

November 1, 2021

**VIA ON-LINE SUBMITTAL**

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

RE: Petition for Temporary Changes under License 11109 (Application 4228)

Dear Mr. Ekdahl:

Please find enclosed a petition for temporary change from the East Bay Municipal Utility District (EBMUD or District). This temporary change petition seeks the State Water Resources Control Board's (State Water Board) approval under Water Code Section 1725 to temporarily transfer up to 658 acre-feet (AF) of water under EBMUD's License 11109 (Application 4228) to North San Joaquin Water Conservation District (NSJWCD) for the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project.

The DREAM project is a short-term pilot conjunctive use/groundwater banking project of limited scale involving up to 1,000 AF of water. The purpose of the pilot project is to provide surface water for irrigation use in lieu of groundwater pumping, which is the predominant irrigation source in the project area. EBMUD will provide the surface water from its License 11109 water right made available as a result of recycled water use in lieu of surface water diversions for use within EBMUD's service area. Farmers in NSJWCD's service area will use License 11109 surface water for irrigation in lieu of pumping groundwater. Of the total 1,000 AF project quantity, EBMUD has previously transferred 342 AF to NSJWCD under two previously approved temporary change petitions, as described in the Petition attachment. This Petition is limited to the remaining DREAM Project quantity of 658 AF.

The Petition will add Camanche Reservoir and the NSJWCD existing South Pump Station as additional points of re-diversion, add irrigation as an additional purpose of use, and add the project boundary located within NSJWCD's service area as an additional place of use to License 11109, all on a temporary basis, to provide water for the DREAM Project. EBMUD also proposes to include the reach of the Mokelumne River between Camanche Dam and the

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Petition for Temporary Changes under License 11109 (Application 4228)

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NSJWCD South Pump Station as a proposed place of use to temporarily dedicate flows pursuant to Water Code Section 1707, and to add fish and wildlife enhancement as an additional purpose of use in this reach of the Mokelumne River.

This Petition seeks approval to complete the DREAM Project water transfer during the 2022 irrigation season if transferrable water becomes available. EBMUD requests that the commencement of the one-year transfer period be conditioned on the District's determination that water is available which is surplus to all of the following: (i) all releases required of EBMUD for the benefit of fisheries and the Bay-Delta under State Water Board Decision 1641 (D-1641) and the Lower Mokelumne River Project Joint Settlement Agreement (JSA), (ii) all releases required to satisfy EBMUD's obligations to downstream senior water rights holders, and (iii) water needed to meet customer demand within EBMUD's service area. The District generally makes such determinations by April 30 of each year. Considering the execution of the proposed transfer is predicated on the hydrologic conditions necessary to meet the water supply requirements/needs noted above, and that a delayed or deferred commencement of the transfer period will not injure others and will not continue indefinitely, the District is requesting the start date of the one-year transfer period to commence after its determination of water available surplus to those requirements/needs. The DREAM Project Agreement between NSJWCD, San Joaquin County and EBMUD is set to expire by July 31, 2023, five years after the initial volume of transfer water was first provided by EBMUD. As such, EBMUD is attempting to complete transfer of the remaining 658 AF of DREAM Project water as soon as possible.

For consideration by the State Water Board, the following is a proposed term to be included in an Order relative to the Petition.

The temporary change is limited to a one-year period commencing on the date of final approval. Final approval means (1) the District has monitored hydrologic conditions to determine surplus water is available for the temporary change, and (2) the District has reported to the Deputy Director for Water Rights of the District's determination of surplus water at least 30 days prior to releases for the temporary change. The transfer period under this Petition will not extend beyond July 31, 2023.

Enclosed please find the Petition together with (a) the Attachment; (b) a map; and (c) the State Water Board's Environmental Information form. EBMUD will mail a check for the State Water Board's filing fee in the amount of \$2,324 and a check in the amount of \$850 payable to the California Department of Fish and Wildlife upon submittal of the Petition on-line.

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Please let me know if you have any questions about this transmittal or would like additional information. I can be reached at 510-287-1240 and at [lena.tam@ebmud.com](mailto:lena.tam@ebmud.com).

Sincerely,



Lena Tam

Manager of Water Resources Planning

LLT:ARU:sjc

Enclosures

cc: Joe Valente, North San Joaquin Water Conservation District (via email)  
Jennifer Spaletta, North San Joaquin Water Conservation District (via email)  
Kris Balaji, San Joaquin County Public Works (via email)  
Anders Christensen, Woodbridge Irrigation District (via email)  
Scott McFarland, State Water Board (via email)  
Kate Gaffney, State Water Board (via email)  
Bridget Gibbons, California Department of Fish and Wildlife (via email)  
Darren Cordova, MBK Engineers (via email)

Amador County Board of Supervisors (via certified mail)  
Calaveras County Board of Supervisors (via certified mail)  
San Joaquin County Board of Supervisors (via certified mail)  
Alameda County Board of Supervisors (via certified mail)  
Contra Costa County Board of Supervisors (via certified mail)

# State Waterboard Environmental Info For Petitions

You completed application 437473 on 11/01/2021 14:28:38

## Section A.1 - Introduction of Environmental Information for Petition(s)

### GENERAL INFORMATION


This form is required for all petitions, including change petitions, time extension petitions, water right splits, 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.

Certification 

I acknowledge that I have read and understand the above information and that I will not be able to complete my petition form unless I have compiled all the required information.

Please enter the form number of the petition to which this environmental information corresponds. You can find this form number on your notice of submittal you received via email when submitting your petition form. The form number will be listed as WRA#####. **Input just the numbers after WRA below.** If you have not yet completed a petition form, please do so first and then return to this form.

 Form Number

If this environmental information form corresponds to multiple petitions forms, please list each additional form number in its own box below.

Form Number 2

Form Number 3

Form Number 4

Form Number 5

### Public Record Acknowledgement

The State Water Resources Control Board, Division of Water Rights, (the Water Board) is requesting personal information on this form. This form shall become a public record upon receipt by the Board. The Water Board may post the petition to its internet website and may mail the petition upon request.



I acknowledge that I have read and understand the above information. I also consent to disclosure by the Board of information provided on this form by posting to the Board's internet website, by direct or electronic mailing, or as otherwise required for the Board to act upon the petition. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b).

## Section A.2 - Description of Changes

### Water Right Information:

**This form is required for all petitions, including change petitions, time extension petitions, water right splits, wastewater change petitions and instream flow dedication petitions.**

In order to fill out the table, press the green "+" symbol in the top right-hand corner. Once information has been entered, the green + symbol on the right side of that row must be clicked to confirm the information. For additional rows, press the green "+" symbol at the end of a row.

At least one of the following water right numbers must be filled out. If this form is related to other water rights, please provide the corresponding water right information in the table below.

Application or Statement IDs should follow this format A##### or S#####.

Water Right Type	Application or Statement ID	Permit Number	License Number
2	A004228		L11109

**DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED**

Provide a description of the proposed changes to your project including, but not limited to:

- Type of construction activity,
- Structures that are existing and that may be built,
- Area to be graded or excavated,
- Increase in water diversion or use,
- Changes in land use,
- Project operational changes, including changes in the timing of diversions or uses, or 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.



Include in your description any of the above elements that will occur during the requested extension period.  
(Note: Text box size can be adjusted by clicking on the bottom right corner of the text box and dragging to the desired size.)

This temporary change petition (Petition) seeks approval from the State Water Resources Control Board (State Water Board) under Water Code sections 1010, 1707, and 1725 to temporarily transfer up to 658 acre-feet (AF) of water under East Bay Municipal Utility District (EBMUD) License 11109 (Application 4228) to North San Joaquin Water Conservation District (NSJWCD) for the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project. This Petition seeks to temporarily add the following attributes to License 11109: (1) additional points of re-diversion at Camanche Reservoir and NSJWCD's existing South Pump Station, (2) an additional place of use within a subset of NSJWCD's service area, and (3) authorization to use water for irrigation purposes within the additional place of use. EBMUD also proposes to include the reach of the Mokelumne River below Camanche Dam and above the NSJWCD South Pump Station as a proposed place of use to temporarily dedicate flows pursuant to Water Code section 1707, and to add fish and wildlife enhancement as an additional purpose of use within that reach of the Mokelumne River. See attachment to Petition Form 1064\_437055.



Upload Documents here (optional)

 No file selected

(Uploaded files:)

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**Section B.1 - Environmental Documents**

Has any California public agency prepared an environmental document for your project?  Yes  No

## Section B.2 - Environmental Documents - Already Prepared

Submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency.

Name of California Public agency:  San Joaquin  
County

State Clearing House Number:   
20160320

State Clearing House Document Date:   
03/04/2016

Upload Documents here (optional)

Choose File No file selected

Upload

(Uploaded files:)

Delete Final IS-MND v4 8-11-16.pdf (/MT/TakeSurvey/Download? fileName=1110\_437473\_78838\_Environmentalln\_\_q78838\_1.pdf)  
Delete Petition cc mailing List, 11-1-2021.pdf (/MT/TakeSurvey/Download? fileName=1110\_437473\_78838\_Environmentalln\_\_q78838\_2.pdf)

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## Section C.1 - Coordination with Regional Water Quality Control Board

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#)

[Section B.1 - Environmental Documents](#)

Petitioners must request consultation with the appropriate Regional Water Quality Control Board (RWQCB) regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794, (b). ([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))) To determine the appropriate RWQCB office for consultation, see: [https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html) ([https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html))

Provide the RWQCB contact information and the date you submitted the request for consultation below:

Person Contacted First Name:  James  
Person Contacted Last Name:  Marshall

Date of Contact:  07/30/2021  
Office:  Central Valley Regional Water Quality Board  
Phone Number:  (916) 464-4722

Permit Type Required for Project (if any): Permit Status (if applicable):

Will your project, during construction or operation, (1) generate waste or wastewater containing sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  Yes  No

Will a waste discharge permit be required for the project?  Yes  No

## Section C.2 - Coordination with the California Department of Fish and Wildlife

Petitioners must request consultation with the Department of Fish and Wildlife (DFW) regarding the potential effects of your proposed change on fish, wildlife, and plant resources, and their habitats. (Cal. Code Regs., tit. 23, § 794, (b). ([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))) To determine the DFW appropriate office for consultation, see: <http://www.wildlife.ca.gov/Regions> (<http://www.wildlife.ca.gov/Regions>)

Person Contacted First Name:

★

Person Contacted Last Name:

★

Date of Contact:

★

Office:

★

Phone Number:

★



Permit Type Required for Project and/or Consultation Status:

Describe any concerns identified by CDFW staff, or whether CDFW stated there were no concerns related to this project. If your project has the potential to impact any threatened and endangered species or if there are any other known environmental impacts, also provide the information here.



Upload any related correspondence with CDFW or additional explanation if available.

No file selected

(Uploaded files:)

Delete 2021-09-09\_DFW\_Temp change petition for DREAM.pdf (/MT/TakeSurvey/Download? fileName=1110\_437473\_114669\_EnvironmentalIn\_q114669\_1.pdf)  
Delete 2021-08-10\_CVRWQCB\_Temporary change petition for DREAM.pdf (/MT/TakeSurvey/Download? fileName=1110\_437473\_114669\_EnvironmentalIn\_q114669\_2.pdf)

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## Section C.3 - Local Permits

For **temporary transfers only**, you must submit a copy of the Petition for Transfer and Environmental Information form to the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726. ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1726&lawCode=WAT](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1726&lawCode=WAT)))

Person Contacted First Name:

Person Contacted Last Name:

Date of Contact:

Department:

Phone Number:

For **change petitions only**, you should contact your local planning or public works department and provide the information below.

Person Contacted First Name:


Person Contacted Last Name:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project?   Yes  No

## Section C.4 - Federal and State Permits

Provide information for any additional Federal and/or State agencies that may require permits or other approvals for your project.:


Some Federal/State agencies that may require permits or other approvals are:

- Regional Water Quality Control Board ([https://www.waterboards.ca.gov/about\\_us/contact\\_us/rwqcb/](https://www.waterboards.ca.gov/about_us/contact_us/rwqcb/))
- Department of Water Resources, Division of Safety of Dams (<https://water.ca.gov/Programs/All-Programs/Division-of-Safety-of-Dams>)
- U.S. Army Corps of Engineers (<https://www.usace.army.mil/>)
- Natural Resources Conservation Service (<https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home>)
- State Water Resources Control Board (<https://www.waterboards.ca.gov/>)
- Department of Fish and Wildlife (<https://wildlife.ca.gov/>)
- California Coastal Commission (<https://www.coastal.ca.gov/>)
- State Reclamation Board (<https://www.usbr.gov/mp/>)
- U.S. Forest Service (<https://www.fs.usda.gov/>)
- Federal Energy Regulatory Commission (<https://www.ferc.gov/>)
- Bureau of Land Management (<https://www.blm.gov/california>)

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number	Status
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If you selected a status of "Other", please explain:

Have you obtained any of the permits listed above?   Yes  No  None Required

## Section C.5 - Construction and Grading Activity

Does the project involve any construction or grading activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake?

  Yes  No

## Section C.6 - Environmental Setting

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed four 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 proposed point(s) of diversion.
- At the place(s) where the water is to be used.



Upload Documents here

Choose File No file selected

Upload

(Uploaded files:)

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## Section C.7 - Maps



**For all petitions other than time extensions**, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq. & 794  
([https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))))

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

  Upload Documents here (optional)

Choose File No file selected

Upload

(Uploaded files:)

Delete Map\_EBMUD 2021 DREAM Transfer (L11109\_A4228).pdf (/MT/TakeSurvey/Download?fileName=1110\_437473\_79247\_EnvironmentalIn\_\_q79247\_1.pdf)

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## Section D.1 - Review

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#) [Section B.1 - Environmental Documents](#) [Section C.1 - Coordination with RWQCB](#)

You can view a summary of your form before submitting by clicking here (</MT/TakeSurvey/Summary?surveysTakenId=437473&surveyId=1110>). The summary will open in a new tab. To return to this screen, simply close the tab with the summary. If you need to make changes to your form, you may use the navigation buttons at the top of this page, or the Prev button below to navigate to previous pages. You will not be able to edit your form after you submit.

## Section D.2 - Certification


  I (we) declare under penalty of perjury that the information within this survey is true and correct to the best of my (our) knowledge and belief.

By entering your name on the signature line, you are certifying the above (entering your name qualifies as signing the form).

I am the:

  Water Right Owner  Authorized Agent

Signature: 

Date: 

# State Waterboard **Petition for Instream Flow Dedication**

You completed application 437057 on 11/01/2021 14:16:24

## Section A.1 - Petition for Instream Flow Dedication (Water Code Section 1707)

Water Code Section 1707 ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=1707&lawCode=WAT](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=1707&lawCode=WAT)) allows any person entitled to the use of water, whether based upon an appropriative, riparian, or other right, to petition the State Water Board for a change for purposes of preserving or enhancing wetlands habitat, fish and wildlife resources, or recreation in, or on, the water. **Incomplete forms may not be accepted.**

This form is for proposed PERMANENT instream flow dedications. If you are proposing a TEMPORARY change, please fill out a Petition for Change Involving Temporary Water Transfer or a Temporary Urgency Change Petition. The forms can be found on the Division's Water Rights Online Forms Portal here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

### **Instructions for Filing Petition for Instream Flow Dedication**

#### Filing Fees

Your petition form(s) will not be accepted for initial review unless it is accompanied by the required filing fees, including the following:

1. Fee payable to the State Water Resources Control Board. Instructions for calculating the fee are available at: Water Rights Fees ([http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)). **Send fee to the State Water Resources Control Board.**
2. Fee of \$850 payable to the California Department of Fish and Wildlife. An \$850 fee is required for all change petitions, with certain exceptions. See specific exceptions in Public Resources Code, division 10, § 10005 ([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=10005](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=10005)). **Send the California Department of Fish and Wildlife fee to the State Water Resources Control Board.**

#### Transmittal Checklist

In order to have fully submitted your Petition for Instream Flow Dedication to the Division, you will have to have completed or provided all of the following items:

1. Complete the following Petition for Instream Flow Dedication form. When the form is complete you will receive a notice of submittal that **must be mailed to the Division.**
2. Include required petition filing fees with the mailed notice of submittal.
3. Complete the Environmental Information for Petitions form. The form can be found on the Division's Water Rights Online Forms Portal here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

The following will be required to complete the Environmental Information for Petitions form:

- I. Map(s) prepared in accordance with Cal. Code Regs., tit. 23, §§ 715  
([https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))) et seq. & 794 ([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))).
- II. Proof that the petition information was provided to, and consultation was requested with, the appropriate Regional Water Quality Control Board. (Cal. Code Regs., tit. 23, § 794, (b).)  
([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))).
- III. Proof that the petition information was provided to, and consultation was requested with, the California Department of Fish and Wildlife if it has not already provided on the Environmental Petition Form. (Cal. Code Regs., tit. 23, § 794, (b).)  
([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)))).

When you complete the process by transmitting 1) this form, 2) the Environmental Information for Petitions form, 3) any attachments, and 4) the required filing fees, your petition will be reviewed to determine whether the petition can be accepted. If your petition form(s) are found to be incomplete, Division staff will contact you to provide instructions regarding the supplemental information required and provide time to complete the form(s). Petition form(s) not accepted for filing are subject to a \$250 non-refundable initial review fee for each petition filed.

Certification: ★

I acknowledge that I have read and understand the above information, and that I will not be able to complete my petition form unless I have compiled and provided all required information.

**Public Record Acknowledgement**

The State Water Resources Control Board, Division of Water Rights, (the Water Board) is requesting personal information on this form. This form shall become a public record upon receipt by the Board. The Water Board may post the petition to its internet website and may mail the petition upon request.



I acknowledge that I have read and understand the above information. I also consent to disclosure by the Board of information provided on this form by posting to the Board's internet website, by direct or electronic mailing, or as otherwise required for the Board to act upon the petition. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b) ([http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=1798.24.#:~:text=An%20agency%20shall%20not%20disclose,to%20whom%20the%20information%20pertains.](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1798.24.#:~:text=An%20agency%20shall%20not%20disclose,to%20whom%20the%20information%20pertains.)).

**Section A.2 - Water Right and Owner Information**

**Water Right Information:**

In order to fill out the table, press the green "+" symbol in the top right-hand corner. Once information has been entered, the green + symbol on the right side of that row must be clicked to confirm the information. For additional rows, press the green "+" symbol at the end of a row.

At least one of the following water right ID numbers must be filled out. If the petition for change form is related to other water rights, please provide the corresponding water right information in the table below.

Application or Statement IDs should follow this format A##### or S#####.

Water Right Type	Application or Statement ID	Permit Number	License Number
2	A004288		L11109

If you are filing this form for changes to multiple rights associated with the same project and the online form is too restrictive to allow you to enter the information needed, you may describe the changes in an attachment. **Check the box below if the online form is not sufficient to describe your change(s) to multiple water rights** and you will be prompted to attach descriptions of the proposed changes.

Click here if you meet the above conditions

**Owner Information:**

If you are filing as a company, government entity, city, etc. leave the first name and last name blank.


**First Name:** \_\_\_\_\_ **Last Name:** \_\_\_\_\_ **Organization Name:**

**Contact Person:**  **Phone Number:**  **Email:**


If entering a P.O. Box for the address, please include "P.O. Box" in the Address field. Example: P.O. Box 1234.

**Address:**  **City:**  **State/Province:**  **Zipcode:**


## Agent Information:

Do you wish to designate an agent?   Yes  No

## Section A.3 - Change

Is the proposed Instream Flow Dedication a permanent or temporary change?   Permanent  Temporary

Please complete the Petition for Temporary Urgency Change or Petition for Temporary Change Involving Water Transfer here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

Is all of the water for your right being dedicated?   Yes  No

What portion of the amount of water listed for your water right are you dedicating?

See attachment to 1064\_437055 Petition Form

Please explain your dedication and discuss the following:

- Amount of water dedicated
- Season(s)
- Uses

See attachment to 1064\_437055 Petition Form

Upload Documents here (optional)

Choose File No file selected

Upload

(Uploaded files:)

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## Section D.1 - Review

Based on your responses, please complete the applicable form: Petition for Temporary Urgency Change or Petition for Temporary Change Involving Water Transfer here (<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>).

You can view a summary of your petition before submitting by clicking here (</MT/TakeSurvey/Summary?surveysTakenId=437057&surveyId=1112>). The summary will open in a new tab. To return to this screen, simply close the tab with the petition summary. If you need to make changes to your petition, you may use the navigation buttons at the bottom of this page, the Prev button to return to previous pages. You will not be able to edit your petition after you submit.

## Section D.2 - Certification

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

By entering your name on the signature line, you are certifying the above (entering your name qualifies as signing the petition form).

I am the:

  Water Right Owner  Authorized Agent

Signature: 

Date: 

**California Environmental Protection Agency**

**State Water Resources Control Board**

**Water Rights Online Form (WROF) System**

**NOTICE OF SUBMITTAL**

**PETITION FOR INSTREAM FLOW DEDICATION**

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**Form Number:** WRA437057

**Petitioner's Name:** East Bay Municipal Utility District

**Mailing Address:** 375 11th Street, Oakland, CA 94607

**Email Address:** lena.tam@ebmud.com

**Phone Number:** (510) 287-1240

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Your Petition for Instream Flow Dedication has been submitted to the State Water Board. The purpose of this notice is to inform you that your petition will not be accepted for initial review unless the following items are received by the State Water Board's Division of Water Rights:

1. **Completed Notice of Submittal:** Petitions for Instream Flow Dedication must be signed by the petitioner or petitioner's authorized agent.
2. **Petition Filing Fee or Proof of Payment:** petitions to appropriate water by permit must be accompanied by a filing fee determined by regulation. The following link can be used to determine the appropriate fee.  
[https://www.waterboards.ca.gov/resources/fees/water\\_rights/#cur\\_info](https://www.waterboards.ca.gov/resources/fees/water_rights/#cur_info). For information on available payment methods, please visit [https://www.waterboards.ca.gov/make\\_a\\_payment](https://www.waterboards.ca.gov/make_a_payment).
3. **Environmental Information for Petitions Form** The form can be found through the Water Rights Online Form System, available at the following link: <https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>  
(<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>)
4. **CDFW Payment** Check made out to California Department of Fish and Wildlife for \$850, pursuant to Public Resources Code Section 10005.

You may submit the required items **by mail** (State Water Resources Control Board, Division of Water Rights, Attn: Petitions, PO Box 2000, Sacramento, CA 95812-2000); or **by hand delivery** (Division of Water Rights Records Room located in the Joe Serna Jr. CalEPA Headquarters Building at 1001 I Street in Sacramento).

If the items listed above are received by 12/01/2021, your petition will be accepted for initial review. If the items listed above are not received within the specified timeframe, your petition will expire and you will need to submit a new petition.

If you have any questions, please call the Division of Water Rights at (916) 341-5300 or email [dwr-petitions@waterboards.ca.gov](mailto:dwr-petitions@waterboards.ca.gov). For additional information on water rights and the petition process, please refer to the Division of Water Rights petitions web page: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/petitions/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/petitions/)

**By signing on the following page, I certify under penalty of perjury under the laws of the State of California that the information provided in this petition is true and correct to the best of my knowledge and belief.**

*Lena L. Tam*

11/01/2021

Signature

Date

Lena L. Tam

Print Name

East Bay Municipal Utility District

Company/Organization (if applicable)

I am the  Petitioner  Authorized Agent for this petition.

THIS SECTION FOR USE BY DIVISION OF WATER RIGHTS STAFF ONLY				
Review of Filing Fees				
Fees	Payment Amount	Payment Method	Payment Date	Staff Initials/Date
Petition Fee				
eWRIMS Record Creation				
Staff Assigned		Record ID	Staff Initials/Date	

# State Waterboard **Petition for Change Involving Temporary Water Transfer**

You completed application 437055 on 11/01/2021 14:11:56

## Section A.1 - Petition for Temporary Transfer

This petition form is used to request a temporary change (one year or less) to a water right involving the transfer or exchange of water, including but not limited to the point of diversion, place of use, or purpose of use. Separate petitions are required for each water right. Provide attachments as necessary. **Incomplete forms may not be accepted.**

### Instructions for Filing a Petition for Temporary Transfer

#### Filing Fees

Your petition form(s) will not be accepted for initial review unless it is accompanied by the required filing fees, including the following:

1. Fee payable to the State Water Resources Control Board. Instructions for calculating the fee are available at: Water Rights Fees ([http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)). **Send fee to the State Water Resources Control Board.**
2. Fee of \$850 payable to the California Department of Fish and Wildlife. An \$850 fee is required for all change petitions, with certain exceptions. See specific exceptions in Public Resources Code, division 10, § 10005 ([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PRC&sectionNum=10005](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=10005)). **Send the California Department of Fish and Wildlife fee to the State Water Resources Control Board.**

#### Transmittal Checklist


In order to have fully submitted your Petition for Temporary Transfer to the Division, you will have to have completed or provided all of the following items:

1. Complete the following Petition for Temporary Transfer form. When the form is complete you will receive a notice of submittal that **must be mailed to the Division**
2. Include required petition filing fees with the mailed notice of submittal.
3. Complete the Environmental Information for Petitions form. The form can be found on the Division's Water Rights Online Forms Portal here (<https://public2.waterboards.ca.gov/mt>).  
The following will be required to complete the Environmental Information for Petitions form:

- I. Map(s) prepared in accordance with Cal. Code Regs., tit. 23, §§ 715 et seq. & 794 ([https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/I9A273720D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).
- II. Proof that the petition information was provided to, and consultation was requested with, the appropriate Regional Water Quality Control Board. (Cal. Code Regs., tit. 23, § 794, (b).) ([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).
- III. Proof that the petition information was provided to, and consultation was requested with, the California Department of Fish and Wildlife if it has not already provided on the Environmental Petition Form. (Cal. Code Regs., tit. 23, § 794, (b).) ([https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/IB9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))).

When you complete the process by transmitting 1) this form, 2) the Environmental Information for Petitions form, 3) any attachments, and

4) the required filing fees, your petition will be reviewed to determine whether the petition can be accepted. If your petition form(s) are found to be incomplete, Division staff will contact you to provide instructions regarding the supplemental information required and provide time to complete the form(s). Petition form(s) not accepted for filing are subject to a \$250 non-refundable initial review fee for each petition filed.

Certification: 

I acknowledge that I have read and understand the above information, and that I will not be able to complete my petition form unless I have compiled and provided all required information.

### **Public Record Acknowledgement**

The State Water Resources Control Board, Division of Water Rights, (the Water Board) is requesting personal information on this form. This form shall become a public record upon receipt by the Board. The Water Board may post the petition to its internet website and may mail the petition upon request.



I acknowledge that I have read and understand the above information. I also consent to disclosure by the Board of information provided on this form by posting to the Board's internet website, by direct or electronic mailing, or as otherwise required for the Board to act upon the petition. This consent allows the disclosure of personal information pursuant to Civil Code section 1798.24, subdivision (b).

## Section A.2 - Petition for Temporary Transfer

Provide the points of contact that will be used to request consultation with **A) the California Department of Fish and Wildlife (CDFW) and B) the appropriate Regional Water Quality Control Board (RWQCB) per (Cal. Code Regs., tit. 23, § 794, (b).)** ([https://govt.westlaw.com/calregs/Document/1B9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Document/1B9C38FC0D45A11DEA95CA4428EC25FA0?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))):

### **A) The California Department of Fish and Wildlife (CDFW):**

California Department of Fish and Wildlife Water Rights contact list (<https://nrmsecure.dfg.ca.gov/FileHandler.ashx?DocumentID=42132&inline>).

Agency Region 	<input type="text" value="North"/>	Contact Person 	<input type="text" value="Bridget Gibbons"/>	Email Address/Phone Number
<input type="text" value="Central Region"/>				 <input type="text" value="bridget.gibbons@wildlife.ca.gov"/>

### **B) The Regional Water Quality Control Board (RWQCB):**

Regional Water Quality Control Board Map can be viewed here ([https://www.waterboards.ca.gov/waterboards\\_map.html](https://www.waterboards.ca.gov/waterboards_map.html)).

Agency Region 	<input type="text" value="Central"/>	Contact Person 	<input type="text" value="James Marshall"/>	Email Address/Phone Number
<input type="text" value="Valley Regional Water Quality Control Board"/>				 <input type="text" value="James.Marshall@waterboards.ca.gov"/>

When submitting the Notice of Submittal and payment to the State Water Board, please include proof that the petition information was provided to the appropriate CDFW and RWQCB offices and that consultation was requested.

**Are you proposing to use Department of Water Resources (DWR) and/or U.S. Bureau of Reclamation (Reclamation) facilities for diversion or redirection of the water transfer?**

Yes  No

## Section A.3 - Water Right and Owner Information

### **Water Right Information:**



In order to fill out the table, press the green "+" symbol in the top right-hand corner. Once information has been entered, the green + symbol on the right side of that row must be clicked to confirm the information. For additional rows, press the green "+" symbol at the end of a row.

At least one of the following water right ID numbers must be filled out. If the petition for change form is related to other water rights, please provide the corresponding water right information in the table below.

Application or Statement IDs should follow this format A##### or S#####.

Water Right Type	Application or Statement ID	Permit Number	License Number
2	A004228		L11109

If you are filing this form for changes to multiple rights associated with the same project and the online form is too restrictive to allow you to enter the information needed, you may describe the changes in an attachment. **Check the box below if the online form is not sufficient to describe your change(s) to multiple water rights** and you will be prompted to attach descriptions of the proposed changes.

Click here if you meet the above conditions

## Owner Information:

If you are filing as a company, government entity, city, etc. leave the first name and last name blank.

**First Name:**  **Last Name:**  **Organization Name:**

**Contact Person:**  **Phone Number:**  **Email:**

If entering a P.O. Box for the address, please include "P.O. Box" in the Address field.

Example: P.O. Box 1234.

**Address:**  **City:**  **State/Province:**  **Zipcode:**

## Agent Information:

Do you wish to designate an agent?   Yes  No

## Section B.1 - Transferees or Exchange Parties

Provide the names, addresses, and emails for all proposed buyers or exchange partners.

Name	Address	Email
North San Joaquin Water Conservation District	498 East Kettleman Lane, Lodi CA 95240	Jennifer@spalettalaw.com

## Section B.2.0 - Point(s) of Diversion or Rediversion

Provide the following information of the present and proposed diversion points<sup>1</sup>.

**Which map coordinate system are you using to describe the location of the point(s) of diversion and/or rediversion?**

- North American Datum of 1983 (NAD 83)
- Latitude and Longitude

[1] If adding underground storage, please fill out Underground Storage Supplement to Petition for Change form.

## Section B.2.1 - Point(s) of Diversion or Rediversion (NAD 83) Table

Enter the points in the order that you would like them to be arranged in your petition, with the primary point (if one exists) being identified first. Rows may be added to the tables below by clicking the "+" sign, edited using the pencil icon, and deleted using the trash icon. A point name may also be entered for each point designated to allow accurate identification of your points in the coming sections. Click the "Next" button after you have entered information for all points.

Point Name	Description of Point
Camanche Reservoir	North 2,268,941 feet and East 6,411,485 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ , Projected Section 6, T4N, R9E, MDB&M
NSJWCD South Pump Station	North 2,243,275 feet and East 6,364,793 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ , Section 35, T4N, R7E, MDB&M

## Section B.2.2 - Point(s) of Diversion or Rediversion (NAD 83) Details

In this section, you will provide the basic information related to the point locations you identified on the previous page. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the ">" button near the bottom of this section. The navigation tools will allow you to move readily between points. Once all the information requested below has been provided for each point, please click "Next" and you will move on. If you would like to add, delete, or make edits to your point location, click on "Previous" at the bottom of the page.

If the existing point of diversion is currently described in your permit or license using bearing and distance from a section corner or monument, you may leave the "Existing" POD information blank or enter as NAD 83 format.

Point 1 of 2.

Point Name: Camanche Reservoir

### Point Type Location Details

ATTRIBUTE	POINT DETAILS	
	Present	Proposed
California Coordinates North (NAD 83)		<input type="text" value="2268941"/>
California Coordinates East (NAD 83)		<input type="text" value="6,411,485"/>
California Coordinates Zone		<input type="text" value="1"/>
1/4 of 1/4 Section		<input type="text" value="SE"/>
1/4 Section		<input type="text" value="SE"/>
Section		<input type="text" value="06"/>
Township and Direction		<input type="text" value="04N"/>
Range and Direction		<input type="text" value="9E"/>
Base and Meridian		<input type="text" value="Mount Diablo"/>

## Section B.2.2 - Point(s) of Diversion or Rediversion (NAD 83) Details

In this section, you will provide the basic information related to the point locations you identified on the previous page. For each point location identified, provide the requested information below. Once complete, you can move to the next point location by clicking the ">" button near the bottom of this section. The navigation tools will allow you to move readily between points. Once all the information requested below has been provided for each point, please click "Next" and you will move on. If you would like to add, delete, or make edits to your point location, click on "Previous" at the bottom of the page.

If the existing point of diversion is currently described in your permit or license using bearing and distance from a section corner or monument, you may leave the "Existing" POD information blank or enter as NAD 83 format.

Point 2 of 2.

Point Name: NSJWCD South Pump Station

### Point Type Location Details

POINT DETAILS

ATTRIBUTE	Present	Proposed
California Coordinates North (NAD 83)		2,243,275
California Coordinates East (NAD 83)		6,364,793
California Coordinates Zone		1
1/4 of 1/4 Section		NW
1/4 Section		SW
Section		35
Township and Direction		04N
Range and Direction		7E
Base and Meridian		Mount Diablo

### Section B.3 - Documentation



Provide information documenting 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 per (Wat. Code Section 1725) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1725&lawCode=WAT) and (Wat. Code Section 1726 (e)). (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1726&lawCode=WAT)



Upload Documents here (optional)

Choose File No file selected

Upload

(Uploaded files:)

Delete DREAM Petition Letter and Attachment \_11.1.2021.pdf (/MT/TakeSurvey/Download? fileName=1064\_437055\_79773\_PetitionforChan\_\_q79773\_1.1)

0%



If releasing water from storage to implement the transfer, please upload the proposed release schedule and ramping rates. Please note if the release schedule or ramping rates have been based on other regulatory requirements and/or in consultation with CDFW.

Choose File No file selected

Upload

(Uploaded files:)

----- No files uploaded -----

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### Section B.4 - Purpose and Place of Use Table

**Purpose and Place of Use:** Identify the present and proposed purpose(s) of use<sup>2</sup> as well as a description of the corresponding place of use.

If you are changing the Purpose of Use **only**, repeat the same Place of Use in the "Proposed" row.

In order to fill out the table, press the green "+" symbol in the top row, in the furthest right cell. After completing the row, press the green "+" symbol at the end of the first row to confirm your entry. In order to edit or delete a row, click the pencil and trash can icons at the end of the inputted row. For existing purpose(s) of use, select **present**. For requested purpose(s), select **proposed**. Select the blank option if a selection is not applicable.

Optional: To select an option more quickly, click within the dropdown box and type the first letter or number of the desired option. Alternatively, use the up and down arrow keys or scroll within the dropdown menu. Use the "tab" key to advance across cells within a row. Text box size can also be adjusted by clicking on the bottom right corner of the textbox and dragging to the desired size.

<b>Present or Proposed</b>	<b>Purpose of Use</b>	<b>Place of Use Description</b>
1	5	Municipal use within the boundaries of the East Bay Municipal Utility District as shown on map dated July 12, 1966 (revised December 1980) filed with the State Water Resources Control Board.
2	4	Approximately 2,183 acres located generally within Sections, 20, 21, 22, 27, 28, 29, 32, and 33, within T3N, R7E, MDB&M, for irrigation purposes, provided that transfer water shall be used to irrigate approximately 350 acres of established irrigated crop land located within such area
2	2	The reach of Mokelumne River downstream of the proposed additional point of diversion at EBMUD's existing Camanche Dam and upstream from the proposed additional point of diversion for NSJWCD's South Pump Station, for fish and wildlife preservation and enhancement purposes.

Please summarize the proposed changes.  
If you selected "Other" as a purpose of use, please explain the use.

Describe the place(s) of use.



Upload documents here (optional)

 No file selected

(Uploaded files:)

----- No files uploaded -----

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[2] If adding underground storage, please fill out Underground Storage Supplement to Petition for Change form.

## Section C.1 - Water Transfer

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#)

[Section B.1 -  
Transfer/Exchange Parties](#)

Type of Transfer:

[Other](#)

If you selected "Other" for Type of Transfer, please explain:

Temporary transfer of water resulting from use of recycled water under Water Code Section 1010

**Amount of Water to be Transferred:**

What is the total quantity of water (in acre-feet) that will be transferred?

★ 658

acre-feet

If the basis of right is **direct diversion**, provide the proposed average rate of diversion (in cubic feet per second) for the maximum 30-day period of use that will be transferred.

11

cubic feet per second

Provide the proposed period of the transfer. Note, there can **not** be more than 365 days between the start and end dates. If you are having difficulties selecting a date, you can type within the box in the MM/DD/YYYY format.

★ 03/01/2022

to

★ 02/28/2023

## Section C.2 - Injury to Users



Provide information identifying any effects the proposed changes may have on other known users of water. Describe how the proposed temporary change would not injure any legal user of the water by providing a description of the changes in water storage, timing of diversion or use, timing and point of return flow, and water quality of instream flows that are likely to occur as a result of the proposed temporary change per (Wat. Code Section 1725) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1725&lawCode=WAT) (Wat. Code Section 1726 (b)(2)) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1726&lawCode=WAT) (Wat. Code Section 1727 (b)(1)). (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1727.&lawCode=WAT)



Upload Documents here (optional)

Choose File

No file selected

Upload

(Uploaded files:)

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## Section C.3 - Effect on Fish/Wildlife



Provide information showing the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses per (Wat. Code Section 1725) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1725&lawCode=WAT) (Wat. Code Section 1726 (e)) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1726&lawCode=WAT) (Wat. Code Section 1727 (a)(2)) (http://leginfo.legislature.ca.gov/faces/codes\_displaySection.xhtml?sectionNum=1727.&lawCode=WAT)



Upload Documents here (optional)

Choose File

No file selected

Upload

(Uploaded files:)

----- No files uploaded -----

0%

## Section D.1 - Access to POD

Use the following navigation buttons to return to the previous pages:

[Section A.1 - Introduction](#)

[Section B.1 -  
Transfer/Exchange Parties](#)

[Section C.1 - Water  
Transfer](#)

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

**California Environmental Protection Agency**

**State Water Resources Control Board**

**Water Rights Online Form (WROF) System**

**NOTICE OF SUBMITTAL**

**PETITION FOR TEMPORARY TRANSFER**

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**Form Number:** WRA437055

**Petitioner's Name:** East Bay Municipal Utility District

**Mailing Address:** 375 11th Street, Oakland, CA 94607

**Email Address:** lena.tam@ebmud.com

**Phone Number:** (510) 287-1240

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Your Petition for Temporary Transfer has been submitted to the State Water Board. The purpose of this notice is to inform you that your petition will not be accepted for initial review unless the following items are received by the State Water Board's Division of Water Rights:

1. **Completed Notice of Submittal:** Petitions must be signed by the petitioner or petitioner's authorized agent.
2. **Petition Filing Fee or Proof of Payment:** Petitions to appropriate water by permit must be accompanied by a filing fee determined by regulation. The following link can be used to determine the appropriate fee.  
[https://www.waterboards.ca.gov/resources/fees/water\\_rights/#cur\\_info](https://www.waterboards.ca.gov/resources/fees/water_rights/#cur_info). For information on available payment methods, please visit [https://www.waterboards.ca.gov/make\\_a\\_payment](https://www.waterboards.ca.gov/make_a_payment).
3. **Environmental Information for Petitions Form** The form can be found through the Water Rights Online Form System, available at the following link: <https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>  
(<https://public2.waterboards.ca.gov/mt/sites/site?siteName=WROF>)
4. **CDFW Payment** Check made out to California Department of Fish and Wildlife for \$850, pursuant to Public Resources Code Section 10005.

You may submit the required items **by mail** (State Water Resources Control Board, Division of Water Rights, Attn: Petitions, PO Box 2000, Sacramento, CA 95812-2000); or **by hand delivery** (Division of Water Rights Records Room located in the Joe Serna Jr. CalEPA Headquarters Building at 1001 I Street in Sacramento).

If the items listed above are received by 12/01/2021, your petition will be accepted for initial review. If the items listed above are not received within the specified timeframe, your petition will expire and you will need to submit a new petition.

If you have any questions, please call the Division of Water Rights at (916) 341-5300 or email [dwr-petitions@waterboards.ca.gov](mailto:dwr-petitions@waterboards.ca.gov). For additional information on water rights and the petition process, please refer to the Division of Water Rights petitions web page: [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/petitions/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/petitions/)

**By signing on the following page, I certify under penalty of perjury under the laws of the State of California that the information provided in this petition is true and correct to the best of my knowledge and belief.**

*Lena L. Tam*

11/01/2021

Signature

Date

Lena L. Tam

Print Name

East Bay Municipal Utility District

Company/Organization (if applicable)

I am the  Petitioner  Authorized Agent for this petition.

THIS SECTION FOR USE BY DIVISION OF WATER RIGHTS STAFF ONLY				
Review of Filing Fees				
Fees	Payment Amount	Payment Method	Payment Date	Staff Initials/Date
Petition Fee				
eWRIMS Record Creation				
Staff Assigned		Record ID	Staff Initials/Date	



## **Attachment**

### **Petition for Temporary Change to License 11109 (Application 4228) for the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project**

#### **PROJECT DESCRIPTION**

##### **Introduction**

This temporary change petition (Petition) seeks approval from the State Water Resources Control Board (State Water Board) under Water Code sections 1010, 1707, and 1725 to temporarily transfer up to 658 acre-feet (AF) of water under East Bay Municipal Utility District (EBMUD) License 11109 (Application 4228) to North San Joaquin Water Conservation District (NSJWCD) for the Demonstration Recharge Extraction and Aquifer Management (DREAM) Project. This Petition seeks to temporarily add the following attributes to License 11109: (1) additional points of re-diversion at Camanche Reservoir and NSJWCD's existing South Pump Station, (2) an additional place of use within a subset of NSJWCD's service area, and (3) authorization to use water for irrigation purposes within the additional place of use. EBMUD also proposes to include the reach of the Mokelumne River below Camanche Dam and above the NSJWCD South Pump Station as a proposed place of use to temporarily dedicate flows pursuant to Water Code section 1707, and to add fish and wildlife enhancement as an additional purpose of use within that reach of the Mokelumne River.

##### **DREAM Project Background**

The DREAM Project is a short-term pilot conjunctive use/groundwater banking project of limited scale. It is a collaboration among the County of San Joaquin (County), NSJWCD, and EBMUD. Its purpose is to provide surface water for irrigation use in lieu of groundwater pumping, which is the predominant irrigation source in the project area. It is intended to demonstrate the feasibility of in-lieu recharge and partial groundwater extraction within the East San Joaquin Groundwater Basin and inform consideration of similar activities in the future.

Under the DREAM Project, EBMUD will provide up to 1,000 AF of Mokelumne River surface water for rediversion and irrigation use by NSJWCD.<sup>1</sup> In return, EBMUD would receive a banked groundwater "credit" equal to half the quantity of surface water delivered (up to 500 AF credit). EBMUD may use its banked credits by asking NSJWCD to pump the credited quantity of groundwater from an existing well located near the proposed additional place of use identified in this Petition. Groundwater extracted at EBMUD's request will be delivered into EBMUD's Mokelumne Aqueduct for export to EBMUD's customers. NSJWCD will perform DREAM Project groundwater extractions consistent with the Groundwater Monitoring Plan and the terms of the Groundwater Export Permit issued by the County. A new 2.8-mile pipeline will be

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<sup>1</sup> Of the total 1,000 AF project quantity, EBMUD has previously transferred 342 AF to NSJWCD under two previously approved temporary change petitions, as described herein. This Petition is limited to the remaining DREAM Project quantity of 658 AF.

constructed from the extraction well south to EBMUD's existing Mokelumne Aqueducts, where the water will be pressurized and injected into the aqueduct system. The pipeline will be partially buried and partially above ground. The County is responsible for planning and engineering the DREAM Project. NSJWCD and EBMUD share in coordinating the physical and operational aspects of the project.

The DREAM Project boundary is within the East San Joaquin Groundwater Basin, which has been identified by California Department of Water Resources in Bulletin 118 as a critically over drafted basin. This Petition's approval would be consistent with the Sustainable Groundwater Management Act, and this project is supported by local agencies interested in managing the basin in a sustainable manner including the Eastern San Joaquin Groundwater Authority (a joint powers authority comprised of 16 Groundwater Sustainability Agencies in the subbasin).

### **Prior Related State Water Board Actions**

The State Water Board has previously approved two temporary change petitions related to the DREAM Project. On March 23, 2018, the State Water Board approved a temporary change which authorized EBMUD to transfer up to 1,000 AF of stored water to NSJWCD. Under that approval, EBMUD released 104 AF for fish and wildlife enhancement, and for rediversion and irrigation use by NSJWCD. Releases were made for 15 days in July 2018, until NSJWCD suspended the rediversion of transfer water due to maintenance and operational issues at its South Pump Station. A second temporary change petition was approved on May 10, 2019, which authorized EBMUD to transfer up to 896 AF to NSJWCD. In November 2019, EBMUD released 238 AF from storage for fish and wildlife enhancement and for NSJWCD's rediversion. NSJWCD rediverted the EBMUD water for 5 days. EBMUD has released at total of 342 AF of transfer water to NSJWCD under the two prior temporary change petitions.

### **The Proposed Transfer**

This Petition seeks approval to complete the DREAM Project water transfer during the 2022 irrigation season, if transferrable water becomes available during that time period. EBMUD seeks temporary changes to License 11109 which would authorize transfer of the remaining 658 AF of DREAM Project water to NSJWCD. EBMUD would transfer only "surplus" water—that is, water it determines is available for appropriation under License 11109 which is surplus to all of the following: (1) all releases required of EBMUD for the benefit of fisheries and the Bay-Delta under State Water Board Decision 1641 (D-1641) and the Lower Mokelumne River Project Joint Settlement Agreement (JSA), (2) all releases required to satisfy EBMUD's obligations to downstream senior water rights holders, and (3) water needed to meet customer demand within EBMUD's service area. If it is determined that such surplus water exists, it could be transferred to NSJWCD during a period of up to one year following the date of EBMUD's written determination. Surplus water may become available for transfer in normal and above-normal runoff conditions, and in some below-normal runoff years. However, surplus water would not be available in any "Dry Year" or "Critically Dry Year" as defined in the JSA and D-1641, and therefore no water would be transferred under this Petition in such years.

EBMUD intends to transfer surface water that is made available as the result of EBMUD's use of recycled water in lieu of surface water diversions under License 11109. EBMUD's use of

recycled water reduces EBMUD’s consumptive use of its Mokelumne River water supplies under License 11109, compared with the quantity of consumptive use which would occur without recycled water use. Such water may be transferred pursuant to Water Code section 1010.

When water is available for transfer, EBMUD will initiate the transfer process by releasing the transfer quantity from Pardee Reservoir into Camanche Reservoir and then releasing the transfer quantity into the lower Mokelumne River. The transfer quantity will be released at a rate of between approximately 4 cfs and 11 cfs. This release will be made in addition to all other required releases to the lower Mokelumne River below Camanche Dam. Flows will require about four hours to reach NSJWCD’s South Pump Station, which is about 10 miles below Camanche Dam. At the South Pump Station, NSJWCD will redivert the released transfer water, minus channel losses of 10%, through the existing fish screen and convey it through the west branch of its existing distribution system. Flow measurements taken at Camanche Dam and at the South Pump Station will track the rate and volume released from Camanche Dam by EBMUD and the rate and volume of water rediverted for project purposes by NSJWCD. NSJWCD will redivert the transfer water in addition to any diversions it may make under its Permit 10477. The transfer water, once in NSJWCD’s distribution system, will travel through several miles of pipeline and empty into Pixley Slough. The water will flow in Pixley Slough for about one mile to an existing diversion dam, where it will be pumped from the slough at a location known as the “Field 13 Diversion” and provided for irrigation use upon approximately 350 adjacent acres of developed vineyard and orchard that would have been irrigated with groundwater in the absence of the transfer. The water diverted from Pixley Slough at the Field 13 Diversion will be measured.

## **PROPOSED TEMPORARY CHANGES TO LICENSE 11109**

### **1. Points of Diversion & Rediversion**

#### ***Existing Point of Diversion***

No change to EBMUD’s existing point of diversion is proposed. EBMUD’s existing authorized point of diversion under License 11109 is listed below:

Pardee Dam – South 18°10' East 3,420 feet from NW corner of Section 26, T5N, R10E, MDB&M, being within NW ¼ of SW ¼ of said Section 26.

#### ***Proposed Additional Points of Rediversion***

The following locations are proposed as additional points of rediversion under EBMUD’s License 11109 for the purpose of the temporary water transfer. The proposed additional points of rediversion are shown on the attached map titled “Map to Accompany License 11109 (Application 4228) Petition for Temporary Transfer and Proposed Addition to Points of Rediversion, Purpose of Use, and Place of Use.”

- i. Camanche Reservoir: North 2,268,941 feet and East 6,411,485 feet, being within SE¼ of SE¼, Projected Section 6, T4N, R9E, MDB&M; and

- ii. NSJWCD South Pump Station: North 2,243,275 feet and East 6,364,793 feet, being within NW¼ of SW¼, Section 35, T4N, R7E, MDB&M.

Camanche Reservoir is proposed to be added as an additional point of diversion solely for the purpose of regulating the flow of transfer water released from Pardee Reservoir.

## **2. Place of Use**

### ***Existing Place of Use***

No change to EBMUD's existing place of use is proposed. EBMUD's authorized place of use under License 11109 is listed below:

- i. Recreational use at Pardee Reservoir, and
- ii. Municipal use within the boundaries of the East Bay Municipal Utility District as shown on map dated July 12, 1966 (revised December 1980) filed with the State Water Resources Control Board.

### ***Proposed Additional Place of Use***

The following locations are proposed to be temporarily added to the existing place of use:

- i. The reach of Mokelumne River downstream of the proposed additional point of diversion at EBMUD's existing Camanche Dam and upstream from the proposed additional point of diversion for NSJWCD's South Pump Station, for fish and wildlife preservation and enhancement purposes; and
- ii. Approximately 2,183 acres located generally within Sections, 20, 21, 22, 27, 28, 29, 32, and 33, within T3N, R7E, MDB&M, for irrigation purposes, provided that transfer water shall be used to irrigate approximately 350 acres of established irrigated crop land located within such area.

The table below summarizes the proposed additional irrigation place of use in 40-acre subdivisions:

USE IS WITHIN		SECTION	TOWNSHIP	RANGE	Acres
(40-acre subdivision)					
E 1/2	SE 1/4	20	3N	7E	80
NW 1/4	SE 1/4	20	3N	7E	10
SW 1/4	SE 1/4	20	3N	7E	10
	S 1/2	21	3N	7E	320
	SW 1/4	22	3N	7E	160
W 1/2	SE 1/4	22	3N	7E	80
W 1/2	NW 1/4	27	3N	7E	80
NE 1/4	NW 1/4	27	3N	7E	40
SE 1/4	NW 1/4	27	3N	7E	20
NW 1/4	NE 1/4	27	3N	7E	21
	N 1/2	28	3N	7E	320
W 1/2	SW 1/4	28	3N	7E	80
NE 1/4	SW 1/4	28	3N	7E	40
	SW 1/4	28	3N	7E	39
NW 1/4	SE 1/4	28	3N	7E	12
SW 1/4	SE 1/4	28	3N	7E	15
	All	29	3N	7E	640
N 1/2	NW 1/4	32	3N	7E	80
SW 1/4	NW 1/4	32	3N	7E	14
SE 1/4	NW 1/4	32	3N	7E	14
NW 1/4	NE 1/4	32	3N	7E	40
NE 1/4	NE 1/4	32	3N	7E	29
SW 1/4	NE 1/4	32	3N	7E	6
NW 1/4	NW 1/4	33	3N	7E	26
NE 1/4	NW 1/4	33	3N	7E	7
Total Acres:					2,183

The proposed additional place of use boundary is shown on the attached map titled “Map to Accompany License 11109 (Application 4228) Petition for Temporary Transfer and Proposed Addition to Points of Rediversion, Purpose of Use, and Place of Use.”

### 3. Purpose of Use

#### *Existing Purposes of Use*

No change to the existing purposes of use is proposed. EBMUD’s existing authorized purposes of use under License 11109 are:

- i. Recreation at Pardee Reservoir; and
- ii. Municipal use within EBMUD service area.

### ***Proposed Addition to the Existing Purposes of Use***

The following purposes of use are proposed to be temporarily added to the existing purposes of use:

- i. Irrigation on approximately 350 acres of established irrigated crop land located within that certain area of approximately 2,183 acres which this Petition proposes to add as a temporarily authorized place of use; and
- ii. Fish and wildlife preservation and enhancement in the Mokelumne River between the upstream proposed point of rediversion at Camanche Dam and the downstream proposed point of rediversion at NSJWCD's South Pump Station.

### **RESPONSES TO SPECIFIC QUESTIONS**

#### **Water to Be Transferred Is Available Due to Recycled Water Substitution**

Water Code section 1010 provides that a water right holder is deemed to be reasonably and beneficially using water to the extent it ceases or reduces its use of water under any existing right as the result of the use of recycled water. Section 1010 further provides that such water may be transferred, to the extent and in the amount of the use of recycled water, pursuant to other provisions of the Water Code authorizing water transfers.

The proposed transfer will not expand any existing water right nor initiate a new water right, nor would it injure any legal user of the water or unreasonably affect fish, wildlife or other instream beneficial uses. EBMUD reduces its Mokelumne River diversions, including diversions under License 11109, by using recycled water to supply some of its customers. EBMUD proposes to transfer a portion of Mokelumne River water made available as the result of such recycled water use. EBMUD has developed a substantial recycled water supply within its service area, which is summarized and quantified in the table below. EBMUD has supplied 9,700–12,100 AF of recycled water annually within its service area in recent years, as previously reported in EBMUD's annual water rights reports. EBMUD customers currently receiving recycled water can also be served potable water appropriated from the Mokelumne River under EBMUD's water rights including License 11109. In the absence of its water recycling projects, EBMUD would divert additional water from the Mokelumne River to meet customer demand. Those customers' continued use of recycled water instead of potable water will result in a commensurate reduction in the quantity of EBMUD's surface water diversions. The reduced use is primarily attributable to License 11109, EBMUD's most senior Mokelumne River water right.

The Mokelumne River water supply which EBMUD has made available as the result of its substitution of recycled water to supply customers is transferrable under Water Code section 1010. The proposed transfer involves water which EBMUD would have lawfully diverted for its own consumptive use, but for the use of recycled water by EBMUD's customers. The quantity of water made available as the result of EBMUD's recycled water use greatly exceeds the proposed transfer quantity of 658 AF. Sufficient water would be available under Water Code section 1010 for transfer at the time the transfer would occur, as EBMUD's customers use significant

quantities of recycled water year-round, particularly during the outdoor irrigation season, when the proposed transfer would occur.

### **The Transfer Will Not Injure Legal Users or Unreasonably Affect Beneficial Uses**

Established downstream legal users and environmental and instream beneficial uses will not be injured or unreasonably affected by the transfer, regardless of whether such users and uses are located within the Mokelumne River watershed or below it. This is assured for several reasons. First, EBMUD will carry out the transfer only if Mokelumne River hydrology is sufficient at the time of the transfer to enable EBMUD to meet customer demand in its service area, make required releases for senior downstream water users, and meet all existing downstream flow commitments under D-1641, the JSA, and EBMUD's existing water rights conditions for the benefit of fish, wildlife, and other instream beneficial uses including the Delta and Mokelumne River fisheries. Second, EBMUD intends to only transfer a quantity that does not exceed the quantity of recycled water used by its customers in lieu of Mokelumne River supply at the time of the transfer. EBMUD would have appropriated and consumptively used such water under License 11109, but for its recycled water use. EBMUD retains the right to use and transfer such water under subdivisions (a)(1) and (b) of section 1010 of the Water Code. Third, the quantity of recycled water used by EBMUD in recent years in lieu of Mokelumne River supply has long been more than adequate to support the transfer quantity proposed in this Petition. See quantity of recycled water use from EBMUD's Water Recycling Program in the table below. However, in the unlikely and unexpected event that EBMUD does not use sufficient recycled water in lieu of Mokelumne River supplies at the time of the transfer to support the full proposed transfer quantity (for example, if an outage occurs at all recycled water production facilities), then EBMUD will temporarily suspend the transfer until the volume of recycled water use resumes and equals or exceeds the proposed transfer quantity. EBMUD will notify the Department of Water Resources and the U.S. Bureau of Reclamation of the occurrence and address any impacts caused by the temporary disruption of recycled water use and implement refill criteria if necessary.

### **COORDINATION WITH OTHER AGENCIES**

The California Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) were contacted during the development phase of the change petition. Copies of this petition have been provided by emails to Bridget Gibbons and Briana Seapy (916-767-3993) of DFW and James Marshall (916-464-4772) of the CVRWQCB.

### **ENVIRONMENTAL DOCUMENTATION**

Temporary changes in the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights are statutorily exempt from the California Environmental Quality Act. (Water Code section 1729; California Code of Regulations, title 14, section 15282(u).) The proposed temporary transfer does not involve any construction or physical changes to EBMUD's or NSJWCD's facilities.

The County approved and adopted an Initial Study/Mitigated Negative Declaration as the California Environmental Quality Act (CEQA) documentation for the DREAM Project on

August 23, 2016. Copies of the IS/MND are available at the County's Public Works Department. Electronic copies of the IS/MND may be viewed at the Department of Public Works' website: [www.sjgov.org/pubworks/](http://www.sjgov.org/pubworks/)

## **PHOTOGRAPHS**

The existing point of diversion includes existing facilities that are well known and documented with the State Water Board under License 11109. In addition, the existing place of use is also well known and documented with the State Water Board. Accordingly, photographs of the existing point of diversion and existing place of use are not included. Attached are photographs identifying typical lands within the proposed additional place of use that would be irrigated with surface water pursuant to this Petition, and a photograph of the proposed point of rediversion at the South Pump Station.

## **MAPS**

The present point of diversion and place of use are shown on maps filed with the State Water Board for License 11109. The proposed additional points of rediversion, place of use, and reach of instream flow dedication are shown on the attached map titled "Map to Accompany License 11109 (Application 4228) Petition for Temporary Transfer and Proposed Addition to Points of Rediversion, Purpose of Use, and Place of Use."



## EBMUD'S WATER RECYCLING PROGRAM

### Water Recycling Projects in Calendar Years 2018 - 2020

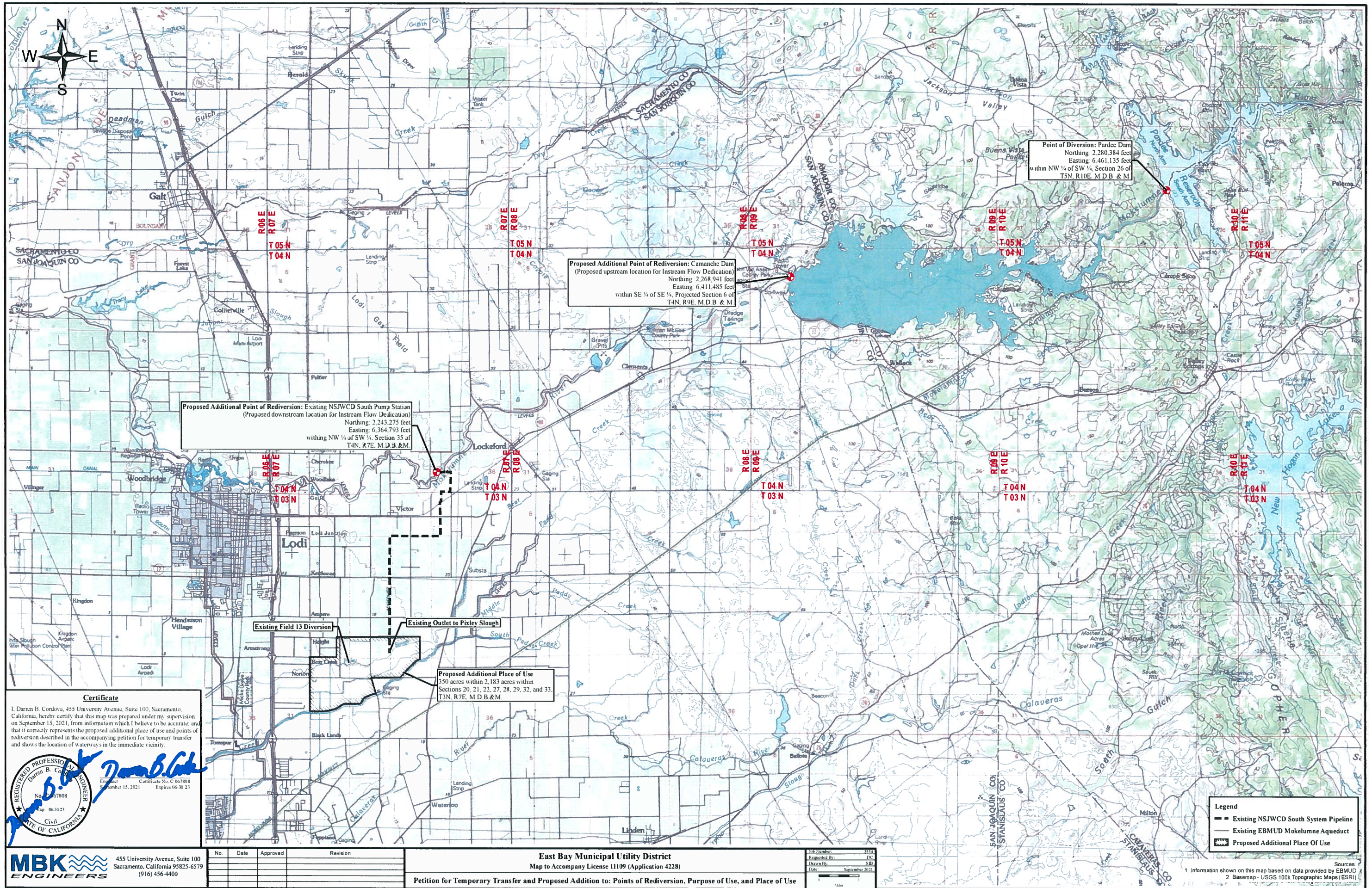
Project and Location	Began Recycled Water Use  (YEAR)	CY2018  (AF)	CY2019  (AF)	CY2020  (AF)
San Ramon Valley/Phase 1 <sup>(1)</sup>	2006	924	994	1,051
East Bayshore RWP/Phase 1A <sup>(1)</sup>	2008	171	162	181
Chevron Refinery/North Richmond <sup>(1) (4)</sup>	1995	0	1,528	2,302
Chevron Refinery/RARE <sup>(1) (4)</sup>	2010	3493	2,399	3,362
Washwater Reclamation	1970	3,347	2,810	2,939
San Leandro Reclamation Facility (2)(3)	1991	0	0	0
Recycled Water Truck Program	2008	2	1	1
EBMUD Wastewater Treatment Plant	1971	1875	1892	2355
<b>Total</b>		<b>9,812</b>	<b>9,786</b>	<b>12,191</b>

DREAM Project Proposed Additional Place of Use  
Established Irrigated Crop Land



DREAM Project Proposed Additional Place of Use  
Established Irrigated Crop Land





**Certificate**  
 I, Daren B. Cordova, 455 University Avenue, Suite 100, Sacramento, California, hereby certify that this map was prepared under my supervision on September 15, 2021, from information which I believe to be accurate, and that it correctly represents the proposed additional place of use and points of rediversion described in the accompanying petition for temporary transfer and shows the location of waterways in the immediate vicinity.



**MBK ENGINEERS**  
 455 University Avenue, Suite 100  
 Sacramento, California 95825-6579  
 (916) 456-4400

No.	Date	Approved	Revision

**East Bay Municipal Utility District**  
 Map to Accompany License 11109 (Application 4228)  
**Petition for Temporary Transfer and Proposed Addition to: Points of Rediversion, Purpose of Use, and Place of Use**

Job Number	2450
Requested By	TC
Drawn By	AD
Date	September 2021

- Legend**
- Existing NSJWCD South System Pipeline
  - Existing EBMUD Mokelumne Aqueduct
  - ▨ Proposed Additional Place Of Use

Sources  
 1. Information shown on this map based on data provided by EBMUD  
 2. Basemap - USGS 100k Topographic Maps (ESRI)