



Water Resources ♦ Flood Control ♦ Water Rights

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April 15, 2011

Ms. Barbara Evoy, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

**Subject: Reclamation District No. 2068 Petition for Temporary Transfer
under License 6103 (Application 2318)**

Dear Ms. Evoy:

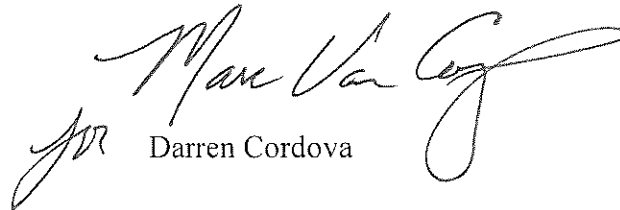
On behalf of Reclamation District No. 2068 (District), enclosed are the following documents relative to a Petition for Temporary Transfer under the District's License 6103 (Application 2318):

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 \$2,297.00 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 a point of diversion, place of use, and purposes of use to its License 6103 in order to transfer up to a total of 1,000 AF to Solano County Water Agency by groundwater substitution. As you are aware, time is of the essence to process this petition for the implementation of the water transfer to Solano County Water Agency; 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 Cordova

DC/ps
4525-2/BARBARA EVOY 2011-04-15.DOC

Enclosures

cc: Mike Hardesty, Reclamation District No. 2068
Chris Lee, Solano County Water Agency
Thomas Pate, Solano County Water Agency
Kevin O'Brien, Downey Brand
Nancy Quan, DWR SWPAO
Chris Bonds, DWR Central District
Tim Rust, U.S. Bureau of Reclamation
Jacqueline Matthews, CVRWQCB (via certified mail)
Lauren Dailey, Department of Fish and Game (via certified mail)
Board of Supervisors, County of Solano (via certified mail)

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>

**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). 2318 Permit No. _____ License No. 6103
Statement or Other No. _____

Present Holder and User of Water Right

Reclamation District No. 2068	Mike Hardesty	(707) 678-5412
Person or Company name 7178 Yolano Road	Contact person CA	Telephone No 95620-9621
Address rd2068@cal.net	City Dixon	State CA
E-MAIL (For noticing purposes)	City Dixon	Zip Code 95620-9621

Co-petitioner

N/A

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

Proposed New User

Solano County Water Agency	Chris Lee	(707) 455-1105
Person or Company name 810 Vaca Valley Parkway, Suite 203	Contact person CA	Telephone No 95688
Address clee@scwa2.com	City Vacaville	State CA
E-MAIL (For noticing purposes)	City Vacaville	Zip Code 95688

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 1,000 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 up to 4 cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) Upon approval of Petition until October 31, 2011

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 No. 1

Proposed See Attachment No. 1

Place of Use

Present See Attachment No. 1

Proposed See Attachment No. 1

Purpose of Use

Present See Attachment No. 1

Proposed See Attachment No. 1

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

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

Solano County

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

Solano County

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 No. 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 No. 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 No. 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 No. 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 No. 1

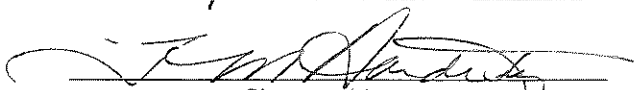
5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. See Attach. No. 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) ? No
(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 No. 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 No. 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: 4/14/11 at Sacramento, California


Signature(s)

(707) 678-5412
Telephone No.

NOTE: This petition shall be accompanied by all information required by this farm 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)** , 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 6103 (Application 2318)
held by Reclamation District No. 2068**

GENERAL

The purpose of this Petition for Temporary Transfer is to: (1) add the State Water Project's (SWP) Barker Slough Pumping Plant as a point of diversion, (2) include the service areas served by the SWP's Barker Slough Pumping Plant, and (3) add Domestic, Municipal, and Industrial as purposes of use under License 6103 (Application 2318). This petition is being filed to facilitate a one-year transfer of up to 1,000 acre-feet (AF) of surface water from Reclamation District No. 2068 (District), which will be made available by groundwater substitution, to Solano County Water Agency (Agency) in order to provide an additional municipal, industrial, and domestic water supply. Groundwater substitution involves the use of water pumped to produce crops within the District in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional point of diversion. Absent the proposed temporary transfer, the District would divert the entire quantity of surface water proposed for transfer from Haas Slough pursuant to its water right.

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>
South twenty-eight degrees, seven minutes west, five thousand six hundred one feet from NE corner of Section 34, T6N, R2E	SE, SW	34	6N	2E

Proposed Additional Points of Diversion:

No change in the present point of diversion is proposed. The District proposes to add the following point of diversion:

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.

This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

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

PLACE OF USE

Present:

The present place of use is 13,781 acres within Reclamation District No. 2068, as shown on maps contained in the Division's files for License 6103.

Proposed:

No change in the present place of use is proposed. The District proposes to add the service area of the SWP as the proposed additional place of use in order to facilitate the temporary water transfer to the Agency. 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:

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

RESPONSES TO NUMBERED ITEMS ON PETITION:

- 1b.** Absent the proposed temporary transfer to the Agency, groundwater would not be pumped, and the District would have diverted surface water to meet its irrigation demands. The crops produced within the District and the associated on-farm irrigation practices would occur with or without the proposed temporary water transfer.

- 2c.** The District is proposing to add the SWP's Barker Slough Pumping Plant as an additional point of diversion. The proposed transfer will change the flows in the channels within the vicinity of the present and proposed additional points of diversion by up to approximately 4 cfs, which is small compared to the flows within these channels. In addition, the water levels in these channels are significantly influenced by tidal conditions in the Delta. The water users to these channels may include the SWP and other water right holders. See files of the State Water Resources Control Board, Division of Water Rights.

3a & 3b. 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 Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users, instream beneficial uses, and the overall economy and environment. The District will submit a proposal to DWR and Reclamation for a water transfer to the Agency during 2011, which includes detailed information relative to groundwater well characteristics, groundwater monitoring elements, and associated maps. DWR and Reclamation will conduct 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 that a reduction in surface water use will occur as a result of the proposed groundwater substitution. In addition, it is our understanding that Reclamation has addressed potential concerns with the U.S. Fish and Wildlife Service (USFWS).

Only a well that has been approved by DWR will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, the District does not believe the proposed temporary transfer to the Agency by groundwater substitution will result in an overdraft of the underlying groundwater basin. Groundwater elevation data for DWR's Monitoring Well Nos. 06N02EM003M and 07N02E33D002M, which are located near the District, show that groundwater elevations have fluctuated seasonally each year since 1960, with a trend of increasing groundwater levels through the early 1980's. This data also shows that groundwater elevations since that time have remained relatively stable and approximately equal to the elevations measured in 1951.

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. In addition, a multi-completion groundwater monitoring well was constructed in 2005 within the District's boundaries in order to further assist in documenting groundwater elevations.

As a result of this proposed temporary transfer by groundwater substitution, the change in flows through the channels within the vicinity of the present and proposed additional points of diversion will be small. Also, the quantity of water diverted at the proposed additional point of diversion is water that would be available to the District absent this proposed temporary water transfer. Therefore, there will be no injury to other legal water users, water quality, or return flows.

4. The Central Valley Regional Water Quality Control Board (CVRWQCB) was contacted; and no comments were provided at this time. A copy of this petition has been provided to Elizabeth Lee (916-464-3291) of the CVRWQCB.

- 5a. The Department of Fish and Game (DFG) was contacted; and no comments were provided at this time. A copy of this petition has been provided to Lauren Dailey (916-358-2909) of DFG.

- 5c & 5d. The proposed temporary transfer may provide environmental benefits through increased flows to the proposed additional point of diversion. The reduced diversions by the District from Haas Slough, tributary to Cache Slough, are small compared to the flows within these channels. In addition, water levels in the channels within the vicinity of the present and proposed additional points of diversion are significantly influenced by tidal conditions in the Delta. Due to these tidal influences and the relatively small quantity and rate at which water is proposed to be transferred, the effect on fisheries, wildlife, and other instream beneficial uses will be indistinguishable.

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.waterboards.ca.gov/waterrights>

**ENVIRONMENTAL
INFORMATION FOR PETITIONS***

License 6103 (Application 2318)

* Required for all petitions, including change petitions, time extension petitions, wastewater change petitions and instream flow dedication petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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 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 NOT APPLICABLE

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) _____

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: Lauren Dailey (916) 358-2909

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: **SEE ATTACHMENT NO. 1**
- The petitioner is a California public agency and will be preparing the environmental document.*
 - I expect that the State Water Board will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water 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 State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the State Water Board, 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 State Water Board, Division of Water Rights.

5. WASTE/WASTEWATER NOT APPLICABLE

- 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. _____

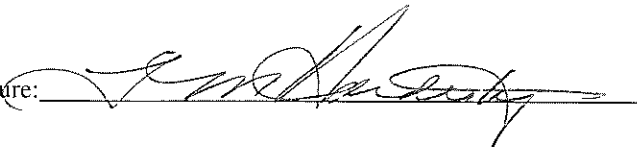
7. **ENVIRONMENTAL SETTING** SEE ATTACHMENT NO. 1

Attach **two 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: 4/14/11 Signature: 

**Attachment No. 1
to Environmental Information for
Petition for Temporary Transfer
License 6103 (Application 2318)
held by Reclamation District No. 2068**

1. DESCRIPTION OF PROJECT

Reclamation District No. 2068 (District) is petitioning to temporarily add a point of diversion, place of use, and purposes of use to the water right identified above in order to transfer up to 1,000 AF to Solano County Water Agency (Agency) by groundwater substitution. The State Water Project's (SWP) Barker Slough Pumping Plant is proposed to be added as a point of diversion. In addition, the service area of the SWP is proposed to be added as a place 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 Agency upon approval of the Petition through October 31, 2011.

The quantity of water to be made available by groundwater substitution involves the use of groundwater pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional point of diversion. Absent the proposed temporary transfer, the District would have diverted up to 1,000 AF of surface water from Haas Slough pursuant to its water right. For this reason, the proposed temporary transfer does not involve any construction or other physical changes to the District's facilities.

4. ENVIRONMENTAL DOCUMENTS

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from CEQA. In February 2010, the U.S. Bureau of Reclamation (Reclamation) prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for water transfers during 2010 and 2011 pursuant to the requirements under the National Environmental Policy Act (NEPA). This EA and FONSI are available on Reclamation's web site at: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=4699. Although the EA and FONSI do not attempt to address the District's proposed water transfer directly, Section 3.18 of the EA covers Cumulative Effects, including a water transfer from the District of the quantity identified in this petition during 2011.

7. ENVIRONMENTAL SETTING

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