

Please indicate County where your project is located here:

Sacramento

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

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 23416, Permit 16762, 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: Proposed:

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: Proposed:

Purpose of Use

Present: Proposed:

Split

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

[Empty box for names, addresses, and phone numbers]

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:

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 ¼-¼ 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).

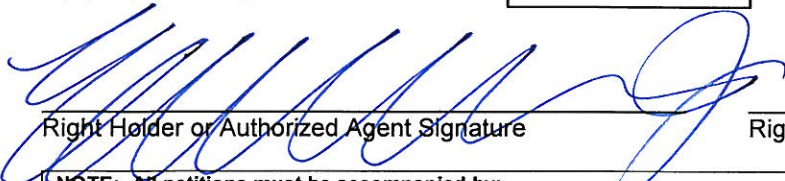
Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

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.

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 1

DESCRIPTION OF TEMPORARY URGENCY CHANGE PETITION REQUEST

Water Rights Permit 16762 Requested Changes

- 1) Condition 5 sets the time of year in which RMCS D may divert water from the Cosumnes River beginning no earlier than November 1 and ending no later than May 31.
- 2) RMCS D is seeking a temporary change to allow diversion through July 1, 2014. This change is necessary to make up for the lost diversion opportunities so far this diversion season and to be able to divert if rainfall is received later in the year and or snow melt is sufficient to allow diversions after the normal end of the diversion season on May 31st.

Condition 18 states: For the protection and preservation of fish life, diversion under this permit from the Cosumnes River shall be subject to the following terms and conditions:

- A. No water shall be diverted when the flow is less than 708 cubic feet per second.
- B. Only up to 6 cubic feet per second shall be diverted when the flow is between 70 and 175 cubic feet per second (but such diversion shall not reduce the flow below 70 cubic feet per second).
- C. Only those flows in excess of 175 cubic feet per second shall be diverted at all other times, except in dry years, as follows:
 - (1) If on February 1, the total amount that could have been diverted under this permit under the foregoing schedule is less than 400 acre-feet, then permittee may, during February, divert the flows in excess of 70 cubic feet per second, up to a maximum of 46 cubic feet per second.
 - (2) If on March 1, the total amount that could have been diverted under the foregoing schedule is less than 2,000 acre-feet, then permittee may, during March, divert the flows in excess of 70 cubic feet per second, up to a maximum of 46 cubic feet per second.

RMCS D is requesting that this condition be lifted and that the following river flows be approved for this temporary urgency change request:

The Cosumnes River flow at Michigan Bar USGS station must be at a minimum of:

- 15 cfs for diversion of up to 6 cfs,
- 21 cfs for diversion up to 12 cfs,
- 24 cfs for diversion up to 15 cfs,
- 39 cfs for diversion up to 30 cfs,
- 54 cfs for diversion up to 45 cfs.

This allows at least 9 cfs of flow to continue downstream. We know from experience and coordinating riparian use with local ranchers, that downstream use has been met when river flows have dropped to near 4 cfs during summer months. Downstream bypass flows would be maintained at more than double historical summer flows under this requested change.

- 3) Condition 21 States: Permittee shall divert no water during the period November 1 to June 1 of each season except during such time as there is a continuous visible surface flow in the bed of Cosumnes River from permittee's point of diversion to the gauging station on Highway 99 known as "Cosumnes River at McConnell".

RMCS D is seeking that this condition be temporarily removed. The purpose of this condition is to ensure downstream flows are maintained. Owing to the historic low flows this year, the Cosumnes River has not connected at the McConnell gauging station at all this water year due to use by downstream riparian users.

ATTACHMENT 2

SUPPLEMENTAL INFORMATION FOR TEMPORARY URGENCY CHANGE PETITION

1.0 BACKGROUND

The Rancho Murieta Community Services District (RMCS D) diverts water from the Cosumnes River to three off stream storage reservoirs for potable use under Water Right Permit 16762, Application 23416, adopted on September 14, 1982 and extended on November 15, 2006 through December 31, 2020.

This permit sets minimum flow requirements during the diversion season and also allows ramped up diversion if certain minimum diversions to storage have not been met.

1.1 Minimum Flow Requirements

Permit 16762 requires a minimum of 70 cubic feet per second (CFS) in the Cosumnes River as measured up stream at Michigan Bar USGS gauging station before 6 cfs can be diverted, as noted below:

Condition 18: For the protection and preservation of fish life, diversion under this permit from the Cosumnes River shall be subject to the following terms and conditions:

- A. No water shall be diverted when the flow is less than 70 cubic feet per second.
- B. Only up to 6 cubic feet per second shall be diverted when the flow is between 70 and 175 cubic feet per second (but such diversion shall not reduce the flow below 70 cubic feet per second).
- C. Only those flows in excess of 175 cubic feet per second shall be diverted at all other times, except in dry years, as follows:
 - (1) If on February 1, the total amount that could have been diverted under this permit under the foregoing schedule is less than 400 acre-feet, then permittee may, during February, divert the flows in excess of 70 cubic feet per second, up to a maximum of 46 cubic feet per second.
 - (2) If on March 1, the total amount that could have been diverted under the foregoing schedule is less than 2,000 acre-feet, then permittee may, during March, divert the flows in excess of 70 cubic feet per second, up to a maximum of 46 cubic feet per second.

1.2 Water Supply Conditional Requirements

As noted above, in paragraph 18.C.(1) and 18.C.(2), diversions can be ramped up later in the diversion season if certain minimum diversions to storage volumes have not been met, however minimum river flow requirements still prevail.

To insure downstream flows are maintained Permit Condition 21 States: Permittee shall divert no water during the period November 1 to June 1 of each season except during such time as there is a continuous visible surface flow in the bed of Cosumnes River from permittee's point of diversion to the gauging station on Highway 99 known as "Cosumnes River at McConnell".

1.3 Diversion Season

Permit 16762 places limitations on the timing of diversions, generally during the fall and spring seasons when river flows are the highest.

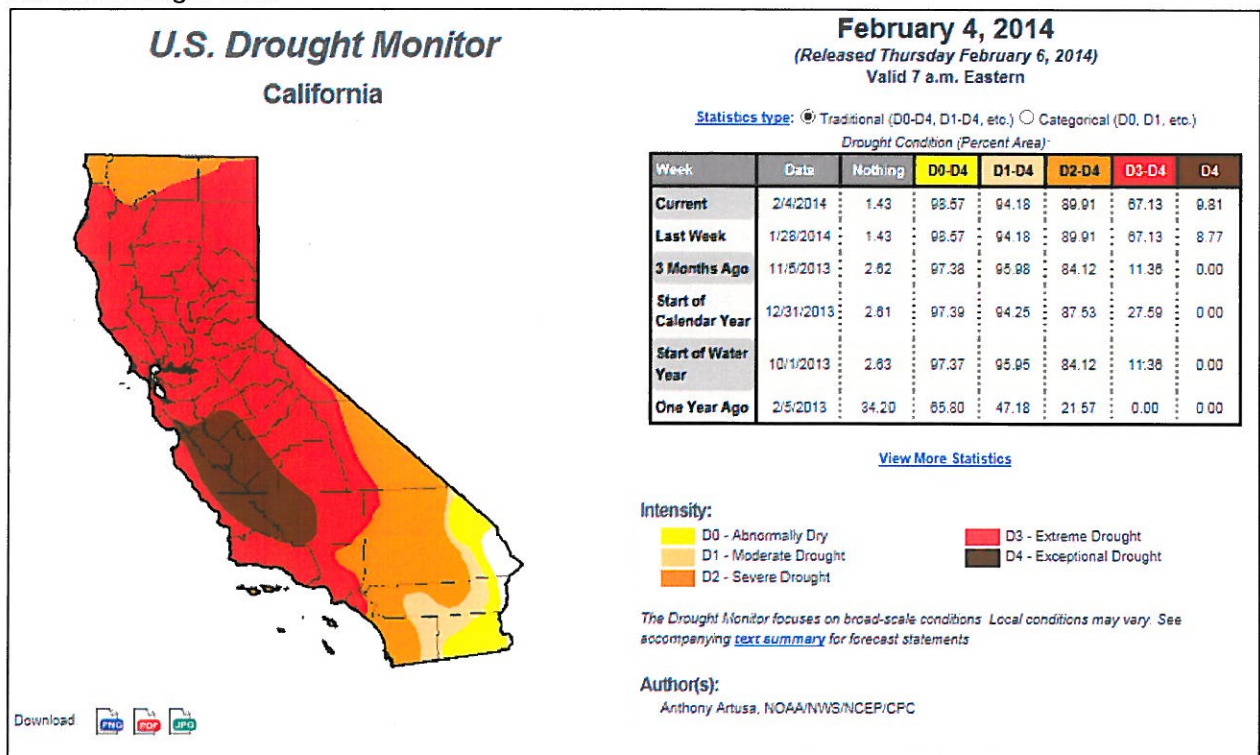
Condition 5 sets the time of year in which RMCS D can divert water from the Cosumnes River, beginning no earlier than November 1 and ending no later than May 31.

2.0 CURRENT WATER SUPPLY CONDITIONS

This past water year has been unprecedentedly dry. The low rainfall total received to date, high evaporation rates, record winter temperatures, and low Cosumnes River flows not allowing RMCS D to divert, have all contributed to a dire water storage concern for our district. In the calendar year of 2013 we received 6.16" of rain, compared to our average 23.86", along with experiencing 55.52" of evaporation. Additionally, the three month outlook weather forecast from the National Oceanic and Atmospheric Administration predicts below normal precipitation for California from now through the forecast horizon.

RMCS D issued a Stage 2 drought water warning to the community on January 15, 2014 in an effort to conserve 20%. However, it is currently unknown what effect this has had or will have on water consumption. On January 17, 2014, Governor Brown issued a Drought Emergency Proclamation. The Proclamation recited that California is experiencing record dry conditions, with calendar year 2014 projected to become the driest year on record.

Below is the most recent screenshot from the US Drought Monitor for California. RMCS D is in the D3-Extreme Drought area.



2.1 Water Storage Supply Conditions

RMCS D's three off stream storage reservoirs have a combined current storage of approximately 2900 AF which is roughly 60% of full capacity. Of that volume RMCS D's largest reservoir, Calero, is at 1,116.3 acre-feet or 42% full capacity.

RMCS D has a drought tracking tool which was developed to track water supply availability. Below are graphs from the Updated Model Summary which utilize data inputs for:

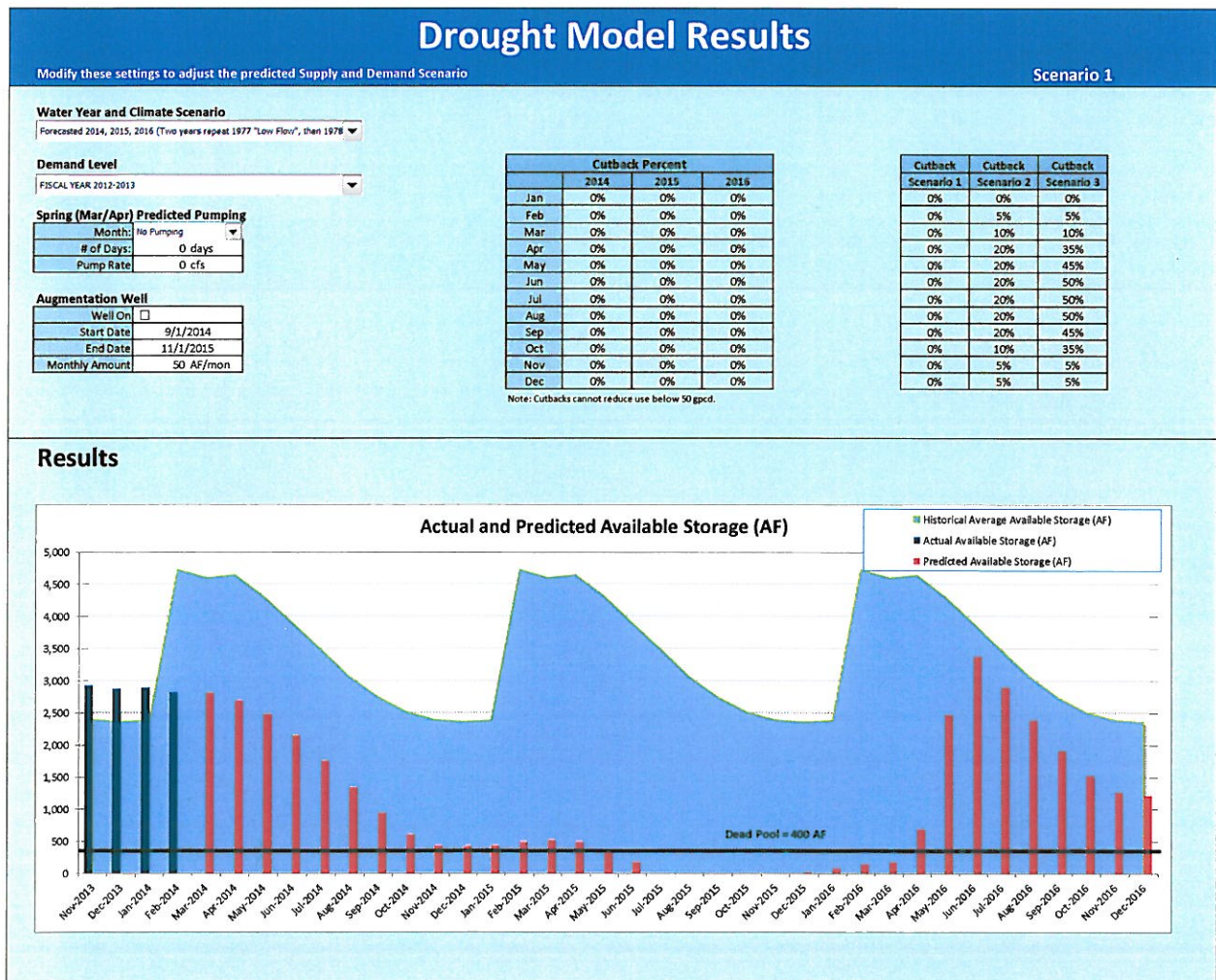
- Current demands for 5,880 estimated population
- Starts with current storage levels
- Forecasted hydrology based on 1977, 1977, 1978 flows (back to back zero diversion seasons)
- Existing permit constraints

Graphs shown below include:

Scenario 1: No cutback in demand

Scenario 2: 20% cutback in demand

Scenario 3: 50% cutback in demand



Drought Model Results

Modify these settings to adjust the predicted Supply and Demand Scenario

Scenario 2

Water Year and Climate Scenario

Forecasted 2014, 2015, 2016 (Two years repeat 1977 "Low Flow", then 1978)

Demand Level

FISCAL YEAR 2012-2013

Spring (Mar/Apr) Predicted Pumping

Month: No Pumping
 # of Days: 0 days
 Pump Rate: 0 cfs

Augmentation Well

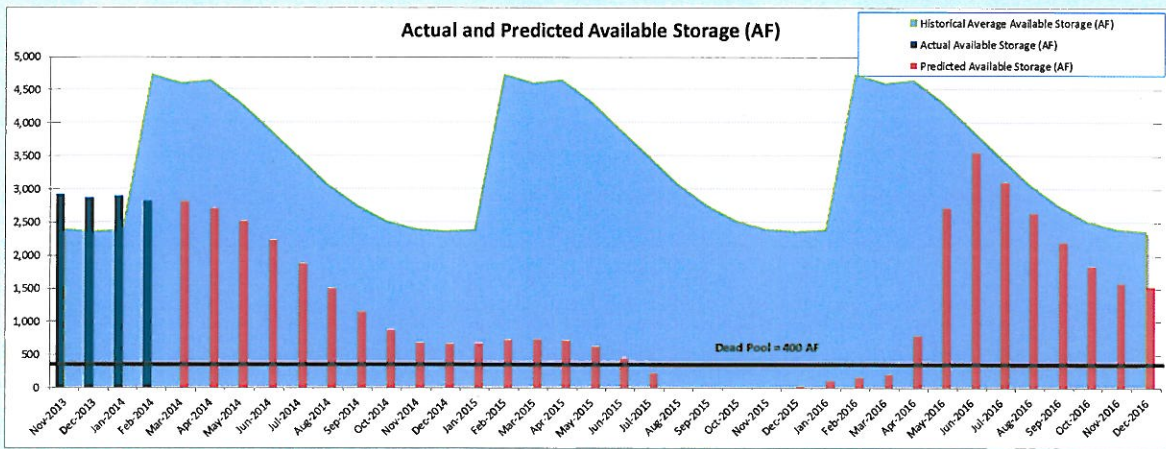
Well On:
 Start Date: 9/1/2014
 End Date: 11/1/2015
 Monthly Amount: 50 AF/month

| | 2014 | 2015 | 2016 |
|-----|------|------|------|
| Jan | 0% | 0% | 0% |
| Feb | 5% | 5% | 5% |
| Mar | 10% | 10% | 10% |
| Apr | 20% | 20% | 20% |
| May | 20% | 20% | 20% |
| Jun | 20% | 20% | 20% |
| Jul | 20% | 20% | 20% |
| Aug | 20% | 20% | 20% |
| Sep | 20% | 20% | 20% |
| Oct | 10% | 10% | 10% |
| Nov | 5% | 5% | 5% |
| Dec | 5% | 5% | 5% |

| Cutback | Cutback | Cutback |
|------------|------------|------------|
| Scenario 1 | Scenario 2 | Scenario 3 |
| 0% | 0% | 0% |
| 0% | 5% | 5% |
| 0% | 10% | 10% |
| 0% | 20% | 35% |
| 0% | 20% | 45% |
| 0% | 20% | 50% |
| 0% | 20% | 50% |
| 0% | 20% | 50% |
| 0% | 20% | 45% |
| 0% | 10% | 35% |
| 0% | 5% | 5% |
| 0% | 5% | 5% |

Note: Cutbacks cannot reduce use below 50 gpcd.

Results



Drought Model Results

Modify these settings to adjust the predicted Supply and Demand Scenario

Scenario 3

Water Year and Climate Scenario

Forecasted 2014, 2013, 2016 (Two years repeat 1977 "Low Flow", then 1978

Demand Level

FISCAL YEAR 2012-2013

Spring (Mar/Apr) Predicted Pumping

| | |
|------------|-------------|
| Month: | Use Pumping |
| # of Days: | 0 days |
| Pump Rate: | 0 cfs |

Augmentation Well

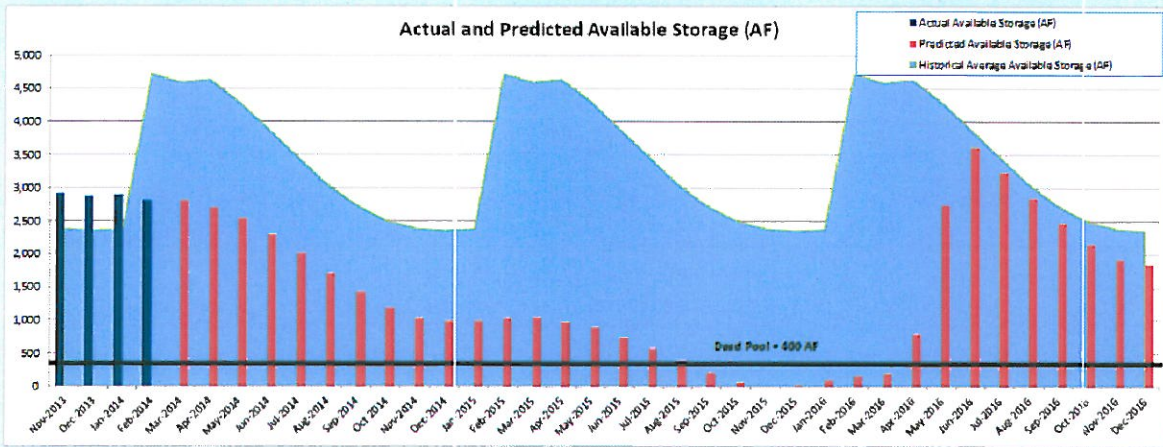
| | |
|-----------------|-----------|
| Well On: | 1 |
| Start Date: | 9/3/2014 |
| End Date: | 11/1/2015 |
| Monthly Amount: | 50 AF/mon |

| | 2014 | 2015 | 2016 |
|-----|------|------|------|
| Jan | 0% | 0% | 0% |
| Feb | 5% | 5% | 5% |
| Mar | 10% | 10% | 10% |
| Apr | 35% | 35% | 35% |
| May | 45% | 45% | 45% |
| Jun | 50% | 50% | 50% |
| Jul | 50% | 50% | 50% |
| Aug | 50% | 50% | 50% |
| Sep | 45% | 45% | 45% |
| Oct | 35% | 35% | 35% |
| Nov | 5% | 5% | 5% |
| Dec | 5% | 5% | 5% |

| Cutback | Cutback | Cutback |
|------------|------------|------------|
| Scenario 1 | Scenario 2 | Scenario 3 |
| 0% | 0% | 0% |
| 0% | 5% | 5% |
| 0% | 10% | 10% |
| 0% | 20% | 35% |
| 0% | 20% | 45% |
| 0% | 20% | 50% |
| 0% | 20% | 50% |
| 0% | 20% | 50% |
| 0% | 20% | 45% |
| 0% | 10% | 35% |
| 0% | 5% | 5% |
| 0% | 5% | 5% |

Note: Cutbacks cannot reduce use below 30 gpcd.

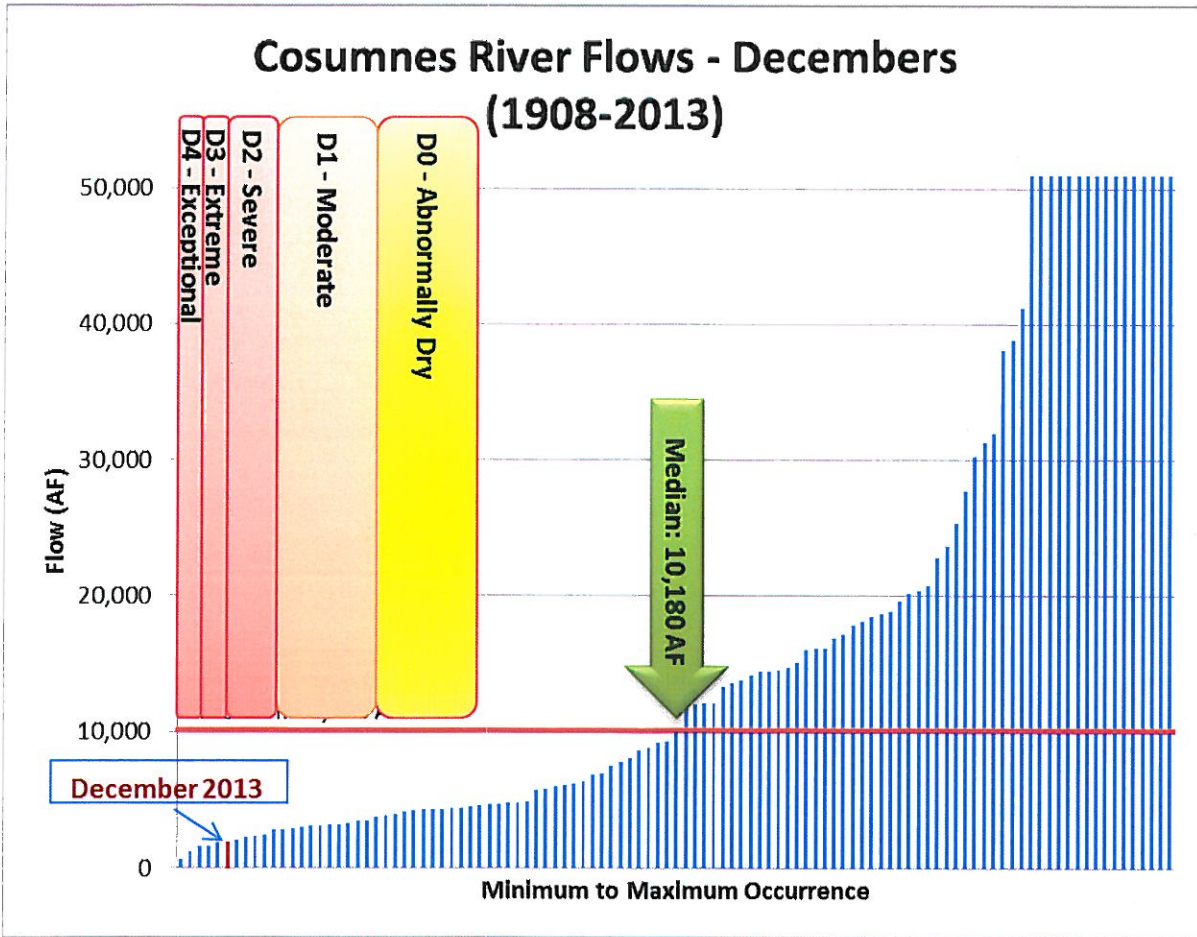
Results

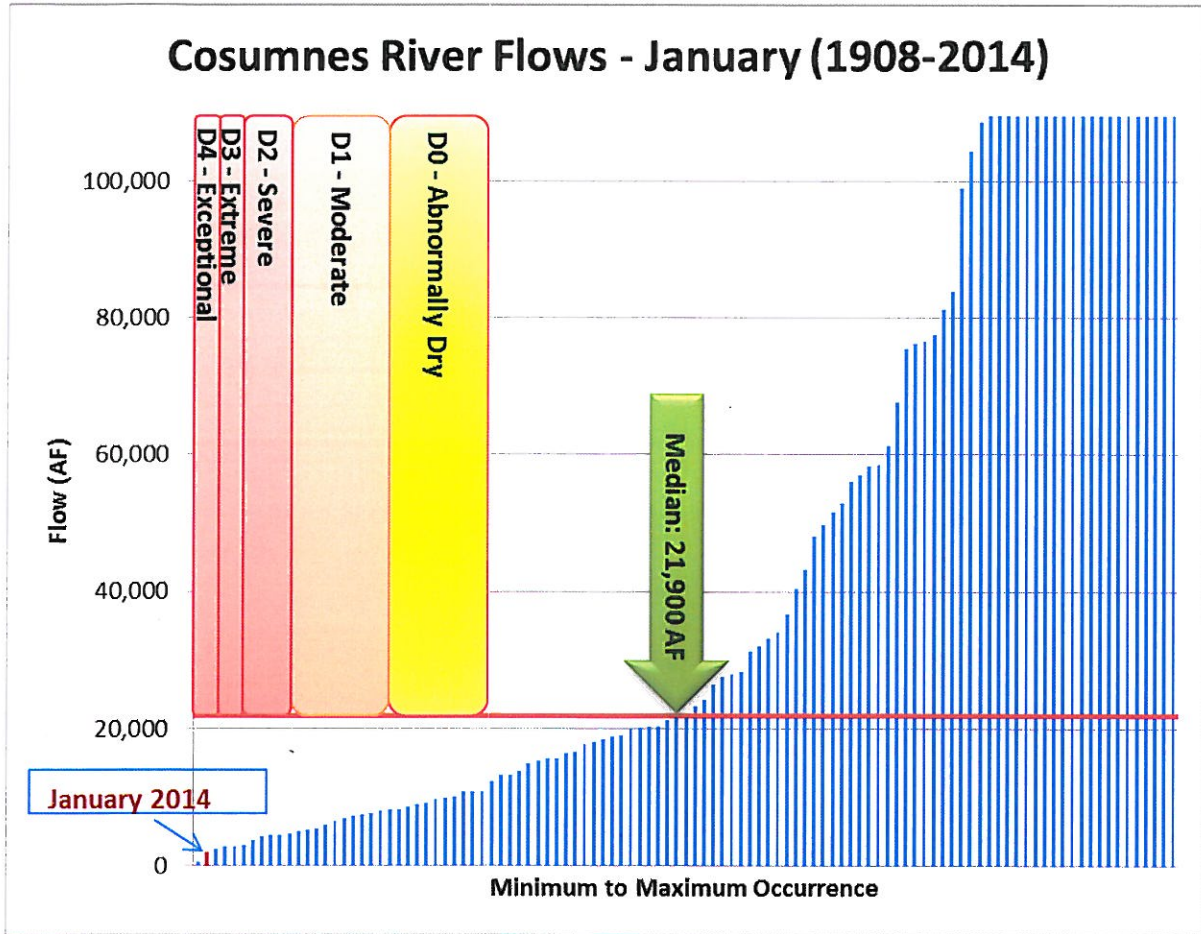


As can be seen under all scenarios, even with 50% conservation, RMCS D's reservoirs reach dead storage, as early as November 2014 or as late as August 2015, which means RMCS D will be unable to provide even minimum amounts of water for public health and safety without temporary urgency revisions to our water permit conditions.

2.2 Cosumnes River Flows

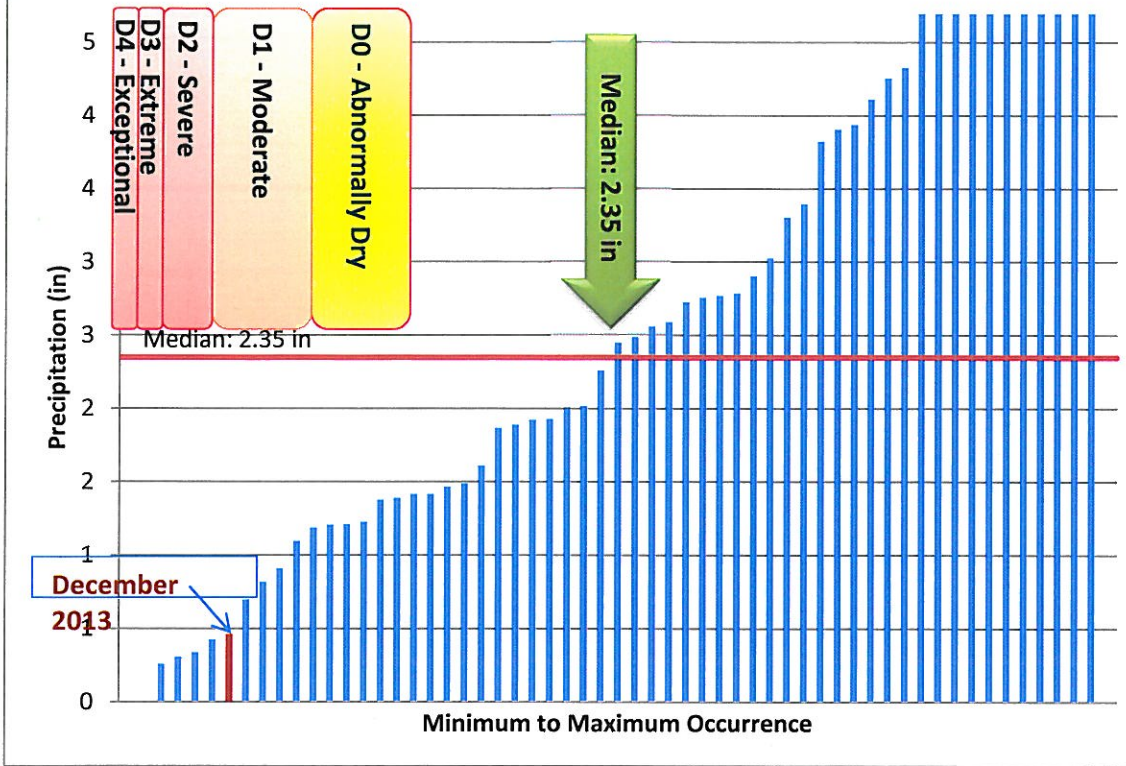
Given the historic low precipitation, Cosumnes River flows have reached extraordinary low flows to date. Below are river flows for December 2013 and January 2014.



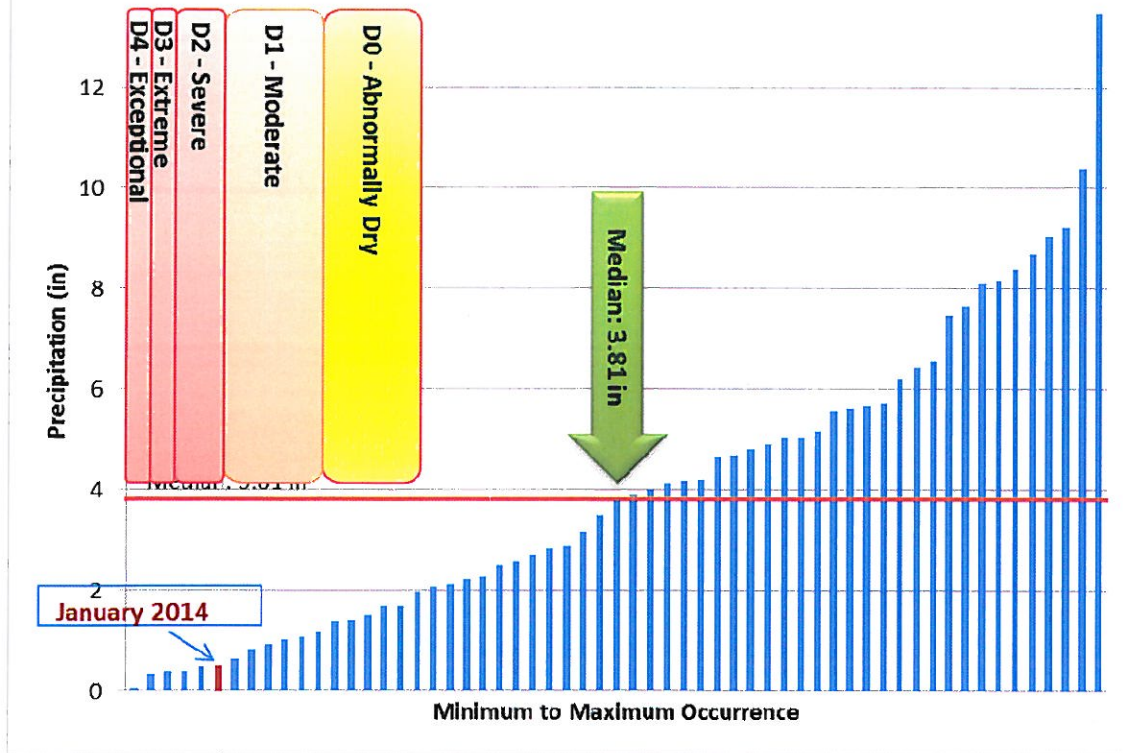


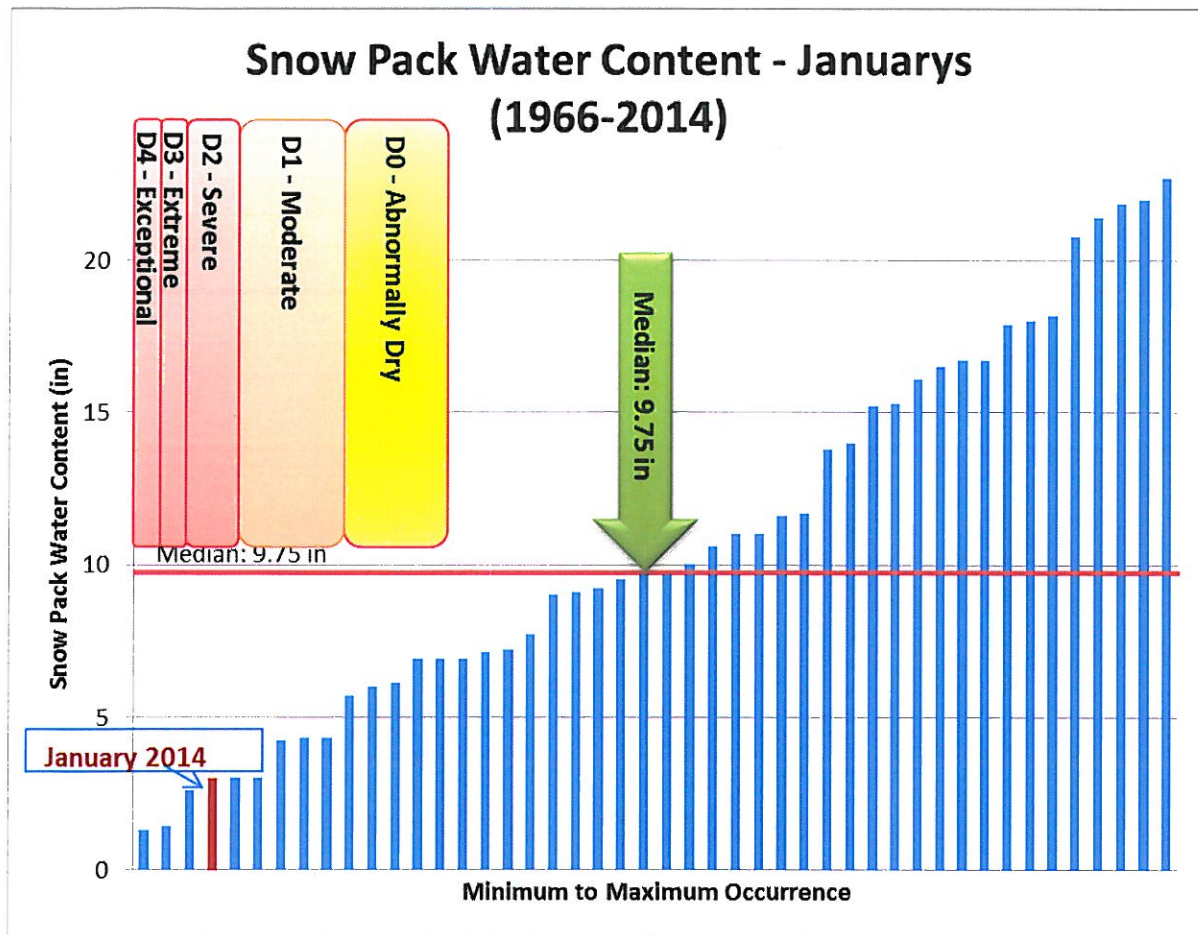
Current Cosumnes River flows are historically low during the early part of the diversion season due to the lack of precipitation and or snowmelt. The Cosumnes River water shed is small, roughly 520 square miles, and mostly below 7500 feet in elevation. As a result, river flows can be quite variable and are primarily snowmelt influenced in the later portions of the diversion season. Precipitation throughout all of California is extremely low, but even more so in the Cosumnes River water shed. The following graphs show the amount of precipitation and snow pack to date.

Precipitation - Decembers (1955-2013)



Precipitation - Januarys (1955-2014)





3.0 REQUESTED TEMPORARY URGENCY CHANGE TO PERMIT

To address the projected continued low flows in the Cosumnes River and to ensure RMCS D's ability to divert to storage to meet minimum water supply availability, RMCS D requests Permit 16762 conditions related to diversion season, minimum downstream river flow requirements and downstream flow conditions be temporarily changed as follows:

Water Rights Permit 16762 requested changes

- 1) Condition 5 sets the time of year in which RMCS D may divert water from the Cosumnes River beginning no earlier than November 1 and ending no later than May 31. RMCS D is seeking a temporary change to allow diversion through July 1, 2014. This change is necessary to make up for the lost diversion opportunities so far this diversion season and to be able to divert if rainfall is received later in the year and or snow melt is sufficient to allow diversions after the normal end of the diversion season on May 31.
- 2) Condition 18 states: For the protection and preservation of fish life, diversion under this permit from the Cosumnes River shall be subject to the following terms and conditions:
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- B. Only up to 6 cubic feet per second shall be diverted when the flow is between 70 and 175 cubic feet per second (but such diversion shall not reduce the flow below 70 cubic feet per second).
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RMCS D is requesting that this condition be lifted and that the following river flows be approved for this temporary urgency change request:

The Cosumnes River flow at Michigan Bar USGS station must be at a minimum of:

- 15 cfs for diversion of up to 6 cfs,
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This allows at least 9 cfs of flow to continue downstream. We know from experience and coordinating riparian use with local ranchers, that downstream use has been met when river flows have dropped to near 4 cfs during summer months. Downstream bypass flows would be maintained at more than double historical summer flows under this requested change.

- 3) Condition 21 States: Permittee shall divert no water during the period November 1 to June 1 of each season except during such time as there is a continuous visible surface flow in the bed of Cosumnes River from permittee's point of diversion to the gauging station on Highway 99 known as "Cosumnes River at McConnell".

RMCS D is seeking that this condition be temporarily removed. The purpose of this condition is to ensure downstream flows are maintained. Owing to the historic low flows this year, the Cosumnes River has not connected at the McConnell gauging station at all this water year due to use by downstream riparian users.

4.0 CRITERIA FOR APPROVING TEMPORARY URGENCY CHANGES TO PERMIT

As required by Water Code Section 1435, subdivision (b), the Board must make the following findings before issuing a temporary change order:

- 1. The permittee or licensee has an urgent need to make the proposed change;
- 2. The proposed change may be made without injury to any other lawful user of water;

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed change is in the public's interest.

4.1 Urgency of the Proposed Change

Under Water Code section 1435, subdivision (c), an urgent need to make a proposed change exists when the State Water Board concludes that the proposed temporary change is necessary to further the constitutional policy that the water resources of the State be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented.

For this Petition, RMCS D's water supply reservoirs will not be able to be refilled without urgent changes to the current permit requirements. Without the requested changes, RMCS D's ability to divert is entirely weather dependant and poses significant risks to ensuring long term water supply and serious impacts to public health and safety.

4.2 No Injury to Any Other Lawful User of Water

If this Petition is granted, RMCS D will still be required to maintain specific minimum flows in the Cosumnes River. Because these minimum flows will be present, all other users of water will still be able to divert and use the amounts of water that they may legally divert and use. Accordingly, granting this Petition will not result in any injury to any other lawful user of water.

4.3 No Unreasonable Effect Upon Fish, Wildlife, or Other Instream Beneficial Uses

Although the bypass river flows may be less than normal for this time of year, and given that the Cosumnes River is already disconnected from the McConnell station, downstream fisheries or other in stream beneficial uses will not be impacted any more than during normal summer months.

In addition, the Governor's Drought Proclamation suspends CEQA compliance declaring that strict compliance will prevent, hinder or delay implementation of measures to make sure water is immediately available.

4.4 The Proposed Change is in the Public Interest

Approval of this Petition will provide minimum bypass flow requirements for the Cosumnes River that are based on a more current assessment of water supply conditions in RMCS D's three water supply reservoirs and on the Cosumnes River. The requested changes will help provide stored water in the RMCS D's reservoirs to ensure adequate supplies are available to ensure public health and safety are met. It is in the public interest to obtain these water supplies for these beneficial uses under present hydrological conditions.

5.0 CONCLUSION

RMCS D is submitting this Temporary Urgency Change Petition to address the unprecedented dry conditions that have occurred since December 1 of last year. Under these conditions and considering the uncertainty of how much precipitation the region will receive during the next few months, RMCS D believes the changes to the current permit requirements are warranted and in the public interest.

PHOTOS

Calero Reservoir, early February 2014

