEREAS** State Water Project water allocations have now been reduced to 15 percent of requested deliveries, matching 1991 as the lowest water allocation year in State Water Project history, and Central Valley Project water allocations for agricultural users have now been reduced to zero; and

**WHEREAS** the lack of water has forced California farmers to abandon or leave unplanted more than 100,000 acres of agricultural land; and

**WHEREAS** California farmers provide nearly half of the fresh fruits, nuts and vegetables consumed by Americans, and the crop losses caused by the drought will increase food prices, which will further adversely impact families and economies throughout California and beyond our borders; and

**WHEREAS** agricultural revenue losses exceed \$300 million to date and could exceed \$2 billion in the coming season, with a total economic loss of nearly \$3 billion in 2009; and

Attachment A

**WHEREAS** it is expected that State Water Project and Central Valley Project water delivery reductions will cause more than 80,000 lost jobs; and

**WHEREAS** the income and job losses will adversely impact entire communities and diverse sectors of the economy supported by those jobs and income, including the housing market and commercial business; and

**WHEREAS** these conditions are causing a loss of livelihood for many thousands of people, an inability to provide for families, and increased harm to the communities that depend on them; and

**WHEREAS** this loss of income and jobs will increase the number of defaults, foreclosures and bankruptcies, and will cause a loss of businesses and property at a time when Californians are already struggling with a nationwide and worldwide economic downturn; and

**WHEREAS** the Central Valley town of Mendota, as one example, already reports an unemployment rate of more than 40 percent and lines of a thousand or more for food distribution; and

**WHEREAS** when jobs, property and businesses are lost, some families will move away from their communities, causing further harm to local economies, lower enrollments in local schools and reduced funding for schools; and

**WHEREAS** at least 18 local water agencies throughout the state have already implemented mandatory water conservation measures, and 57 agencies have implemented other water conservation programs or restrictions on water deliveries, with many agencies considering additional rationing and water supply reductions in 2009; and

**WHEREAS** the lack of water has forced local communities to draw water from their emergency water reserves, putting communities at risk of further catastrophe if emergency reserves are depleted or cut off; and

**WHEREAS** the state recently endured one of its worst wildfire seasons in history and the continuing drought conditions increase the risk of devastating fires and reduced water supplies for fire suppression; and

**WHEREAS** on February 26, 2009, the United States Department of Agriculture and the United States Department of Interior created a Federal Drought Action Team to assist California to minimize the social, economic, and environmental impacts of the current drought; and

**WHEREAS** the circumstances of the severe drought conditions, by reason of their magnitude, are beyond the control of the services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat; and

**WHEREAS** under the provisions of section 8558(b) of the California Government Code, I find that conditions of extreme peril to the safety of persons and property exist in California caused by the current and continuing severe drought conditions and water delivery restrictions.

**NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER**, Governor of the State of California, in accordance with the authority vested in me by the California Constitution and the California Emergency Services Act, and in particular California Government Code sections 8625 and 8571, **HEREBY PROCLAIM A STATE OF EMERGENCY** to exist in California.

**IT IS HEREBY ORDERED** that all agencies of the state government utilize and employ state personnel, equipment and facilities for the performance of any and all activities consistent with the direction of the California Emergency Management Agency (CalEMA) and the State Emergency Plan.

**I FURTHER DIRECT THAT:**

1. The California Department of Water Resources (DWR) shall, in partnership with other appropriate agencies, launch a statewide water conservation campaign calling for all Californians to immediately decrease their water use.
2. DWR shall implement the relevant mitigation measures identified in the Environmental Water Account Environmental Impact Report, Environmental Impact Statement, Supplement, and Addendums for the water transfers made through the 2009 Drought Water Bank. In addition, the California Air Resources Board shall, in cooperation with DWR and other agencies, expedite permitting and development of mitigation measures related to air quality impacts which may result from groundwater substitution transfers.
3. DWR and the State Water Resources Control Board (SWRCB) shall expedite the processing of water transfers and related efforts by water users and suppliers that cannot participate in the 2009 Drought Water Bank, provided the water users and suppliers can demonstrate that the transfer will not injure other legal users of water or cause unreasonable effects on fish and wildlife.
4. The SWRCB shall expedite the processing and consideration of the request by DWR for approval of the consolidation of the places of use and points of diversion for the State Water Project and federal Central Valley Project to allow flexibility among the projects and to facilitate water transfers and exchanges.
5. DWR shall implement short-term efforts to protect water quality or water supply, such as the installation of temporary barriers in the Delta or temporary water supply connections.
6. The SWRCB shall expedite the processing and consideration of requests by DWR to address water quality standards in the Delta to help preserve cold water pools in upstream reservoirs for salmon preservation and water supply.
7. To the extent allowed by applicable law, state agencies within my administration shall prioritize and

streamline permitting and regulatory compliance actions for desalination, water conservation and recycling projects that provide drought relief.

8. The Department of General Services shall, in cooperation with other state agencies, immediately implement a water use reduction plan for all state agencies and facilities. The plan shall include immediate water conservation actions and retrofit programs for state facilities. A moratorium shall be placed on all new landscaping projects at state facilities and on state highways and roads except for those that use water efficient irrigation, drought tolerant plants or non-irrigated erosion control.

9. As a condition to receiving state drought financial assistance or water transfers provided in response to this emergency, urban water suppliers in the state shall be required to implement a water shortage contingency analysis, as required by California Water Code section 10632. DWR shall offer workshops and technical assistance to any agency that has not yet prepared or implemented the water shortage contingency analysis required by California law.

10. DWR shall offer technical assistance to agricultural water suppliers and agricultural water users, including information on managing water supplies to minimize economic impacts, implementing efficient water management practices, and using technology such as the California Irrigation Management Information System (CIMIS) to get the greatest benefit from available water supplies.

11. The Department of Public Health shall evaluate the adequacy of emergency interconnections among the state's public water systems, and provide technical assistance and continued financial assistance from existing resources to improve or add interconnections.

12. DWR shall continue to monitor the state's groundwater conditions, and shall collect groundwater-level data and other relevant information from water agencies, counties, and cities. It is requested that water agencies, counties and cities cooperate with DWR by providing the information needed to comply with this Proclamation.

13. DWR and the Department of Food and Agriculture shall recommend, within 30 days from the date of this Proclamation, measures to reduce the economic impacts of the drought, including but not limited to, water transfers, through-Delta emergency transfers, water conservation measures, efficient irrigation practices, and improvements to CIMIS.

14. The Department of Boating and Waterways shall recommend, within 30 days from the date of this Proclamation, and in cooperation with the Department of Parks and Recreation, measures to reduce the impacts of the drought conditions to water-based recreation, including but not limited to, the relocation or extension of boat ramps and assistance to marina owners.

15. The Labor and Workforce Development Agency shall recommend, within 30 days from the date of this Proclamation, measures to address the impact of the drought conditions on California's labor market, including but not limited to, identifying impacted areas, providing one-stop service, assisting employers and workers facing layoffs, and providing job training and financial assistance.

16. DWR and the Department of Food and Agriculture shall be the lead agencies in working with the Federal Drought Action Team to coordinate federal and state drought response activities.

17. The emergency exemptions in Public Resources Code sections 21080(b)(3), 21080(b)(4) and 21172, and in California Code of Regulations, title 14, section 15289(c), shall apply to all actions or efforts consistent with this Proclamation that are taken to mitigate or respond to this emergency. In addition, Water Code section 13247 is suspended to allow expedited responses to this emergency that are consistent with this Proclamation. The Secretary for the California Environmental Protection Agency and the Secretary for the California Natural Resources Agency shall determine which efforts fall within these exemptions and suspension, ensuring that these exemptions and suspension serve the purposes of this Proclamation while protecting the public and the environment. The Secretaries shall maintain on their web sites a list of the actions taken in reliance on these exemptions and suspension.

18. By March 30, 2009, DWR shall provide me with an updated report on the state's drought conditions and water availability. If the emergency conditions have not been sufficiently mitigated, I will consider issuing additional orders, which may include orders pertaining to the following:

- (a) institution of mandatory water rationing and mandatory reductions in water use;
- (b) reoperation of major reservoirs in the state to minimize impacts of the drought;
- (c) additional regulatory relief or permit streamlining as allowed under the Emergency Services Act; and
- (d) other actions necessary to prevent, remedy or mitigate the effects of the extreme drought conditions.

**I FURTHER REQUEST THAT:**

19. All urban water users immediately increase their water conservation activities in an effort to reduce their individual water use by 20 percent.

20. All agricultural water suppliers and agricultural water users continue to implement, and seek additional opportunities to immediately implement, appropriate efficient water management practices in order to minimize economic impacts to agriculture and make the best use of available water supplies.

21. Federal and local agencies also implement water use reduction plans for facilities within their control, including immediate water conservation efforts.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the

Secretary of State and that widespread publicity and notice be given of this proclamation.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of February, 2009.

ARNOLD SCHWARZENEGGER  
Governor of California

**ATTEST:**  
DEBRA BOWEN  
Secretary of State

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**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: \_\_\_\_\_

**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: 4-8-09 Signature: Lewis Bai

**Attachment No. 1**  
**to Environmental Information for**  
**Petition for Temporary Urgency Change**  
**License 3067 (Application 1589)**  
**held by Reclamation District No. 108**

1. DESCRIPTION OF PROJECT

Reclamation District No. 108 (District) is petitioning to temporarily add points of diversion, places of use, and purposes of use to its water right identified above in order to transfer up to a total of 6,000 AF to the Department of Water Resources' (DWR) 2009 Drought Water Bank (DWB) by groundwater substitution, crop idling, and crop shifting. 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 proposed 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, Industrial, Stockwatering, and Incidental Power, are proposed to be added as purposes of use. There are no changes to the existing points 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. Water made available by crop idling and crop shifting involves the reduction in surface water use resulting from a reduction in the evapotranspiration of applied water to crops that would have occurred in absence of the proposed water transfer. The reduced surface water use will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary urgency change, the District would divert the entire quantity of surface water proposed for transfer from the Sacramento River pursuant to its water rights. For this reason, the proposed temporary urgency change does not involve any construction or other physical changes to the District'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.