



Water Resources ♦ Flood Control ♦ Water Rights

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May 2, 2014

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

**Subject: Plumas Mutual Water Company Petition for Change Involving  
Water Transfer under License 7296 (Application 480)**

Dear Ms. Evoy:

On behalf of Plumas Mutual Water Company (Company), enclosed are the following documents relative to a Petition for Change Involving Water Transfer (Petition) under the Company's License 7296 (Application 480):

1. Petition for Change Involving Water Transfers 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 \$3,497.00 to cover the Petition fees.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Wildlife.

The Company is petitioning to temporarily add points of diversion, point of redirection, place of use, and purposes of use to its License 7296 in order to transfer up to a total of 5,000 AF to participating State Water Contractor (SWC) Agencies by groundwater substitution. The Company's Petition and proposed 2014 Water Transfer are consistent with the Governor's State of Emergency Drought Proclamation dated January 17, 2014 and subsequent Proclamation of a Continued State of Emergency dated April 25, 2014. As indicated in the Governor's April 25, 2014 Proclamation, the 30-day comment period required by Water Code Section 1726(f) is suspended and a 15-day comment period is to be provided for temporary water transfers under Water Code Section 1725, which includes this Petition. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer to participating SWC Agencies; and we appreciate your attention to this Petition.

Please call if you have any questions or require additional information.

Sincerely,  
MBK ENGINEERS



Darren Cordova

AK/dc

3832.14/DRAFT LETTER TO DIVISION PLUMAS MWC 2014 TRANSFER 05.01.2014

Enclosures

cc: Steve Danna, Plumas Mutual Water Company  
Dustin Cooper, Minasian, Spruance, Baber, Meith, Soares & Sexton, LLP  
Kathy Mrowka, Division of Water Rights  
Nancy Quan, DWR SWPAO  
Chris Bonds, DWR Central District  
Elizabeth Lee, CVRWQCB (via certified mail)  
Paul Forsberg, Department of Fish and Wildlife (via certified mail)  
Board of Supervisors, County of Stanislaus (via certified mail)  
Board of Supervisors, County of Fresno (via certified mail)  
Board of Supervisors, County of Kern (via certified mail)  
Board of Supervisors, County of Kings (via certified mail)  
Board of Supervisors, County of Yuba (via certified mail)  
Board of Supervisors, County of Napa (via certified mail)

Please indicate County where your project is located here:

Yuba

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

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

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, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication

Application 480 Permit 249 License 7296 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 Attachment No. 1
Proposed: See Attachment No. 1

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: See Attachment No. 1
Proposed: See Attachment No. 1

Purpose of Use

Present: Irrigation.
Proposed: Irrigation, Municipal, Industrial, Domestic.

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: Not Applicable.
Downstream Location:

Table with 12 columns for months (Jan-Dec) and rows for flow quantities (cubic feet per second or gallons per day).

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.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Attachment No. 1

**Amount of Water to be Transferred**

acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is  cubic feet per second or million gallons per day.

**General Information** – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?  Yes  No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?  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.

Not Applicable.

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

See Attachment No. 1

**All Right Holders Must Sign Below:** I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated  at

Plumas Municipal Water Company by  
*Stefano F. Davala* President  
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, available at:  
[http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](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/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment No. 1  
to Petition for Change Involving Water Transfers  
License 7296 (Application 480)  
held by Plumas Mutual Water Company**

**PURPOSE OF PETITION**

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant and Barker Slough Pumping Plant as points of diversion, (2) add San Luis Reservoir as a point of rediversion, (3) add a portion of the service area of the SWP as an additional place of use, and (4) add municipal, industrial, and domestic purposes of use to Plumas Mutual Water Company's (Company) License 7296 (Application 480). This petition is being filed to facilitate a temporary transfer (2014 Water Transfer) of up to 5,000 acre-feet (AF) of surface water from the Company during May through October 2014, which will be made available by groundwater substitution, to participating State Water Contractor (SWC) Agencies in order to provide an additional water supply for irrigation, municipal, industrial, and domestic purposes. Groundwater substitution involves the use of groundwater pumped to produce crops within the Company in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, the Company would divert the entire quantity of surface water proposed for transfer from the Feather River pursuant to its water right. The proposed 2014 Water Transfer is consistent with the Governor's State of Emergency Drought Proclamation dated January 17, 2014 and subsequent Proclamation of a Continued State of Emergency dated April 25, 2014.

**POINT OF DIVERSION OR REDIVERSION**

**POINT OF DIVERSION**

***Present Point of Diversion:***

No change in the present point of diversion is proposed. The Company's authorized point of diversion under License 7296 is listed below:

<u>Description*</u>	<u>Located Within*</u>			
	<u>1/4, 1/4</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
South 1,940 feet from the NW corner of Section 6, T13N, R4E	SW, NW	6	13N	4E

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

***Proposed Additional Points of Diversion:***

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

**Banks Pumping Plant via the Clifton Court Forebay**

N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division of Water Rights (Division) under Application 5630.

**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.

**POINT OF REDIVERSION**

***Proposed Additional Point of Rediversion:***

The Company proposes to add the following point of rediversion:

**San Luis Reservoir**

N 1,845,103 ft., E 6,393,569 ft., California Coordinate System Zone 3, NAD 83, being within the SW ¼ of SE ¼ of Projected Section 15, T10S, R8E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under Application 5630.

**PLACE OF USE**

***Present:***

The present place of use is 4,300 acres within boundaries of Reclamation District No. 784 on the easterly side of Feather River in Townships 13 and 14 North, Ranges 3 and 4 East, MDB&M, as shown on a map contained in the Division's files for License 7296.

***Proposed:***

No change in the present place of use is proposed. The Company proposes to add a portion of the service area of the SWP as the proposed additional place of use in order to facilitate the temporary water transfer to the participating SWC Agencies. This portion of the

Plumas Mutual Water Company License 7296  
Attachment to Petition for Change Involving Water Transfers

service area of the SWP is shown on Map 1878 – 2 and – 3 on file with the Division under Application 5630.

**PROPOSED NEW USERS**

The proposed new users will be water users within the following SWC Agencies listed below:

**COUNTY OF KINGS**  
1001 Chase Avenue  
Fresno, CA 93711-6162  
Tom Glover  
(559) 992-4127

**DUDLEY RIDGE WATER DISTRICT**  
286 W. Cromwell Avenue  
Fresno, CA 93711-6162  
Tom Glover  
cc: Rick Besecker  
(559) 449-2700  
[tglover@ppeng.com](mailto:tglover@ppeng.com)

**KERN COUNTY WATER AGENCY**  
P.O. Box 58  
Bakersfield, CA 93302  
Lara Kimm  
Direct (661) 634-1419  
[lkimm@kcwa.com](mailto:lkimm@kcwa.com)

**OAK FLAT WATER DISTRICT**  
P.O. Box 1596  
Patterson, CA 95363  
Anthea Hansen  
(209) 892-4470

**NAPA COUNTY FLOOD CONTROL &  
WATER CONSERVATION DISTRICT**  
804 First Street  
Napa, CA 94559  
Phillip Miller  
(707) 259-8600

**GENERAL INFORMATION**

Surface water will be made available for transfer from the Company's groundwater substitution program, consistent with the Draft Technical Information for Preparing Water Transfer Proposals, dated October 2013 (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 Company has submitted a proposal to DWR for a water transfer to participating SWC Agencies during 2014, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, and associated maps. DWR will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by the Company meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary

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transfer. In addition, it is our understanding that Reclamation has addressed potential concerns with the U.S. Fish and Wildlife Service (USFWS). Absent the proposed temporary transfer to the participating SWC Agencies, groundwater would not be pumped by the Company for its groundwater substitution program to make surface water available for these SWC Agencies; thus, the Company would have diverted surface water to meet its irrigation demands. The crops produced within the Company and the associated irrigation practices would occur with or without the proposed temporary water transfer.

Only wells which have been approved by DWR will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, the Company does not believe the proposed transfer to the participating SWC Agencies by groundwater substitution will result in an overdraft of the underlying groundwater basin. Groundwater elevation data for DWR's Monitoring Well No. 13N04E07E001M, which is located within the Company's boundary, shows that during 1947 through 2014, groundwater elevations fluctuated seasonally each year with greater fluctuations during drier periods. Similarly, DWR's Monitoring Well Nos. 13N04E07L001M and 14N04E30N003M, located within and north of the Company, respectively, show annual fluctuations with no apparent trend in declining groundwater elevations. As a condition of participation in the proposed temporary transfer, the Company has developed groundwater monitoring, reporting, and mitigation plans to ensure the proposed transfer does not result in any unreasonable and adverse impacts to the groundwater basin or third parties. Evaluation and approval by DWR of the groundwater monitoring, reporting, and mitigation plans will be obtained for the Company's groundwater substitution program.

As a result of this proposed temporary transfer, the flow in the Feather River downstream of the Company's present point of diversion will increase by up to 5,000 AF during the period of the transfer over what would have occurred absent the proposed transfer. The increased flow in the Feather River to the proposed additional point of diversion will be a small percentage of the total flow and will be water that would be diverted by the Company absent this proposed transfer. The Company's reduced diversions will provide additional flows during critical periods of the year, up to a maximum of approximately 37 cfs assuming the groundwater wells proposed to participate in the water transfer are operating simultaneously. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide benefits for fisheries and wildlife and may result in a positive effect to the water users between the present point of diversion and the proposed additional point of diversion.

On May 28, 1971, the Company executed an Agreement on Diversion of Water from the Feather River with the DWR (Agreement), for the purpose of a water rights settlement associated with the operation of Oroville Dam, specifically relative to the Company's License 7296. In accordance with the terms of the Agreement, DWR has identified that the Company may divert up to 100% of the quantity identified in the Agreement due to hydrologic conditions during 2014. The Company's beneficial use of water from the Feather River during 2014 will include diversions for its crop water demands and surface water made available for transfer by groundwater substitution. Pursuant to Article 9(b) of the Agreement, the Company's beneficial



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use of water from the Feather River shall be deemed diverted under its water rights. Due to the drought conditions during 2014, the Division has identified that curtailment notices may be issued for all post-1914 water rights within the Sacramento River Basin, which includes the Feather River. Although the Company may receive a curtailment notice for its License 7296, the Company will continue beneficial use of water in accordance with the terms of its water rights and the Company's Agreement with DWR for the reasons identified above.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the CVP, the SWP, and the Cities of Sacramento and West Sacramento. The Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) were contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. Copies of this petition have been provided to Paul Forseberg (916-323-7215) of DFW and Elizabeth Lee (916-464-4787) of the CVRWQCB.