

State of California  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

STATE WATER RESOURCES  
 CONTROL BOARD  
 08 DEC 31 PM 3:51  
 DIV. OF WATER RIGHTS  
 SACRAMENTO

**PETITION FOR TEMPORARY TRANSFER  
 OF WATER/WATER RIGHTS**  
*(Water Code 1725)*

Point of Diversion    Point of Rediversion    Place of Use    Purpose of Use

Application No(s). 2952   Permit No. 1416   License No. 1572  
 Statement or Other No. \_\_\_\_\_

***Present Holder and User of Water Right***

<b>Delta Farms RD 2026 (Webb Tract)</b>	<b>David Forkel</b>		<b>(925) 932-0151</b>
Person or Company name <b>311 East Main Street, Suite 504</b>	City <b>Stockton</b>	Contact person <b>CA</b>	Telephone No. <b>95202</b>
Address <b>dforkel@deltawetlands.com</b>	City	State	Zip Code
E-MAIL (For noticing purposes)			

***Co-petitioner***

<b>Delta Wetlands Properties, agent for RD #2026</b>	<b>David Forkel</b>		<b>(925) 932-0151</b>
Person or Company name <b>1660 Olympic Blvd., Suite 350</b>	City <b>Walnut Creek</b>	Contact person <b>CA</b>	Telephone No. <b>94596</b>
Address <b>dforkel@deltawetlands.com</b>	City	State	Zip Code
E-MAIL (For noticing purposes)			

***Proposed New User***

<b>Metropolitan Water District of Southern California</b>	<b>Debra Man</b>		<b>(213) 217-6000</b>
Person or Company name <b>700 North Alameda Street</b>	City <b>Los Angeles</b>	Contact person <b>CA</b>	Telephone No. <b>90012-2944</b>
Address <b>dman@mwdh2o.com</b>	City	State	Zip Code
E-MAIL (For noticing purposes)			

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows:**

**Amount of Water to be Transferred** up to 7,540 Acre-feet (AF). If the basis of right is direct diversion, average rate of diversion for the maximum 30 day period of use is 63.94 cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year)

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present See Attachment 1.

Proposed \_\_\_\_\_

TRANS-TEMP-PET (11-00)

If your answers require more space than provided, please attach additional pages

**Place of Use**

Present **See Attachment 1.**

Proposed \_\_\_\_\_

**Purpose of Use**

Present **See Attachment 1.**

Proposed \_\_\_\_\_

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	<b>See Attachment 1.</b>	<b>See Attachment 1</b>	_____
Proposed	_____	_____	_____

The proposed transfer/exchange water is presently used or stored within the county/counties of:

**Contra Costa**

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

**Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura**

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? **Yes**  
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. **See Attachment 1**
- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? **Yes**  
(yes/no)
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? **Yes**  
(yes/no)
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other **See Attachment 1.**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. **See Attachment 1.**  
\_\_\_\_\_
- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). **See Attachment 1.**  
\_\_\_\_\_
4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. **See Attachment 1.**  
\_\_\_\_\_
- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. **See Attachment 1.**  
\_\_\_\_\_

5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Yes  
(yes/no)

5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment 1.

5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment 1.

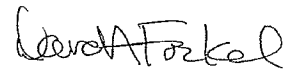
6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No  
(yes/no)?

6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred.

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

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

Dated: December 31, 2008 at Sacramento, California



Signature(s)

(925) 932-0151

Telephone No.

**NOTE:** This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

**Proof of Service:** Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

**Fees:** The following fees must accompany the petition before the petition will be accepted:

1. A minimum filing fee of \$100, for each application listed in the petition, shall be submitted with the petition (Water Code section 1547). The fee is made payable to the State Water Resources Control Board.
  - a) Water Code section 1547.1 requires an additionally fee of 25% of the amount computed by using the fee schedule in Article 1 (commencing with Water Code section 1525) for use of water outside of the basin from which the water transfer originates. The fee is based on that portion of water transferred under the existing direct diversion or storage right(s) for each application identified in the petition. For direct diversion rights, the rate is typically computed based on the average rate of diversion (cfs) for the maximum 30-day period of use (AF).
  - b) If the petitioner relies on Water Code section 382, the total filing fee shall be based on the amount necessary to cover the reasonable costs of the SWRCB to evaluate and process the petition (Water Code section 386). Please contact the Division if you would like an estimate of the potential cost.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

**Attachment 1**  
**Responses to Petition Form**

**Overview of Proposed Transfer**

Delta Wetlands Properties (Delta Wetlands) proposes a temporary water transfer program, whereby 4,189 acres on Webb Tract in the Sacramento River – San Joaquin River Delta would be fallowed, and up to 7,540 AF of water not applied by Delta Wetlands on the land would be transferred to the Metropolitan Water District of Southern California (MWD), (see Environmental Information for Petitions, Table 2). The forborne water would be available for transfer during the period from May through September. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year. This petition proposes changes to License 1572 (Webb Tract) only. Proposed changes to License 1405 (Bouldin Island) are described in a separate petition filed contemporaneously with this petition.

**Overview of License No. 1572**

Delta Wetlands irrigates Webb Tract using water right License 1572 (A002952) issued to Delta Farms Reclamation District No. 2026. License 1572 has a 1922 priority date. Water has been diverted under this license for over 80 years to irrigate a variety of crops. License No. 1572 authorizes the maximum direct diversion of 63.94 cfs (33,352 afa) between March 1 and November 1 for irrigation of 5115.5 acres on Webb Tract. The sources of water for License 1572 are False River, Fishermans Cut, Washington Slough, Old River and San Joaquin River. Delta Wetlands is the authorized agent for Delta Farms Reclamation District No. 2026 with respect to this petition.

### Point of Diversion or Rediversion

#### Present:

Point of Diversion	Source	Diversion Reference Points	California Coordinate Zone 3 (or as otherwise noted)	Point is within (40 acre subd.)	Project Section	Township	Range	Base & Meridian
One point of diversion (one siphon) between Point A and Point B	Old River	Point A (Old River and San Joaquin River) Point B (False River)	N 574,750 E 1,691,450 N 571,100 E 1,688,350	NW ¼ SE ¼	30	3N	4E	MD
Two points of diversion (six siphons) between Point B and Point C	False River	Point B (above) Point C (Fisherman's Cut)	N 569,050 E 1,669,950	SW ¼ SE ¼	33	3N	3E	MD
Four points of diversion (eleven siphons) between Point D and Point A	San Joaquin River	Point D (San Joaquin River) Point A (above)	N 578,850 E 1,670,550	NW ¼ NE ¼	28	3N	3E	MD

#### Proposed:

Point of Diversion	California Coordinate Zone 3 (or as otherwise noted)	Point is within (40 acre subd.)	Project Section	Township	Range	Base & Meridian
State Water Project Banks Pumping Plant	N 486,035 E 1,695,057	NW ¼ of SE ¼	20	1S	4E	MD
Central Valley Project Jones (Tracy) Pumping Plant	S 76 degrees 39 minutes E, 2674.53 feet from West ¼ Corner of Section 29 T 1 South R 4 East, M D B & M	NE ¼ of SW ¼	29	1S	4E	MD

## Place of Use

### **Present:**

Webb Tract, Contra Costa County

### **Proposed:**

MWD Service Area as described in maps attached to Application 031431 (Application to Appropriate Water on the New River in Southern California) and Application 030661 (Application to Appropriate Water of the Alamo River).

## Purpose of Use

### **Present:**

Irrigation

### **Proposed:**

Irrigation, domestic, power generation, municipal, and industrial.

## Season of Use

### **Present:**

March 1 – November 1

### **Proposed:**

There is no proposed change in the season of use. Surface water not applied to the fallowed land will no longer be diverted from the present points of diversion by Delta Wetlands. The forborne water will be conveyed by the California Department of Water Resources (DWR) or United States Bureau of Reclamation (USBR) to MWD, subject to DWR's export and conveyance capacity from the Delta. MWD will bear the responsibility for obtaining DWR or USBR approval to convey the water to the MWD service area. The forborne water will be made available to MWD on the same schedule that the water would have been consumptively used by the crops absent the fallowing. Water from the temporary transfer will be made available within the authorized season as shown above.

## Direct Use

### **Present:**

Delta Wetlands would directly divert up to 63.94 cfs, and consumptively use at least 7,540 AF of water total, in 2009 to irrigate 4,189 acres on Webb Tract in the absence of the transfer.

### **Proposed:**

A total of not more than 7,540 AF will be delivered through the CVP and/or SWP Pumping Plants to the MWD service area at a maximum rate of diversion not to exceed 47.8 cfs.

**1b.**

Under the proposed program, the idling or temporary fallowing of 4,189 acres of corn will result in a savings of 7,540 AF of water over that which would occur in 2009 absent the fallowing program (see Environmental Information for Petitions, Table 2). The forborne water will be made available to convey to MWD “on schedule,” that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR (see Environmental Information for Petitions, Table 3).

**2a.-2c.**

Delta Wetlands proposes to add the SWP Banks Pumping Plant and CVP Tracy Pumping Plant as points of diversion. The proposed transfer will increase the flow between Delta Wetlands’ present points of diversion and the South Delta pumping facilities. The Delta water diverters between the present points of diversion and the proposed points of diversion have been identified in other transfers utilizing the South Delta pumping plants.

**3a-3b.**

Delta Wetland proposes a program of crop fallowing and forbearance of diversions on Webb Tract consistent with the DWR “ETAW” methodology for determining conserved water described in the DWR white paper, “Introduction to Water Transfers and Crop Idling/Crop Substitution for Sacramento Valley 2009”. This paper addresses the concerns of DWR relative to the potential impacts water transfers may have on other legal users and the environment.

If the proposed transfer is approved, the fallowing and forbearance program on Webb Tract will result in a net reduction of consumptive use of at least 7,540 AF during 2009. This forborne water will be new water in Delta channels available for transfer that would not occur in the absence of the fallowing program. Delta Wetlands will not substantially change its cropping patterns and water use on lands not included in the transfer program thereby ensuring that the water saved on the fallowed lands results in a net water savings on its properties.

This conserved water will be made available to convey to MWD “on schedule,” that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR. The water will be conveyed out of the Delta to the MWD service area in accordance with regulatory requirements and available pumping capacity.

Although the quantity of water proposed for transfer would be a small percentage of the total Delta inflow, the reduction of diversions and consumptive use on Webb Tract will have a positive effect on in-Delta water quality and flow.

Because this petition proposes the transfer of water that would be consumptively used on schedule, no legal users will be injured.

**4 and 5a.**

Consultation with CDFG (Corrine Gray, 707/944-5526) and RWQCB (Anne Hopkinson, 916/464-4825) has been requested.

## 5c and d.

Webb Tract covers approximately 5,450 acres, including 4,189 acres of corn. Approximately 105 acres of open water habitat exists at two ponds located in the northeast quarter of the island. Most of the 106 acres of riparian woodland and scrub and 172 acres of freshwater marsh on Webb Tract surround these ponds.

Webb Tract provides limited suitable habitat for western pond turtles and giant garter snakes; high quality habitat for these species is limited to areas not subject to active agriculture, e.g., riparian and marsh areas with persistent water.

Webb Tract provides suitable habitat for: northern harriers (nesting in densely vegetated wetlands or fallow fields on the island); Swainson's hawk are present on Webb Tract (nesting in riparian woodland); and greater sandhill cranes (foraging habitat present, although Webb Tract is not considered an important greater sandhill crane area by Pogson and Lindstedt). Suitable nesting and wintering habitat for the western burrowing owls is present; however, no burrowing owls were observed during bird surveys. Loggerhead shrikes were observed on Webb Tract through the spring, summer, fall and winter during surveys. The primary loggerhead shrike habitat is on interior levees that contain utility lines or fences. Loggerhead shrikes were observed only in areas with above ground utility lines located near levees on Webb Tract, where they move up and down the levees hunting for prey. Suitable nesting habitat for tricolored blackbirds, consisting of emergent marsh, willow scrub, riparian woodlands, and Himalayan blackberry brambles; however no nesting tricolored blackbirds were observed on Webb Tract during surveys. Tricolored blackbirds were observed foraging on Webb Tract during fall and winter surveys. Webb Tract also provides suitable nesting and foraging habitat for Cooper's hawk and white-tailed kite. It provides suitable foraging/wintering habitat for ferruginous hawk, bald eagle, American peregrine falcon, short-eared owl, and California black rail. Cooper's hawk, white-tailed kite, and American peregrine falcon were observed on Webb Tract during surveys. Many white-tailed kites were observed during the surveys on Webb Tract.

Open water habitat, riparian woodland and scrub, and freshwater marsh areas, where most of the species noted above may nest, would be unaffected by the proposed fallowing program.

Webb Tract is located in Contra Costa County, California. In 2008, 4,189 acres of corn were planted on Webb Tract. According to the most current (2007) data available from the National Agriculture Statistics Service, 145,900 acres of corn were planted in the five Delta counties (Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties) ([http://www.nass.usda.gov/Statistics\\_by\\_State/California/index.asp](http://www.nass.usda.gov/Statistics_by_State/California/index.asp)). Fallowing Webb Tract would reduce the acreage of corn planted in the region by less than 3 percent. Delta Wetlands is aware of only one other fallowing-transfer request proposed in the Delta, i.e., Bouldin Island, which could result in fallowing 4,295 acres of corn. More than 94% of the land in the region historically used for corn production would be unaffected by anticipated fallowing programs. Given that the vast majority of the land in the region historically used for corn production would be unaffected by anticipated fallowing programs and that the petition requests only a 1-year transfer of the consumptive use portion of the water, no unreasonable effect on wildlife would occur. For species that may forage in the actively farmed areas, some would benefit from the fallowing program (e.g., raptors, such as Swainson's hawks which are unable to hunt in tall corn).

The proposed transfer may provide environmental benefits through increased flows downstream of Delta Wetlands' present point of diversion due to the reduction of in-Delta diversions. The fallowing program will also reduce agricultural drainage into the Delta from Webb Tract. In addition, the transfer will take



place within the constraints set forth in the May 22, 1995, Water Quality Control Plan for the Bay-Delta to protect fish and wildlife.

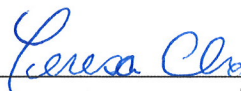
PROOF OF SERVICE

I, Teresa Chan, declare as follows:

I am employed in the City and County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within cause. My business address is ELLISON, SCHNEIDER & HARRIS L.L.P.; 2600 Capitol Avenue; Sacramento, California 95816-5905; telephone (916) 447-2166.

On December 31, 2008, I served the attached *Petition for Temporary Transfer of Water/Water Rights for Application No. 2952* by putting a true copy thereof in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Sacramento, California, addressed to each person shown on the attached service list and by personal service to the SWRCB.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 31, 2008, at Sacramento, California.



---

Teresa Chan

Service List

California Department of Fish and Game  
Donald Koch, Director  
1416 Ninth Street  
Sacramento, CA 95814

Riverside County  
Board of Supervisors  
County Administrative Center  
4080 Lemon Street, 1st Floor  
Riverside, CA 92501

Contra Costa County  
Board of Supervisors  
651 Pine Street, Room 107  
Martinez, CA 94553

San Bernardino County  
Board of Supervisors  
385 N. Arrowhead Ave.  
2nd floor  
San Bernardino, CA 92415-0130

Los Angeles County  
Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

San Diego County  
Board of Supervisors  
1600 Pacific Hwy, Rm 335  
San Diego, CA 92101

Orange County  
Board of Supervisors  
333 W. Santa Ana Blvd , Room 465  
P.O. Box 687  
Santa Ana, CA 92702-0687

Ventura County  
Board of Supervisors  
800 South Victoria Avenue  
Ventura, CA 93009-1920

Riverside County

ENVIRONMENTAL INFORMATION FOR PETITIONS

California Environmental Protection Agency

State Water Resources Control Board

**DIVISION OF WATER RIGHTS**

**P.O. Box 2000, Sacramento, CA 95812-2000**

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**ENVIRONMENTAL INFORMATION  
FOR PETITIONS**

**Petition for Change**

**Petition for Extension of Time**

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB 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.

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

For a petition to 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.

See Attachment No. 1.

**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: \_\_\_\_\_

Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO

If YES, check appropriate box below:

- Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

ENVIRONMENTAL INFORMATION FOR PETITIONS

---

- b. Have you obtained any of the required permits described above?  YES  NO  
 If YES, provide a complete copy of each permit obtained.  
 See Attachment No. \_\_\_\_.

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

- a. Check any additional state or federal permits required for your project:  
 Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management  
 Soil Conservation Service  Dept of Water Resources (Div. of Safety of Dams)  Reclamation Board  
 Coastal Commission  State Lands Commission  Other (specify) (see chart below)
- b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_

- c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?  YES  NO  
 If YES, explain:

\_\_\_\_\_

\_\_\_\_\_

See Attachment No. \_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project? \* YES  NO   
 If YES, name and telephone number of contact: Corinne Gray; 707-944-5526

**4. ENVIRONMENTAL DOCUMENTS**

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
 If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_

- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.\*
  - I expect that the SWRCB will be preparing the environmental document.\*\*
  - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: Metropolitan Water District of Southern California (transferee)

ENVIRONMENTAL INFORMATION FOR PETITIONS

See Attachment No. \_\_\_\_\_

\* **Note:** When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* **Note:** CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

a. 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

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

\_\_\_\_\_  
 See Attachment No. \_\_\_\_\_

b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

c. What method of treatment and disposal will be used? \_\_\_\_\_

See Attachment No. \_\_\_\_\_

**6. ARCHEOLOGY**

a. Have any archeological reports been prepared on this project?  YES  NO

b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO

c. Do you know of any archeological or historic sites located within the general project area?  YES  NO

If YES, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_.

**7. ENVIRONMENTAL SETTING**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three 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.

ENVIRONMENTAL INFORMATION FOR PETITIONS

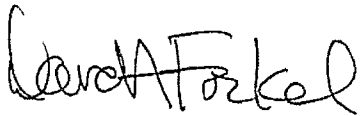
---

- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: December 31, 2008

Signature: 

**Attachment No. 1**

**Forbearance of Water**

Delta Wetlands Properties (Delta Wetlands) proposes a temporary water transfer program, whereby up to 4,189 acres on Webb Tract in the Sacramento River – San Joaquin River Delta would be fallowed, and up to 7,540 AF of water not applied by Delta Wetlands on the land would be transferred to the Metropolitan Water District of Southern California (MWD). The forborne water would be available for transfer during the period from May through September. The water will be conveyed through the SWP or CVP Pumping Plants on a space-available basis. Any Order issued pursuant to this Petition should authorize the temporary change to be effective for up to one year. This petition proposes changes to License 1572 (Webb Tract) only.

Under the proposal, the SWP or the CVP would operate so as to deliver water made available as a result of Delta Wetland's forbearance of diversions to MWD. During balanced conditions in the Delta (as defined in the Coordinated Operations Agreement), DWR or USBR would, to the extent possible, directly divert the water forborne at Tracy or Banks Pumping Plants (assuming there is unused pumping capacity and all conditions necessary for joint point of diversion are met), or would, to the extent that operational conditions upon the Sacramento River permit, back the forborne water into upstream storage so that it can be released and diverted in the Delta at a later time when export capacity becomes available.

Delta Wetlands would make up to 7,540 acre-feet of water available for sale as a result of this proposed fallowing program on Webb Tract.

**Methods of Making Water Available**

Delta Wetland proposes a program of crop fallowing and forbearance of diversions on Webb Tract consistent with the DWR "ETAW" methodology for determining conserved water described in the DWR white paper, "Introduction to Water Transfers and Crop Idling/Crop Substitution for Sacramento Valley 2009". No new construction or improvements to facilities owned or operated by Delta Wetlands would be necessary for the production and forbearance of this water.

In 2008, the irrigated acreage on Webb Tract was planted in corn (4,189 acres). If the fallowing program is not approved for 2009, Webb Tract will remain planted in corn. Based upon the cropping pattern in 2008 and DWR's estimates of consumptive use for corn (i.e., 1.8 af/ac), 2009 water usage absent the water transfer is estimated to be up to 7,540 AF.

The saved water will be made available to convey to Buyer "on schedule," that is, on the same schedule that the water would have been consumptively used by the crops fallowed in accordance with the ETAW pattern established by DWR, see Table 1. Delta Wetlands will not substantially change its cropping patterns and water use on lands not included in the transfer program thereby ensuring that the water saved on the fallowed lands results in a net water savings on its properties.



## ENVIRONMENTAL INFORMATION FOR PETITIONS

---

### **Sources of the Transferable Water**

Delta Wetlands irrigates Webb Tract using water right License 1572 (A002952) issued to Delta Farms Reclamation District No. 2026. License 1572 has a 1922 priority date. License No. 1572 authorizes the maximum direct diversion of 63.94 cfs (33,352 afa) between March 1 and November 1 for irrigation of 5,115.5 acres on Webb Tract. The sources of water for License 1572 are False River, Fisherman's Cut, Washington Slough, Old River and San Joaquin River. Delta Wetlands is the authorized agent for Delta Farms Reclamation District No. 2026 with respect to this petition.

ENVIRONMENTAL INFORMATION FOR PETITIONS

---

**Table 1**  
**Consumptive Use Pattern for Transferable Water – Webb Tract**

Month	CU Pattern -Corn		
	(af/ac)	(ac)	(af)
May	0.000	4,189	-
June	0.324	4,189	1,357
July	0.702	4,189	2,941
August	0.522	4,189	2,187
September	0.252	4,189	1,056
Total	1.800	4,189	7,540

CU pattern for Corn based on Bulletin 113-2 Table 22