

From: Sara Harper <harper@mbkengineers.com>
To: <gwilson@waterboards.ca.gov>
CC: "Clark, Andrea" <aclark@DowneyBrand.com>, <sswd@syix.com>, "Marc VanCamp...
Date: 6/22/2010 9:18 AM
Subject: Response to Protests for SSWD 2010 Petition for Temporary Transfer of Water

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Pursuant to our conversation on Wednesday, June 16, 2010 the purpose of this email is to respond to protests received on behalf of South Sutter Water District (District) from the California Sportfishing Protection Alliance (CSPA), and the California Water Impact Network and AquAlliance (collectively referred to herein as C-WIN). CSPA and C-WIN filed protests with the Division of Water Rights (Division) in response to the District's proposed 2010 temporary water transfer. As discussed in our teleconference, the Division has requested the District's response to the following topics identified in the protests:

1. Water Code Section 1745.10(a),
2. Alleged groundwater overdraft within Sutter County,
3. Allegation that the Petition lacks specificity in potential groundwater effects,
4. Factual correction regarding evaporation losses,
5. Potential third party impact allegations.

In order to provide a response to the protests, we have not identified particular sections or items independently for each protest; and instead, we have responded to both protests to address the topics listed above, as identified further below.

Item 1.

The claim that the District does not have a groundwater management plan in place is incorrect. The District originally adopted a resolution of intention to draft a Groundwater Management Plan (GWMP) in 1993. Following the adoption of the Initial GWMP, the District subsequently adopted an updated GWMP in October 2009. In accordance with Water Code Section 1745.10(a), the District's proposed 2010 temporary water transfer is consistent with it's GWMP.

Item 2.

In regard to the allegation of groundwater overdraft within Sutter County, there is no evidence in Sutter County's Groundwater Management Plan, Plan Advisory Group Meeting No.3 presentation (Oct, 2008) to indicate the existence of overdraft conditions anywhere in Sutter County. Overdraft by definition means the pumping of groundwater in excess of a basin's safe (or sustainable) yield, resulting in so-called undesirable effects, the most notable of which is a chronic depletion of the groundwater resource (i.e., declining groundwater levels). Hydrographs referenced by both CSPA and C-WIN from Sutter County's Plan Advisory Group Meeting No. 3 (Slide 22 and 43, dated Oct 2008) do not indicate overdraft conditions; in contrast, they show long-term (at least 50 years) stabilized groundwater levels in most of the District and, in the extreme southeast corner of the District, ongoing recovery of groundwater levels over the last 30 years. A comparison between historic groundwater elevations from 1912-1913 and relatively recent groundwater elevations during dry climactic conditions in 2007 is an illegitimate approach to conclude the existence of

overdraft conditions. In addition, as described in the District's GWMP (2009 update), there is no indication of overdraft, as an analysis of groundwater level trends underlying the District and within Sutter County identified that groundwater levels are not continuously declining in any part of the District.

Item 3.

As reported to the Department of Water Resources (Department) in the District's summary reports for temporary water transfers in 2008 and 2009, due to the conjunctive use of groundwater and surface water within the District, any incremental increase in groundwater pumped by individual landowners during a water transfer cannot be uniquely (separately) observed. In addition, these summary reports identify that observed groundwater levels for wells with measurements dating back to previous dry periods indicate that groundwater levels during the District's 2008 and 2009 water transfers are consistent with historic conditions. Any increased groundwater pumping by individual landowners during the District's 2008 and 2009 water transfers resulted in a continuation of groundwater level conditions that are consistent with patterns over the last 20 years, including typical seasonal fluctuations following groundwater pumping during the irrigation season for both transfer and non-transfer years. In addition, the observations of groundwater levels indicate that the groundwater basin did not experience abrupt changes that might have been attributable to the District's 2008 or 2009 water transfers.

Item 4.

Relative to evaporation during irrigation of rice fields, it is correct to claim that evaporation will occur during the irrigation season; however, it is incorrect to protest that such evaporation is unaccounted and/or unique to water transfer operations. Both of the District's previous transfers and its proposed 2010 water transfer involve the continued planting and irrigation of lands within the District, irrespective of water source (groundwater or surface water). The crops produced and the associated irrigation practices would occur with or without these water transfers. Therefore, the evaporation from rice (and other) fields during water transfer years is the same as the evaporation that would have occurred absent the water transfers.

Item 5.

Relative to potential third-party impacts, the District's proposed 2010 water transfer will be conducted consistent with the Groundwater and Surface Water Monitoring and Reporting Program and Mitigation Plan (Plan) developed cooperatively with the Department of Water Resources. This Plan was in place for the District's 2008 and 2009 water transfers, during which no third-party impacts were reported.

Note: Responses identified above to the groundwater-related items are directly taken, or derived, from the District's GMP, dated October 2009, and from individual reports for the District's 2008 Pilot Water Transfer (DWR, Memorandum Report, South Sutter Water District 2008 Pilot Water Transfer, Groundwater and Surface Water Monitoring Summary, prepared jointly with South Sutter Water District, MBK Engineers, and Luhdorff & Scalmanini, Consulting Engineers, March 2010) and for the District's 2009 Drought Water Bank Water Transfer (MBK Engineers, Memorandum Report, Final Summary of 2009 DWB Water Transfer Monitoring for South Sutter Water District, May 28, 2010). Copies of these individual reports were provided to the Division.

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

Sara Harper

Water Resources Engineer

"There is too little public recognition of how much we all depend upon farmers as stewards of our soil, water and wildlife resources."
-John F. Kennedy-

MBK Engineers

1771 Tribute Road, Suite A

Sacramento Ca, 95815-4401

(916) 456-4400

www.mbkengineers.com <<http://www.mbkengineers.com>>

harper@mbkengineers.com <<mailto:harper@mbkengineers.com>>