United States Department of the Interior

BOARD OF SUPERVISORS
2009 JUN 15 P 3:10

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

IN REPLY
REFER TO:

JUN 04 2009

MP-460
WTR-4.10

Ms. Victoria A. Whitney
Deputy Director of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

Subject: Petitions for Temporary Change – Permits 11885, 11886, and 11887 (Applications 234, 1465, and 5638), Friant Division, Central Valley Project, California

Dear Ms. Whitney:

Please find enclosed Petitions for Temporary Transfer of Water for the subject permits filed pursuant to Water Code Sections 1725 and 1707.

The enclosed transfer petition forms each contains a pre-printed statement that an $850.00 fee made payable to the Department of Fish and Game must accompany each petition. Therefore a check for $850.00 made payable to the Department of Fish and Game (DFG) is enclosed. Since all three petitions will be reviewed and considered together for the same transfer, only one fee is enclosed pursuant to Section 10005(e) of the California Public Resources Code.

However, the primary purpose of these petitions is to benefit fish resources in the San Joaquin River. Therefore, pursuant to Section 10005(d)(4) of the California Public Resources Code, please advise Reclamation as soon as the DFG has made its written determination that the subject petitions are exempt from the $850.00 fee and what arrangements will be made to return the enclosed check to Reclamation.

Reclamation understands that the administrative filing fee required to process these petitions is covered by the water right fees program to the extent that sufficient funds are available. Any administrative costs incurred as a result of processing Reclamation's petitions that exceed the funds available under the water right fees program will be covered under the existing contract between Reclamation and the State Water Board (Board) for services rendered by Board staff.

Subject: Petitions for Temporary Change – Permits 11885, 11886, and 11887 (Applications 234, 1465, and 5638), Friant Division, Central Valley Project, California

Questions may be referred to Mr. Bob Colella, Water Rights Specialist, at 916-978-5256.

Sincerely,

Richard J. Woodley
Regional Resources Manager

Enclosure

Identical letter sent to persons on next page.
(each w/enclosure)

Identical Letter Sent To:

Department of Fish and Game
Attn: John Battistoni
1234 E. Shaw Avenue
Fresno, CA 93710

Central Valley Regional
Water Quality Control Board
Attn: Lonnie Wass
1685 E Street
Fresno, CA 93706

Central Valley Regional
Water Quality Control Board
Attn: Greg Vaughn
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Kern County Board of Supervisors
1115 Truxton Avenue
Bakersfield, CA 93301

Merced County Board of Supervisors
2222 M Street
Merced, CA 95340

San Joaquin County Board of
Supervisors
Courthouse, Room 701
222 East Weber Avenue
Stockton, CA 95202

Stanislaus County Board of Supervisors
City/County Administration Building
1010 10th Street, Suite 6500
Modesto, CA 95354

Contra Costa County Board of
Supervisors
651 Pine St
Martinez, CA 94553

Alameda County Board of Supervisors
Administration Building
1221 Oak St #536
Oakland, CA 94612

Madera County Board of Supervisors
200 West 4th Street
Madera, CA 93637

Fresno County Board of Supervisors
2281 Tulare Street #301
Hall of Records
Fresno, CA 93721

Tulare County Board of Supervisors
2800 West Burrel Avenue
Visalia, CA 93291

Sacramento County Board of
Supervisors
County Administration Center
700 H Street, Room 1450
Sacramento, CA 95814

Friant Water Users Authority
Attn: Ronald Jacobsma
854 North Harvard Avenue
Lindsay, CA 93247

Natural Resources Defense Council
Attn: Monty Schmitt
111 Sutter St, 20th Floor
San Francisco, CA 94104

California Department of Water
Resources, San Joaquin District
Attn: Kevin Faulkenberry
Program Manager
3374 East Shields Avenue
Fresno, CA 93726

San Joaquin River Exchange Contractors
Attn: Steve Chedester
P.O. Box 2115
Los Banos, CA 93635

San Luis National Wildlife Refuge
Complex, U.S. Fish and Wildlife Service
Attn: Kim Forrest
P.O. Box 2176
Los Banos, CA 93635

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

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). 234 Permit No. 11885 License No. _____

Statement or Other No. _____

Present Holder and User of Water Right

See Supplement

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Co-petitioner

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Proposed New User

See Supplement

Person or Company name | Contact person | Telephone No.

Address | 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** (attach additional pages, as needed):

Amount of Water to be Transferred See Supplement Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is N/A cubic feet per second (cfs).

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

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 Supplement
Proposed See Supplement

Place of Use

Present See Supplement
Proposed See Supplement

Purpose of Use

Present See Supplement
Proposed See Supplement

	Season of Use	***Direct Use (cfs)***	***Storage (ac-ft)***
Present	See Supplement		
Proposed	See Supplement		

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

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

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 Supplement

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 persons known to you who may be affected by the proposed change.
See Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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. N/A

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 STATE WATER BOARD 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: June 4, 2009 at Sacramento, California

Signature(s)

(916) 978-5201
Telephone No.

NOTE: This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board 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.

NOTE: All petitions must be accompanied by the **filing fee, (see fee schedule at www.waterrights.ca.gov)**, made payable to the State Water Resources Control Board and an **$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

Present Holder and User of Water Right

Bureau of Reclamation
Mid-Pacific Region, MP-460
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825

Telephone: (916) 978-5256
Email: rcolella@usbr.gov

Proposed New User

This proposed transfer is for dedication of releases from Millerton Reservoir for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707. In addition, Reclamation will make use of instream conveyance by means of the San Joaquin River to meet obligations of the Central Valley Project (CVP) under existing contracts and agreements.

General/Background

This petition, in the form of two Alternatives A and B, requests that additional points of rediversion downstream of Friant Dam be temporarily added to the subject permits and that the San Joaquin River beginning at Friant Dam and ending at two designated alternative downstream points be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Water will be released to the natural watercourse of the San Joaquin River for this instream dedication, but due to capacity issues, natural and unnatural conveyance means may both be utilized to facilitate flow throughout the designated stretch of the river.

This petition also requests the temporary addition of preservation and enhancement of fish and wildlife resources as an authorized purpose of use under the subject permits.

Under Alternative A, approval of this petition would authorize the dedication of releases of water previously stored in Millerton Reservoir for instream use from Friant Dam to the confluence of the Merced and San Joaquin Rivers, and the instream conveyance of water in order to meet existing obligations in lieu of making such deliveries from the Delta Mendota Canal. No expansion of the authorized places of use is necessary or requested. Water will be used by the permittee concurrently for instream beneficial use and for existing delivery obligations within the existing authorized places of use.

Water previously stored is proposed to be released from Millerton Reservoir through the downstream river channel. Water would then be rediverted at and near Mendota Dam for delivery through various canals and to flow through Mendota Dam. Water would flow past Sack Dam. Water would thence be conveyed through the Sand Slough Control

Structure to and through the East Side Bypass. Water in the East Side Bypass will thence flow through the Mariposa Bypass and thence the San Joaquin River and would also continue to flows through the East Side Bypass to Bear Creek. Water would be diverted along the East Side Bypass at designated locations both north and south of the Mariposa Bypass. Water in Bear Creek would thence continue to flow into the San Joaquin River.

Under Alternative B, in addition to the description provided above for Alternative A, the San Joaquin River from its confluence with the Merced River, to near Vernalis, and to the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants would also be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Temporary authorization would also be granted to redivert water at Jones and Banks Pumping Plants and at the San Luis Dam for potential delivery within the existing place of use in order to meet demands for the Friant Division of the CVP.

Maximum flow of transferred water in downstream reaches of the San Joaquin River and pertinent limiting factors are presented in Table 2-1 of the Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Mitigated Negative Declaration for Water Year 2010 Interim Flows Project, dated June, 2009 (EA/IS). The physical location of each numbered reach is identified in Table 1-1 of the EA/IS.

Amount of Water to be Transferred

A total maximum of up to 384,000 acre-feet of water is proposed for transfer. However, up to 29,000 acre-feet of this quantity would be transferred from October 1, 2009 through November 20, 2009. Depending upon the forecast 2010 Water Year type, up to 355,000 acre-feet would be transferred from February 1, 2010 through September 30, 2010. The proposed maximum release rates during the transfer period are as shown in Figure 2-1 of the EA/IS. Table 2-3 of the EA/IS depicts maximum anticipated quantities (in acre-feet) and flow rates (in cfs) for releases from Millerton Reservoir to effectuate the proposed transfer (total Friant releases minus Holding Contract releases). However, the actual quantity of releases could be constrained due to conditions including the existing channel capacity, infiltration losses, rediversion capacities, and demands.

Period of Transfer/Exchange

The period for the proposed transfer is October 1, 2009, through September 30, 2010.

Alternative A

Points of Rediversion

Present Point of Rediversion

San Joaquin River, Tributary to Suisun Bay

Coordinate Description
Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed Points of Rediversion to be Added:

The proposed points of rediversion to be added are depicted on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

A. Mendota Dam, Located N 1745350 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M., including intakes to the following canals:

Main Canal, Located N 1744396 E 6598937 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Outside Canal Located 1741896 E 6599689 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 19, T13S, R 15E;

Columbia Canal Located California Coordinate System, N 1746420 E 6605595 Zone 3 , NAD 83, being within the NE 1/4 of Section 20, T13S, R 15E;

Helm Ditch, Located N 1745022 E 6598787 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Firebaugh Canal Water District Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 19, T13S, R 15E.

B. Intake to the Arroyo Canal, Located N 1816307 E 6561446 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 12, T11S, R13E, M.D.B.&M.

C. Intake to the Sand Slough Control Structure, Located N 1862535 E 6535468 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 31, T9S, R13E, M.D.B.&M., for conveyance through the East Side Bypass.

D. Along the East Side Bypass, Located N 1883703, E 6523784 California Coordinate System, Zone 3, NAD 83, being within the NW ¼ of Section 11, T9S, R12E (at Lone Tree Unit, Merced NWR)

E. Intake to the Mariposa Bypass Control Structure, on the East Side Bypass, Located N 1895936 E 6505198 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 30, T8S, R12E, M.D.B.&M.

F. Along the East Side Bypass, Located N 1914452 E 6480299, California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 8, T 8S,11E M.D.B.&M. (at East Bear Creek Unit, San Luis NWR)

Place of Use

Present Places of Use

See map numbers 214-212-37 and 214-212-3331, on file with the State Water Board, for Application 5638, and for Applications 234 and 1465, respectively, for place of use. Place of use for Application 5638 also includes place of use shown on map number 1785-202-14 on file with the SWRCB.

Proposed Places of Use to be Added for Instream Beneficial Uses

The proposed places of use to be added for instream beneficial uses are indicated on Map No. 1785-202-41, enclosed with this petition.

Add San Joaquin River from Friant Dam (Upper Reach) to the confluence of the Merced River (Lower Reach). This place of use is to be added for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707.

Upper Reach: Friant Dam, located North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Lower Reach: Downstream Reach of in-stream beneficial use at the confluence of the Merced and San Joaquin Rivers, located N 1950037 and E 6423458 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of Section 3, T7S, R9E, M.D.B.&M.

Purposes of Use

Present Purposes of Use

The combined purposes of use for all four permits are stockwatering, domestic, irrigation, incidental domestic, municipal, and recreation, as on file with the State Water Board.

Proposed Purpose of Use to be Added

Add the Purpose of Preservation and Enhancement of Fish and Wildlife Resources. This purpose of use is to be added for beneficial use of water within the existing places of use depicted on maps 214-212-37 and 214-212-3331, on file with the State Water Board, and within the reach of river added to the place of use for dedication of instream flows.

Season of Use, Direct Use, and Storage

Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in these permits on file with the State Water Board.

Proposed Season of Use, Direct Use, and Storage

No change is requested to the season of use, season of direct use, or season of storage for these Applications.

Counties of Storage and Use

The proposed transfer water is presently used and stored within the following counties:

Madera; Fresno; Tulare; Kern.

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

Fresno; Madera; Merced, Stanislaus.

Conditional Approval Requested

In the order approving this petition, Reclamation requests that approval be conditioned as follows.

- The proposed quantity of releases to be transferred shall be in addition to that quantity of releases otherwise required to maintain the 5 cfs requirement at Gravelly Ford and that would be sufficient to provide necessary flow in the river reach from Gravelly Ford pursuant to the obligations of the Holding Contracts executed by Reclamation.

- Petitioner shall maintain sufficient Millerton Lake storage and available San Joaquin River channel capacity in order to make releases of available storage from Millerton Lake as required under the terms and conditions of the San Joaquin River Exchange Contract, Ilr-1144, as amended February

14, 1968, to the extent such releases would be made in the absence of the proposed transfer.

- Approval of this petition for transfer water to reach Mendota Dam is conditioned upon execution of an agreement with Central California Irrigation District for operation of Mendota Dam, if necessary to route transferred water through Mendota Dam.

- Addition of points of rediversion downstream of Mendota Dam is conditioned upon any necessary agreements with the San Luis Canal Company for the routing of transfer water over Sack Dam.

- Addition of Sand Slough Control Structure as a point of rediversion for conveyance through the East Side Bypass and the introduction of flow into the East Side Bypass and Mariposa Bypass, as well as the addition of requested points of rediversion further downstream, are conditioned upon the following: execution of any necessary agreement with the Central Valley Flood Protection Board to release transferred water into the East Side Canal, and; execution of any necessary agreement with the Lower San Joaquin Levee District for the operation, inspection, and maintenance of flood control facilities.

- Release of transfer water is conditioned upon implementation of the Seepage Management and Monitoring Plan described in Appendix D to the EA/IS.

Alternative B

Alternative B proposes an additional reach for dedication of instream flows, and also rediversion of flows at Jones and Banks Pumping Plant and San Luis Dam. Transfer water could potentially be delivered to exchange entities within the existing authorized places of use for the subject permits under separate action. Alternative B requests the same changes requested in Alternative A, with the following differences:

Add to the authorized place of use the San Joaquin River from its confluence with the Merced River to near Vernalis, and thence the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources in accordance with Water Code § 1707.

Proposed Additional Points of Rediversion to be Added under Alternative B:

The proposed additional points of rediversion to be added are indicated on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

Add Jones Pumping Plant as a point of rediversion, located N 2114400 E 6248073, California Coordinate System, Zone 3, NAD 83 being within SW ¼ of SW ¼ Section 31, T1S, R4E, MDB&M.

Add Banks Pumping Plant, Located N 2115990 and E 6237838, California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 35, T1S, R3E, MDB&M.

Add San Luis Dam as a point of rediversion, Located N 1844598 E6394093 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of SE ¼ of Section 15, T10S, R8E, MDB& M. The simulated end of month storage at San Luis Dam will not significantly change and transfer water will be stored within the maximum permitted storage quantity for San Luis Reservoir. See Table 4-21 of the EA/IS. No redistribution of any storage right is necessary or requested. The method of rediversion would change (23 CCR §791(e)) for the additional point of rediversion at San Luis Dam for transferred water previously stored under the subject permits.

Under Alternative B, the proposed transfer water will be placed to beneficial use within the following additional counties:

Contra Costa; Alameda; San Joaquin; Sacramento.

Although ultimate use of water stored in San Luis Reservoir is not the subject of this change petition, a brief explanation is provided here for clarification. Transfer water ultimately stored in San Luis Reservoir would not be delivered to south-of-delta contractors other than Friant Division contractors. Similarly, no water diverted and developed pursuant to permits other than those that are the subject of this change petition would be delivered to Friant Division contractors. Using a simple credit mechanism based upon percentage of San Joaquin flow, the quantity of transfer water available for supplemental transfer and exchange agreements would be determined to effectuate the recirculation plan as depicted in Figure 2-13 of the EA/IS for informational purposes.

1b. The total quantity of water proposed to be transferred under this petition will be up to 384,000 acre-feet. Reclamation will make water available for this transfer from stored water released from Millerton Reservoir. Absent the proposed transfer, water not released from Millerton Lake would be consumptively used by Friant Division contractors by means of deliveries through the Madera or Friant-Kern Canals or would remain in storage for other authorized purposes and uses.

See Table 4-20 of the EA/IS for comparisons of monthly averages of simulated Friant-Kern and Madera Canal diversions with and without the proposed transfer. Also see Appendix G to the EA/IS, Water Operations Modeling - CalSim Attachment, Tables 1 through 7, Monthly Averages of Simulated End-of-Month Millerton Lake Storage, for comparisons of Millerton storage levels with and without the proposed transfer.

2c. Diverters between Friant Dam and the confluence of the Merced River, and from the confluence of the Merced River to and through the Delta, are on file with the State Water Board. Many riparian water right holders between Friant Dam and Gravelly Ford have executed Holding Contracts with Reclamation. Also, the San Joaquin River Exchange Contractors divert water downstream of Friant Dam.

The San Joaquin River Holding Contractors, San Joaquin River Exchange Contractors, Friant Division CVP Water Service Contractors, East-Side Division Water Service Contractors, and Other South-of-Delta CVP Water Service Contractors will not be affected by the proposed transfer. Discussion of legal injury to these contractors can be found in section 3b., below.

3a. See Chapter 2.0 of the EA/IS for a discussion and analysis of changes in streamflow. Table 2-2 of the EA/IS depicts changes in maximum flows under the proposed transfer compared to conditions without the proposed transfer.

See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Quality.

The proposed transfer would not significantly impact hydrology and water quality. The proposed transfer would not degrade water quality. Concentrations of some pollutants could decrease. From Friant Dam to the Merced River, the proposed transfer would not result in any additional violations of existing water quality standards or any substantial water quality changes that would adversely affect beneficial uses; impacts would be less than significant and beneficial. Simulated average chloride concentrations and X2 positions in the Delta are similar to conditions absent the proposed transfer. Water quality conditions for water delivered to Friant Division contractors from the Friant – Kern and Madera Canals would not be adversely affected.

The proposed transfer could result in changes is quantities of water delivered to Friant Division contractors, but those contractors would not likely change farming practices. Decreases in deliveries to Friant Division contractors due to the proposed transfer could result in increased groundwater pumping to offset surface water deliveries. However, the proposed transfer would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be any net deficit in aquifer volume or any lowering of the groundwater table.

Reclamation anticipates, separate and apart from this proposed transfer action, being able to assist Friant Division contractors in arranging for transfer or exchange of surface flows that have reached beyond the instream flow protection endpoints in order to potentially provide Friant Division water service contractors with some water to make up for reduced deliveries from Millerton Reservoir. Such actions would be within the existing authorized places of use under the subject permits. This "recaptured water" available to Friant Division contractors could range from 0 acre-feet to some figure less than the total quantity of up to 384,000 acre-feet water transferred.

Since farming practices are expected not to significantly change as a result of the proposed transfer, no significant changes in the timing of CVP deliveries or of the use of CVP water is anticipated, nor are any changes in return flows expected.

3b. See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Supplies and Facilities Operations. Also see section 4.17d) of the EA/IS.

Under the proposed transfer, there would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Under the proposed transfer, flows would be released into the San Joaquin River from Millerton Reservoir that would otherwise be rediverted into the Madera and Friant-Kern Canals. The EA/IS concludes, based upon CalSim modeling results, that the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Absent the proposed transfer, all water that is the subject of this transfer petition would have remained in storage at Millerton Reservoir or would have been diverted into the Madera and Friant-Kern canals for consumptive use in the Friant Division service area of the CVP. The only water ever released (absent flood flows) downstream from Friant Dam is water (a) released pursuant to the Holding Contracts to maintain 5 cubic feet per second (cfs) flow at Gravelly Ford and maintenance of a "live stream" at that point, and (b) in the event that Reclamation is unable for any reason to deliver a substitute supply from the Delta-Mendota Canal or other sources, Reclamation shall, under stated terms and conditions of the Exchange Contract, make up required quantities by making releases of available storage from Millerton Lake. Reclamation makes no other releases of stored water that would be available for downstream users of water. Therefore, absent the proposed action, the only non-flood flows that Reclamation would release at Friant Dam are flows to maintain 5 cfs. at Gravelly Ford, and any flows made pursuant to the Exchange Contract. No other non-flood releases are made for use by any entity downstream of Friant Dam. These non-flood flows will remain unchanged under the proposed action.

As discussed above, resulting decreases in surface water deliveries to Friant Division contractors could result in an increase in groundwater pumping. However, any resulting drawdown in groundwater levels is expected to be within the range of groundwater level fluctuations historically exhibited (see Appendix G to the EA/IS, Groundwater Modeling).

Only minimal fluctuation in the seasonal Millerton Reservoir elevation is expected as a result of the proposed transfer and would remain within historical operational levels. Peak flood flows in the spring season could be reduced, but no substantial changes in Millerton Reservoir flood releases are expected downstream of Millerton Reservoir during flood operations.

Tables 4-9 through 4-16 of the EA/IS collectively present simulated changes in monthly average flows from Friant Dam to the confluence with the Merced River. Table 4-17

does the same for flows upstream of Vernalis. The impacts of the transfer on hydrology in these reaches are described in the EA/IS as less than significant. The EA/IS describes simulated changes in monthly average exports as less than significant.

Also, Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. According to the EA/IS, mean monthly diversion rate increases at Jones and Banks Pumping Plants could be large during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

To avoid any impacts due to seepage of transfer water through downstream levees, the release of water from Friant Dam and the management of downstream flows pursuant to the proposed transfer would be conducted in accordance with monitoring and management actions to prevent adverse seepage impacts as described in the Seepage Monitoring and Management Plan presented in the Appendix D Attachment to the EA/IS.

Releases of water from Millerton Reservoir pursuant to the proposed transfer would be managed to avoid interference with operations of the San Joaquin River Flood Control Project.

No legal injury to San Joaquin River Holding Contractors

The releases from Millerton Reservoir pursuant to the petition would be in addition to that quantity of releases otherwise required under the San Joaquin River Holding Contracts to maintain the 5 cfs requirement at Gravelly Ford and would not interfere with the ability of landowners from Friant Dam to Gravelly Ford to exercise existing riparian rights. The maximum proposed flows described in Table 2-1 of the EA/IS at Head of Reach 1 (Friant Dam) assume that up to 230 cfs of these flows, as depicted in Table 2-6 of the EA/IS, are dedicated to maintain the 5 cfs flow requirement at Gravelly Ford.

No legal injury to San Joaquin River Exchange Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Reclamation will ensure that sufficient Millerton Reservoir storage is maintained, and that available San Joaquin River channel capacity is not impeded by flows from the proposed transfer, in order to make releases of available storage from Millerton Reservoir in lieu of deliveries from the Delta Mendota Canal if such releases become necessary under the terms and conditions of the Exchange Contract. Reclamation will ensure that necessary deliveries from the Delta Mendota Canal pursuant to the terms and conditions of the Exchange Contract will be made.

No legal injury to Friant Division CVP Water Service Contractors

Release of flows from Millerton Reservoir to implement the proposed transfer would reduce allocations to Friant Division CVP water service contractors. However, Friant Division demands would be met through increased groundwater pumping and possibly recapture of transferred water. The impact to Friant Division long-term water service contractors due to reduced deliveries would be limited to a one-year duration and would be less than significant.

No legal injury to Other South-of-Delta Water Service Contractors

The EA/IS, through associated modeling, concludes that deliveries from the Delta and San Luis Reservoir to CVP water service contractors will not be affected by the proposed transfer.

No legal Injury to Eastside Division Water Service Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division.

Also, as discussed below in section 5c. below, without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Changes in New Melones storage are described in the EA/IS as less than significant. Therefore, CVP contractors taking delivery from New Melones Reservoir would not be affected.

Furnishing Water for Fish Hatchery Purposes

Approval of the proposed transfer will not interfere with any customary provision, by means of pipeline from Friant Dam, of up to 35 cubic feet per second of incidental flow to the San Joaquin Fish Hatchery. This flow is already an incidental component of the quantity of water released from Friant Dam required to maintain the 5 cfs requirement at Gravelly Ford pursuant to the Holding Contracts.

4. Reclamation's points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

5a. Reclamation's point of contact at the CDFG is John Battistoni, 559-978-3595.

5c. See sections 3.6 and 4.5 of the EA/IS for discussion and analysis of Fisheries, including the presence of fish species in Millerton Reservoir and downstream reaches. The proposed transfer would not substantially reduce the habitat of a fish and wildlife species, cause fish or wildlife population to drop below self-sustaining levels, or reduce the number or restrict the range of a special-status species.

The EA/IS concludes that the proposed transfer would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. The EA also concludes that effects of the proposed transfer on Delta Smelt, Longfin Smelt, Fall-run Chinook Salmon, Central Valley Steelhead, and Sacramento Splittail would be beneficial.

Millerton Lake is already subject to highly fluctuating and generally declining water surface elevations throughout the spring, summer, and fall, so lower reservoir elevations are not anticipated to result in substantial reduction in populations of fish due to reduction in shallow habitat available for spawning and rearing.

Generally high-quality water will be transferred at Millerton Reservoir. In Reach 1 and 2 (Friant Dam to Gravelly Ford, and Gravelly Ford to Mendota Dam, respectively), increased flow would likely result in beneficial effects by potentially increasing the amount of habitat available for different life stages of fish. Impacts to cold-water fish in Reach 3 and 4A (Mendota Dam to Sack Dam, and Sack Dam to Sand Slough Control Structure, respectively) would also be less than significant but beneficial. Reach 4B1 (from Sand Slough Control Structure to Confluence with Mariposa Bypass) is not being proposed to convey transferred water and therefore there would be no effect upon fish in this reach. In Reach 4B2 (from confluence with Mariposa Bypass to confluence with Bear Creek), effects would be similar to those in Reaches 3 and 4A. In Reach 5 (Confluence with Bear Creek to Confluence with Merced River) impacts would be less than significant but beneficial. From the confluence with the Merced River to the Delta, the increase in flows would be beneficial to fish. Release of transfer water is not anticipated to alter total flows to the Delta sufficiently to cause a measureable effect on sensitive wildlife or plant species and therefore effects on sensitive wildlife and plant species downstream from the confluence with the Merced River would be less than significant.

Regulated flows in the San Joaquin River upstream of the confluence with the Merced River would be similar to or greater than flows existing absent the proposed transfer under all potential hydrologic conditions. When flows existing pursuant to the proposed transfer contribute toward meeting Vernalis Adaptive Management Plan (VAMP) objectives, tributary releases could be reduced; under conditions where flows existing pursuant to the proposed transfer cause higher VAMP flow targets, releases from tributary reservoirs would be made to achieve the higher target. Changes in VAMP contribution releases from tributary reservoirs would not affect the ability to meet instream fish and water quality flow requirements in the Merced, Tuolomne, or Stanislaus Rivers. Conditions in the Delta would not be altered to a level outside the standards established under the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service. Without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Transfer flows would be recognized under VAMP as part of the baseline conditions used to estimate the unimpaired flow conditions. Therefore, the

proposed transfer could affect the operations of reservoirs on tributary rivers under VAMP and the water quality operating requirements for New Melones Reservoir, as seen in Table 4-18 of the EA/IS, where depicted are simulated changes in monthly average New Melones Reservoir storage. The EA/IS describes these changes as less than significant.

Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. Mean monthly diversion rate increases at Jones and Banks Pumping Plants could be increased during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

See sections 3.5 and 4.4 of the EA/IS for discussion and analysis of terrestrial species. The spread of invasive plant species along the San Joaquin River would be exacerbated as a result of flows occurring under the proposed transfer. Therefore, the EA/IS includes a mitigation measure to implement an invasive vegetation management plan so that effects upon terrestrial species are identified as less than significant or nonexistent.

The proposed transfer will be managed in a way as to avoid potentially significant impacts to sensitive species. On May 22, 2009, Reclamation requested concurrence from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) that the proposed transfer is not likely to adversely affect listed species. Reclamation will forward to the SWRCB concurrence letters from the FWS and NMFS as soon as they are received.

5d. See section 4.5 for an analysis of the impacts of the proposed transfer on fish. The proposed transfer would not significantly impact fisheries resources. The proposed transfer would augment streamflow in the San Joaquin River and would provide generally high-quality water. There would be an increase in the amount of fish habitat along with some decrease in pollutant concentration. The EA/IS concludes that impacts to fish would be beneficial and there would not be a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.

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: _____ 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):

_____

_____

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.* 1

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) _____

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.* 1

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO
If YES, name and telephone number of contact: _____

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: _____

☐ *See Attachment No. 1*

* 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. 1*

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.* 1

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.
- ☐ 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: 6/4/2009 Signature: _____

Attachment 1 to Environmental Information Form for Reclamation's Petition for Temporary Transfer

1. Description of Proposed Changes

See the General/Background discussion in the Supplement to Reclamation's Petition for Temporary Transfer.

2. N/A

3. State/Federal Permits and Requirements

It is Reclamation's understanding, based upon meetings held with the U.S. Army Corps of Engineers (Corps), that no permits or permission will be required pursuant to Section 10, Section 404, or Section 408. Reclamation will submit a letter to the Corps requesting confirmation that no Section 10, Section 404, or Section 408 approval is required. Copies of Reclamation's request and the Corps' confirmation will be forwarded to the State Water Board.

Point of contact at DFG is John Battistoni, 559-978-3595.

4. Environmental Documents

Although pursuant to Section 1729 of the Water Code this project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, the document entitled Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Negative Declaration for Water Year 2010 Interim Flows (EA/IS), dated June, 2009, has been prepared. The U.S Bureau of Reclamation is the lead agency under the National Environmental Policy Act and the California Department of Water Resources is the lead agency under the California Environmental Quality Act. A copy of the EA/IS has been furnished to State Water Board staff under separate cover and is also available to the public at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612.

1.0 Introduction and Statement of Purpose and Need.
2.0 Description of Alternatives
3.0 Affected Environment
4.0 Environmental Consequences
5.0 Consultation and Coordination
6.0 Compliance with Environmental Statutes, and Other Relevant Laws, Programs, and Agreements
7.0 List of Preparers
8.0 References

Appendices
A-Stipulation of Settlement in NRDC v. Rodgers, et al.
B- San Joaquin River Restoration Settlement Act
C-Friant Dam Releases for Restoration Flows
D-Seepage Management and Monitoring Plan

E-Flow Management and Monitoring Plan for Water Year 2010 Interim Flows
F-Invasive Species Management and Monitoring Plan
G-Modeling
- Water Operations Modeling – CalSim Attachment 1
- Water Quality Modeling – DSM2 Attachment 2
- Water Quality Modeling – SJR5Q Attachment 3
- Groundwater Modeling – Schmidt Method Attachment 4
- Air Quality Modeling Attachment 5

H-Biological Resources
- Special-Status Species Reported By California Natural Diversity Database Attachment 1
- U.S. Fish and Wildlife Service List of Special-Status Species Attachment 2
- Special-Status Plant and Wildlife Species with the Potential to Occur in the Study Area Attachment 3

5. Waste/Wastewater

See sections 3.8 and 4.7 of the EA/IS for discussion and analysis of Geology and Soils. Erosion downstream from Friant Dam could potentially increase, but impacts are considered less than significant, and implementation of a sediment monitoring program will occur as part of the proposed transfer to determine if flow release or other actions need to be taken to minimize erosion.

The generation of wastewater from within the service areas of entities receiving water as a result of this project would be an issue between the entity and the Regional Water Quality Control Board (RWQCB). The existence of flows in the channel downstream of Friant Dam would not generate wastewater. Operation of Friant Dam to implement the proposed transfer would not directly result in generation of wastewater.

Points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

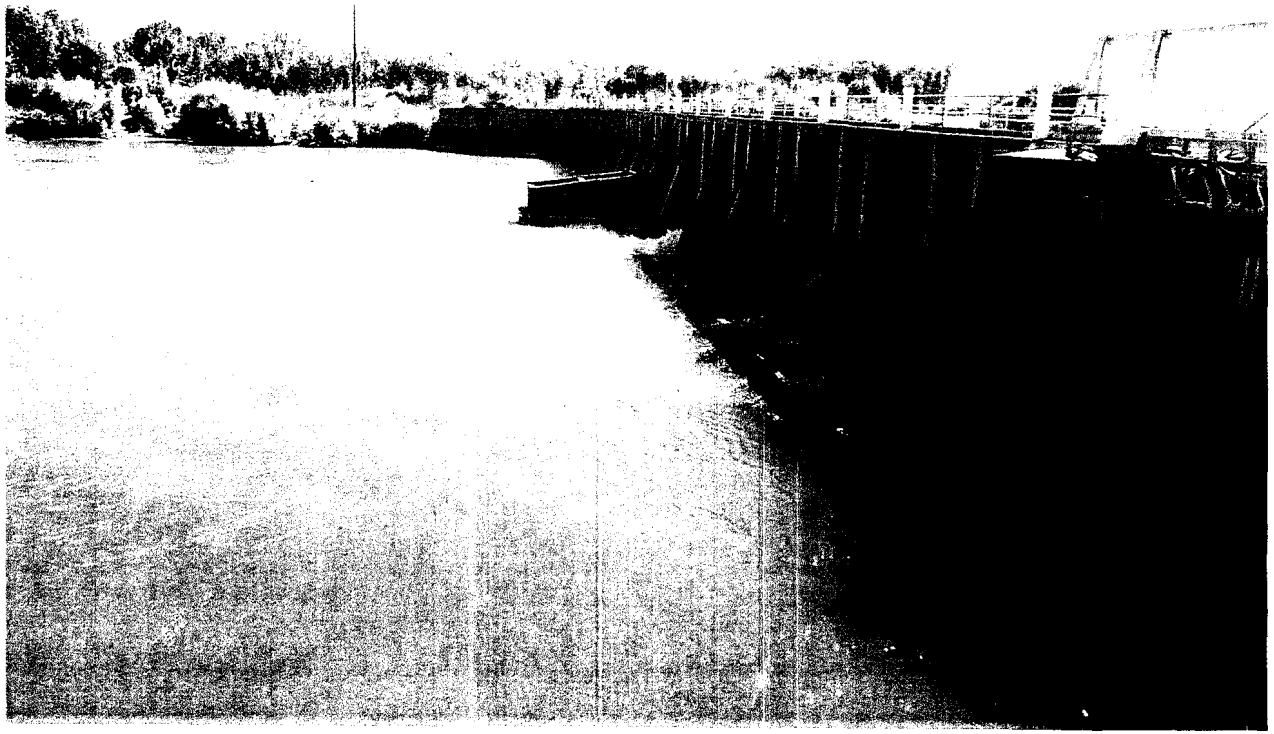
6. Archeology

This proposed transfer involves no new construction. See sections 3.7 and 4.6 of the EA/IS for discussion and analysis of Cultural Resources. The proposed transfer would not eliminate important examples of California history or prehistory.

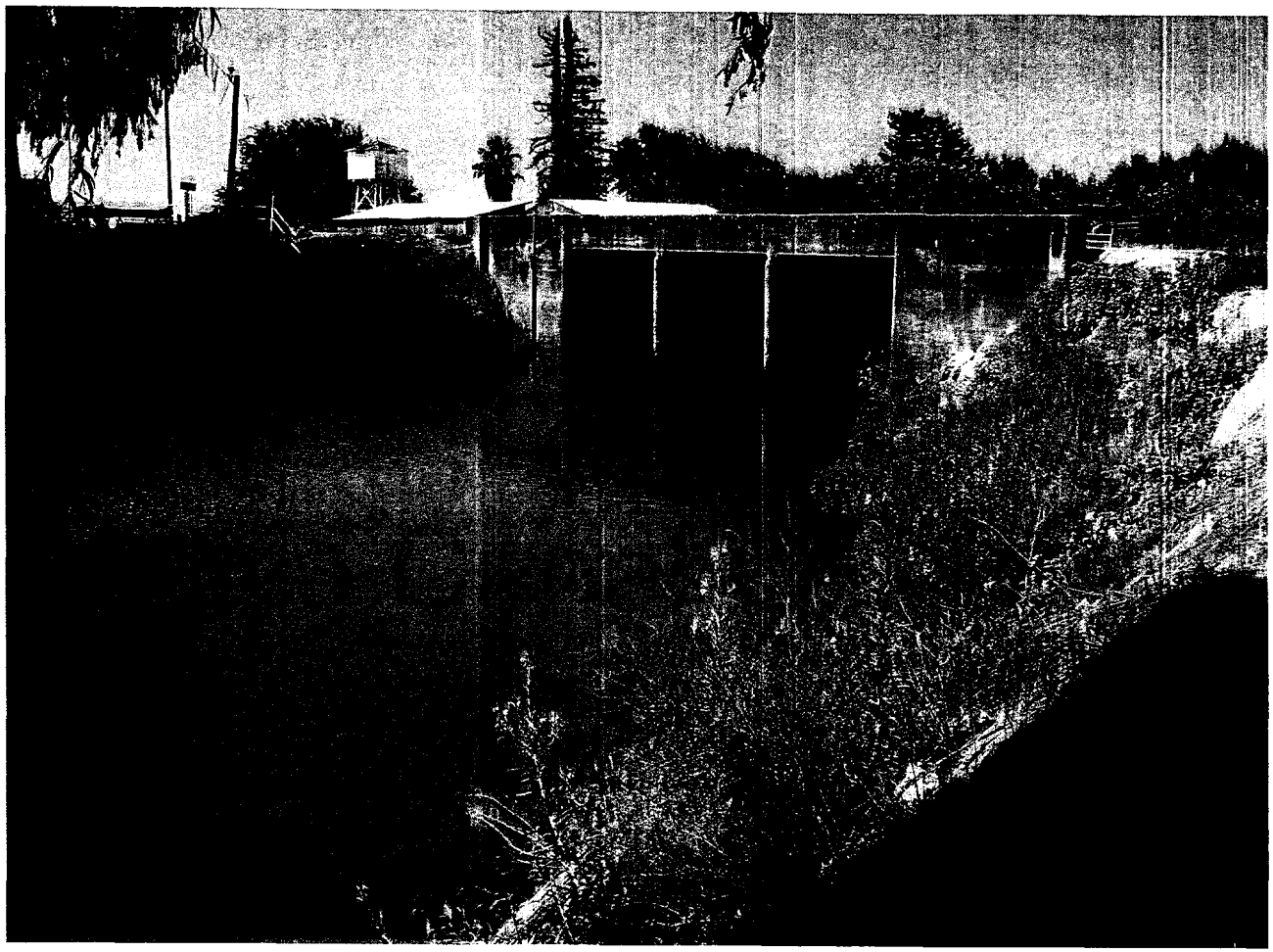
7. Environmental Setting

Sets of representative photographs are attached to this form.

Mendota Dam

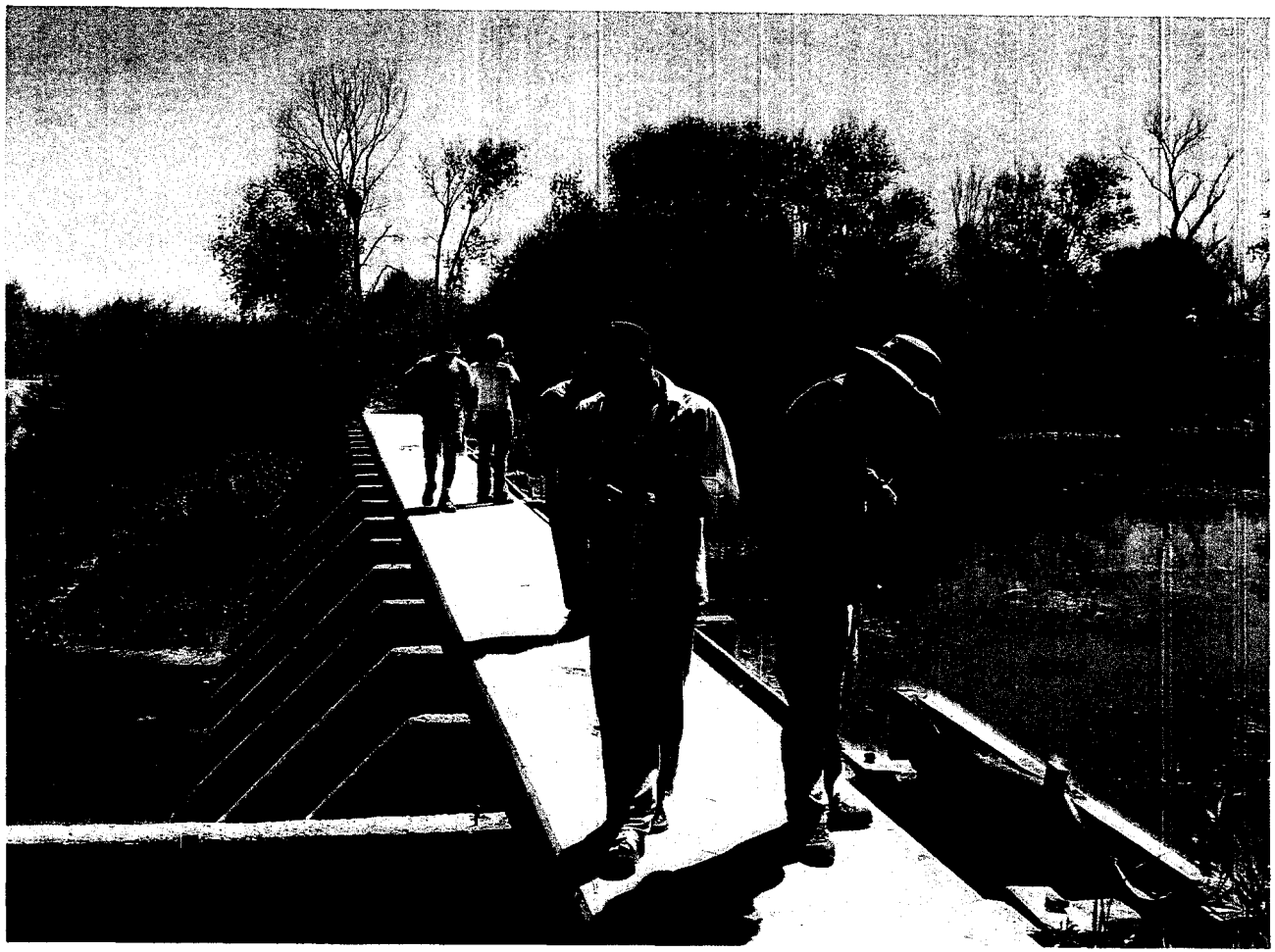


Arroyo Canal Old Intake

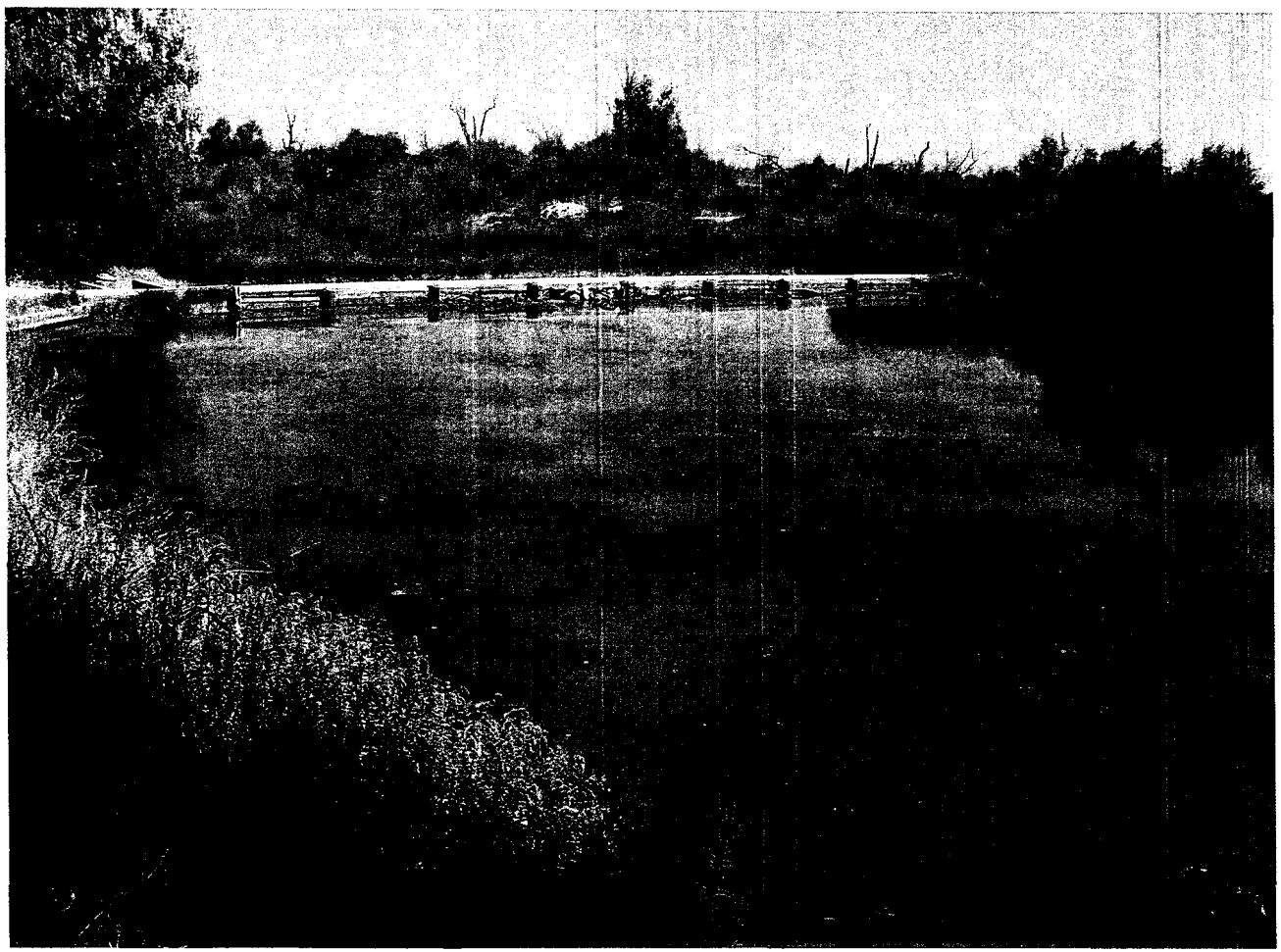


Arroyo Canal New Intake (Behind Old)

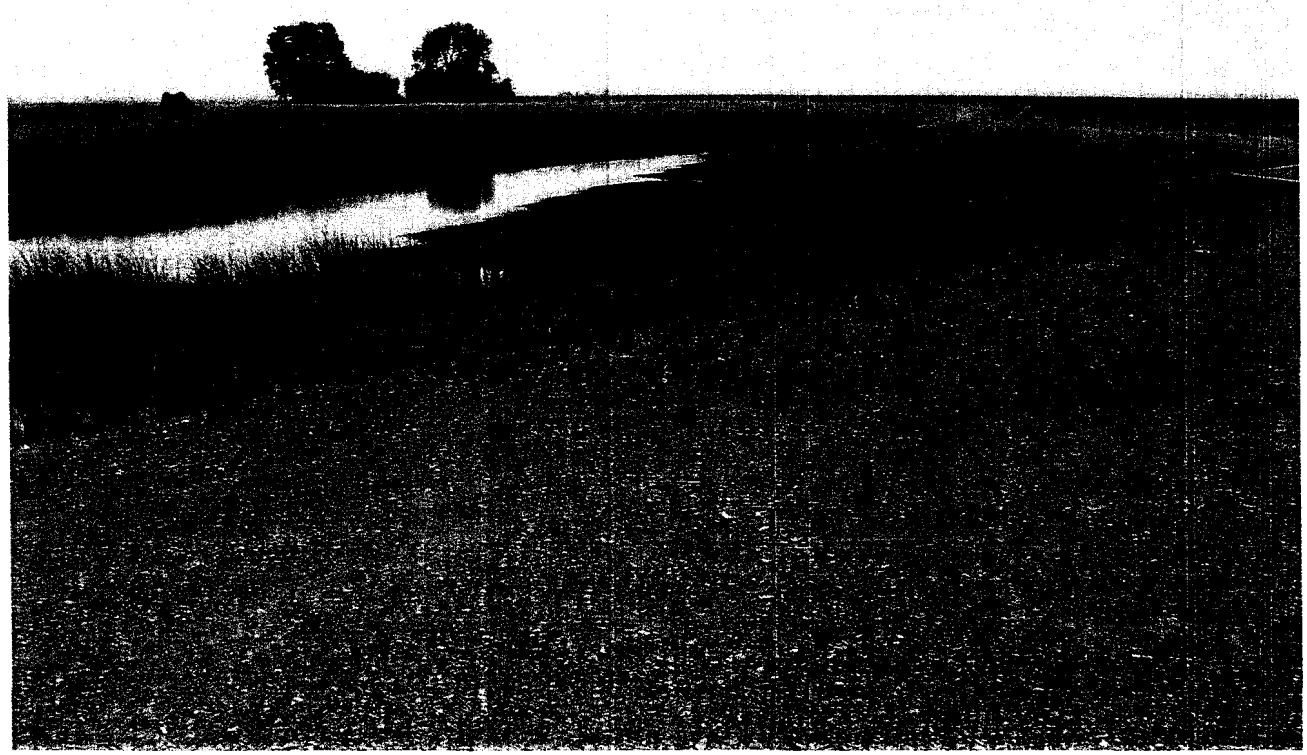
Sack Dam



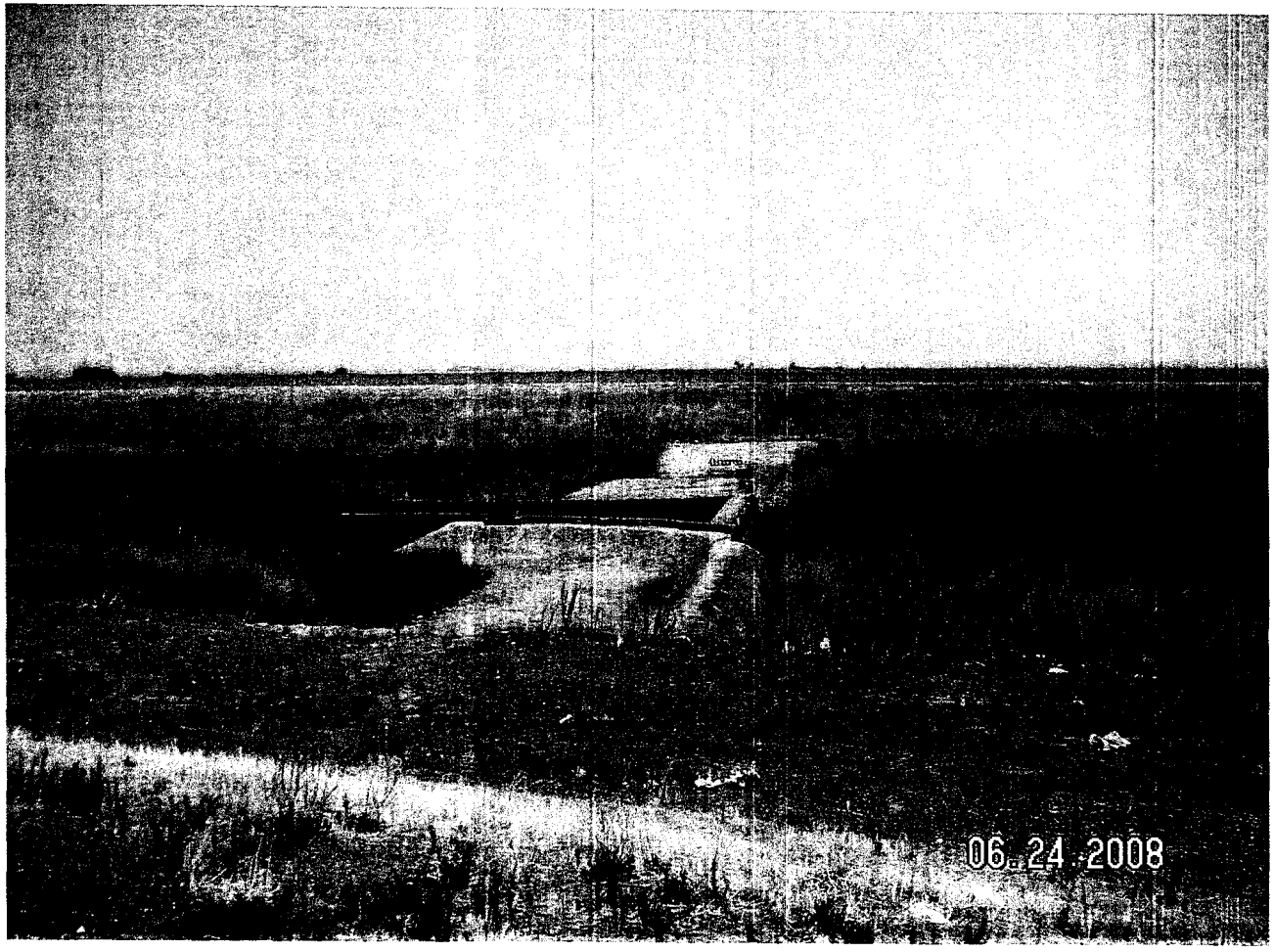
Sack Dam Crest



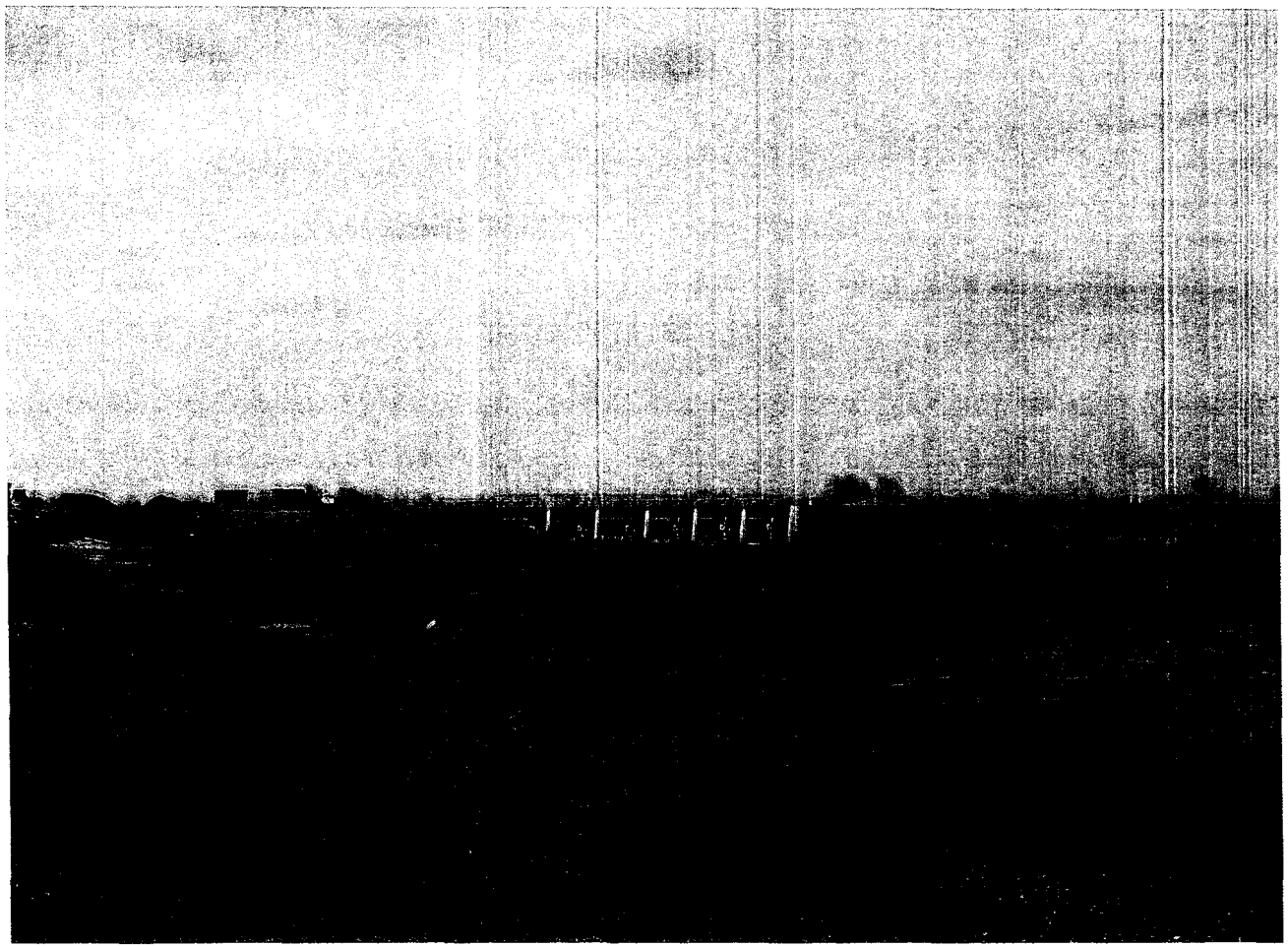
Upstream of Sand Slough



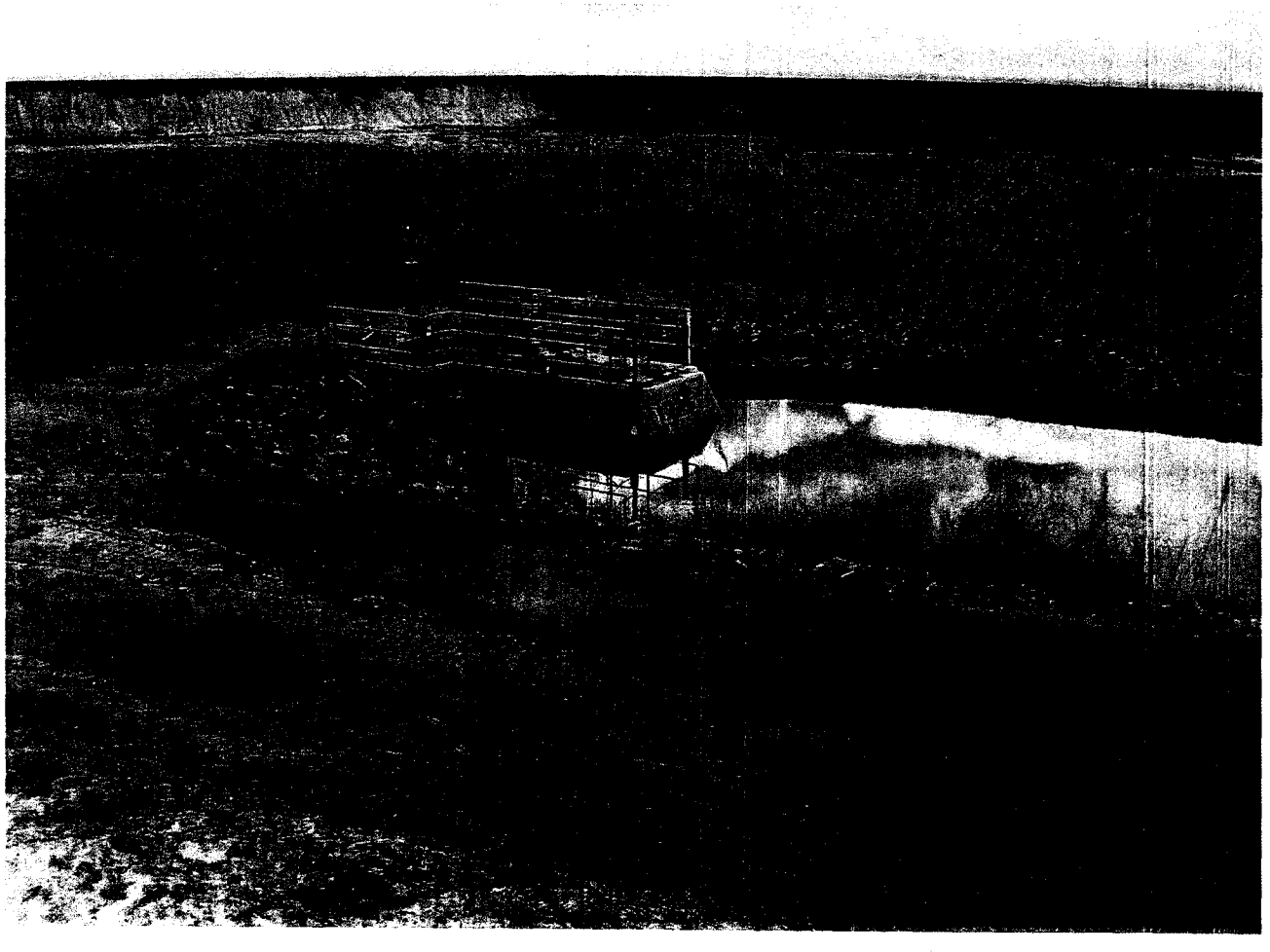
Sand Slough to the Bypass



Eastside Bypass Structure



Bear Creek Plant Intake



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

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). 1465 Permit No. 11886 License No. _____

Statement or Other No. _____

Present Holder and User of Water Right

See Supplement

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Co-petitioner

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Proposed New User

See Supplement

Person or Company name | Contact person | Telephone No.

Address | 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** (attach additional pages, as needed):

Amount of Water to be Transferred See Supplement Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is N/A cubic feet per second (cfs).

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

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 Supplement
Proposed See Supplement

Place of Use

Present See Supplement
Proposed See Supplement

Purpose of Use

Present See Supplement
Proposed See Supplement

	Season of Use	***Direct Use (cfs)***	***Storage (ac-ft)***
Present	See Supplement		
Proposed	See Supplement		

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

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

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 Supplement

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 persons known to you who may be affected by the proposed change.
See Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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. N/A

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 STATE WATER BOARD 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: June 4, 2009 at Sacramento, California

Signature(s)

(916) 978-5201
Telephone No.

NOTE: This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board 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.

NOTE: All petitions must be accompanied by the **filing fee, (see fee schedule at www.waterrights.ca.gov)**, made payable to the State Water Resources Control Board and an **$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

Present Holder and User of Water Right

Bureau of Reclamation
Mid-Pacific Region, MP-460
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825

Telephone: (916) 978-5256
Email: rcolella@usbr.gov

Proposed New User

This proposed transfer is for dedication of releases from Millerton Reservoir for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707. In addition, Reclamation will make use of instream conveyance by means of the San Joaquin River to meet obligations of the Central Valley Project (CVP) under existing contracts and agreements.

General/Background

This petition, in the form of two Alternatives A and B, requests that additional points of rediversion downstream of Friant Dam be temporarily added to the subject permits and that the San Joaquin River beginning at Friant Dam and ending at two designated alternative downstream points be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Water will be released to the natural watercourse of the San Joaquin River for this instream dedication, but due to capacity issues, natural and unnatural conveyance means may both be utilized to facilitate flow throughout the designated stretch of the river.

This petition also requests the temporary addition of preservation and enhancement of fish and wildlife resources as an authorized purpose of use under the subject permits.

Under Alternative A, approval of this petition would authorize the dedication of releases of water previously stored in Millerton Reservoir for instream use from Friant Dam to the confluence of the Merced and San Joaquin Rivers, and the instream conveyance of water in order to meet existing obligations in lieu of making such deliveries from the Delta Mendota Canal. No expansion of the authorized places of use is necessary or requested. Water will be used by the permittee concurrently for instream beneficial use and for existing delivery obligations within the existing authorized places of use.

Water previously stored is proposed to be released from Millerton Reservoir through the downstream river channel. Water would then be rediverted at and near Mendota Dam for delivery through various canals and to flow through Mendota Dam. Water would flow past Sack Dam. Water would thence be conveyed through the Sand Slough Control

Structure to and through the East Side Bypass. Water in the East Side Bypass will thence flow through the Mariposa Bypass and thence the San Joaquin River and would also continue to flows through the East Side Bypass to Bear Creek. Water would be diverted along the East Side Bypass at designated locations both north and south of the Mariposa Bypass. Water in Bear Creek would thence continue to flow into the San Joaquin River.

Under Alternative B, in addition to the description provided above for Alternative A, the San Joaquin River from its confluence with the Merced River, to near Vernalis, and to the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants would also be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Temporary authorization would also be granted to redivert water at Jones and Banks Pumping Plants and at the San Luis Dam for potential delivery within the existing place of use in order to meet demands for the Friant Division of the CVP.

Maximum flow of transferred water in downstream reaches of the San Joaquin River and pertinent limiting factors are presented in Table 2-1 of the Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Mitigated Negative Declaration for Water Year 2010 Interim Flows Project, dated June, 2009 (EA/IS). The physical location of each numbered reach is identified in Table 1-1 of the EA/IS.

Amount of Water to be Transferred

A total maximum of up to 384,000 acre-feet of water is proposed for transfer. However, up to 29,000 acre-feet of this quantity would be transferred from October 1, 2009 through November 20, 2009. Depending upon the forecast 2010 Water Year type, up to 355,000 acre-feet would be transferred from February 1, 2010 through September 30, 2010. The proposed maximum release rates during the transfer period are as shown in Figure 2-1 of the EA/IS. Table 2-3 of the EA/IS depicts maximum anticipated quantities (in acre-feet) and flow rates (in cfs) for releases from Millerton Reservoir to effectuate the proposed transfer (total Friant releases minus Holding Contract releases). However, the actual quantity of releases could be constrained due to conditions including the existing channel capacity, infiltration losses, rediversion capacities, and demands.

Period of Transfer/Exchange

The period for the proposed transfer is October 1, 2009, through September 30, 2010.

Alternative A

Points of Rediversion

Present Point of Rediversion

San Joaquin River, Tributary to Suisun Bay

Coordinate Description
Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed Points of Rediversion to be Added:

The proposed points of rediversion to be added are depicted on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

A. Mendota Dam, Located N 1745350 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M., including intakes to the following canals:

Main Canal, Located N 1744396 E 6598937 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Outside Canal Located 1741896 E 6599689 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 19, T13S, R 15E;

Columbia Canal Located California Coordinate System, N 1746420 E 6605595 Zone 3 , NAD 83, being within the NE 1/4 of Section 20, T13S, R 15E;

Helm Ditch, Located N 1745022 E 6598787 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Firebaugh Canal Water District Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 19, T13S, R 15E.

B. Intake to the Arroyo Canal, Located N 1816307 E 6561446 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 12, T11S, R13E, M.D.B.&M.

C. Intake to the Sand Slough Control Structure, Located N 1862535 E 6535468 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 31, T9S, R13E, M.D.B.&M., for conveyance through the East Side Bypass.

D. Along the East Side Bypass, Located N 1883703, E 6523784 California Coordinate System, Zone 3, NAD 83, being within the NW ¼ of Section 11, T9S, R12E (at Lone Tree Unit, Merced NWR)

E. Intake to the Mariposa Bypass Control Structure, on the East Side Bypass, Located N 1895936 E 6505198 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 30, T8S, R12E, M.D.B.&M.

F. Along the East Side Bypass, Located N 1914452 E 6480299, California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 8, T 8S,11E M.D.B.&M. (at East Bear Creek Unit, San Luis NWR)

Place of Use

Present Places of Use

See map numbers 214-212-37 and 214-212-3331, on file with the State Water Board, for Application 5638, and for Applications 234 and 1465, respectively, for place of use. Place of use for Application 5638 also includes place of use shown on map number 1785-202-14 on file with the SWRCB.

Proposed Places of Use to be Added for Instream Beneficial Uses

The proposed places of use to be added for instream beneficial uses are indicated on Map No. 1785-202-41, enclosed with this petition.

Add San Joaquin River from Friant Dam (Upper Reach) to the confluence of the Merced River (Lower Reach). This place of use is to be added for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707.

Upper Reach: Friant Dam, located North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Lower Reach: Downstream Reach of in-stream beneficial use at the confluence of the Merced and San Joaquin Rivers, located N 1950037 and E 6423458 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of Section 3, T7S, R9E, M.D.B.&M.

Purposes of Use

Present Purposes of Use

The combined purposes of use for all four permits are stockwatering, domestic, irrigation, incidental domestic, municipal, and recreation, as on file with the State Water Board.

Proposed Purpose of Use to be Added

Add the Purpose of Preservation and Enhancement of Fish and Wildlife Resources. This purpose of use is to be added for beneficial use of water within the existing places of use depicted on maps 214-212-37 and 214-212-3331, on file with the State Water Board, and within the reach of river added to the place of use for dedication of instream flows.

Season of Use, Direct Use, and Storage

Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in these permits on file with the State Water Board.

Proposed Season of Use, Direct Use, and Storage

No change is requested to the season of use, season of direct use, or season of storage for these Applications.

Counties of Storage and Use

The proposed transfer water is presently used and stored within the following counties:

Madera; Fresno; Tulare; Kern.

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

Fresno; Madera; Merced, Stanislaus.

Conditional Approval Requested

In the order approving this petition, Reclamation requests that approval be conditioned as follows.

- The proposed quantity of releases to be transferred shall be in addition to that quantity of releases otherwise required to maintain the 5 cfs requirement at Gravelly Ford and that would be sufficient to provide necessary flow in the river reach from Gravelly Ford pursuant to the obligations of the Holding Contracts executed by Reclamation.

- Petitioner shall maintain sufficient Millerton Lake storage and available San Joaquin River channel capacity in order to make releases of available storage from Millerton Lake as required under the terms and conditions of the San Joaquin River Exchange Contract, Ilr-1144, as amended February

14, 1968, to the extent such releases would be made in the absence of the proposed transfer.

- Approval of this petition for transfer water to reach Mendota Dam is conditioned upon execution of an agreement with Central California Irrigation District for operation of Mendota Dam, if necessary to route transferred water through Mendota Dam.

- Addition of points of rediversion downstream of Mendota Dam is conditioned upon any necessary agreements with the San Luis Canal Company for the routing of transfer water over Sack Dam.

- Addition of Sand Slough Control Structure as a point of rediversion for conveyance through the East Side Bypass and the introduction of flow into the East Side Bypass and Mariposa Bypass, as well as the addition of requested points of rediversion further downstream, are conditioned upon the following: execution of any necessary agreement with the Central Valley Flood Protection Board to release transferred water into the East Side Canal, and; execution of any necessary agreement with the Lower San Joaquin Levee District for the operation, inspection, and maintenance of flood control facilities.

- Release of transfer water is conditioned upon implementation of the Seepage Management and Monitoring Plan described in Appendix D to the EA/IS.

Alternative B

Alternative B proposes an additional reach for dedication of instream flows, and also rediversion of flows at Jones and Banks Pumping Plant and San Luis Dam. Transfer water could potentially be delivered to exchange entities within the existing authorized places of use for the subject permits under separate action. Alternative B requests the same changes requested in Alternative A, with the following differences:

Add to the authorized place of use the San Joaquin River from its confluence with the Merced River to near Vernalis, and thence the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources in accordance with Water Code § 1707.

Proposed Additional Points of Rediversion to be Added under Alternative B:

The proposed additional points of rediversion to be added are indicated on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

Add Jones Pumping Plant as a point of rediversion, located N 2114400 E 6248073, California Coordinate System, Zone 3, NAD 83 being within SW ¼ of SW ¼ Section 31, T1S, R4E, MDB&M.

Add Banks Pumping Plant, Located N 2115990 and E 6237838, California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 35, T1S, R3E, MDB&M.

Add San Luis Dam as a point of rediversion, Located N 1844598 E6394093 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of SE ¼ of Section 15, T10S, R8E, MDB& M. The simulated end of month storage at San Luis Dam will not significantly change and transfer water will be stored within the maximum permitted storage quantity for San Luis Reservoir. See Table 4-21 of the EA/IS. No redistribution of any storage right is necessary or requested. The method of rediversion would change (23 CCR §791(e)) for the additional point of rediversion at San Luis Dam for transferred water previously stored under the subject permits.

Under Alternative B, the proposed transfer water will be placed to beneficial use within the following additional counties:

Contra Costa; Alameda; San Joaquin; Sacramento.

Although ultimate use of water stored in San Luis Reservoir is not the subject of this change petition, a brief explanation is provided here for clarification. Transfer water ultimately stored in San Luis Reservoir would not be delivered to south-of-delta contractors other than Friant Division contractors. Similarly, no water diverted and developed pursuant to permits other than those that are the subject of this change petition would be delivered to Friant Division contractors. Using a simple credit mechanism based upon percentage of San Joaquin flow, the quantity of transfer water available for supplemental transfer and exchange agreements would be determined to effectuate the recirculation plan as depicted in Figure 2-13 of the EA/IS for informational purposes.

1b. The total quantity of water proposed to be transferred under this petition will be up to 384,000 acre-feet. Reclamation will make water available for this transfer from stored water released from Millerton Reservoir. Absent the proposed transfer, water not released from Millerton Lake would be consumptively used by Friant Division contractors by means of deliveries through the Madera or Friant-Kern Canals or would remain in storage for other authorized purposes and uses.

See Table 4-20 of the EA/IS for comparisons of monthly averages of simulated Friant-Kern and Madera Canal diversions with and without the proposed transfer. Also see Appendix G to the EA/IS, Water Operations Modeling - CalSim Attachment, Tables 1 through 7, Monthly Averages of Simulated End-of-Month Millerton Lake Storage, for comparisons of Millerton storage levels with and without the proposed transfer.

2c. Diverters between Friant Dam and the confluence of the Merced River, and from the confluence of the Merced River to and through the Delta, are on file with the State Water Board. Many riparian water right holders between Friant Dam and Gravelly Ford have executed Holding Contracts with Reclamation. Also, the San Joaquin River Exchange Contractors divert water downstream of Friant Dam.

The San Joaquin River Holding Contractors, San Joaquin River Exchange Contractors, Friant Division CVP Water Service Contractors, East-Side Division Water Service Contractors, and Other South-of-Delta CVP Water Service Contractors will not be affected by the proposed transfer. Discussion of legal injury to these contractors can be found in section 3b., below.

3a. See Chapter 2.0 of the EA/IS for a discussion and analysis of changes in streamflow. Table 2-2 of the EA/IS depicts changes in maximum flows under the proposed transfer compared to conditions without the proposed transfer.

See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Quality.

The proposed transfer would not significantly impact hydrology and water quality. The proposed transfer would not degrade water quality. Concentrations of some pollutants could decrease. From Friant Dam to the Merced River, the proposed transfer would not result in any additional violations of existing water quality standards or any substantial water quality changes that would adversely affect beneficial uses; impacts would be less than significant and beneficial. Simulated average chloride concentrations and X2 positions in the Delta are similar to conditions absent the proposed transfer. Water quality conditions for water delivered to Friant Division contractors from the Friant – Kern and Madera Canals would not be adversely affected.

The proposed transfer could result in changes is quantities of water delivered to Friant Division contractors, but those contractors would not likely change farming practices. Decreases in deliveries to Friant Division contractors due to the proposed transfer could result in increased groundwater pumping to offset surface water deliveries. However, the proposed transfer would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be any net deficit in aquifer volume or any lowering of the groundwater table.

Reclamation anticipates, separate and apart from this proposed transfer action, being able to assist Friant Division contractors in arranging for transfer or exchange of surface flows that have reached beyond the instream flow protection endpoints in order to potentially provide Friant Division water service contractors with some water to make up for reduced deliveries from Millerton Reservoir. Such actions would be within the existing authorized places of use under the subject permits. This "recaptured water" available to Friant Division contractors could range from 0 acre-feet to some figure less than the total quantity of up to 384,000 acre-feet water transferred.

Since farming practices are expected not to significantly change as a result of the proposed transfer, no significant changes in the timing of CVP deliveries or of the use of CVP water is anticipated, nor are any changes in return flows expected.

3b. See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Supplies and Facilities Operations. Also see section 4.17d) of the EA/IS.

Under the proposed transfer, there would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Under the proposed transfer, flows would be released into the San Joaquin River from Millerton Reservoir that would otherwise be rediverted into the Madera and Friant-Kern Canals. The EA/IS concludes, based upon CalSim modeling results, that the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Absent the proposed transfer, all water that is the subject of this transfer petition would have remained in storage at Millerton Reservoir or would have been diverted into the Madera and Friant-Kern canals for consumptive use in the Friant Division service area of the CVP. The only water ever released (absent flood flows) downstream from Friant Dam is water (a) released pursuant to the Holding Contracts to maintain 5 cubic feet per second (cfs) flow at Gravelly Ford and maintenance of a "live stream" at that point, and (b) in the event that Reclamation is unable for any reason to deliver a substitute supply from the Delta-Mendota Canal or other sources, Reclamation shall, under stated terms and conditions of the Exchange Contract, make up required quantities by making releases of available storage from Millerton Lake. Reclamation makes no other releases of stored water that would be available for downstream users of water. Therefore, absent the proposed action, the only non-flood flows that Reclamation would release at Friant Dam are flows to maintain 5 cfs. at Gravelly Ford, and any flows made pursuant to the Exchange Contract. No other non-flood releases are made for use by any entity downstream of Friant Dam. These non-flood flows will remain unchanged under the proposed action.

As discussed above, resulting decreases in surface water deliveries to Friant Division contractors could result in an increase in groundwater pumping. However, any resulting drawdown in groundwater levels is expected to be within the range of groundwater level fluctuations historically exhibited (see Appendix G to the EA/IS, Groundwater Modeling).

Only minimal fluctuation in the seasonal Millerton Reservoir elevation is expected as a result of the proposed transfer and would remain within historical operational levels. Peak flood flows in the spring season could be reduced, but no substantial changes in Millerton Reservoir flood releases are expected downstream of Millerton Reservoir during flood operations.

Tables 4-9 through 4-16 of the EA/IS collectively present simulated changes in monthly average flows from Friant Dam to the confluence with the Merced River. Table 4-17

does the same for flows upstream of Vernalis. The impacts of the transfer on hydrology in these reaches are described in the EA/IS as less than significant. The EA/IS describes simulated changes in monthly average exports as less than significant.

Also, Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. According to the EA/IS, mean monthly diversion rate increases at Jones and Banks Pumping Plants could be large during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

To avoid any impacts due to seepage of transfer water through downstream levees, the release of water from Friant Dam and the management of downstream flows pursuant to the proposed transfer would be conducted in accordance with monitoring and management actions to prevent adverse seepage impacts as described in the Seepage Monitoring and Management Plan presented in the Appendix D Attachment to the EA/IS.

Releases of water from Millerton Reservoir pursuant to the proposed transfer would be managed to avoid interference with operations of the San Joaquin River Flood Control Project.

No legal injury to San Joaquin River Holding Contractors

The releases from Millerton Reservoir pursuant to the petition would be in addition to that quantity of releases otherwise required under the San Joaquin River Holding Contracts to maintain the 5 cfs requirement at Gravelly Ford and would not interfere with the ability of landowners from Friant Dam to Gravelly Ford to exercise existing riparian rights. The maximum proposed flows described in Table 2-1 of the EA/IS at Head of Reach 1 (Friant Dam) assume that up to 230 cfs of these flows, as depicted in Table 2-6 of the EA/IS, are dedicated to maintain the 5 cfs flow requirement at Gravelly Ford.

No legal injury to San Joaquin River Exchange Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Reclamation will ensure that sufficient Millerton Reservoir storage is maintained, and that available San Joaquin River channel capacity is not impeded by flows from the proposed transfer, in order to make releases of available storage from Millerton Reservoir in lieu of deliveries from the Delta Mendota Canal if such releases become necessary under the terms and conditions of the Exchange Contract. Reclamation will ensure that necessary deliveries from the Delta Mendota Canal pursuant to the terms and conditions of the Exchange Contract will be made.

No legal injury to Friant Division CVP Water Service Contractors

Release of flows from Millerton Reservoir to implement the proposed transfer would reduce allocations to Friant Division CVP water service contractors. However, Friant Division demands would be met through increased groundwater pumping and possibly recapture of transferred water. The impact to Friant Division long-term water service contractors due to reduced deliveries would be limited to a one-year duration and would be less than significant.

No legal injury to Other South-of-Delta Water Service Contractors

The EA/IS, through associated modeling, concludes that deliveries from the Delta and San Luis Reservoir to CVP water service contractors will not be affected by the proposed transfer.

No legal Injury to Eastside Division Water Service Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division.

Also, as discussed below in section 5c. below, without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Changes in New Melones storage are described in the EA/IS as less than significant. Therefore, CVP contractors taking delivery from New Melones Reservoir would not be affected.

Furnishing Water for Fish Hatchery Purposes

Approval of the proposed transfer will not interfere with any customary provision, by means of pipeline from Friant Dam, of up to 35 cubic feet per second of incidental flow to the San Joaquin Fish Hatchery. This flow is already an incidental component of the quantity of water released from Friant Dam required to maintain the 5 cfs requirement at Gravelly Ford pursuant to the Holding Contracts.

4. Reclamation's points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

5a. Reclamation's point of contact at the CDFG is John Battistoni, 559-978-3595.

5c. See sections 3.6 and 4.5 of the EA/IS for discussion and analysis of Fisheries, including the presence of fish species in Millerton Reservoir and downstream reaches. The proposed transfer would not substantially reduce the habitat of a fish and wildlife species, cause fish or wildlife population to drop below self-sustaining levels, or reduce the number or restrict the range of a special-status species.

The EA/IS concludes that the proposed transfer would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. The EA also concludes that effects of the proposed transfer on Delta Smelt, Longfin Smelt, Fall-run Chinook Salmon, Central Valley Steelhead, and Sacramento Splittail would be beneficial.

Millerton Lake is already subject to highly fluctuating and generally declining water surface elevations throughout the spring, summer, and fall, so lower reservoir elevations are not anticipated to result in substantial reduction in populations of fish due to reduction in shallow habitat available for spawning and rearing.

Generally high-quality water will be transferred at Millerton Reservoir. In Reach 1 and 2 (Friant Dam to Gravelly Ford, and Gravelly Ford to Mendota Dam, respectively), increased flow would likely result in beneficial effects by potentially increasing the amount of habitat available for different life stages of fish. Impacts to cold-water fish in Reach 3 and 4A (Mendota Dam to Sack Dam, and Sack Dam to Sand Slough Control Structure, respectively) would also be less than significant but beneficial. Reach 4B1 (from Sand Slough Control Structure to Confluence with Mariposa Bypass) is not being proposed to convey transferred water and therefore there would be no effect upon fish in this reach. In Reach 4B2 (from confluence with Mariposa Bypass to confluence with Bear Creek), effects would be similar to those in Reaches 3 and 4A. In Reach 5 (Confluence with Bear Creek to Confluence with Merced River) impacts would be less than significant but beneficial. From the confluence with the Merced River to the Delta, the increase in flows would be beneficial to fish. Release of transfer water is not anticipated to alter total flows to the Delta sufficiently to cause a measureable effect on sensitive wildlife or plant species and therefore effects on sensitive wildlife and plant species downstream from the confluence with the Merced River would be less than significant.

Regulated flows in the San Joaquin River upstream of the confluence with the Merced River would be similar to or greater than flows existing absent the proposed transfer under all potential hydrologic conditions. When flows existing pursuant to the proposed transfer contribute toward meeting Vernalis Adaptive Management Plan (VAMP) objectives, tributary releases could be reduced; under conditions where flows existing pursuant to the proposed transfer cause higher VAMP flow targets, releases from tributary reservoirs would be made to achieve the higher target. Changes in VAMP contribution releases from tributary reservoirs would not affect the ability to meet instream fish and water quality flow requirements in the Merced, Tuolomne, or Stanislaus Rivers. Conditions in the Delta would not be altered to a level outside the standards established under the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service. Without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Transfer flows would be recognized under VAMP as part of the baseline conditions used to estimate the unimpaired flow conditions. Therefore, the

proposed transfer could affect the operations of reservoirs on tributary rivers under VAMP and the water quality operating requirements for New Melones Reservoir, as seen in Table 4-18 of the EA/IS, where depicted are simulated changes in monthly average New Melones Reservoir storage. The EA/IS describes these changes as less than significant.

Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. Mean monthly diversion rate increases at Jones and Banks Pumping Plants could be increased during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

See sections 3.5 and 4.4 of the EA/IS for discussion and analysis of terrestrial species. The spread of invasive plant species along the San Joaquin River would be exacerbated as a result of flows occurring under the proposed transfer. Therefore, the EA/IS includes a mitigation measure to implement an invasive vegetation management plan so that effects upon terrestrial species are identified as less than significant or nonexistent.

The proposed transfer will be managed in a way as to avoid potentially significant impacts to sensitive species. On May 22, 2009, Reclamation requested concurrence from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) that the proposed transfer is not likely to adversely affect listed species. Reclamation will forward to the SWRCB concurrence letters from the FWS and NMFS as soon as they are received.

5d. See section 4.5 for an analysis of the impacts of the proposed transfer on fish. The proposed transfer would not significantly impact fisheries resources. The proposed transfer would augment streamflow in the San Joaquin River and would provide generally high-quality water. There would be an increase in the amount of fish habitat along with some decrease in pollutant concentration. The EA/IS concludes that impacts to fish would be beneficial and there would not be a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.

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: _____ 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):

_____

_____

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.* 1

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) _____

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.* 1

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO
If YES, name and telephone number of contact: _____

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: _____

_____

☐ *See Attachment No. 1*

* 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. 1*

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.* 1

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.
- ☐ 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: 6/4/2009 Signature: _____

Attachment 1 to Environmental Information Form for Reclamation's Petition for Temporary Transfer

1. Description of Proposed Changes

See the General/Background discussion in the Supplement to Reclamation's Petition for Temporary Transfer.

2. N/A

3. State/Federal Permits and Requirements

It is Reclamation's understanding, based upon meetings held with the U.S. Army Corps of Engineers (Corps), that no permits or permission will be required pursuant to Section 10, Section 404, or Section 408. Reclamation will submit a letter to the Corps requesting confirmation that no Section 10, Section 404, or Section 408 approval is required. Copies of Reclamation's request and the Corps' confirmation will be forwarded to the State Water Board.

Point of contact at DFG is John Battistoni, 559-978-3595.

4. Environmental Documents

Although pursuant to Section 1729 of the Water Code this project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, the document entitled Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Negative Declaration for Water Year 2010 Interim Flows (EA/IS), dated June, 2009, has been prepared. The U.S Bureau of Reclamation is the lead agency under the National Environmental Policy Act and the California Department of Water Resources is the lead agency under the California Environmental Quality Act. A copy of the EA/IS has been furnished to State Water Board staff under separate cover and is also available to the public at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612.

1.0 Introduction and Statement of Purpose and Need.
2.0 Description of Alternatives
3.0 Affected Environment
4.0 Environmental Consequences
5.0 Consultation and Coordination
6.0 Compliance with Environmental Statutes, and Other Relevant Laws, Programs, and Agreements
7.0 List of Preparers
8.0 References

Appendices
A-Stipulation of Settlement in NRDC v. Rodgers, et al.
B- San Joaquin River Restoration Settlement Act
C-Friant Dam Releases for Restoration Flows
D-Seepage Management and Monitoring Plan

E-Flow Management and Monitoring Plan for Water Year 2010 Interim Flows
F-Invasive Species Management and Monitoring Plan
G-Modeling
- Water Operations Modeling – CalSim Attachment 1
- Water Quality Modeling – DSM2 Attachment 2
- Water Quality Modeling – SJR5Q Attachment 3
- Groundwater Modeling – Schmidt Method Attachment 4
- Air Quality Modeling Attachment 5

H-Biological Resources
- Special-Status Species Reported By California Natural Diversity Database Attachment 1
- U.S. Fish and Wildlife Service List of Special-Status Species Attachment 2
- Special-Status Plant and Wildlife Species with the Potential to Occur in the Study Area Attachment 3

5. Waste/Wastewater

See sections 3.8 and 4.7 of the EA/IS for discussion and analysis of Geology and Soils. Erosion downstream from Friant Dam could potentially increase, but impacts are considered less than significant, and implementation of a sediment monitoring program will occur as part of the proposed transfer to determine if flow release or other actions need to be taken to minimize erosion.

The generation of wastewater from within the service areas of entities receiving water as a result of this project would be an issue between the entity and the Regional Water Quality Control Board (RWQCB). The existence of flows in the channel downstream of Friant Dam would not generate wastewater. Operation of Friant Dam to implement the proposed transfer would not directly result in generation of wastewater.

Points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

6. Archeology

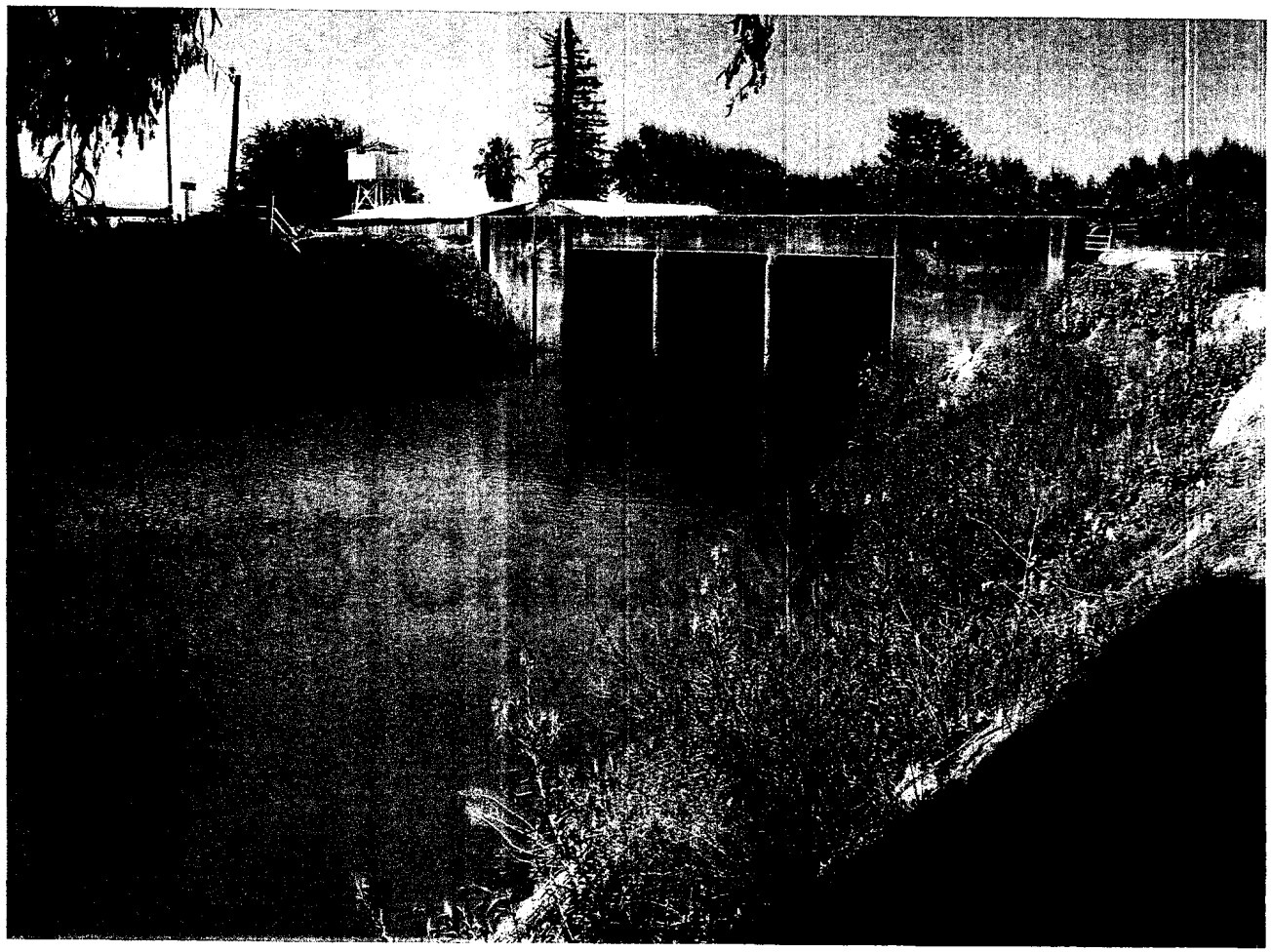
This proposed transfer involves no new construction. See sections 3.7 and 4.6 of the EA/IS for discussion and analysis of Cultural Resources. The proposed transfer would not eliminate important examples of California history or prehistory.

7. Environmental Setting

Sets of representative photographs are attached to this form.

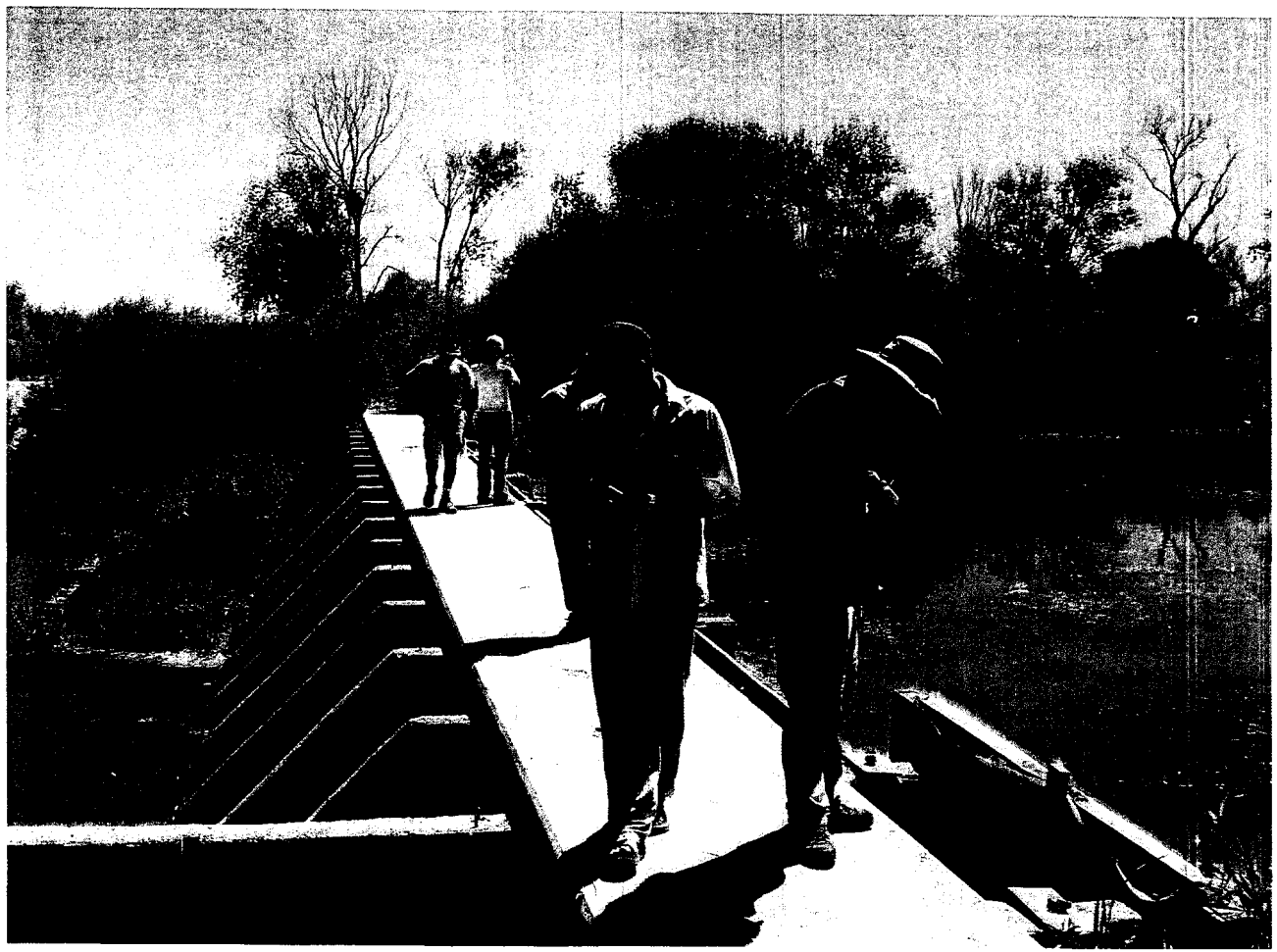
Mendota Dam

Arroyo Canal Old Intake

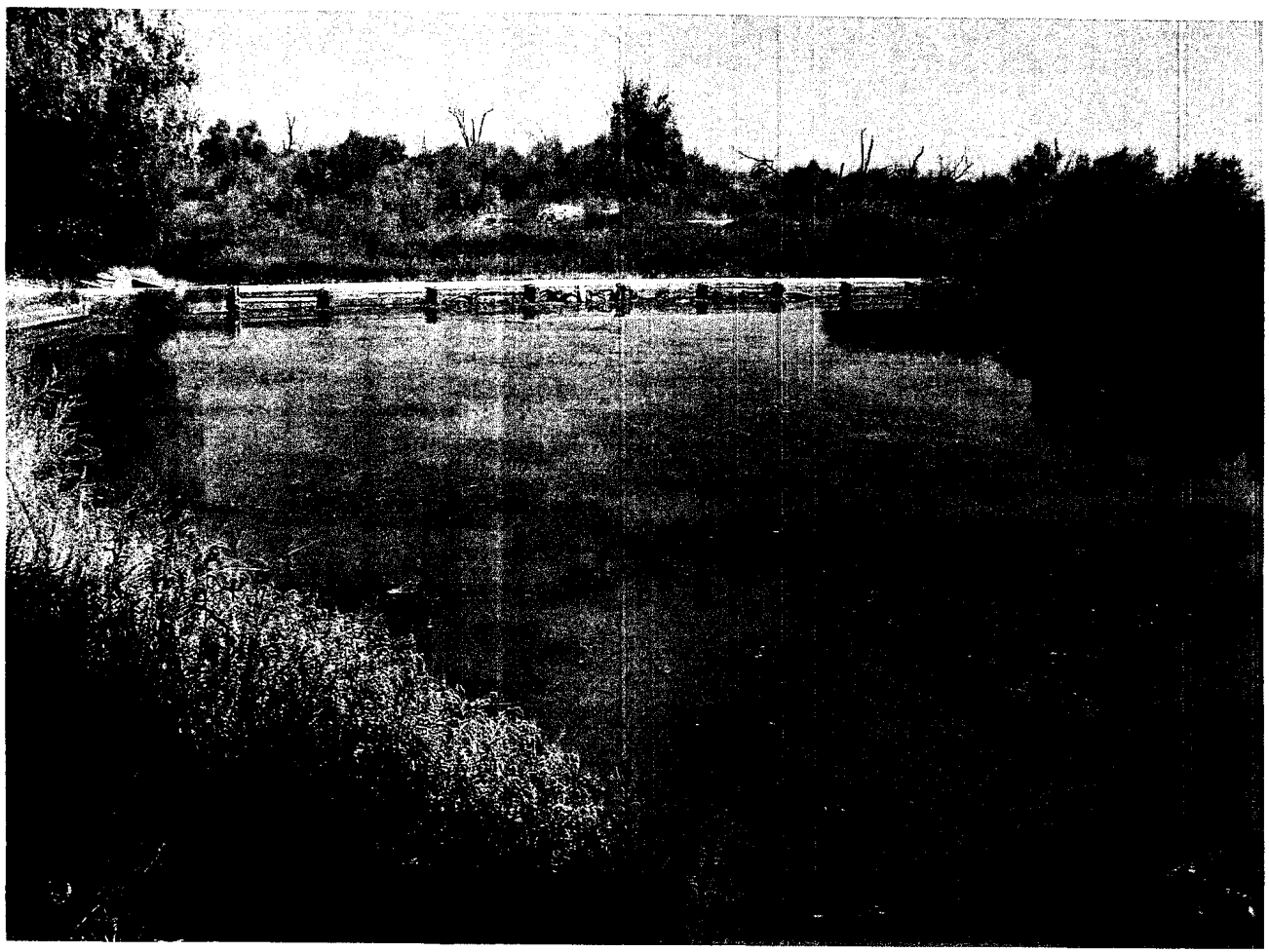


Arroyo Canal New Intake (Behind Old)

Sack Dam

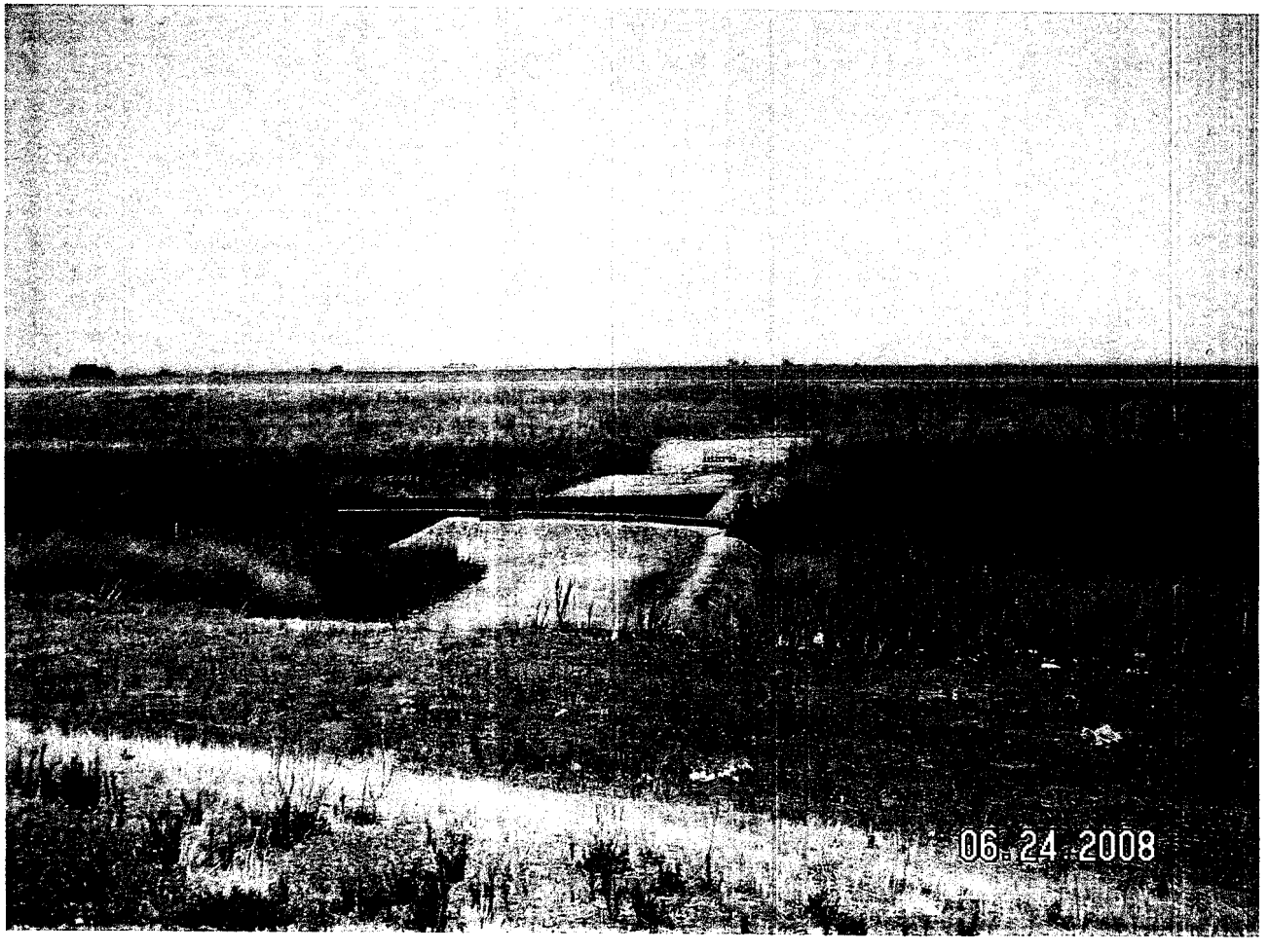


Sack Dam Crest

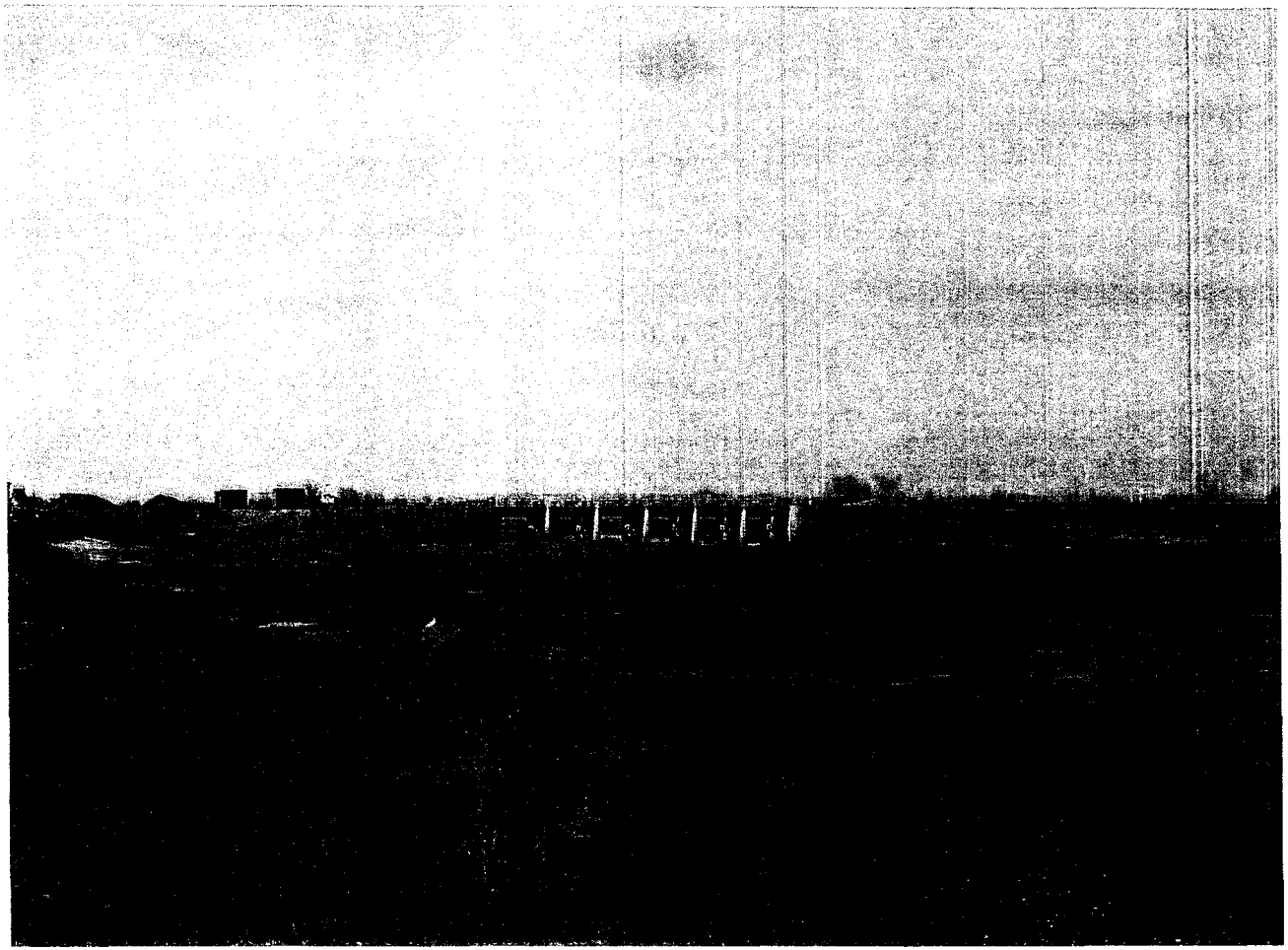


Upstream of Sand Slough

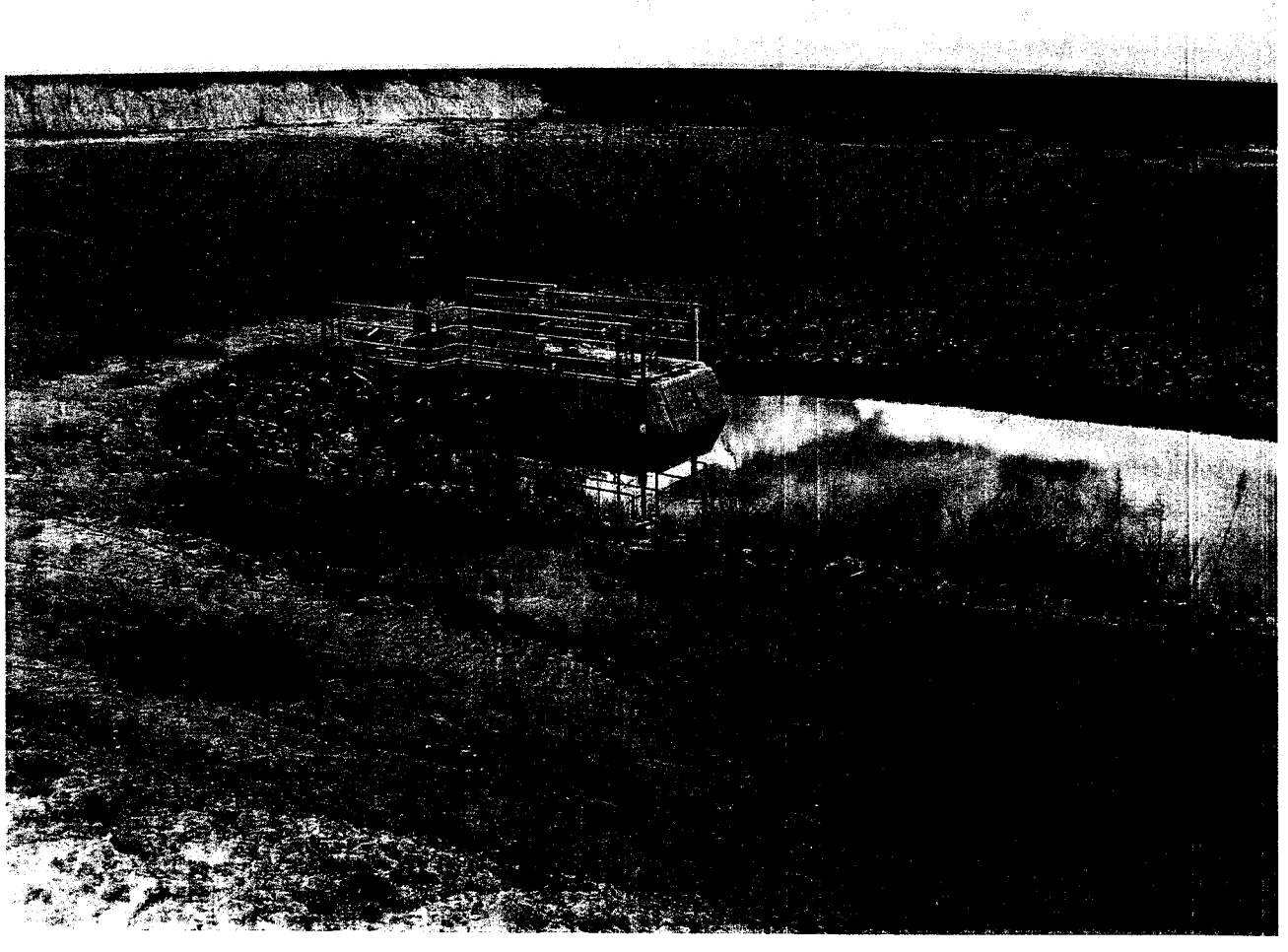
Sand Slough to the Bypass



Eastside Bypass Structure



Bear Creek Plant Intake



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

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). 5638 Permit No. 11887 License No. _____

Statement or Other No. _____

Present Holder and User of Water Right

See Supplement

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Co-petitioner

Person or Company name | Contact person | Telephone No.

Address | City | State | Zip Code

E-MAIL (For noticing purposes)

Proposed New User

See Supplement

Person or Company name | Contact person | Telephone No.

Address | 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** (attach additional pages, as needed):

Amount of Water to be Transferred See Supplement Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is N/A cubic feet per second (cfs).

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

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 Supplement

Proposed See Supplement

Place of Use

Present See Supplement

Proposed See Supplement

Purpose of Use

Present See Supplement

Proposed See Supplement

	Season of Use	***Direct Use (cfs)***	***Storage (ac-ft)***
Present	See Supplement		
Proposed	See Supplement		

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

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

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 Supplement

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 persons known to you who may be affected by the proposed change.
See Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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 Supplement

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. N/A

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 STATE WATER BOARD 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: June 4, 2009 at Sacramento, California

Signature(s)

(916)978-5201
Telephone No.

NOTE: This petition shall be accompanied by all information required by this form and W.C. Section 1725 et. seq, and the fees before the State Water Board 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.

NOTE: All petitions must be accompanied by the **filing fee, (see fee schedule at www.waterrights.ca.gov)**, made payable to the State Water Resources Control Board and an **$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

Present Holder and User of Water Right

Bureau of Reclamation
Mid-Pacific Region, MP-460
Attention: Mr. Bob Colella
2800 Cottage Way
Sacramento, CA 95825

Telephone: (916) 978-5256
Email: rcolella@usbr.gov

Proposed New User

This proposed transfer is for dedication of releases from Millerton Reservoir for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707. In addition, Reclamation will make use of instream conveyance by means of the San Joaquin River to meet obligations of the Central Valley Project (CVP) under existing contracts and agreements.

General/Background

This petition, in the form of two Alternatives A and B, requests that additional points of rediversion downstream of Friant Dam be temporarily added to the subject permits and that the San Joaquin River beginning at Friant Dam and ending at two designated alternative downstream points be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Water will be released to the natural watercourse of the San Joaquin River for this instream dedication, but due to capacity issues, natural and unnatural conveyance means may both be utilized to facilitate flow throughout the designated stretch of the river.

This petition also requests the temporary addition of preservation and enhancement of fish and wildlife resources as an authorized purpose of use under the subject permits.

Under Alternative A, approval of this petition would authorize the dedication of releases of water previously stored in Millerton Reservoir for instream use from Friant Dam to the confluence of the Merced and San Joaquin Rivers, and the instream conveyance of water in order to meet existing obligations in lieu of making such deliveries from the Delta Mendota Canal. No expansion of the authorized places of use is necessary or requested. Water will be used by the permittee concurrently for instream beneficial use and for existing delivery obligations within the existing authorized places of use.

Water previously stored is proposed to be released from Millerton Reservoir through the downstream river channel. Water would then be rediverted at and near Mendota Dam for delivery through various canals and to flow through Mendota Dam. Water would flow past Sack Dam. Water would thence be conveyed through the Sand Slough Control

Structure to and through the East Side Bypass. Water in the East Side Bypass will thence flow through the Mariposa Bypass and thence the San Joaquin River and would also continue to flows through the East Side Bypass to Bear Creek. Water would be diverted along the East Side Bypass at designated locations both north and south of the Mariposa Bypass. Water in Bear Creek would thence continue to flow into the San Joaquin River.

Under Alternative B, in addition to the description provided above for Alternative A, the San Joaquin River from its confluence with the Merced River, to near Vernalis, and to the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants would also be temporarily added to the place of use for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources. Temporary authorization would also be granted to redivert water at Jones and Banks Pumping Plants and at the San Luis Dam for potential delivery within the existing place of use in order to meet demands for the Friant Division of the CVP.

Maximum flow of transferred water in downstream reaches of the San Joaquin River and pertinent limiting factors are presented in Table 2-1 of the Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Mitigated Negative Declaration for Water Year 2010 Interim Flows Project, dated June, 2009 (EA/IS). The physical location of each numbered reach is identified in Table 1-1 of the EA/IS.

Amount of Water to be Transferred

A total maximum of up to 384,000 acre-feet of water is proposed for transfer. However, up to 29,000 acre-feet of this quantity would be transferred from October 1, 2009 through November 20, 2009. Depending upon the forecast 2010 Water Year type, up to 355,000 acre-feet would be transferred from February 1, 2010 through September 30, 2010. The proposed maximum release rates during the transfer period are as shown in Figure 2-1 of the EA/IS. Table 2-3 of the EA/IS depicts maximum anticipated quantities (in acre-feet) and flow rates (in cfs) for releases from Millerton Reservoir to effectuate the proposed transfer (total Friant releases minus Holding Contract releases). However, the actual quantity of releases could be constrained due to conditions including the existing channel capacity, infiltration losses, rediversion capacities, and demands.

Period of Transfer/Exchange

The period for the proposed transfer is October 1, 2009, through September 30, 2010.

Alternative A

Points of Rediversion

Present Point of Rediversion

San Joaquin River, Tributary to Suisun Bay

Coordinate Description
Points of diversion and rediversion are at Friant Dam. The points of diversion and rediversion are the same as on file with the State Water Board for Applications 234, 1465, and 5638.

Friant Dam: North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Proposed Points of Rediversion to be Added:

The proposed points of rediversion to be added are depicted on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

A. Mendota Dam, Located N 1745350 E 6598943 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 19, T13S, R15E, M.D.B.&M., including intakes to the following canals:

Main Canal, Located N 1744396 E 6598937 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Outside Canal Located 1741896 E 6599689 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 19, T13S, R 15E;

Columbia Canal Located California Coordinate System, N 1746420 E 6605595 Zone 3 , NAD 83, being within the NE 1/4 of Section 20, T13S, R 15E;

Helm Ditch, Located N 1745022 E 6598787 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 19, T13S, R 15E;

Firebaugh Canal Water District Canal, Located N 1741821 E 6599844 California Coordinate System, Zone 3, NAD 83, being within the SE 1/4 of Section 19, T13S, R 15E.

B. Intake to the Arroyo Canal, Located N 1816307 E 6561446 California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 12, T11S, R13E, M.D.B.&M.

C. Intake to the Sand Slough Control Structure, Located N 1862535 E 6535468 California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 31, T9S, R13E, M.D.B.&M., for conveyance through the East Side Bypass.

D. Along the East Side Bypass, Located N 1883703, E 6523784 California Coordinate System, Zone 3, NAD 83, being within the NW ¼ of Section 11, T9S, R12E (at Lone Tree Unit, Merced NWR)

E. Intake to the Mariposa Bypass Control Structure, on the East Side Bypass, Located N 1895936 E 6505198 California Coordinate System, Zone 3, NAD 83, being within the SE ¼ of Section 30, T8S, R12E, M.D.B.&M.

F. Along the East Side Bypass, Located N 1914452 E 6480299, California Coordinate System, Zone 3, NAD 83, being within the NE ¼ of Section 8, T 8S,11E M.D.B.&M. (at East Bear Creek Unit, San Luis NWR)

Place of Use

Present Places of Use

See map numbers 214-212-37 and 214-212-3331, on file with the State Water Board, for Application 5638, and for Applications 234 and 1465, respectively, for place of use. Place of use for Application 5638 also includes place of use shown on map number 1785-202-14 on file with the SWRCB.

Proposed Places of Use to be Added for Instream Beneficial Uses

The proposed places of use to be added for instream beneficial uses are indicated on Map No. 1785-202-41, enclosed with this petition.

Add San Joaquin River from Friant Dam (Upper Reach) to the confluence of the Merced River (Lower Reach). This place of use is to be added for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources pursuant to Water Code § 1707.

Upper Reach: Friant Dam, located North 39° 30' West 2,200 feet from S¼ corner of Section 5, T11S, R21E, M.D.B.&M, being within the NW¼ of SW¼ of Section 5, T11S, R21E, M.D.B.&M.

Lower Reach: Downstream Reach of in-stream beneficial use at the confluence of the Merced and San Joaquin Rivers, located N 1950037 and E 6423458 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of Section 3, T7S, R9E, M.D.B.&M.

Purposes of Use

Present Purposes of Use

The combined purposes of use for all four permits are stockwatering, domestic, irrigation, incidental domestic, municipal, and recreation, as on file with the State Water Board.

Proposed Purpose of Use to be Added

Add the Purpose of Preservation and Enhancement of Fish and Wildlife Resources. This purpose of use is to be added for beneficial use of water within the existing places of use depicted on maps 214-212-37 and 214-212-3331, on file with the State Water Board, and within the reach of river added to the place of use for dedication of instream flows.

Season of Use, Direct Use, and Storage

Present Season of Use, Direct Use, and Storage

The present season of use, season of direct use, and season of storage are as specified in these permits on file with the State Water Board.

Proposed Season of Use, Direct Use, and Storage

No change is requested to the season of use, season of direct use, or season of storage for these Applications.

Counties of Storage and Use

The proposed transfer water is presently used and stored within the following counties:

Madera; Fresno; Tulare; Kern.

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

Fresno; Madera; Merced, Stanislaus.

Conditional Approval Requested

In the order approving this petition, Reclamation requests that approval be conditioned as follows.

- The proposed quantity of releases to be transferred shall be in addition to that quantity of releases otherwise required to maintain the 5 cfs requirement at Gravelly Ford and that would be sufficient to provide necessary flow in the river reach from Gravelly Ford pursuant to the obligations of the Holding Contracts executed by Reclamation.

- Petitioner shall maintain sufficient Millerton Lake storage and available San Joaquin River channel capacity in order to make releases of available storage from Millerton Lake as required under the terms and conditions of the San Joaquin River Exchange Contract, Ilr-1144, as amended February

14, 1968, to the extent such releases would be made in the absence of the proposed transfer.

- Approval of this petition for transfer water to reach Mendota Dam is conditioned upon execution of an agreement with Central California Irrigation District for operation of Mendota Dam, if necessary to route transferred water through Mendota Dam.

- Addition of points of rediversion downstream of Mendota Dam is conditioned upon any necessary agreements with the San Luis Canal Company for the routing of transfer water over Sack Dam.

- Addition of Sand Slough Control Structure as a point of rediversion for conveyance through the East Side Bypass and the introduction of flow into the East Side Bypass and Mariposa Bypass, as well as the addition of requested points of rediversion further downstream, are conditioned upon the following: execution of any necessary agreement with the Central Valley Flood Protection Board to release transferred water into the East Side Canal, and; execution of any necessary agreement with the Lower San Joaquin Levee District for the operation, inspection, and maintenance of flood control facilities.

- Release of transfer water is conditioned upon implementation of the Seepage Management and Monitoring Plan described in Appendix D to the EA/IS.

Alternative B

Alternative B proposes an additional reach for dedication of instream flows, and also rediversion of flows at Jones and Banks Pumping Plant and San Luis Dam. Transfer water could potentially be delivered to exchange entities within the existing authorized places of use for the subject permits under separate action. Alternative B requests the same changes requested in Alternative A, with the following differences:

Add to the authorized place of use the San Joaquin River from its confluence with the Merced River to near Vernalis, and thence the Sacramento-San Joaquin Delta Estuary (Delta) channels from the San Joaquin River near Vernalis to the Jones and Banks Pumping Plants for the dedication of instream flows for the purpose of preservation and enhancement of fish and wildlife resources in accordance with Water Code § 1707.

Proposed Additional Points of Rediversion to be Added under Alternative B:

The proposed additional points of rediversion to be added are indicated on Map No. 1785-202-41, enclosed with this petition. Rediversion of transferred water would occur at the proposed locations instead of at the Friant-Kern and Madera Canals, but within currently authorized season of use and diversion rates.

Add Jones Pumping Plant as a point of rediversion, located N 2114400 E 6248073, California Coordinate System, Zone 3, NAD 83 being within SW ¼ of SW ¼ Section 31, T1S, R4E, MDB&M.

Add Banks Pumping Plant, Located N 2115990 and E 6237838, California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of Section 35, T1S, R3E, MDB&M.

Add San Luis Dam as a point of rediversion, Located N 1844598 E6394093 California Coordinate System, Zone 3, NAD 83, being within SW ¼ of SE ¼ of Section 15, T10S, R8E, MDB& M. The simulated end of month storage at San Luis Dam will not significantly change and transfer water will be stored within the maximum permitted storage quantity for San Luis Reservoir. See Table 4-21 of the EA/IS. No redistribution of any storage right is necessary or requested. The method of rediversion would change (23 CCR §791(e)) for the additional point of rediversion at San Luis Dam for transferred water previously stored under the subject permits.

Under Alternative B, the proposed transfer water will be placed to beneficial use within the following additional counties:

Contra Costa; Alameda; San Joaquin; Sacramento.

Although ultimate use of water stored in San Luis Reservoir is not the subject of this change petition, a brief explanation is provided here for clarification. Transfer water ultimately stored in San Luis Reservoir would not be delivered to south-of-delta contractors other than Friant Division contractors. Similarly, no water diverted and developed pursuant to permits other than those that are the subject of this change petition would be delivered to Friant Division contractors. Using a simple credit mechanism based upon percentage of San Joaquin flow, the quantity of transfer water available for supplemental transfer and exchange agreements would be determined to effectuate the recirculation plan as depicted in Figure 2-13 of the EA/IS for informational purposes.

1b. The total quantity of water proposed to be transferred under this petition will be up to 384,000 acre-feet. Reclamation will make water available for this transfer from stored water released from Millerton Reservoir. Absent the proposed transfer, water not released from Millerton Lake would be consumptively used by Friant Division contractors by means of deliveries through the Madera or Friant-Kern Canals or would remain in storage for other authorized purposes and uses.

See Table 4-20 of the EA/IS for comparisons of monthly averages of simulated Friant-Kern and Madera Canal diversions with and without the proposed transfer. Also see Appendix G to the EA/IS, Water Operations Modeling - CalSim Attachment, Tables 1 through 7, Monthly Averages of Simulated End-of-Month Millerton Lake Storage, for comparisons of Millerton storage levels with and without the proposed transfer.

2c. Diverters between Friant Dam and the confluence of the Merced River, and from the confluence of the Merced River to and through the Delta, are on file with the State Water Board. Many riparian water right holders between Friant Dam and Gravelly Ford have executed Holding Contracts with Reclamation. Also, the San Joaquin River Exchange Contractors divert water downstream of Friant Dam.

The San Joaquin River Holding Contractors, San Joaquin River Exchange Contractors, Friant Division CVP Water Service Contractors, East-Side Division Water Service Contractors, and Other South-of-Delta CVP Water Service Contractors will not be affected by the proposed transfer. Discussion of legal injury to these contractors can be found in section 3b., below.

3a. See Chapter 2.0 of the EA/IS for a discussion and analysis of changes in streamflow. Table 2-2 of the EA/IS depicts changes in maximum flows under the proposed transfer compared to conditions without the proposed transfer.

See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Quality.

The proposed transfer would not significantly impact hydrology and water quality. The proposed transfer would not degrade water quality. Concentrations of some pollutants could decrease. From Friant Dam to the Merced River, the proposed transfer would not result in any additional violations of existing water quality standards or any substantial water quality changes that would adversely affect beneficial uses; impacts would be less than significant and beneficial. Simulated average chloride concentrations and X2 positions in the Delta are similar to conditions absent the proposed transfer. Water quality conditions for water delivered to Friant Division contractors from the Friant – Kern and Madera Canals would not be adversely affected.

The proposed transfer could result in changes is quantities of water delivered to Friant Division contractors, but those contractors would not likely change farming practices. Decreases in deliveries to Friant Division contractors due to the proposed transfer could result in increased groundwater pumping to offset surface water deliveries. However, the proposed transfer would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be any net deficit in aquifer volume or any lowering of the groundwater table.

Reclamation anticipates, separate and apart from this proposed transfer action, being able to assist Friant Division contractors in arranging for transfer or exchange of surface flows that have reached beyond the instream flow protection endpoints in order to potentially provide Friant Division water service contractors with some water to make up for reduced deliveries from Millerton Reservoir. Such actions would be within the existing authorized places of use under the subject permits. This "recaptured water" available to Friant Division contractors could range from 0 acre-feet to some figure less than the total quantity of up to 384,000 acre-feet water transferred.

- Since farming practices are expected not to significantly change as a result of the proposed transfer, no significant changes in the timing of CVP deliveries or of the use of CVP water is anticipated, nor are any changes in return flows expected.

3b. See sections 3.11 and 4.9 of the EA/IS for discussion and analysis of Surface Water Supplies and Facilities Operations. Also see section 4.17d) of the EA/IS.

Under the proposed transfer, there would be no expansion of existing obligations, or increases in demands, to provide CVP water supplies. Under the proposed transfer, flows would be released into the San Joaquin River from Millerton Reservoir that would otherwise be rediverted into the Madera and Friant-Kern Canals. The EA/IS concludes, based upon CalSim modeling results, that the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Absent the proposed transfer, all water that is the subject of this transfer petition would have remained in storage at Millerton Reservoir or would have been diverted into the Madera and Friant-Kern canals for consumptive use in the Friant Division service area of the CVP. The only water ever released (absent flood flows) downstream from Friant Dam is water (a) released pursuant to the Holding Contracts to maintain 5 cubic feet per second (cfs) flow at Gravelly Ford and maintenance of a "live stream" at that point, and (b) in the event that Reclamation is unable for any reason to deliver a substitute supply from the Delta-Mendota Canal or other sources, Reclamation shall, under stated terms and conditions of the Exchange Contract, make up required quantities by making releases of available storage from Millerton Lake. Reclamation makes no other releases of stored water that would be available for downstream users of water. Therefore, absent the proposed action, the only non-flood flows that Reclamation would release at Friant Dam are flows to maintain 5 cfs. at Gravelly Ford, and any flows made pursuant to the Exchange Contract. No other non-flood releases are made for use by any entity downstream of Friant Dam. These non-flood flows will remain unchanged under the proposed action.

As discussed above, resulting decreases in surface water deliveries to Friant Division contractors could result in an increase in groundwater pumping. However, any resulting drawdown in groundwater levels is expected to be within the range of groundwater level fluctuations historically exhibited (see Appendix G to the EA/IS, Groundwater Modeling).

Only minimal fluctuation in the seasonal Millerton Reservoir elevation is expected as a result of the proposed transfer and would remain within historical operational levels. Peak flood flows in the spring season could be reduced, but no substantial changes in Millerton Reservoir flood releases are expected downstream of Millerton Reservoir during flood operations.

Tables 4-9 through 4-16 of the EA/IS collectively present simulated changes in monthly average flows from Friant Dam to the confluence with the Merced River. Table 4-17

does the same for flows upstream of Vernalis. The impacts of the transfer on hydrology in these reaches are described in the EA/IS as less than significant. The EA/IS describes simulated changes in monthly average exports as less than significant.

Also, Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. According to the EA/IS, mean monthly diversion rate increases at Jones and Banks Pumping Plants could be large during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

To avoid any impacts due to seepage of transfer water through downstream levees, the release of water from Friant Dam and the management of downstream flows pursuant to the proposed transfer would be conducted in accordance with monitoring and management actions to prevent adverse seepage impacts as described in the Seepage Monitoring and Management Plan presented in the Appendix D Attachment to the EA/IS.

Releases of water from Millerton Reservoir pursuant to the proposed transfer would be managed to avoid interference with operations of the San Joaquin River Flood Control Project.

No legal injury to San Joaquin River Holding Contractors

The releases from Millerton Reservoir pursuant to the petition would be in addition to that quantity of releases otherwise required under the San Joaquin River Holding Contracts to maintain the 5 cfs requirement at Gravelly Ford and would not interfere with the ability of landowners from Friant Dam to Gravelly Ford to exercise existing riparian rights. The maximum proposed flows described in Table 2-1 of the EA/IS at Head of Reach 1 (Friant Dam) assume that up to 230 cfs of these flows, as depicted in Table 2-6 of the EA/IS, are dedicated to maintain the 5 cfs flow requirement at Gravelly Ford.

No legal injury to San Joaquin River Exchange Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division, including the San Joaquin River Exchange Contractors.

Reclamation will ensure that sufficient Millerton Reservoir storage is maintained, and that available San Joaquin River channel capacity is not impeded by flows from the proposed transfer, in order to make releases of available storage from Millerton Reservoir in lieu of deliveries from the Delta Mendota Canal if such releases become necessary under the terms and conditions of the Exchange Contract. Reclamation will ensure that necessary deliveries from the Delta Mendota Canal pursuant to the terms and conditions of the Exchange Contract will be made.

No legal injury to Friant Division CVP Water Service Contractors

Release of flows from Millerton Reservoir to implement the proposed transfer would reduce allocations to Friant Division CVP water service contractors. However, Friant Division demands would be met through increased groundwater pumping and possibly recapture of transferred water. The impact to Friant Division long-term water service contractors due to reduced deliveries would be limited to a one-year duration and would be less than significant.

No legal injury to Other South-of-Delta Water Service Contractors

The EA/IS, through associated modeling, concludes that deliveries from the Delta and San Luis Reservoir to CVP water service contractors will not be affected by the proposed transfer.

No legal Injury to Eastside Division Water Service Contractors

As discussed above, the proposed transfer would not affect water delivery quantities to contractors outside the Friant Division.

Also, as discussed below in section 5c. below, without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Changes in New Melones storage are described in the EA/IS as less than significant. Therefore, CVP contractors taking delivery from New Melones Reservoir would not be affected.

Furnishing Water for Fish Hatchery Purposes

Approval of the proposed transfer will not interfere with any customary provision, by means of pipeline from Friant Dam, of up to 35 cubic feet per second of incidental flow to the San Joaquin Fish Hatchery. This flow is already an incidental component of the quantity of water released from Friant Dam required to maintain the 5 cfs requirement at Gravelly Ford pursuant to the Holding Contracts.

4. Reclamation's points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

5a. Reclamation's point of contact at the CDFG is John Battistoni, 559-978-3595.

5c. See sections 3.6 and 4.5 of the EA/IS for discussion and analysis of Fisheries, including the presence of fish species in Millerton Reservoir and downstream reaches. The proposed transfer would not substantially reduce the habitat of a fish and wildlife species, cause fish or wildlife population to drop below self-sustaining levels, or reduce the number or restrict the range of a special-status species.

- The EA/IS concludes that the proposed transfer would not have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. The EA also concludes that effects of the proposed transfer on Delta Smelt, Longfin Smelt, Fall-run Chinook Salmon, Central Valley Steelhead, and Sacramento Splittail would be beneficial.

  Millerton Lake is already subject to highly fluctuating and generally declining water surface elevations throughout the spring, summer, and fall, so lower reservoir elevations are not anticipated to result in substantial reduction in populations of fish due to reduction in shallow habitat available for spawning and rearing.

  Generally high-quality water will be transferred at Millerton Reservoir. In Reach 1 and 2 (Friant Dam to Gravelly Ford, and Gravelly Ford to Mendota Dam, respectively), increased flow would likely result in beneficial effects by potentially increasing the amount of habitat available for different life stages of fish. Impacts to cold-water fish in Reach 3 and 4A (Mendota Dam to Sack Dam, and Sack Dam to Sand Slough Control Structure, respectively) would also be less than significant but beneficial. Reach 4B1 (from Sand Slough Control Structure to Confluence with Mariposa Bypass) is not being proposed to convey transferred water and therefore there would be no effect upon fish in this reach. In Reach 4B2 (from confluence with Mariposa Bypass to confluence with Bear Creek), effects would be similar to those in Reaches 3 and 4A. In Reach 5 (Confluence with Bear Creek to Confluence with Merced River) impacts would be less than significant but beneficial. From the confluence with the Merced River to the Delta, the increase in flows would be beneficial to fish. Release of transfer water is not anticipated to alter total flows to the Delta sufficiently to cause a measureable effect on sensitive wildlife or plant species and therefore effects on sensitive wildlife and plant species downstream from the confluence with the Merced River would be less than significant.

Regulated flows in the San Joaquin River upstream of the confluence with the Merced River would be similar to or greater than flows existing absent the proposed transfer under all potential hydrologic conditions. When flows existing pursuant to the proposed transfer contribute toward meeting Vernalis Adaptive Management Plan (VAMP) objectives, tributary releases could be reduced; under conditions where flows existing pursuant to the proposed transfer cause higher VAMP flow targets, releases from tributary reservoirs would be made to achieve the higher target. Changes in VAMP contribution releases from tributary reservoirs would not affect the ability to meet instream fish and water quality flow requirements in the Merced, Tuolomne, or Stanislaus Rivers. Conditions in the Delta would not be altered to a level outside the standards established under the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service. Without affecting the ability to meet instream fish and water quality flow requirements in the Stanislaus River, the proposed transfer would improve water quality conditions in the lower San Joaquin River and reduce the need for releases from New Melones Reservoir pursuant to Water Right Decision 1422 to achieve water quality requirements at Vernalis. Transfer flows would be recognized under VAMP as part of the baseline conditions used to estimate the unimpaired flow conditions. Therefore, the

proposed transfer could affect the operations of reservoirs on tributary rivers under VAMP and the water quality operating requirements for New Melones Reservoir, as seen in Table 4-18 of the EA/IS, where depicted are simulated changes in monthly average New Melones Reservoir storage. The EA/IS describes these changes as less than significant.

Table 4-19 depicts simulated monthly average changes in exports through Banks and Jones Pumping Plants. Mean monthly diversion rate increases at Jones and Banks Pumping Plants could be increased during November and February through April, but are within the range provided in the CVP Operating Criteria and Plan and within the requirements set in the Biological Opinion issued in 2008 by the U.S. Fish and Wildlife Service.

See sections 3.5 and 4.4 of the EA/IS for discussion and analysis of terrestrial species. The spread of invasive plant species along the San Joaquin River would be exacerbated as a result of flows occurring under the proposed transfer. Therefore, the EA/IS includes a mitigation measure to implement an invasive vegetation management plan so that effects upon terrestrial species are identified as less than significant or nonexistent.

The proposed transfer will be managed in a way as to avoid potentially significant impacts to sensitive species. On May 22, 2009, Reclamation requested concurrence from the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) that the proposed transfer is not likely to adversely affect listed species. Reclamation will forward to the SWRCB concurrence letters from the FWS and NMFS as soon as they are received.

5d. See section 4.5 for an analysis of the impacts of the proposed transfer on fish. The proposed transfer would not significantly impact fisheries resources. The proposed transfer would augment streamflow in the San Joaquin River and would provide generally high-quality water. There would be an increase in the amount of fish habitat along with some decrease in pollutant concentration. The EA/IS concludes that impacts to fish would be beneficial and there would not be a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species.

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: _____ 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):

_____

_____

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.* 1

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) _____

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.* 1

d. Have you contacted the California Department of Fish and Game concerning your project? ☒ YES ☐ NO
If YES, name and telephone number of contact: _____

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: _____

☐ *See Attachment No. 1*

* 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. 1*

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.* 1

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.
- ☐ 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: 6/4/2009 Signature: Richard J. Woolley

Attachment 1 to Environmental Information Form for Reclamation's Petition for Temporary Transfer

1. Description of Proposed Changes

See the General/Background discussion in the Supplement to Reclamation's Petition for Temporary Transfer.

2. N/A

3. State/Federal Permits and Requirements

It is Reclamation's understanding, based upon meetings held with the U.S. Army Corps of Engineers (Corps), that no permits or permission will be required pursuant to Section 10, Section 404, or Section 408. Reclamation will submit a letter to the Corps requesting confirmation that no Section 10, Section 404, or Section 408 approval is required. Copies of Reclamation's request and the Corps' confirmation will be forwarded to the State Water Board.

Point of contact at DFG is John Battistoni, 559-978-3595.

4. Environmental Documents

Although pursuant to Section 1729 of the Water Code this project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code, the document entitled Public Draft Environmental Assessment and Proposed Finding of No Significant Impact/Initial Study and Proposed Negative Declaration for Water Year 2010 Interim Flows (EA/IS), dated June, 2009, has been prepared. The U.S Bureau of Reclamation is the lead agency under the National Environmental Policy Act and the California Department of Water Resources is the lead agency under the California Environmental Quality Act. A copy of the EA/IS has been furnished to State Water Board staff under separate cover and is also available to the public at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=3612.

1.0 Introduction and Statement of Purpose and Need.
2.0 Description of Alternatives
3.0 Affected Environment
4.0 Environmental Consequences
5.0 Consultation and Coordination
6.0 Compliance with Environmental Statutes, and Other Relevant Laws, Programs, and Agreements
7.0 List of Preparers
8.0 References

Appendices
A-Stipulation of Settlement in NRDC v. Rodgers, et al.
B- San Joaquin River Restoration Settlement Act
C-Friant Dam Releases for Restoration Flows
D-Seepage Management and Monitoring Plan

- E-Flow Management and Monitoring Plan for Water Year 2010 Interim Flows
  F-Invasive Species Management and Monitoring Plan
  G-Modeling
    Water Operations Modeling – CalSim Attachment 1
    Water Quality Modeling – DSM2 Attachment 2
    Water Quality Modeling – SJR5Q Attachment 3
    Groundwater Modeling – Schmidt Method Attachment 4
    Air Quality Modeling Attachment 5
  H-Biological Resources
    Special-Status Species Reported By California Natural Diversity Database Attachment 1
    U.S. Fish and Wildlife Service List of Special-Status Species Attachment 2
    Special-Status Plant and Wildlife Species with the Potential to Occur in the Study Area Attachment 3

5. Waste/Wastewater

See sections 3.8 and 4.7 of the EA/IS for discussion and analysis of Geology and Soils. Erosion downstream from Friant Dam could potentially increase, but impacts are considered less than significant, and implementation of a sediment monitoring program will occur as part of the proposed transfer to determine if flow release or other actions need to be taken to minimize erosion.

The generation of wastewater from within the service areas of entities receiving water as a result of this project would be an issue between the entity and the Regional Water Quality Control Board (RWQCB). The existence of flows in the channel downstream of Friant Dam would not generate wastewater. Operation of Friant Dam to implement the proposed transfer would not directly result in generation of wastewater.

Points of contact are Lonnie Wass, 559-445-5116 and Greg Vaughn, 916-464-4742, at the Central Valley RWQCB.

6. Archeology

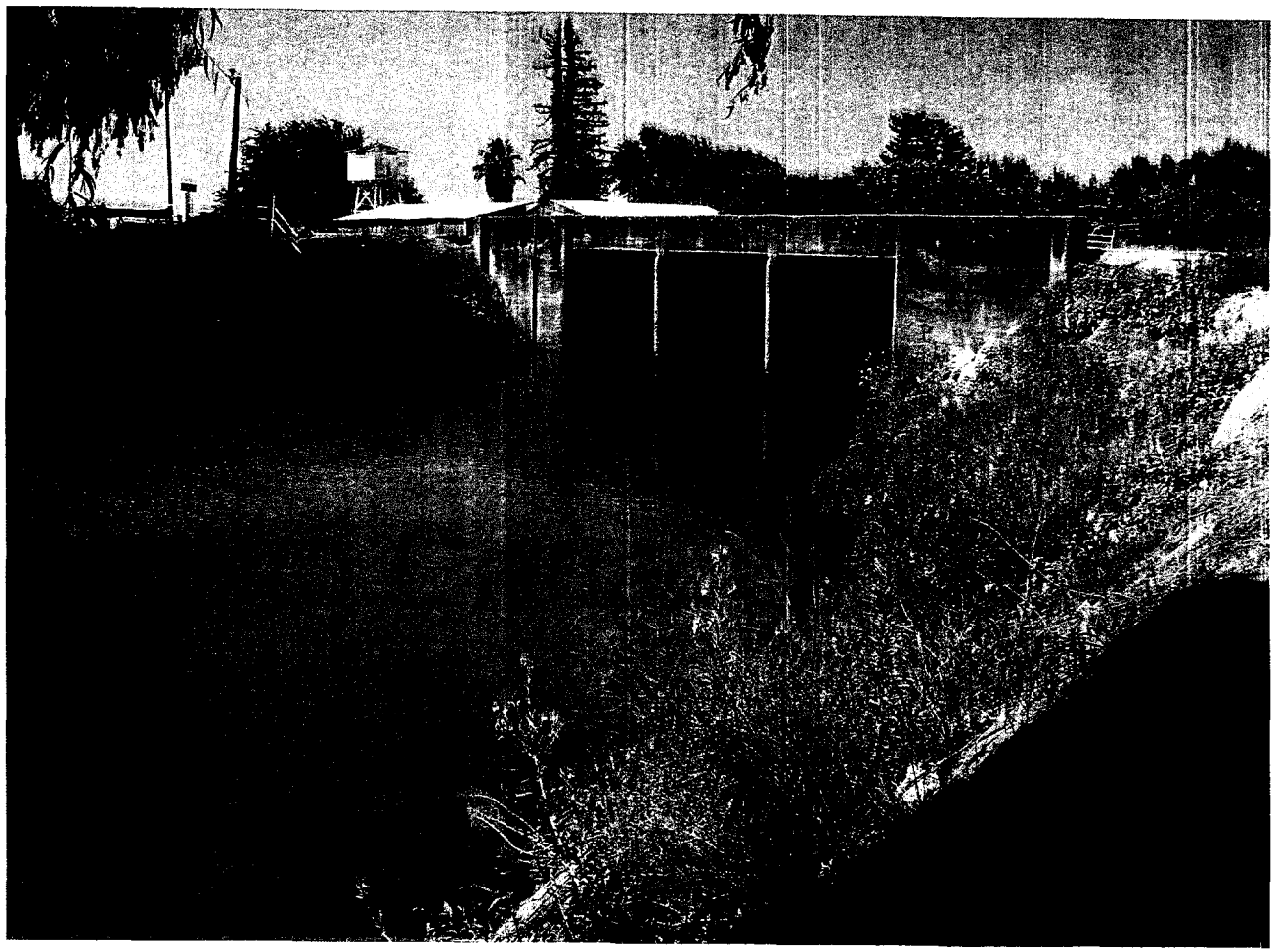
This proposed transfer involves no new construction. See sections 3.7 and 4.6 of the EA/IS for discussion and analysis of Cultural Resources. The proposed transfer would not eliminate important examples of California history or prehistory.

7. Environmental Setting

Sets of representative photographs are attached to this form.

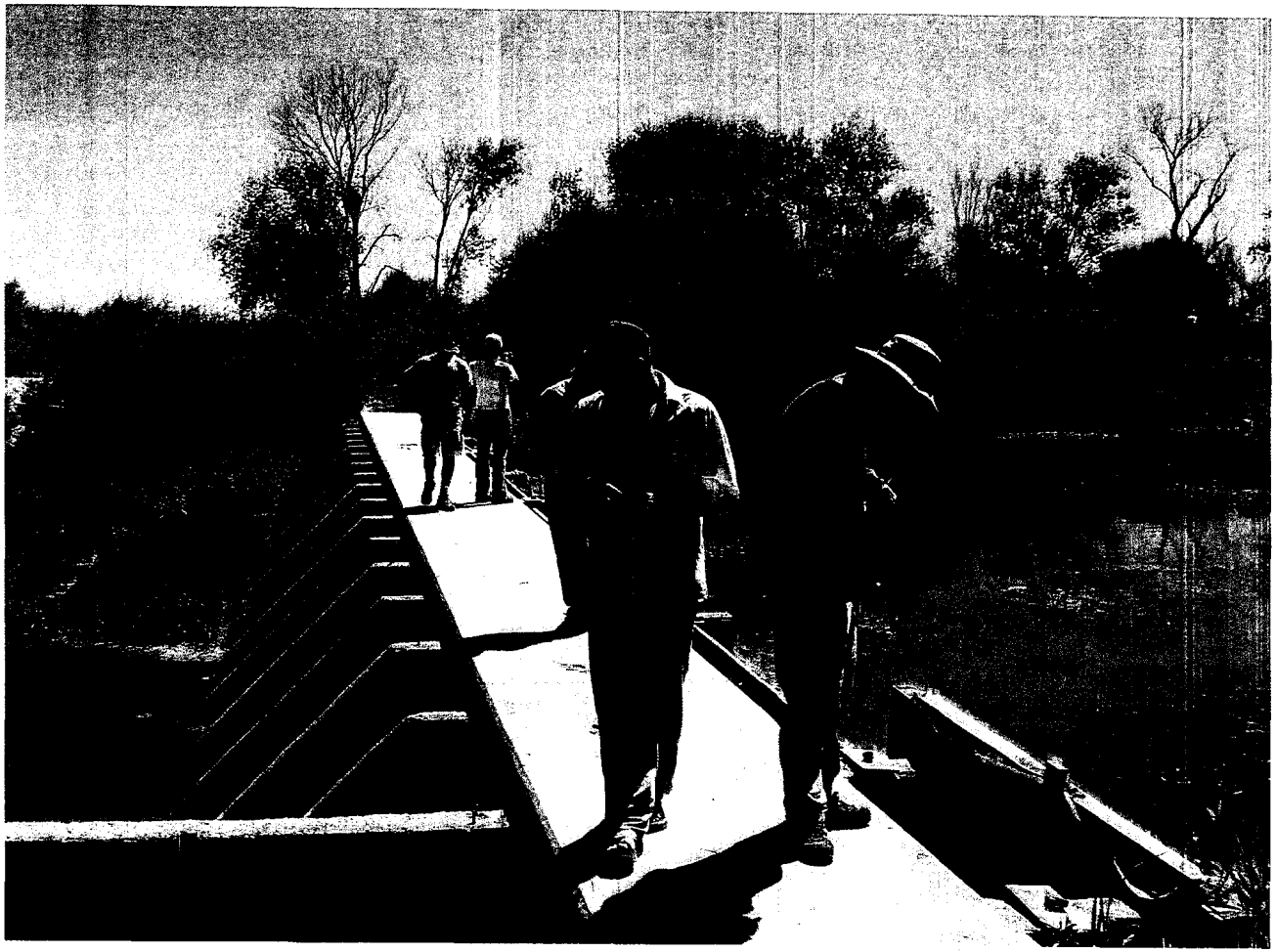
Mendota Dam

Arroyo Canal Old Intake

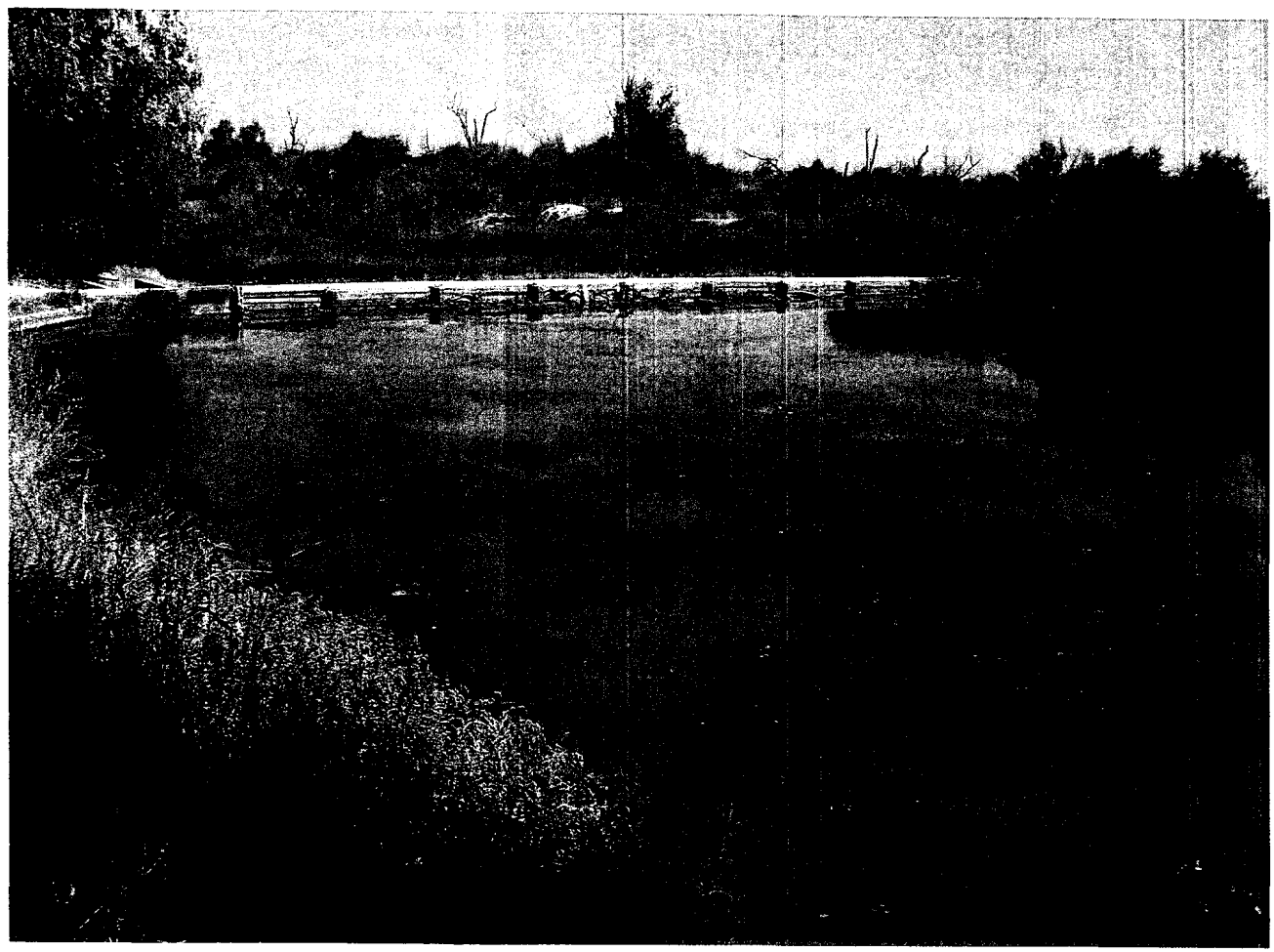


Arroyo Canal New Intake (Behind Old)

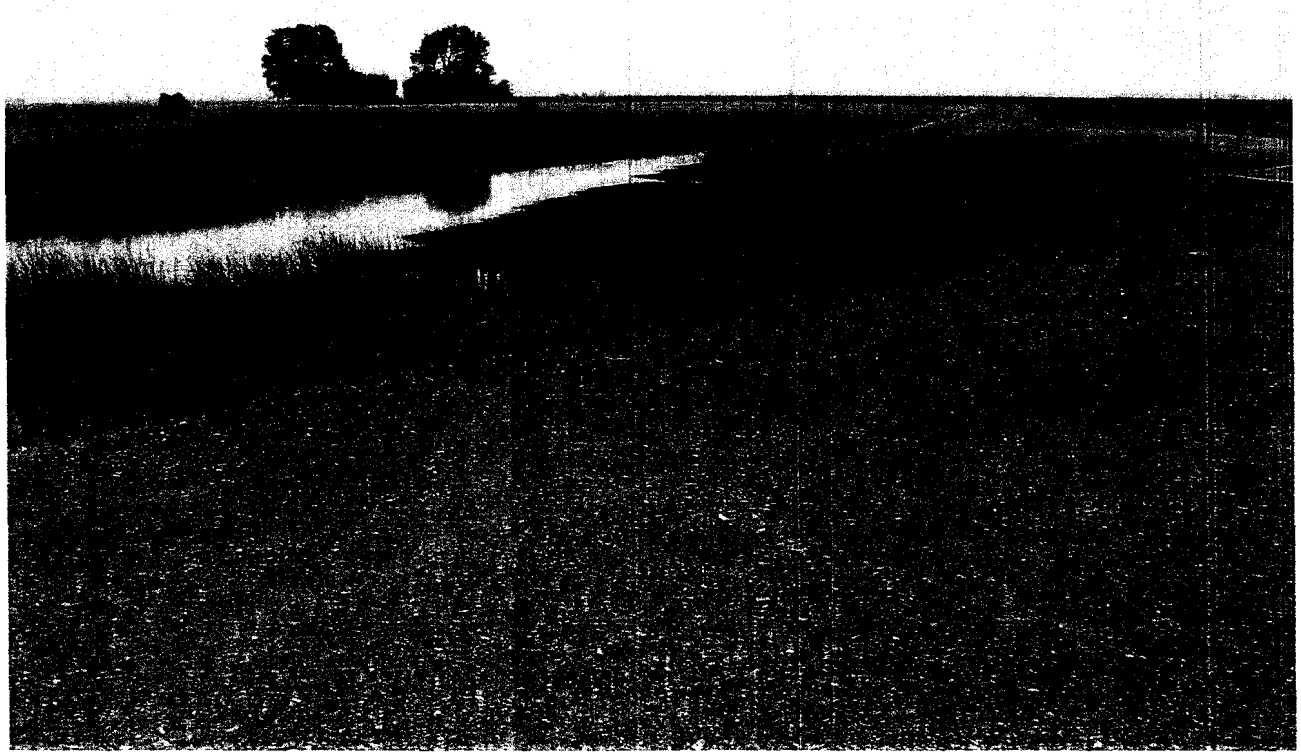
Sack Dam



Sack Dam Crest

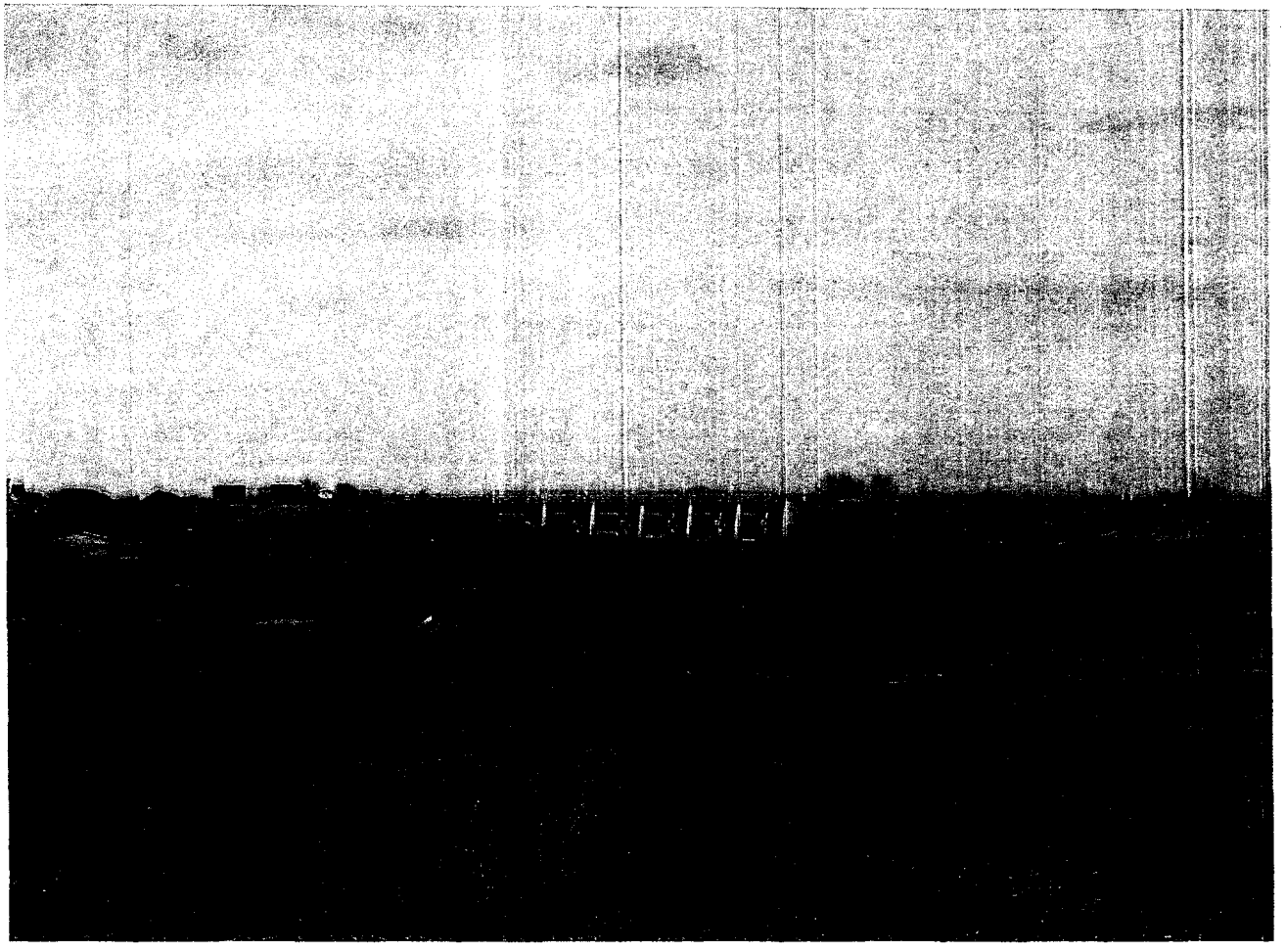


Upstream of Sand Slough



Sand Slough to the Bypass

Eastside Bypass Structure



Bear Creek Plant Intake