

MemorandumDate: **JUN 15 2011**To: Patricia Fernandez
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000From: **Department of Water Resources**

Subject: Reclamation District No. 2068 2010 Petition for Temporary Transfer of Water License 6103 (Application 2318)

DIV OF WATER RIGHTS

2011 JUN 20 AM 10:08

The Department of Water Resources (DWR) reviewed the Notice of Petition for Temporary Change (Petition) dated April 14, 2011, for the transfer of up to 1,000 acre-feet of water from Reclamation District No. 2068 (District) during 2011 to the Solano County Water Agency (SCWA). The proposed transfer would require the use of the State Water Project's (SWP) pumping capacity at Barker Slough and conveyance through the North Bay Aqueduct. In the absence of the transfer, the water would be diverted at Haas Slough by the District for use within its service area.

DWR is committed to facilitating transfers if capacity exists and if they can be structured to prevent adverse impacts to the operations of the SWP, including SWP water supply. DWR staff has reviewed the Petition and submits the following comments:

1. The delivery of transfer water through SWP facilities will require a separate water conveyance agreement developed and executed between the District, DWR, and SCWA. Issues such as depletion loss, monitoring and mitigation measures, and potential inability to divert transfer water through SWP facilities will be addressed in the conveyance agreement.
2. The submittal should include a map clearly showing the current and proposed points of diversion and places of use.
3. The Petition states that the change is to add the Barker Slough Pumping Plant as a new point of diversion. The place of use would then be limited to the North Bay Service Area of the SWP as shown on map 1878-1 on file with the State Water Resources Control Board for DWR Application number 5630.
4. Any order approving the transfer should contain a term limiting the approved quantity of transfer water to that determined by DWR following a technical analysis of the specific well to be included in the transfer.

Patricia Fernandez
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If you have any questions or need additional information, please call me, or
Maureen Sergent of my staff at (916) 653-9467.



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Program Development and Water Supply and Transfers Branch
State Water Project Analysis Office
(916) 653-0190

cc: Terry Erlewine, General Manager
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Linda S. Adams
Acting Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Rights

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Edmund G. Brown Jr.
Governor

**NOTICE OF PETITION FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 1,000 ACRE FEET OF WATER
FROM RECLAMATION DISTRICT NO. 2068
TO SOLANO COUNTY WATER AGENCY
UNDER LICENSE 6103 (APPLICATION 2318)**

Notice is hereby given that on April 18, 2011,

Reclamation District No. 2068
c/o Darren Cordova
MBK Engineers
1771 Tribute Road, Suite A
Sacramento, CA 95815

filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The Reclamation District No. 2068 (District) petition requests the transfer of up to 1,000 acre-feet (af) of water to the Solano County Water Agency (Agency) for use within the State Water Project (SWP) service area. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

BACKGROUND

The District holds direct diversion water rights on Haas Slough to divert up to 200 cubic feet per second (cfs) of water during the irrigation season. The District proposes to reduce (or forbear) its diversions from Haas Slough by 1,000 af and pump additional groundwater within its service area to make up the forborne water.

DESCRIPTION OF THE TRANSFER

The District proposes to transfer up to 1,000 af of water under License 6103 (Application 2318) to the Agency through the SWP Barker Slough Pumping Plant. To facilitate this transfer, the District will pump additional groundwater and reduce (or forbear) its direct diversion from Haas Slough by 4 cfs during the period of the transfer. At times when pumping capacity is available in the Delta, the additional 4 cfs of flow in Haas Slough would be available for diversion at the Barker Slough Pumping Plant for delivery to the Agency. The proposed temporary change would be effective for a period of one year from the date of approval. In the absence of this transfer, no groundwater would be pumped and the District would divert the forborne water for use within its service area.

ADDITIONAL INFORMATION

The petition states that the groundwater well proposed for additional pumping meets criteria established by the Department of Water Resources for this type of transfer. Based on historical documentation of groundwater monitoring wells near the District, the District believes that the proposed transfer by groundwater substitution will not result in overdraft of the underlying groundwater basin.

California Environmental Protection Agency

Surface water will be made available for transfer from the District's groundwater substitution program, consistent with the Draft Technical Information for Water Transfers in 2011 (Draft Technical Information) published by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation). The petitioner will submit detailed information relative to groundwater well characteristics, groundwater monitoring elements, and associated maps to DWR and Reclamation. The District completed its groundwater management plan (GMP) in December 2005 to consider the feasibility of implementing a conjunctive use program. As identified in the GMP, this includes the evaluation of conjunctive use involving a potential water transfer. As a condition of participation in the proposed temporary transfer, the District has developed a monitoring and mitigation plan to ensure the proposed transfer does not result in any unreasonable and adverse impacts to the groundwater basin or third parties. A groundwater monitoring well network located within the District's boundaries will further assist in documenting groundwater elevations.

PROPOSED TEMPORARY CHANGE

The proposed transfer would temporarily add the Barker Slough Pumping Plant as a point of diversion under License 6103. The service areas of the SWP (as shown on maps 1878-1, 2, 3 and 4 on file with Application 5630) would be temporarily added to the place of use of License 6103. Domestic, municipal, industrial, incidental power, salinity control, fish and wildlife enhancement, streamflow enhancement, and recreation would be temporarily added as purposes of use under License 6103.

PETITIONER'S WATER RIGHT

License 6103 (Application 2318) authorizes the direct diversion of up to 200 cfs of water from Haas Slough, tributary to Cache Slough, between March 1 and October 31 of each year for irrigation purposes. The point of diversion for License 6103 is located south twenty-eight degrees, seven minutes west, five thousand six hundred one feet from NE corner of Section 34, T6N, R2E, MDB&M, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34. The authorized place of use consists of 13,781 acres.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involve only water that would otherwise have been consumptively used, stored, or conserved pursuant to Water Code section 1011, by Permittee;

2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.
4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENT

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commenters should provide sufficient information to support claims of injury or unreasonable effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division of Water Rights (if necessary) may request that the petitioner submit additional information during the comment period. Any such requests and any additional information submitted by the petitioner regarding this proposed temporary change **during the comment period** will be posted with this notice on the Division of Water Rights' website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_to_no_tices/. Potential commenters are strongly urged to check the website for such information prior to filing a comment.

Comments filed in response to this notice must be received in the office of the State Water Board's Division of Water Rights, at the first address listed below by **2:00 p.m. on June 16, 2011**. Additionally, a copy of the comments must be filed with the District. **Comments must be accompanied by proof of service of a separate copy of the materials on the petitioner.** Interested parties are encouraged to file comments by email or fax and to notify the following contact persons by telephone of any materials that will be submitted. An original copy of all materials, however, must be received for the State Water Board to consider your comments.

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Please address questions about this notice to Patricia Fernandez at (916) 319-9141. Questions regarding the petitioner should be addressed to Darren Cordova at (916) 456-4400.

ORIGINAL SIGNED BY:

Leslie F. Grober, Manager
Hearings and Special Programs Section

Dated: May 13, 2011

California Environmental Protection Agency

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