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November 21, 2001

VIA AIRBORNE EXPRESS

Mark L. Stretars  
State Water Resources Control Board  
Division of Water Rights  
Post Office Box 2000  
Sacramento, California 95812-2000

Re: West Side Irrigation District/Petition for Change License 1381

Dear Mark:

As you know, the West Side Irrigation District (WSID) located in Tracy, California, which holds License 1381 issued by the State Water Commission (predecessor of the State Water Resources Control Board (SWRCB)) in 1933 with a priority date of April 17, 1916. The license authorizes WSID to divert 82.5 cfs from Old River, tributary of the San Joaquin River from about April 1 through October 31 of each year. The maximum amount of water divertible under the license is approximately 35,000 acre-feet per year.

As we discussed in an August meeting with your staff regarding the License, the purpose of use for License 1381 is limited to irrigation. License 1381 designates the place of use for the water and is the original boundaries of the District consisting of about 11,000 acres. The point of diversion is located on the south bank of Old River as shown on the original place of use map filed with the State Board. Due to urbanization surrounding the City of Tracy, approximately 5,800 acres of land have changed from agricultural to urban uses, and have detached from WSID, which is now comprised of 6,161 acres. WSID wishes to have the flexibility of using its license to provide water in the future for either agricultural or urban purposes for the benefit of lands within its boundaries.

At our August meeting, you will recall that we discussed issues to be addressed in the Petition for Change, California Environmental Quality Act (CEQA) compliance, and other related issues. At its November meeting, WSID completed its CEQA review, adopted a Negative Declaration and authorized the filing of the Petition for Change.

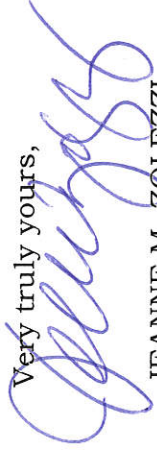
Mark L. Stretars  
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I have enclosed the follow documents and information in furtherance of the Petition for Change in the Purpose of Use of License 1381:

- Petition for Change
- Environmental Information for Petition for Change
- Photographs of Environmental Setting (3 copies)
- Resolution Approving Petition for Change
- Initial Study and Proposed Negative Declaration
- Letter from State Clearinghouse confirming compliance with CEQA
- Negative Declaration Regarding Environmental Impact
- Resolution Addressing Findings Regarding and Adopting Negative Declaration for Petition for Change of License 1381
- Notice of Determination
- Certificate of Fee Exemption – De Minimus Impact Finding
- \$100.00 Check to the State Water Resources Control Board
- \$850.00 Check to the Department of Fish and Game

We respectfully request that you proceed with processing the Petition for Change. Should you have any questions or need any additional information, please call me.

Very truly yours,



JEANNE M. ZOLEZZI  
Attorney-at-Law

KEH/JMZ:rl

Enclosures

cc: Ms. Barbara Kleinert  
Mr. Gene Carson

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State of California  
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>

2001 NOV 15 PM 5:05

**PETITION FOR CHANGE  
(WATER CODE 1700)**

Application **A000301** Permit **P000270** License **L001381** Point of Rediversion, \_\_\_\_\_ Place of Use,  Purpose of Use  
Statement or Other \_\_\_\_\_

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)  
Present: **SE 1/4 OF NE 1/4 of Section 3, T2S, R4E, MDB&M**  
Proposed: **Same - No Change**

**Place of Use** (If irrigation then state number of acres to be irrigated within each 40-acre tract.)  
Present: **Original Place of use (original boundaries of the West Side Irrigation District**  
Proposed: **No Change**

**Purpose of Use**  
Present: **Irrigation**  
Proposed: **Irrigation, domestic, municipal, industrial**

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)? **NO**

GIVE REASON FOR PROPOSED CHANGE: **Changing land uses within place of use**  
WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? **NO**  
(yes/no)

WATER WILL BE USED FOR **Agricultural and Municipal** PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of **Ownership**.  
Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? **No change in point of return flow**  
(yes/no)

If by lease or agreement, state the name and address of party(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.

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**  
I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated Nov 15, 2001 2001 at Stockton, California  
*[Signature]*  
Signature(s) Telephone No. (209) 472-7700

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

11/20/01  
\$100.00 POC  
\$850.00 DFG POC

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>

## ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. **A000301** PERMIT NO. **P000270** LICENSE NO. **L001381**

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify furtheror clarify the information requested in this form.

### DESCRIPTION OF CHANGES TO PROJECT

1. 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, changes in land use, and project operational changes, including changes in how the water will be used.

**There will be no changes to the project at the present time. When originally formed in 1916, WSID included 11,993 acres of agricultural land. Due to the urbanization surrounding the City of Tracy, approximately 5,800 have changed from agricultural to urban uses and have detached from the district, which is now comprised of 6161 acres. The district wishes to have the flexibility of using its water for municipal purposes as urbanization continues within its boundaries.**

### GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

**The proposed change does not involve construction or any activity that must be permitted. In addition, the district, as a public agency, is not required to obtain local land use permits.**

- a. Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_  
Department \_\_\_\_\_ Telephone ( ) \_\_\_\_\_
- b. Assessor's Parcel No. \_\_\_\_\_  
c. County Zoning Designation \_\_\_\_\_
- d. Are any county permits required for your proposed changes? NO  
If yes, check appropriate space below:
- \_\_\_\_\_ Grading Permit, \_\_\_\_\_ Use Permit, \_\_\_\_\_ Watercourse  
Obstruction Permit, \_\_\_\_\_ Change of Zoning, \_\_\_\_\_ General Plan  
Change, Other (explain): \_\_\_\_\_
- e. Have you obtained any of the required permits described above? N/A  
If yes, provide a complete copy of each permit obtained. \_\_\_\_\_

3. Are any additional state or federal permits required for your proposed changes? NO  
(i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.)  
For each agency from which a permit is required provide the following information:

Permit type N/A \_\_\_\_\_  
Person (s) contacted \_\_\_\_\_ Agency \_\_\_\_\_  
Date of contact \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? The West Side Irrigation District is the lead agency for preparation of the required environmental document under CEQA. An Initial Study was prepared and a negative declaration was adopted on November 14, 2001 by the district. A copy of the Negative Declaration and Notice of Determination are attached. \_\_\_\_\_

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? N/A If so, explain: \_\_\_\_\_

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? NO

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

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

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? NO

Do you know of any archeological or historic sites located within the general project area?  
N/A if so, explain: \_\_\_\_\_

ENVIRONMENTAL SETTING

7. Attach THREE COMPLETE SETS of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

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

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. The following general plant community types best describe those that occur within your project area (Note: See footnote denoted by \* under Question 11 below):

- Developed Communities
- Cropland**
- Orchard-Vineyard**
- Urban**

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

**NONE.**

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

General fish species of the Delta and San Joaquin River. None of these fish species or their habitat would be affected by the proposed change as there will be no change in the rate or time of diversion.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by \* below):

Unknown; however there could be no affect on riparian or terrestrial wildlife or their habitat because the rate and time of diversion would not change.

\*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? NO -if so, explain: \_\_\_\_\_

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits 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 November 14, 2001 Signature   
GENE CARSON