



Water Resources ♦ Flood Control ♦ Water Rights

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March 24, 2021

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

**Subject: Garden Highway Mutual Water Company Updated Petition for
Change Involving Water Transfer under License 2033
(Application 1699)**

Dear Mr. Ekdahl:

On behalf of Garden Highway Mutual Water Company (Company), enclosed are the following documents relative to an updated Petition for Change Involving Water Transfer (Petition) under Company's License 2033 (Application 1699):

1. Petition for Change Involving Water Transfers Form with Attachment (one original and one copy).
2. Environmental Information Form with Attachment (one original and one copy).

The Company is submitting this Petition, which is an update to the petition filed on March 4, 2021, to identify a particular transferee pursuant to a request by the Division of Water Rights. The updates to the Petition include only referring to the transferee as the participating State Water Contractor (SWC) Agencies (included in the March 4th submittal) and removing references to the San Luis & Delta-Mendota Water Authority (Authority) as well as associated details for the diversion and use of transfer water within the Authority. There are no other updates or changes to the petition filed on March 4th; the Petition continues to identify that up to 6,500 AF of surface water is proposed to be made available by groundwater substitution within the Company. Relative to petition fees, those were submitted to the Division earlier this month. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer to the SWC Agencies; and we appreciate your attention to this Petition.

Following your review of the Petition, please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS



Darren Cordova

DC/

2875.21/FINAL AMENDED LETTER TO DIVISION GHMWC PETITION FOR 2021 TRANSFER 03.24.2021

Enclosures

cc: Jon Munger, Garden Highway MWC (via e-mail)
Al Montna, Garden Highway MWC (via e-mail)
Nicole Van Vleck, Garden Highway MWC (via e-mail)
Andrew Hitchings, Somach, Simmons & Dunn (via e-mail)
Samuel Boland-Brien, Division of Water Rights (via e-mail)
Anna Fock, DWR SWPAO (via e-mail)
Andy Chu, DWR SWPAO (via e-mail)
Michelle Snapp, CVRWQCB (via e-mail)
Bridget Gibbons, Department of Fish and Wildlife (via e-mail)

Please indicate County where your project is located here:

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

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

Point of Diversion
Wat. Code, § 1701

Point of Rediversion
Wat. Code, § 1701

Place of Use
Wat. Code, § 1701

Purpose of Use
Wat. Code, § 1701

Temporary Urgency
Wat. Code, § 1435

Temporary Change
Wat. Code, § 1725

Long-term Transfer
Wat. Code, §§ 382, 1735

Instream Flow Dedication
Wat. Code, § 1707

Application

Permit

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 ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

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.

Proposed New User(s)

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

Amount of Water to be Transferred

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

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

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

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

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses? Yes No

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

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

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

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

Dated at


Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(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 No. 1
to Petition for Change Involving Water Transfers
License 2033 (Application 1699)
Held by Garden Highway Mutual Water Company

PURPOSE OF PETITION

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the State Water Project’s (SWP) Harvey O. Banks Pumping Plant and the SWP’s Barker Slough Pumping Plant as points of diversion; (2) add San Luis Reservoir as a point of rediversion; (3) add a portion of the service area of the SWP as an additional place of use; and (4) add municipal, industrial, and domestic purposes under Garden Highway Mutual Water Company’s (Company) License 2033 (Application 1699). This Petition is being filed to facilitate a temporary transfer (2021 Water Transfer) of up to 6,500 acre-feet (AF) of surface water from the Company within May through September 2021, which will be made available by groundwater substitution, prior to subtracting streamflow depletion loss, to participating State Water Contractor (SWC) Agencies in order to provide an additional water supply for irrigation, municipal, industrial, and domestic purposes. Groundwater substitution involves the use of groundwater pumped to produce crops within the Company in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, the Company would divert the entire quantity of surface water proposed for transfer from the Feather River, pursuant to its water right.

POINT OF DIVERSION OR REDIVERSION

POINT OF DIVERSION

Present Point of Diversion:

No change in the present point of diversion is proposed. The Company’s authorized point of diversion under License 2033 is listed below:

<u>Description*</u>	<u>Located Within*</u>			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
N 72° 00’ E, 4,130 feet from the SW corner of Section 24, T13N, R3E	SW, SE	24	13N	3E

Proposed Additional Points of Diversion:

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

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

Banks Pumping Plant via the Clifton Court Forebay

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

Barker Slough Pumping Plant

N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE ¼ of SW ¼ of Projected Section 18, T5N, R2E, MDB&M. This proposed additional point of diversion is identified on maps filed with the Division under Application 5630.

POINT OF REDIVERSION

Proposed Additional Point of Rediversion:

The Company proposes to add the following point of rediversion:

San Luis Reservoir

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

PLACE OF USE

Present:

The present place of use is 3,708.45 acres net within a gross area of 3,765.45 acres, as shown on a map contained in the Division's files for License 2033.

Proposed:

No change in the present place of use is proposed. The Company proposes to add a portion of the service area of the SWP as the proposed additional place of use in order to facilitate the temporary water transfer to the participating SWC Agencies. This portion of the service area of the SWP is shown on Maps 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630.

PROPOSED NEW USERS

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

SWC Agencies

Dudley Ridge Water District
c/o Rick Besecker
Provost & Pritchard Engineering Group, Inc.
286 W. Cromwell Avenue
Fresno, CA 93711-6162

Kern County Water Agency
Lauren Bauer
P. O. Box 58
Bakersfield, CA 93302

County of Kings
c/o Jacob Westra
1001 Chase Avenue
Corcoran, CA 93212

Palmdale Water District
Peter Thompson
2029 East Avenue Q
Palmdale, CA 93550

San Geronio Pass Water Agency
Lance Eckhart
1210 Beaumont Avenue
Beaumont, CA 92223

Santa Clarita Valley Water Agency
Dirk Marks
27234 Bouquet Canyon Road
Santa Clarita, CA 91350

Metropolitan Water District of Southern California
Steve Hirsch
1121 L. Street, Suite 900
Sacramento, CA 95814-3974

San Gabriel Valley Water Company
Darin Kasamoto
11142 Garvey Avenue
El Monte, CA 91733

Alameda County Water District
Thomas Nieser
43885 S. Grimmer Boulevard
Fremont, CA 94538

Antelope Valley East Kern Water Agency
Tom Barnes
6500 W. Avenue N
Palmdale, CA 93551

Zone 7 Water Agency
Amparo Flores
100 N. Canyons Parkway
Livermore, CA 94551

San Bernadino Valley MWD
Bob Tincher
380 E. Vanderbilt Way
San Bernadino, CA 92408

Santa Clara Valley WD
Francis Brewster
5750 Almaden Expressway
San Jose, CA 95118

Napa County Flood Control and Water Conservation District
Chris Silka
804 First St.
Napa, CA 94559-2623

GENERAL INFORMATION

Surface water will be made available for transfer from the Company's groundwater substitution program, consistent with the current *Draft Technical Information for Preparing Water Transfer Proposals, dated December 2019* (Draft Technical Information) published by the Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (Reclamation). The Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users, instream beneficial uses, and the overall economy and environment. The Company will submit a proposal to DWR for a water transfer to the SWC Agencies during 2021, which includes detailed information relative to historical groundwater pumping, groundwater well characteristics, groundwater monitoring and reporting elements, and associated maps. DWR will conduct an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by the Company meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary transfer. Absent the proposed temporary transfer to the SWC Agencies, groundwater would not be pumped by the Company for its groundwater substitution program to make surface water available for the SWC Agencies; thus, the Company would have diverted surface water to meet its irrigation demands.

Only wells which have been approved by DWR will be used for the proposed temporary transfer. In accordance with Water Code Section 1745.10, the Company does not believe the proposed transfer to the SWC Agencies by groundwater substitution will result in an overdraft of the underlying groundwater basin. The Company permitted DWR to install a multi-completion continuous groundwater monitoring well (DWR Well Nos. 13N03E26J002M to -005M {CASGEM ID Nos. 38952N1215992W001 to 004, respectively}) in 2010, near the center of the Company to further assist in documenting groundwater elevations. The monitoring results obtained from DWR for this groundwater well indicate that groundwater elevations fluctuate seasonally each year and trended upwards during recent wetter years. As a condition of participation in the proposed temporary transfer, the Company has developed groundwater monitoring, reporting, and mitigation plans to ensure the proposed transfer does not result in any unreasonable and adverse impacts to the groundwater basin or third parties. As described above, the requirements of the monitoring program are outlined in the Draft Technical Information and will be implemented by the Company accordingly. The program also includes review of groundwater level monitoring data relative to potential land subsidence, in accordance with the Draft Technical Information. To account for anticipated streamflow depletion, DWR will apply a factor of 24% to the amount of groundwater pumped pursuant to the Company's proposed groundwater substitution transfer in accordance with the Draft Technical Information and prior agreements between DWR and the Company. Evaluation and approval by DWR of the groundwater monitoring, reporting, and mitigation plans will be obtained for the Company's groundwater substitution program.

As a result of the proposed temporary transfer, the flow in the Feather River downstream of the Company's present point of diversion will increase by up to 6,500 AF over what would have occurred absent the proposed transfer. These increases will occur during the

period that surface water is made available by the Company, or if possible, during the following months thereafter through releases by DWR for conveyance to the participating SWC Agencies. The increased flow in the Feather River to the proposed additional points of diversion and rediversion will be a small percentage of the total flow and will be water that would be diverted by the Company absent this proposed transfer. The Company's reduced diversions will provide additional flows during the proposed transfer period, up to a maximum of approximately 39 cfs. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, these increased flows may provide benefits for fisheries and wildlife and may result in a positive effect to the water users between the present point of diversion and the proposed additional points of diversion.

The Company entered into an Agreement on Diversion of Water from the Feather River with DWR (Agreement), dated May 17, 1977, for the purpose of a water rights settlement associated with the operation of Oroville Dam, specifically relative to the Company's License 2033 and its other water rights. The proposed quantity for the 2021 Water Transfer is based on a 100% supply under the Agreement with DWR. As the transfer period approaches, if it appears the supply under the Company's Agreement will be less than 100%, the transfer quantity may be reduced. The Company's beneficial use of water from the Feather River during 2021 will include diversions for its crop water demands and surface water made available for transfer by groundwater substitution.

See files of the State Water Resources Control Board for more information regarding other legal water users, which may include the Delta water users, the Central Valley Project, and the SWP. Discussions with the Department of Fish and Wildlife (DFW) staff regarding the Petition occurred on February 10 and 26, and March 1, 2021 in order to discuss the proposed water transfer, including the overall process/review of the Petition and associated documentation by DFW and other agencies. Coordination with DFW staff is continuing in order to obtain any comments; and DFW staff have been provided a copy of this Petition for review. The Company is within the Sutter County GSA and as part of the petition process has notified Guadalupe Rivera (530-822-7400) of Sutter County. The Central Valley Regional Water Quality Control Board (CVRWQCB) has also been contacted and were provided information regarding the proposed temporary water transfer; CVRWQCB staff are currently reviewing the Petition. Copies of this Petition have been provided to Bridget Gibbons (916-767-3993) of DFW and Michelle Snapp (916-464-4824) of the CVRWQCB for review and comment.

State of California
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>

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes No

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact 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.) Provide the date you submitted your request for consultation here.

Date of Contact

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

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

Yes No

Grading Permit

Use Permit

Watercourse

Obstruction Permit

Change of Zoning

General Plan Change

Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

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

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
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If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Not Applicable

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

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, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

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

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated March 24, 2021 at Yuba City C.A.

Jon M. King, Manager

Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

Attachment No. 1
to Environmental Information for
Petition for Change Involving Water Transfers
License 2033 (Application 1699)
Held by Garden Highway Mutual Water Company

DESCRIPTION OF PROPOSED CHANGES

Garden Highway Mutual Water Company (Company) is petitioning to temporarily add points of diversion, a point of rediversion, place of use, and purposes of use to the water right identified above in order to transfer up to 6,500 AF to participating State Water Contractor (SWC) Agencies by groundwater substitution. The State Water Project's (SWP) Banks Pumping Plant and the SWP's Barker Slough Pumping Plant are proposed to be added as points of diversion; San Luis Reservoir is proposed to be added as a point of rediversion; and a portion of the service area of the SWP is proposed to be added as a place of use. The additional purposes of use proposed to be added are municipal, industrial, and domestic, in addition to the existing purpose of use for irrigation. These proposed additions would authorize the transfer of water to the SWC Agencies during May through September 2021. The proposed 2021 Water Transfer will provide the SWC Agencies with an additional water supply during the current drier hydrologic conditions. There are no changes to the Company's existing point of diversion, place of use, or purpose of use.

The quantity of surface water proposed to be made available by groundwater substitution involves the use of groundwater pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, the Company would have diverted the total proposed transfer quantity of 6,500 AF of surface water from the Feather River, pursuant to its License 2033. The proposed temporary transfer does not involve any construction or other physical changes to the Company's facilities.

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from the California Environmental Quality Act (CEQA). In accordance with the *Draft Technical Information for Preparing Water Transfer Proposals*, dated December 2019, published by the Department of Water Resources and U.S. Bureau of Reclamation, the Company will implement the relevant, applicable measures for the proposed 2021 Water Transfer.

PHOTOGRAPHS

The present point of diversion, the proposed additional points of diversion, and the point of rediversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the present and proposed places of use are also well known and documented with the Division. Therefore, for these reasons, the Company respectfully requests that said documentation be made a part of the record for the petition.

MAPS

The present point of diversion and place of use are shown on a map filed with the Division for License 2033. The proposed additional points of diversion for the SWP's Banks Pumping Plant and the SWP's Barker Slough Pumping Plant, as well as the proposed additional point of rediversion for San Luis Reservoir, are shown on maps filed with the Division for Application 5630. The proposed additional place of use is a portion of the SWP service area, as shown on Maps 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630. The Company respectfully requests that said maps be made a part of the record for the petition.