

ENVIRONMENTAL INFORMATION FOR PETITIONS

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

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DIVISION OF WATER RIGHTS
SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

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.

See Attachment No. 1.

2. COUNTY PERMITS

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

Person contacted: N/A 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): _____

ENVIRONMENTAL INFORMATION FOR PETITIONS

- 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:
 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) (see chart below)
- 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: _____

- 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: _____

ENVIRONMENTAL INFORMATION FOR PETITIONS

See Attachment No. 2.

* 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

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

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.

See Attachment No. 3.

ENVIRONMENTAL INFORMATION FOR PETITIONS

- Along the stream channel immediately upstream from the proposed point(s) of diversion.
See Attachment No. 3.
- At the place(s) where the water is to be used.
See Attachment No. 4.

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: March 6 2009 Signature: RIVER GARDEN FARMS
by Marty Stupling

ENVIRONMENTAL INFORMATION FOR PETITIONS

Attachment No. 1 Project Description

Forbearance of Water

River Garden Farms (RGF) proposes to forbear diversion of a portion of the water supply under its Sacramento River Settlement Contract. Under the proposal, RGF would forbear the diversion of up to 3,500 acre feet of Sacramento River water that it would otherwise be entitled to under the terms of its Sacramento River Settlement Contract with USBR; and which, in the absence of the forbearance, would be diverted during 2009 for use on lands within RGF's service area. Under the proposal, the forborne water would be deemed to be comprised of base supply water. This forbearance would be undertaken in a manner that allows USBR to deliver the forborne water supply to the Department of Water Resources' Drought Water Bank ("DWB"). Water made available would be delivered to USBR at RGF's points of diversion on the Sacramento River, with control of such water accruing to USBR at its upstream reservoirs or exported in the Delta.

Under the proposal, USBR would operate the Central Valley Project so as to deliver water made available as a result of RGF's forbearance of diversions to the DWB. During balanced conditions in the Delta (as defined in the Coordinated Operations Agreement), USBR would, to the extent possible, directly divert the water forborne at Tracy or Banks Pumping Plants (assuming there is unused pumping capacity and all conditions necessary for joint point of diversion are met), or would, to the extent that operational conditions upon the Sacramento River permit, back the forborne water into USBR's upstream storage so that it can be released and diverted in the Delta at a later time when export capacity becomes available. During excess conditions in the Delta and when the CVP reservoir release is controlled by a downstream flow objective, USBR would, to the extent possible, store water forborne in an upstream CVP reservoir for later release and diversion in the Delta. Such operational conditions would be identified by USBR's Central Valley Operations Office (CVO) which would keep daily records of the volume of the forborne water as it becomes available for export and/or storage. Forborne water made available under conditions that do not permit its diversion from the Delta and/or storage in upstream reservoirs would be considered lost. Water backed into storage pursuant to this proposal would be delivered to the DWB as soon as possible after its storage in an upstream reservoir. The DWB would pay for such storage at the rate determined by USBR. Water stored in an upstream CVP reservoir pursuant to this forbearance proposal would be the first water to spill. The delivery of forborne water outside normal delivery schedules would require authorization from USBR via a Warren Act contract.

RGF would make up to 3,500 acre-feet of water available for sale as a result of groundwater substitution programs. The sources of this water would be a portion of RGF's base supply under its Settlement Contract with USBR. Base supply available to RGF under the terms of its contract is pursuant to post-1914 appropriative claim to water by RGF for diversions from the Sacramento River. RGF would petition the State Water Resources Control Board to temporarily change the place and purpose of use of the forborne water.

The methods used to determine the amount of water made available under this proposal through groundwater substitution would be consistent with the methods contained in the Department of Water Resource's (DWR's) March 8, 2002, draft *Water Transfers Papers for Water Transfers in 2002 Involving the Department of Water Resources*, commonly referred to as the "DWR White Papers."

ENVIRONMENTAL INFORMATION FOR PETITIONS

Methods of Making Water Available

No new construction or improvements to facilities owned or operated by RGF would be necessary for the production and forbearance of this water. The point of delivery for RGF would be at the locations on the Sacramento River as identified in its Settlement Contract.

The quantity of water made available through groundwater substitution would be equal to the quantity of groundwater pumped during the period April through October 2009 less the average quantity of groundwater pumped during the April through October period from 2005 to 2008. For purposes of this calculation, the quantity of groundwater pumped during the April through October period in 2005 would not include any groundwater pumped as part of the 2005 water transfer to Westlands Water District. Only groundwater wells that meet the criteria contained in the "DWR White Papers" would be used in this forbearance program. All participating wells would be equipped with totalizing flow meters. Groundwater would be made available during balanced conditions in the Delta, when the transfers would be in effect. Groundwater pumping during excess conditions in the Delta would not be accrued in upstream storage or exported by USBR.

The DWB would take delivery of this water in a manner physically identical to typical deliveries. This water would be used to make up for short-falls in normal water deliveries. Accordingly, any water delivered under the proposed Project would not represent an overall increase in supply or a change in DWB participants' operations.

Sources of the Transferable Water

Surface water deliveries forborne by this program will be replaced by groundwater derived from four wells: Field 71 Well, which produces 1,800 gallons per minute (gpm); Field 98 Well, which produces 2,800 gpm; Field 65 Well, which produces 2,500 gpm; and, Field 104 Well, which produces 2,500 gpm. Field 71 Well can irrigate fields 63 (171 acres), 64 (135 acres), and 73 (114 acres). Field 98 Well can irrigate fields 97 (224 acres), 98 (113 acres), and 99 (123 acres). Field 65 Well can irrigate fields 67 (212 acres), 66 (106 acres), and 65 (124 acres). Field 104 Well can irrigate fields 103 (151 acres), and 119 (112 acres). Field 73 will be used to grow sunflowers. All other fields will be used to grow rice.

ENVIRONMENTAL INFORMATION FOR PETITIONS

Attachment No. 2
Notice of Exemption

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NOTICE OF EXEMPTION

To:

Yolo County Clerk
P.O. Box 1820
Woodland, CA 95776

From:

State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Various additional county clerks

Project Title: Temporary Transfer of Water Rights from River Garden Farms Company to Department of Water Resources' Drought Water Bank

Location -- Specific: Yolo County, various additional counties

Description of Nature, Purpose, and Beneficiaries of Project: River Garden Farms Company proposes to forbear diversion of a portion of the water supply under its Sacramento River Settlement Contract. Under the proposal, River Garden Farms Company would forbear the diversion of up to 3,500 acre feet of Sacramento River water that it would otherwise be entitled to under the terms of its Sacramento River Settlement Contract with Reclamation; and which, in the absence of the forbearance, would be diverted during 2009 for use on lands within River Garden Farms Company's service area. Under the proposal, the forborne water would be deemed to be comprised of base supply water. This forbearance would be undertaken in a manner that allows Reclamation to deliver the forborne water supply to the Department of Water Resources' Drought Water Bank. Water made available would be delivered to Reclamation at the River Garden Farm Company's points of diversion on the Sacramento River, with control of such water accruing to Reclamation at its upstream reservoirs or exported in the Delta.

Name of Public Agency Approving or Carrying Out Activity: State Water Resources Control Board

Finding of Exempt Status:

- Categorical Exemption. CEQA Guidelines § 15282(u) (Temporary Transfer)

Reasons why activity is exempt:

The project is exempt from CEQA review pursuant to 14 Cal. Code Regs. § 15282(u) (Temporary Transfer) because the project intends to transfer up to 3,500 acre feet of water made available through groundwater substitution during the period from April 2009 through October 2009.

Agency Contact Person: _____

Telephone: (916) 341-5300

Signature: _____

Date: _____

Title: _____

Signed by Public Agency

Signed by Applicant

Date received for filing by County Clerk:

ENVIRONMENTAL INFORMATION FOR PETITIONS

Attachment No. 3

3 Color Photographs – Shasta Reservoir

3 Color Photographs – CVP Tracy Pumping Plant

3 Color Photographs – SWP Harvey O'Banks Pumping Plant

Along the stream channel immediately upstream/downstream from the proposed point(s) of diversion.

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