



Peter M. Rooney  
Secretary for  
Environmental  
Protection



# State Water Resources Control Board

Pete Wilson  
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John P. Caffrey, Chairman

## Division of Water Rights

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**SEP 21 1998**

In Reply Refer  
to:333:WT:301

West Side Irrigation District  
P.O. Box 177  
Tracy, CA 95376

Gentlemen:

PETITION TO CHANGE LICENSE 1381 (APPLICATION 301)--OLD RIVER IN  
SAN JOAQUIN COUNTY

On July 21, 1998, I telephoned the West Side Irrigation District (WSID) to obtain information on a "Petition for Change" that the State Water Resources Control Board (SWRCB) recommended in 1985. WSID's legal counsel, Ms. Jeanne Zolezzi, contacted me by telephone on August 8, 1998 and during our conversation I explained the situation related with License 1381. Ms. Zolezzi stated that 1) water was used within the authorized place of use, 2) full entitlement was being diverted, and 3) she was not aware of any Water Code section that requires a "petition for change" to be filed when irrigated land is reduced within a service area.

The Water Code does not require a petition be filed when changes are not made to the project. In the case of License 1381, the enclosed chronology was prepared based on correspondences and provided is a map indicate the increase to the place of use without State Water Resources Control Board (SWRCB) approval. During the 1985 inspection, SWRCB staff found WSID had reduced the acreage being irrigated. Subsequent reports submitted by the District continue to show less than 9,000 acres receiving water. At the same time, a greater amount of water is being diverted and occasionally pumped outside the diversion season allowed under the license. Finally, 166 acres was annexed prior to 1985 that increased the size of WSID service area. Therefore, WSID needs to proceed with the petition for change, at least to the increase place of use, in accordance with Section 1700 of the Water Code.

The WSID June 4, 1992 letter states the water it diverts is a intermingle of surface flows, contract water from the State Water Project, return water from upstream water agencies, treated

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West Side Irrigation District

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effluent (wastewater), groundwater, and WSID's own return flows. Our July 27, 1992 letter addressed the use of return flows and treated wastewater that you consider as supplemental water. If this water is abandoned and released into the channel by the upstream entities, this water becomes subject to appropriation. WSID can divert the water under the conditions of License 1381. The exception is when the upstream entity has contractual arrangement with the downstream user(s). If this is the situation, please provide copies of the agreements. If not, you may need to file a new application to appropriate water taken in excess of that allowed under License 1381.

It is evident that several categories of water are being pumped by WSID. For compliance to the conditions of the water right license, it recommended that you accompany future report of license with copies of contracts and agreements that WSID has with other water purveyors.

In our July 27, 1992 letter, we also commented on adding municipal and industrial (M & I) as new use of the water. Usage under License 1381 is designated for irrigation. However, over the years, some of the land use has changed to M & I and away from agriculture. As of yet, we have not received any request to add M & I use to the license. A petition for change to the purpose of use would be appropriate if the commingled water is use for other than irrigation.

For your use, I have enclosed petition forms. If you have any questions, please telephone me at (916) 657-2039.

Sincerely,

**ORIGINAL SIGNED BY:**

Whalen Toy  
Sanitary Engineering Associate  
Petition Unit

Enclosure

cc: West Side Irrigation District (w/enclosure)  
c/o Ms. Jeanne M. Zolezzi  
2291 West March Lane, Suite B1000  
Stockton, CA 95207

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WEST SIDE IRRIGATION DISTRICT - CHRONOLOGY

- 12/18/74 Division letter advising that review of the past WSID license reports indicate that the District was diverting more water than entitled to under the right.
- 1/24/78 License report for period of '75 to '77 indicates District was still diverting more water than entitled to under the right. No indication provided that supplemental water was being purchased by WSID.
- 2/18/81 License report for period of '78 to '80 indicates District was still diverting more water than entitled to under the right. In the license report for period of '75 to '77 indicates District was diverting more water than entitled to under the right. WSID states that it was getting supplemental water from the State Water Project, but no quantities provided. However, there also a remark that WSID would increase its diversion when supplemental water is not available to meet its needs.
- 4/1/84 License report for period of '81 to '83 indicates WSID diverting more water than entitled to under the right. District does state that supplemental water was being purchased and use of its return flows, but quantities to distinguish the water source was not furnished.
- 7/18/85 Board staff conducted an inspection and found 2,746 acres was no longer being irrigated and the District had annexed 166 acres into the service area. Board staff recommended a reduction in the net irrigated land, proportionally reduction to the rate of diversion and the annual amount, and petition for the addition of the 166 acres of land annexed into the District. Board staff advised that if the rate of diversion other than proposed will need justification for the higher rate.
- 10/8/86 Board letter presented our findings as a result of the July 1985 inspection and recommendations for a change petition.
- 2/4/87 License report for period of '84 to '86 indicates District was diverting more water than entitled to under the right, taking water outside its season of diversion, and between 8,800 to 7,477 acres being irrigated. Their commented reduction of irrigated land was due to either economic reasons or participation in the Federal PIC -Program.
- 2/5/87 The WSID letter was received in responded to our October 1986 letter. It explained why the monthly amounts were higher than that amount allowed under License 1381. The reply also stated the absence of measuring devices at WSID diversion and the use of return flows discharged by upstream users as well as other water sources (wastewater and subsurface).

- 10/15/87 Board letter commented on the District's February 1987 response by saying a petition was need as well as information on the claim of rights to water provided by the supplemental sources.
- 3/19/91 License report for period of '87 to '90 indicates District diverted water than outside its season of diversion during 1988 and 8,700 to 7,871 acres was being irrigated.
- 12/6/91  
4/9/92 Prod letters were sent seeking WSID petition for change and information on the other water sources.
- 6/4/92 District acknowledged a petition was required due to the annexation of the 166 acres. Also made an inquired on the additional purpose of use (municipal and industrial) and the rate and amount to be taken under the revised license.
- 7/27/92 Division letter commented on the District's June 4, 1992 letter stating the petition for change was needed and that quantities taken under the water right was limited to the conditions of the right.
- 6/2/95 License report for period of '92 to '94 indicates WSID diverting more water than entitled to under the right, taking water outside its season of diversion, and between 7,500 acres being irrigated.
- 7/98 No petition received to date, Board staff contacted the licensee.