

Please indicate County where your project is located here:

See attachment

MAIL FORM AND ATTACHMENTS TO: State Water Resources Control Board DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000 Tel: (916) 341-5300 Fax: (916) 341-5400 http://www.waterboards.ca.gov/waterrights

STATE WATER RESOURCES CONTROL BOARD 2014 JAN 23 PM 11:29 DIV OF WATER RIGHTS SACRAMENTO

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other. Application 5632, Permit 15026, License, Statement.

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Permit No. 15026 - no change to existing points of diversion or rediversion. Proposed: See attachment.

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: No change. Proposed: No change - see attachment.

Purpose of Use

Present: No change. Proposed: No change.

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

Yuba County Water Agency (YCWA) would remain the sole permittee. The purpose of this temporary urgency petition is to enable San Luis & Delta-Mendota Water Authority (SLDMWA) and members to store Yuba Accord water in San Luis Reservoir from the current Central Valley Project (CVP) contract year into the next CVP contract year. This CVP contract year ends on February 28, 2014 and the next year begins on March 1, 2014. In Corrected Order WR 2008-0014, the SWRCB approved transfers of Yuba Accord water by approving, among other things, the addition of the CVP's service area to Permit 15026's place of use and the addition of the CVP's and SWP's south Delta pumping plants as points of rediversion on that permit. YCWA's contact is: Curt Aikens, General Manager, YCWA, 1220 F Street, Marysville, CA 95901-4740, (530) 741-5000.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: Proposed:

Handwritten notes: R'vd \$858 CH# 34715 1/23/14 CH; R'vd \$6,062 CH# 34714 1/23/14 CH

ORIGINAL

Temporary Urgency

This temporary urgency change will be effective from to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

| Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| | | | | | | | | | | | |

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

This petition seeks to add San Luis Reservoir as a point of redirection of Yuba Accord transfer that already was diverted from the Delta in 2013. The relevant water already is physically present in San Luis Reservoir. There are no intervening diverters.

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated at

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**ATTACHMENT TO PETITION OF YUBA COUNTY WATER AGENCY
TO ADD A POINT OF REDIVERSION TO PERMIT NO. 15026**

County

The permanent existing authorized points of diversion for Permit 15026 are located in Sierra and Yuba Counties with authorized points of rediversion in San Joaquin County added until December 31, 2025 by Corrected Order WR 2008-0014. The proposed additional authorized temporary point of rediversion is in Merced County.

Proposed New Point of Rediversion

The proposed authorized temporary point of rediversion would be located on San Luis Creek at the point of diversion for San Luis Dam within the SW ¼ of SE ¼ of projected section 15, T10S, R8E, MDB&M at North 1,845,103 feet and East 6,393,569 feet by California Coordinate System in Zone 3 (NAD 83).

This point of rediversion would be added to water-right Permit 15026 until 180 days following the SWRCB's approval of that point of rediversion. If necessary to enable the full use of the water that would be stored in San Luis Reservoir pursuant to this petition, if approved, Yuba County Water Agency (YCWA) will consider petitioning for renewal of the proposed authorized temporary point of rediversion or for that change to be made on a long-term basis.

Place of Use

In Corrected Order WR 2008-0014, the SWRCB approved the addition of the authorized place of use of the Central Valley Project (as shown on map 214-208-12581 on file with Application 5626) to YCWA's Permit 15026 through December 31, 2025. The proposed authorized temporary point of rediversion would be used to enable storage of water for use within this CVP place of use.

Urgent Need That Is Basis for Urgency Petition

The urgent need for this petition is described in the attached memorandum from the San Luis & Delta-Mendota Water Authority (SLDMWA).

The water that would be stored into the 2014-2015 CVP contract year is already present in San Luis Reservoir as a result of 2013 diversions of Yuba Accord water from the Delta under Corrected Order WR 2008-0014. Accordingly, no legal users of water will be injured by the proposed temporary urgency change.

San Luis Reservoir is an off-stream reservoir with approximately 2,000,000 acre-feet of storage capacity. The proposed temporary urgency change would enable the storage of approximately 7,353 acre-feet of water in that reservoir for a longer time. YCWA is preparing an addendum to the Yuba Accord EIR (SCH #200506211). In light of the fact that San Luis Reservoir is an off-stream reservoir, the relevant water is already stored in San Luis Reservoir, that water is a very

small portion of the reservoir's storage capacity and that water would be stored for a somewhat longer period of time, YCWA believes that approval of this petition would not have any unreasonable effects on fish, wildlife or instream uses.

Access to Proposed Point of Rediversion

The water that would be stored into the 2014-2015 CVP contract year as a result of the proposed addition of the authorized temporary point of rediversion is Yuba Accord water that SLDMWA has purchased from the Department of Water Resources. SLDMWA anticipates acquiring the right to store that water in San Luis Reservoir into the 2014-2015 CVP contract year by executing a Warren Act contract with the U.S. Bureau of Reclamation (Reclamation) to use a portion of Reclamation's storage space in the reservoir. Reclamation has informed SLDMWA that the addition of the proposed authorized temporary point of rediversion to YCWA's Permit 15026 is necessary for the Warren Act contract.

Proposed Terms of Approval of Addition of New Temporary Point of Rediversion

YCWA proposes that the SWRCB's approval of the addition of the proposed new authorized temporary point of rediversion include the following terms:

1. The new authorized temporary point of rediversion at San Luis Dam is added until 180 days following the SWRCB's approval of that addition to Permit 15026. The maximum quantity of water that may be stored in San Luis Reservoir as a result of the addition of the new authorized temporary point of rediversion is 7,400 acre-feet.
2. Diversions at the new authorized temporary point of rediversion are subject to all terms of any biological opinions and incidental take permits that apply to the operation of San Luis Reservoir by the U.S. Bureau of Reclamation and the Department of Water Resources.
3. The addition of San Luis Dam as an authorized point of rediversion shall not authorize any diversions of water under Permit 15026 at Clifton Court Forebay and Jones Pumping Plant besides those authorized by Corrected Order WR 2008-0014.
4. By November 1, 2015, YCWA shall provide to the Deputy Director a report describing the storage of water in San Luis Reservoir pursuant to the addition of San Luis Dam as an authorized temporary point of rediversion in Permit 15026.
5. This order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A sections 1531 to 1544).



Reason for Temporary Urgency Petition

Members of San Luis & Delta-Mendota Water Authority (SLDMWA) have conserved up to 7,353, acre-feet (AF) of Yuba Accord water that they purchased in 2013 from the Department of Water Resources under the *Agreement For the Long-Term Purchase of Water From Yuba County Water Agency by the Department of Water Resources*. Those SLDMWA members seek to store that 2013 Yuba Accord water to increase their 2014 supplemental supplies. They anticipate that the Bureau of Reclamation's February 2014 allocation to the South of Delta CVP Agriculture Service Contractors in 2014 will be 0%. Those SLDMWA members have aggressively conserved 2013 Yuba Accord water to store it in San Luis Reservoir for use in 2014. Reclamation will allow for the storage of Yuba Accord water in San Luis Reservoir under a Warren Act Contract if the State Water Resources Control Board (SWRCB) adds that reservoir as a point of rediversion on Yuba County Water Agency's (YCWA) Permit 15026.

During the three-month (July-September) transfer window when Yuba Accord water was conveyed through the Delta, Westlands Water District (Westlands), Pacheco Water District (Pacheco), and Panoche Water District (Panoche) were able to reduce demands, with the intent of conserving Yuba Accord water for 2014, as forecasts during that period were already suggesting very low allocations in 2014. With the current, critically dry hydrologic conditions, Westlands, Panoche, and Pacheco now anticipate no CVP allocation in 2014. Therefore, the ability of those districts to store and reschedule transfer water is imperative. If YCWA's urgency petition was not granted, then 7,353 AF could not put to beneficial use in 2014, harming farmers within the districts by stranding at last in part the investments in Yuba Accord water and forcing the fallowing of nearly 3,000 acres of productive farm land. Such fallowing would result in the loss of agriculture—related jobs in the areas served by Westlands, Pacheco and Panoche in Fresno, Merced and Kings Counties—among the most economically vulnerable populations in the State.

Denying this petition would also prevent Westlands, Pacheco and Panoche from completing other transfers that bring supplemental water into the districts because having the ability to store Yuba Accord water would free up capacity on delivery schedules. Many of these additional transfers must be delivered "on-pattern" and cannot be stored, rescheduled, or shown delivered in future months. Once the opportunity for executing these transfers is lost, they cannot be recovered in future months. By storing Yuba Accord water, the districts can exercise multiple water management strategies to efficiently and beneficially use water to the greatest extent.

Questions concerning the reason for the urgency petition should be directed to Frances Mizuno, Assistant Executive Director of the SLDMWA at 15990 Kelso Road, Byron, CA 94514 or at 209.832.6200.

842 SIXTH STREET

SUITE 7

P.O. BOX 2157

LOS BANOS, CA

93635

209 826-9696

209 826-9698 FAX

PROOF OF SERVICE

I, Terry M. Olson, declare:

I am over the age of eighteen and work in Sacramento County at the law firm of Bartkiewicz, Kronick & Shanahan, A Professional Corporation, located at 1011 22nd Street, Sacramento, California 95816. On January 22, 2014, I served the foregoing document, **Petition for Change of Yuba County Water Agency**, in a sealed envelope, with postage fully prepaid, by placing copies of that document for collection and mailing with the United States Postal Service at Sacramento, California 95816 to the following persons at the following addresses:

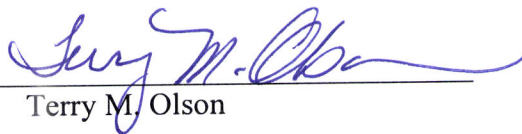
Hon. Charlton H. Bonham
Director
California Department of Fish and Wildlife
1416 Ninth Street, 12th Floor
Sacramento, California 95814

Dr. Jeffrey R. Single
Regional Manager, Central Region
California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, California 95670-6114.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 22, 2014 at Sacramento, California.



Terry M. Olson