

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 MAR 10 PM 3:37
 DIVISION 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). 575 Permit No. _____ License No. 1718
 Statement or Other No. _____

Present Holder and User of Water Right

River Garden Farms Company	Marty Stripling	(530) 735-6274
Person or Company name 41758 Road 112	Contact person Knights Landing CA	Telephone No. 95645
Address mstripling@afes.com	City	State Zip Code
E-MAIL (For noticing purposes)		

Co-petitioner
N/A

Person or Company name	Contact person	Telephone No.
Address	City	State Zip Code
E-MAIL (For noticing purposes)		

Proposed New User

DWR's Drought Water Bank	Teresa Geimer	(916) 651-7194
Person or Company name P.O. Box 942836	Contact person Sacramento CA	Telephone No. 94236
Address tegeimer@water.ca.gov	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:**

Amount of Water to be Transferred up to 3,500 Acre-feet (AF). If the basis of right is direct diversion, average rate of diversion for the maximum 30 day period of use is 8.0 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.

Present See Attachment 1.

Proposed _____

TRANS-TEMP-PET (11-00)

If your answers require more space than provided, please attach additional pages

3/10/2009
Rev. \$ 3047.00
Per Temp Transfer
A 000575
Rev. \$ 850
7 e y.

Place of Use

Present **See Attachment 1.**

Proposed _____

Purpose of Use

Present **See Attachment 1.**

Proposed _____

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	See Attachment 1.	_____	_____
Proposed	_____	_____	_____

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

Yolo

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

Various

- 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.
- 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 **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 Attachment 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 SWRCB 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: March 6 2009 at Knights Landing, California

RIVER GARDEN FARM by Mary Kelly (530) 735-6274
Signature(s) Telephone No.

NOTE: This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB 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.

Fees: The following fees must accompany the petition before the petition will be accepted:

1. A minimum filing fee of \$100, for each application listed in the petition, shall be submitted with the petition (Water Code section 1547). The fee is made payable to the State Water Resources Control Board.
 - a) Water Code section 1547.1 requires an additionally fee of 25% of the amount computed by using the fee schedule in Article 1 (commencing with Water Code section 1525) for use of water outside of the basin from which the water transfer originates. The fee is based on that portion of water transferred under the existing direct diversion or storage right(s) for each application identified in the petition. For direct diversion rights, the rate is typically computed based on the average rate of diversion (cfs) for the maximum 30-day period of use (AF).
 - b) If the petitioner relies on Water Code section 382, the total filing fee shall be based on the amount necessary to cover the reasonable costs of the SWRCB to evaluate and process the petition (Water Code section 386). Please contact the Division if you would like an estimate of the potential cost.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

TRANS-TEMP-PET (11-00)

If your answers require more space than provided, please attach additional pages

**INFORMATION REGARDING
FILING FEES FOR
TEMPORARY TRANSFERS**

INITIAL FILING FEE

Initial filing fee = \$100 X (number of Applications)

IN BASIN WATER RIGHT TRANSFER FEE

No Additional Fee

OUT OF BASIN WATER RIGHT TRANSFER FEE

OUT OF BASIN TRANSFER FEE = 25% of the direct diversion and/or storage fee calculated below.

For direct diversion water rights: each cubic foot per second (cfs) or fractional cfs rounded up to the next whole cfs to be transferred shall be assessed the following fees:

from 0 to 100 cfs	_____ cfs	@ \$10.00 each
over 100 to 500 cfs	_____ cfs	@ \$12.00 each
over 500 to 2,000 cfs	_____ cfs	@ \$15.00 each
over 2,000 cfs	_____ cfs	@ \$20.00 each

Where the amount to be transferred is identified in acre-feet, the rate of diversion 'cfs' shall be computed based on the average rate of direct diversion for the maximum 30-day period of use in which water is either developed or transferred, which ever is greater.

Example: If the amount of the water right is 6 cfs, by direct diversion from May 1 through October 31; and, the amount to be transferred will be 1,500 acre-feet (af) for the year; and, the maximum amount of water delivered is 300 af during July;

The fee is based on : $\frac{300 \text{ af}}{30 \text{ days}} \times \frac{1}{1.98 \text{ af/cfs}} = 5.05 \text{ cfs, which rounds up to 6 cfs}$

Out of Basin Direct Diversion Fee = 6 CFS X \$100.00/cfs X (number of applications)

For storage water rights: each acre-foot (af) or fractional af, rounded up to the next whole af of storage to be transferred shall be assessed the following fees:

from 0 to 1,000 afa	_____ afa	@ \$0.10 each
over 1,000 to 5,000 afa	_____ afa	@ \$0.12 each
over 5,000 to 100,000 afa	_____ afa	@ \$0.15 each
over 100,000 afa	_____ afa	@ \$0.20 each

Example: If the amount of the water right is 100 acre-feet (af) of storage; and, the amount to be transferred will be 50 af of storage;

The fee is based on: 50 af

Out of Basin Storage Fee = 50 af X \$0.10/af X (number of applications)

Attachment 1
Responses to Petition Form

Proposed New User

Department of Water Resources' Drought Water Bank
P.O. Box 942836
Sacramento, CA 94236

Period of Transfer/Exchange

RGF intends to transfer up to 3,500 acre feet of water made available through groundwater substitution. This water will be made available under RGF's USBR Settlement Contract water rights during the period from April through October. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis pursuant to agreements with DWR or USBR. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year.

Point of Diversion or Rediversion

Present:

Townsite Pumping Plant
NW 1/4 NW 1/4, Section 14, T11N, R2E MDB&M

Missouri Bend Pumping Plant
NE 14 SE 1/4, Section 30, T12N, R2E MDB&M

Proposed:

All CVP and SWP points of diversion.

Place of Use

Present:

Present place of use for RGF's water rights is shown on maps which are contained in the SWRCB files.

Proposed:

All CVP service areas (as shown on map 214-208-12581 on file with the SWRCB under Application 5626) and all SWP service areas (as shown on maps 1878-1, 2, 3, & 4 on file with the SWRCB under Application 5629).

Purpose of Use

Present:

Irrigation.

Proposed:

All purposes, including, without limitation, irrigation, domestic, power, municipal, industrial, salinity, and water quality control.

Season of Use

Present:

March 1 – October 31

Proposed:

Water from groundwater substitution will be made available within the authorized season as shown above. This water may, at times when there is insufficient capacity at either the CVP or SWP Delta pumping plants, be exchanged for water being released by USBR for instream demands.

RGF will coordinate with the various agencies to transfer the water at the most suitable time.

Direct Use

Present:

Approximately 16-17 af/day.

Proposed:

A total of not more than 3,500 acre feet will be delivered through the CVP and/or SWP Pumping Plants.

Storage

Present:

None.

Proposed:

None.

1b.

Under the proposed project, RGF will facilitate a program under which its water users will temporarily substitute groundwater in-lieu of surface water deliveries. This program will result in a reduction in consumptive use of surface water by RGF from the consumptive use which would occur absent the proposed transfer.

No new construction or improvements to RGF would be necessary for the production and transfer of this water. Water that will not be diverted for use within RGF will be available for transfer to the

Drought Water Bank. The point of delivery will be at the intake of RGF's pumping plants on the Sacramento River.

Water will be deemed transferred by RGF to the Drought Water Bank at points of delivery in accordance with the preceding schedule. Transfer of the water will occur within the regulatory parameters for the CVP and SWP, including all applicable Biological Opinions that govern CVP and SWP pumping at the proposed points of diversion. As such, water may not be able to be transferred in May and possibly June due to environmental restrictions on CVP and SWP pumping during these periods.

2a.-2c.

RGF is proposing to add the SWP and CVP Delta pumping facilities as points of diversion or rediversion. The proposed transfer will result in an increase in the flow between RGF's present point of diversion and the CVP and/or SWP Delta pumping facilities. This increase in flow may result in a positive effect to the users between the present and proposed points of diversion. The water users possibly affected by the proposed transfer consist of Delta water users, the CVP, the SWP and the Cities of Sacramento and West Sacramento. (See SWRCB file.)

3a-3b.

Under RGF's USBR Contract, USBR releases water to meet its demands. RGF will reduce diversions which would occur absent the proposed transfer.

Water from groundwater substitution will be made available consistent with the draft Water Transfer Papers prepared by DWR. These papers have been developed to address the concerns of DWR relative to the potential impacts water transfers may have on other legal users.

As a result of this petition, the flow in the Sacramento River will increase by up to 3,500 acre feet during the time of transfer over what would have occurred absent the proposed transfer. The increased flow in the Sacramento River and in the Delta will be a small percentage of the total flow and will be water that would be available to RGF, absent this transfer. Therefore, no injury will occur. In fact, the increased flows may result in instream benefits through the increased flow below RGF's point of diversion.

4 and 5a.

The transfer will take place within the conditions of SWRCB's May 22, 1995 Water Quality Control Plan and, therefore, no adverse impacts will occur. As a result, neither the RWQCB nor the DFG were contacted.

5c and d.

The proposed transfer may provide environmental benefits through increased flows downstream of RGF'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 RGF's point of diversion to the Delta. These additional flows would enhance habitat for fish and wildlife. In addition, the transfer will take place within the constraints set forth in the May 22, 1995 Water Quality Control Plan for the Bay-Delta to protect fish and wildlife.