

BOARD OF SUPERVISORS

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>

2010 APR 13 A 11:48

**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). 1699 Permit No. _____ License No. 2033
Statement or Other No. _____

Present Holder and User of Water Right

Garden Highway Mutual Water Company	Nicole Van Vleck	(530) 674-2837
Person or Company name	Contact person	Telephone No
12755 Garden Highway	Yuba City	CA
Address	City	State
		Zip Code

E-MAIL (For noticing purposes)

Co-petitioner

N/A

Person or Company name	Contact person	Telephone No
Address	City	State
		Zip Code

E-MAIL (For noticing purposes)

Proposed New User

See Attachment No. 1

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 5,802 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 up to 39 cubic feet per second (cfs).

Period of Transfer/Exchange (Not to exceed one year) July 1, 2010 through September 30, 2010

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

Present See Attachment No. 1
Proposed See Attachment No. 1

Place of Use

Present See Attachment No. 1
Proposed See Attachment No. 1

Purpose of Use

Present See Attachment No. 1
Proposed See Attachment No. 1

	Season of Use	Direct Use (cfs)	Storage (ac-ft)
Present	<u>No Change Requested</u>	<u>No Change Requested</u>	<u>No Change Requested</u>
Proposed	<u>No Change Requested</u>	<u>No Change Requested</u>	<u>No Change Requested</u>

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

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:
See Attachment No. 1

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Attachment No. 1
- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? Yes
(yes/no)
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? Yes
(yes/no)
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.
See Attachment No. 1

- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. _____
See Attachment No. 1
- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See Attachment No. 1

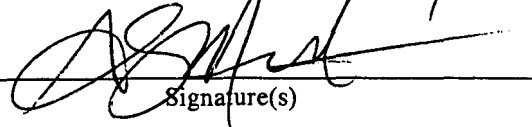
- 4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. _____
See Attachment No. 1
- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. See Attach. No.1

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? No
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment No. 1
-
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment No. 1
-
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred. _____
-

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE 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: 4-8-2010 at Yuba City, California


Signature(s)

(530) 674-5870
Telephone No.

NOTE: This petition shall be accompanied by all information required by this farm 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.

Attachment No. 1
to Petition for Temporary Transfer
License 2033 (Application 1699)
held by Garden Highway Mutual Water Company

GENERAL

The purpose of this Petition for Temporary Transfer is to: (1) add the State Water Project's (SWP) Harvey O. Banks Pumping Plant and Barker Slough Pumping Plant as points of diversion, (2) change the place of use to include the service areas served by the SWP export facilities, and (3) add Domestic, Municipal, and Industrial, as purposes of use under License 2033 (Application 1699). This petition is being filed to facilitate a one-year transfer of up to 5,802 acre-feet (AF) of surface water from Garden Highway Mutual Water Company (Company), which will be made available by groundwater substitution, to the participating State Water Contractor (SWC) Agencies in order to provide an additional municipal, industrial, and domestic water supply. Groundwater substitution involves the use of water pumped to produce crops within the Company in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, the Company would divert the entire quantity of surface water proposed for transfer from the Feather River pursuant to its water right.

PROPOSED NEW USER

The proposed new users will be water users within the following eight SWC Agencies listed below:

- ANTELOPE VALLEY-EAST KERN WATER AGENCY,
- DUDLEY RIDGE WATER DISTRICT,
- KERN COUNTY WATER AGENCY,
- METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,
- NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
- OAK FLAT WATER DISTRICT,
- PALMDALE WATER DISTRICT, AND
- SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT.

Garden Highway MWC License 2033
 Attachment to Petition for Temporary Transfer

POINT OF DIVERSION OR REDIVERSION

Present Point of Diversion:

<u>Description*</u>	<u>Located Within*</u>			
	<u>¼, ¼</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
N 72° 00' E, 4,130 feet from the SW corner of Section 24, T13N, R3E	SW, SE	24	13N	3E

Proposed Additional Points of Diversion:

No change in the present point of diversion is proposed. The Company proposes to add the following points of diversion:

Banks Pumping Plant via the Clifton Court Forebay

N 486,035, E 1,695,057, California Coordinate System Zone 3, within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M

Barker Slough Pumping Plant

N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE ¼ of SW ¼ of Projected Section 18, T5N, R2E, MDB&M.

These proposed additional points of diversion are identified on maps filed with the Division of Water Rights (Division) under Application 5630.

PLACE OF USE

Present:

The present place of use is 3,708.45 acres net within a gross area of 3,765.45 acres, as shown on a map contained in the Division's files for License 2033.

Proposed:

No change in the present place of use is proposed. The Company proposes to add the service area of the SWP as the proposed additional place of use in order to facilitate the temporary water transfer to the participating SWC Agencies. The service area of the SWP is shown on Map 1878 – 1, 2, 3, and 4 on file with the Division under Application 5630.

* All references to Section, Township, and Range are to the MDB&M.

Garden Highway MWC License 2033
Attachment to Petition for Temporary Transfer

PURPOSE OF USE

Present:

Irrigation.

Proposed:

The Company proposes to temporarily add Domestic, Municipal, and Industrial as additional purposes of use.

PROPOSED TRANSFER WILL BE PLACED TO USE IN THE FOLLOWING COUNTY/COUNTIES

The water will be placed to beneficial use within the following counties: Napa, Stanislaus, Kings, Kern, Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside.

RESPONSES TO NUMBERED ITEMS ON PETITION:

- 1b.** Absent the proposed temporary transfer to the participating SWC Agencies, groundwater would not be pumped and the Company would have diverted surface water to meet its irrigation demands.
- 2c.** The Company is proposing to add the SWP Banks Pumping Plant and Barker Slough Pumping Plant as additional points of diversion. The proposed transfer will result in an increase in the flow between the Company's present point of diversion and the additional proposed points of diversion. This increase in flow, up to maximum of approximately 39 cfs assuming the groundwater wells proposed to participate in the water transfer are operating simultaneously, may result in a positive effect to the water users between the present point of diversion and the proposed additional points of diversion. These water users may include the Delta water users, the CVP, the SWP, and the Cities of Sacramento and West Sacramento. See files of the State Water Resources Control Board.
- 3a & 3b.** Surface water will be made available for transfer from the Company's groundwater substitution program, consistent with the Draft Technical Information for Water Transfers in 2010 (Draft Technical Information) published by the Department of Water Resources (DWR) and U.S. Bureau of Reclamation (Reclamation). The Draft Technical Information has been developed to address the concerns of DWR and Reclamation relative to the potential impacts that water transfers may have on other legal users. The Company has submitted a proposal to DWR and Reclamation for a water transfer to the SWC Agencies during 2010, which includes detailed information relative to historical

Garden Highway MWC License 2033
Attachment to Petition for Temporary Transfer

groundwater pumping, groundwater well characteristics, and associated maps. Currently, DWR and Reclamation are conducting an extensive review of these documents in order to ensure that the quantity of water proposed to be made available by the Company meets the relevant criteria to demonstrate a reduction in surface water use will occur as a result of the proposed temporary transfer. In addition, it is our understanding that Reclamation is in contact with the U.S. Fish and Wildlife Service (USFWS) to address potential concerns.

Only wells which have been approved by DWR or Reclamation will be used for the proposed temporary transfer. The Company does not believe the proposed temporary transfer to the SWC Agencies by groundwater substitution will result in an overdraft of the underlying groundwater basin. As a condition of participation in the proposed temporary transfer, the Company has developed a monitoring and mitigation plan to assure the proposed transfer does not result in any unreasonable impacts to the groundwater basin.

As a result of this proposed temporary transfer, the flow in the Feather River will increase by up to 5,802 AF during the period of the transfer over what would have occurred absent the proposed transfer. The increased flow in the Feather River, thence tributary to the Sacramento River, to the proposed additional points of diversion will be a small percentage of the total flow and will be water that would be available to the Company, absent this proposed transfer. Therefore, there will be no injury to other legal water users, water quality, or return flows; in fact, the increased flows may result in instream benefits through the increased flow below the Company's point of diversion.

4. The Central Valley Regional Water Quality Control Board (CVRWQCB) was contacted; and no comments were provided at this time. A copy of this petition has been provided to Jacqueline Matthews (530-224-4845) of the CVRWQCB.
- 5a. The Department of Fish and Game (DFG) was contacted; and no comments were provided at this time. A copy of this petition has been provided to Lauren Dailey (916-358-2909) of DFG.
- 5c & 5d. The proposed temporary transfer may provide environmental benefits through increased flows downstream of the Company's present point of diversion due to the reduction in surface water diversions. These reduced diversions may provide additional flows during critical periods of the year from the Company's point of diversion to the proposed additional points of diversion. These additional flows may enhance habitat for fisheries and wildlife.

2. COUNTY PERMITS NOT APPLICABLE .

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. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS NOT APPLICABLE .

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. ____

d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Lauren Dailey (916) 358-2909

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: **SEE ATTACHMENT No. 1**

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 NOT APPLICABLE.

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water

Quality Control Board for the following information (See instruction booklet for address and telephone no.):

 See Attachment No. _____

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

Person contacted: _____ Date of contact: _____

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

 See Attachment No. _____

6. ARCHEOLOGY

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

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

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

If YES, explain: _____

See Attachment No. ____

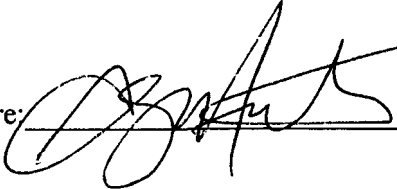
7. ENVIRONMENTAL SETTING SEE ATTACHMENT No. 1

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: 4-8-2010 Signature: 

Attachment No. 1
to Environmental Information for
Petition for Temporary Transfer
License 2033 (Application 1699)
held by Garden Highway Mutual Water Company

1. DESCRIPTION OF PROJECT

Garden Highway Mutual Water Company (Company) is petitioning to temporarily add points of diversion, place of use, and purposes of use to the water right identified above in order to transfer up to 5,802 AF to participating State Water Contractor (SWC) Agencies by groundwater substitution. The State Water Project's (SWP) Banks Pumping Plant and Barker Slough Pumping Plant are proposed to be added as points of diversion. In addition, the service area of the State Water Project (SWP) is proposed to be added as a place of use. Domestic, Municipal, and Industrial are proposed to be added as purposes of use. There is no change to the existing point of diversion, place of use, or purpose of use. These proposed additions would authorize the transfer of water to the SWC Agencies during July through September 2010.

The quantity of water to be made available by groundwater substitution involves the use of water pumped upon overlying lands in exchange for a like amount of surface water that will remain instream for diversion at the proposed additional points of diversion. Absent the proposed temporary transfer, the Company would have diverted up to 5,802 AF of surface water from the Feather River pursuant to its water rights. For this reason, the proposed temporary transfer does not involve any construction or other physical changes to the Company's facilities.

4. ENVIRONMENTAL DOCUMENTS

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from CEQA. In February 2010, the U.S. Bureau of Reclamation prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for water transfers during 2010 and 2011 pursuant to the requirements under the National Environmental Policy Act (NEPA). This EA and FONSI are available on Reclamation's web site at: http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=4699. Although the EA and FONSI do not attempt to address the Company's proposed water transfer directly, Section 3.18 of the EA covers Cumulative Effects, including a water transfer from the Company of up to a quantity greater than identified in this Petition in 2010.

7. ENVIRONMENTAL SETTING

The proposed additions to the existing point of diversion include existing facilities that are well known and documented with the Division of Water Rights (Division). In addition, the proposed addition to the place of use is also well known and documented with the Division. Therefore, for these reasons, photographs of the proposed additional points of diversion and place of use are not included.

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

2010 APR 13 A 11:48

**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) 14804 Permit No. _____ License No. 11118
Statement or Other No. _____

Present Holder and User of Water Right

South Sutter Water District **c/o Marc Van Camp, Agent** **916/456-4400**
Person or Company name Contact person Telephone No.
1771 Tribute Road Suite A **Sacramento** **CA** **95814**
Address City State Zip Code
vancamp@mbkengineers.com
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 Attachment.

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:**

Amount of Water to be Transferred up to 10,000 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 up to 150 cubic feet per second (cfs).

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

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

Present See Attachment.

Proposed See Attachment.

Place of Use

Present See Attachment.
Proposed See Attachment.

Purpose of Use

Present See Attachment.
Proposed See Attachment.

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	<u>No change requested.</u>	<u>No change requested.</u>	<u>No change requested.</u>
Proposed	<u>No change requested.</u>	<u>No change requested.</u>	<u>No change requested.</u>

The proposed transfer/exchange water is presently used or stored within the county/counties of:
Nevada, Placer, Yuba, and Sutter Counties

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

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Attachment.
- 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? Not applicable. See attachment.
(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 files at Division of Water Rights, State Water Resources Control Board.

- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. See attachment.

- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See attachment.

- 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. Jacqueline Matthews (530) 224-4845. MBK initiated contact on April 5, 2010. No comments have been provided at this time. A copy of the Petition has been sent to the RWQCB c/o Jacqueline Matthews.

- 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. Lauren Dailey (916) 358-2909. MBK initiated contact on April 5, 2010. No comments have been provided at this time. A copy of the Petition has been sent to DFG, c/o Lauren Dailey.

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)? No
(yes/no)

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

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

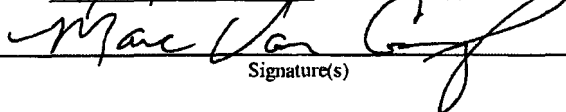
6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No. See Attachment.
(yes/no)?

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

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

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

Dated: 4/07/2010 at Sacramento, California


Signature(s)

(916) 456-4400
Telephone No.

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

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

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

1. The fee of \$2,000 + \$0.30 per acre-foot (greater than 10 acre-feet) shall be submitted with the petition. (Title 23, California Code of Regulations section 1064). The fee is made payable to the State Water Resources Control Board.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

**Attachment to Petition for Change
to License 11118 (Application 14804)
held by South Sutter Water District**

GENERAL

The purpose of this Petition for Change is to; (1) add the State Water Projects (SWP) Harvey O. Banks Pumping Plant and the Barker Slough Pumping Plant, (2) change the place of use to include the service areas served by the SWP export facilities and (3) add Municipal and Industrial, as purposes of use under License 11118. This petition is necessary to allow for the one-year transfer of up to 10,000 acre-feet (AF) of surface water from South Sutter Water District (District) to the participating State Water Contractor (SWC) Agencies in order to provide an additional municipal, industrial, and domestic water supply.

RESPONSES TO PETITION FORM

PROPOSED NEW USER

The proposed new users pursuant to the surface water transfer are the following eight SWC Agencies listed below;

- ANTELOPE VALLEY-EAST KERN WATER AGENCY,
- DUDLEY RIDGE WATER DISTRICT,
- KERN COUNTY WATER AGENCY,
- METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA,
- NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT,
- OAK FLAT WATER DISTRICT,
- PALMDALE WATER DISTRICT, AND
- SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

PERIOD OF TRANSFER/EXCHANGE

The District proposes a reservoir release transfer of up to 10,000 AF from Camp Far West Reservoir (Reservoir) and the Camp Far West Diversion Dam (Diversion Dam) during the period from July through September. However, the order should approve the transfer for one year, July 1, 2010 through June 30, 2011, to facilitate the transfer upon favorable conditions.

South Sutter Water District Licenses 11118
Attachment to Temporary Transfer Petition

POINT OF DIVERSION OR REDIVERSION

Present Point of Diversion and Rediversion

Point of Diversion

Camp Far West Dam - North 60° 30' West 4,450 feet from SE corner of Section 21, T14N, R6E, MDB&M, being within NE ¼ of SW ¼ of said Section 21 (California Coordinate System, Zone 2, N 504,600 and E 2,194,500);

Point of Rediversion

Camp Far West Diversion Dam – South 400 feet and West 2,850 feet from the corner NE corner of Section 29, T14N, R6E, MDB&M., being within the NE ¼ of NW ¼ of said Section 29 (California Coordinate System, Zone 2, N 501,550 and E 2,189,600).

Proposed Points of Diversion and Rediversion:

No change in the present point of diversion or point of rediversion is proposed. The SWP Banks Pumping Plant and Barker Slough Pumping Plant are to be added as points of rediversion to provide the ability to export the proposed transfer quantity from the Delta to the service areas served by the SWP export facilities at points further described below. These proposed points of rediversion are identified on maps filed with the Division of Water Rights under Application 5630.

Banks Pumping Plant via the Clifton Court Forebay: N 486,035, E 1,695,057, California Coordinate System Zone 3, within the NW ¼ of SE ¼ of Projected Section 20, T1S, R4E, MDB&M.

Barker Slough Pumping Plant: N 567,682, E 2,017,761, California Coordinate System Zone 2, within the NE ¼ of SW ¼ of Projected Section 18, T5N, R2E, MDB&M.

PLACE OF USE

Present Place of Use

Domestic use and Irrigation of 59,000 acres within a gross area of 65,796 acres, within the boundaries of the District; and Irrigation of a net area of 4,180 acres (including 102 acres located outside of District boundaries and served by contract) within Camp Far West Irrigation District and a power plant located on the Conveyance Canal within the NW ¼ of SW ¼ of Section 1, T13N, R5E, MDB&M, as shown on the map filed with the State Water Resources Control Board.

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Proposed Place of Use:

The proposed additional places of use include the service areas served by the participating SWC Agencies, which are all within the service area of the SWP. The service area of the SWP is shown on Map 1878 – 1, 2, and 3 on file with the Division of Water Rights (Division) under Application 5630.

PURPOSE OF USE

Present Purpose of Use

The present purposes of use include Domestic, Irrigation, and Incidental Power.

Proposed Purpose of Use

Municipal and Industrial are proposed to be temporarily added as additional purposes of use.

RESPONSE TO NUMBERED ITEMS ON PETITION FORM

No. 1b

The District proposes to transfer up to 10,000 AF of surface water between July 1, 2010 and September 30, 2010 through reservoir release. The Reservoir fills and spills in most years of operation. Releases made at the Reservoir flow downstream to the Diversion Dam, where water is diverted to Camp Far West Irrigation District (CFWID), the fish flow bypass release structure and the main canal for deliveries within the District service area. Except at times the Reservoir is spilling Camp Far West Dam controls flows in the Bear River. Under normal operations the District releases from the Reservoir only the quantity of water required to meet the fish bypass flow requirement, their obligation to CFWID, deliveries within the District's service area, and any releases required under its Bay-Delta Settlement Agreement (Settlement Agreement) with the Department of Water Resources. Therefore; absent the proposed transfer, all water proposed to be transferred would be delivered for use within the District's service area. Under historical operational conditions and absent a water transfer, all water not utilized for meeting the in-stream fish flow requirement and obligations to CFWID, would have been diverted to the District's main canal for delivery to its service area. If circumstances occur such that it was not delivered through its main canal, the water would be retained in storage.

No. 2a, 2b and 2c

Although there are water users taking water from the stream between SSWD's current points of return flow and the proposed points of diversion, we have answered question No. 2b as

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“not applicable”. The diverters downstream of the existing point of diversion/rediversion are diverting under rights/contracts from the Feather River, Sacramento River, and the Delta. The releases made pursuant to the proposed temporary transfer will not reduce the supply available to these other users.

Each year landowners receive supplemental surface water supplies as a result of Reservoir releases. Irrigation requirements above the supplemental surface water supply provided by the District are met through groundwater pumping within the District. Landowners within the District will not alter their cropping patterns as a result of the proposed transfer. The District operates the system’s outflow structures to maintain surface water levels within delivery and drainage channels to facilitate deliveries upstream. The outflow structures during the 2010 proposed temporary transfer will be operated to maintain water levels at their historical levels. Therefore, because there will be no change in landowner or District operations, there will be no change in District outflow as a result of the proposed transfer.

No. 3a, and 3b

The proposed temporary transfer will not result in a shift in timing of releases from the Reservoir. Absent the transfer, the District would release the transfer quantity of up to 10,000 AF from the Reservoir for diversion into the main canal during the months of July, August and September for consumptive uses within the District. Thus, the quantity of stored water released from the Reservoir would be the same as compared with the conditions absent the proposed temporary transfer. However, the proposed transfer will result in an increase in stream flow in the Bear River below the Diversion Dam during the proposed transfer period from approximately July 1 through September 30.

The water released for the proposed transfer will be in addition to the required fish bypass flow and any releases required under the District’s Settlement Agreement. Therefore, the flow in the channel between the Diversion Dam and the proposed points of rediversion will be higher during the transfer period than would occur absent the proposed transfer. The release pattern for the proposed temporary transfer quantity will be coordinated with the Department of Fish and Game (DFG), and fisheries biologists to minimize fishery concerns within the Bear River as further described in section No. 5b, 5c, and 5d.

As stated above, the District supplies surface water to supplement the groundwater supplies of the landowner within the service area. The quantity of supplemental surface water supplied to landowners varies from year to year based on hydrologic and other factors. The quantity of supplemental surface water to be delivered to District landowners in 2010 assuming the proposed transfer will be within historical levels. There are no changes in cropping patterns or irrigation practices expected as a result of the proposed transfer. Also, as identified above, the structures that control outflow from the District are operated to minimize outflow and maintain water levels to facilitate deliveries to District landowners upstream. Therefore, there will be no change in the timing, quality, or quantity of tailwater as a result of the transfer.

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As previously identified in Sections 2a, 2b, and 2c, the releases made pursuant to the proposed temporary transfer will not reduce the water supply available to other users. In addition, according to the Division's eWRIMS website database, no active authorized points of diversion exist along the Bear River from the Diversion Dam to the confluence with the Feather River.

No. 5b, 5c and 5d

As further identified in the attached Environmental Information Form, accompanying this Petition, the information below identifies the potential effects the proposed transfer would have on fish, wildlife, or other instream beneficial uses.

The principal concern of effects on instream beneficial uses resulting from the proposed water transfer relate to the potential for deleterious artificial attraction of fish species of concern into the lower Bear River. Possible effects on wildlife and other beneficial uses resulting from the proposed transfer are considered negligible or positive due to increased water available for wildlife and riparian habitats. Under present conditions, the lower Bear River does not provide suitable habitats for anadromous fish known to occur elsewhere in the Feather River system: fall-run Chinook salmon, spring-run Chinook salmon, steelhead trout, and green sturgeon. The latter three species are listed by the federal government as threatened species under the Endangered Species Act. Reproduction of the salmonid species in the lower Bear River is limited by silted spawning gravels, high winter flood flows, and high water temperatures (SWRCB Order WR 2000-10). Additionally, habitats are unsuitable for green sturgeon due to the lack of deep pools and cool water necessary for reproduction.

Because the proposed transfer would increase instream flows in the lower Bear River, there is the potential for these fish species to be artificially attracted from the Feather River into the Bear River where habitats are hostile and fish production would be poor compared to those fish remaining in the Feather River. This potential circumstance is dependent on the timing of the increased flows relative to the seasonal presence of the fish species of concern. The analyses of potential effects on fish included an examination of the life cycle periodicity of anadromous fish in the Feather River system, the magnitude and timing of the instream flows in the lower Bear River resulting from the proposed transfer, the timing and magnitude of Feather River flows during the proposed transfer, and physical habitat conditions for anadromous fish in the lower Bear River.

The timing of the proposed transfer would be during July, August, and September. This period avoids the primary life cycle timing of the upstream migration and reproduction of anadromous fish in the Feather River. Upstream migration and spawning of steelhead and fall-run Chinook salmon occur during the fall and winter. Upstream migration of spring-run Chinook primarily occurs during the spring, and to a lesser extent, the early fall with reproduction occurring during the early fall. Green sturgeon upstream migration occurs during the winter and spring with reproduction occurring during the spring. The proposed water

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transfer period avoids adverse impacts to these species by timing the increased instream flows when the fish are not seasonally present.

Because the proposed transfer would occur during July, August, and September, water temperature data during this period within the Reservoir and the river downstream of the dam were examined to determine suitability for anadromous fish. Prior studies conducted for the District demonstrated that the water temperatures in front of the Dam at both the power outlet and the low-water outlet during the summer and early fall exceed the range for successful salmonid reproduction. Additionally, water temperatures recorded downstream of the Dam at the District's diversion facility showed that water temperatures do not cool to tolerable levels for salmon spawning until mid- to late-November. These circumstances are attributable to the fact that the Reservoir is a relatively low-elevation impoundment and subject to high summer water temperatures and intense solar radiation. Prior studies demonstrated that a shift in water layers in the reservoir does not occur until the late fall/early winter as early, cooler water runoff enters the reservoir. Therefore, increased reservoir releases during July, August, and September resulting from the proposed water transfer would not be expected to lower water temperatures in the lower Bear River to a tolerable range for anadromous fish and, therefore, would not attract fish into the river if the fish were present during that period. Additionally, juvenile anadromous fish would not be expected to be present during July, August, and September due to unsuitably high water temperatures and lack of or inferior physical rearing habitats, a condition attributable to a river channel formed by very high and frequent winter-time scouring flows.

Therefore, we concluded that the proposed water transfer during July, August, and September would not adversely impact fishery resources because the fish species of concern are not seasonally present, and the combination of low proportional contribution to the Feather River flows and unsuitably warm water temperatures would be unlikely to inadvertently attract fish into the Bear River if the fish were present. In addition, the transfer will take place within the constraints set forth in the 2006 Bay-Delta Water Quality Control Plan and the requirements of water rights Decision 1614 for the protection of fish and wildlife.

No. 6b

There will be no change in the overall economy of the area as a result of this proposed temporary transfer. The proposed transfer involves the release of stored water. There are no changes in cropping patterns within the District as a result of the proposed transfer. Additionally, the quantity of supplemental surface water to be supplied to District landowners will be within the historical range. Therefore, the proposed transfer will have no effect on the overall economy of the area from which the water is being transferred.

2. COUNTY PERMITS Not Applicable.

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. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS Not Applicable.

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. ____

d. Have you contacted the California Department of Fish and Game concerning your project? YES NO
If YES, name and telephone number of contact: Lauren Dailey (530) 358-2909. MBK initiated contact on April 5, 2010. A copy of the Petition has been provided to DFG, c/o Lauren Dailey.

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: Not Applicable.
- b. If NO, check the appropriate box and explain below, if necessary: Not Applicable. Exempt Water Code Section 1725.
 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 Not Applicable.
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? Not Applicable.

 See Attachment No. _____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
b. Will you be preparing an archeological report to satisfy another public agency? YES NO
c. Do you know of any archeological or historic sites located within the general project area? YES NO

If YES, explain: _____

See Attachment No. ____

7. ENVIRONMENTAL SETTING See Attachment.

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: 4/07/2010 Signature: 

**Attachment to
Environmental Information Form for
Petition for Change to
License 11118 (Application 14804)
held by South Sutter Water District**

1. PROJECT DESCRIPTION

Introduction

South Sutter Water District (District) is proposing a transfer of up to 10,000 acre-feet (AF) of previously stored water to participating State Water Contractor (SWC) Agencies. The District historically has not been involved in water transfers, with the exception of the Bay-Delta Settlement Agreement, and similar transfers in 2008 and 2009. Increased costs associated with the FERC relicensing process, the Probable Maximum Flood (PMF) requirements, and other regulatory processes have resulted in the District considering a water transfer to aid in offsetting these large expenses in order to maintain its ability to provide an affordable surface water supply.

Under the proposed transfer, up to 10,000 AF of previously stored water would be released from Camp Far West Reservoir (Reservoir) and the Camp Far West Diversion Dam (Diversion Dam). This water would flow downstream in the Bear River, thence the Feather River, thence the Sacramento River to the Delta where it would be rediverted at the State Water Project's Banks Pumping Plant and the Barker Slough Pumping Plant for use within the service areas of the export facilities. In absence of the proposed transfer, this water would be delivered to District landowners.

General Location

The District's service area is located within Sutter and Placer Counties, south of the Bear River and east of the Feather River, and includes a gross area of approximately 66,000 acres. Figure 1 identifies the location of the District within the Sacramento Valley, relative to other districts and stream systems. The District owns and operates the Reservoir, Camp Far West Dam (Dam), and the Camp Far West Diversion Dam (Diversion Dam) located on the Bear River within Placer, Nevada, and Yuba Counties.

Background

Prior to the development of the Reservoir, individual landowners within the District's service area pumped groundwater to meet crop irrigation requirements. As a result, prior to the construction and subsequent enlargement of the Reservoir, the groundwater levels were declining. The District was formed in May 1954 to develop, store, and distribute surface water in order to reverse the effects of declining groundwater elevations resulting from groundwater pumping. As a result of the development of the Reservoir and the District's delivery of surface

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water, the groundwater elevations have been successfully restored to pre-depletion historical levels. The development of the Reservoir has resulted in an efficient conjunctive use project, which has operated successfully for the last 40 years. District landowners receive supplemental surface water supplies that augment their groundwater pumping. The District does not own or operate any groundwater production wells. The proposed American Basin Conjunctive Use Project Report prepared by the Department of Water Resources (Department) identifies the minimal impact groundwater pumping has had on the groundwater basin post-Reservoir construction. In addition, monitoring wells located within the District indicate, in almost every year, that the groundwater basin is recharged during the subsequent winter period when the Delta is not in balance conditions. Absent the development of the Reservoir, groundwater pumping within the District's service area would have continued and groundwater levels would be significantly lower than they are with the development of the surface water supply.

The District has an existing Settlement Agreement relative to the State Water Resources Control Board's (SWRCB) Phase 8 of the Bay-Delta hearings with the Department. The Settlement Agreement requires the release of surface water during dry and critical years into the Bear River for in-stream beneficial uses within the Delta. In these years, the supplemental surface water supply available to District landowners is reduced to offset the 4,400 acre-feet release of surface water from the reservoir. The Settlement Agreement, and the subsequent SWRCB Order 2000-10 identify that there is a less than significant impact to export supplies available to State and Federal Contractors as a result of the Settlement Agreement, and increased groundwater pumping.

Current Operations

In 2008, the District participated in a water transfer to various State Water Contractor Agencies (SWRCB Corrected Order 2008-0039-DWR) that was facilitated by the Department (2008 Pilot Water Transfer). The 2008 Pilot Water Transfer was the first water transfer the District participated in with the exception of the Settlement Agreement with the Department. In 2009, the District participated in a similar water transfer through the Department's 2009 Drought Water Bank (SWRCB Corrected Order 2009-0040-DWR). As part of these water transfers, the District worked cooperatively with the Department and the SWRCB to provide the necessary data and materials. Many of the items and information contained in the enclosed attachments have been previously submitted to the SWRCB pursuant to the 2008 and 2009 water transfers. Additional items have been provided which summarize 2009 District operations during the 2009 DWB transfer.

Camp Far West Reservoir and Camp Far West Diversion Dam Operations

As identified above, the District owns and operates the Reservoir. In most years, the Reservoir fills, spills, and is essentially emptied in each and every year to meet the District's water delivery and in-stream flow requirements. The Bear River watershed feeding the Reservoir is a rainfall basin; therefore, the runoff into the Reservoir diminishes rapidly during the spring months. The spring runoff is unpredictable and unreliable as a surface water supply to

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the landowners within the District. Each year, District management estimates the water available from both Reservoir and the spring runoff to determine the surface water supply for allocation to all District landowners prior to the irrigation season. Increased spring runoff may allow for an increased surface water delivery to landowners within the District's service area.

Pursuant to an agreement between Camp Far West Irrigation District (CFWID) and the District during the construction and subsequent enlargement of the Reservoir, CFWID is entitled to the first 13,000 AF released from the Reservoir each year to satisfy its senior water rights on the Bear River. All of the inflow to the Reservoir not delivered to either CFWID or District landowners flows downstream in the Bear River to the Feather River. Figure 2, attached, is a schematic of the system facilities at the Reservoir and the Diversion Dam. The District releases water from the Reservoir either through the power generating turbine or through the bypass outlet discharge structure. The water flows downstream approximately 1.5 miles to the Diversion Dam. The District operates the Diversion Dam to regulate the flow released from the Reservoir for diversion by CFWID, deliveries to District landowners, and releases through the fish flow bypass structure. Reservoir releases, deliveries to the District's main canal and to CFWID, and releases through the fish flow bypass structure are closely monitored to minimize spill at the Diversion Dam during irrigation season. The District does not own or operate any other facilities along the Bear River below the Diversion Dam and the fish flow bypass structure.

Bear River Stream Flow

Pursuant to License 11118 (Application 14804), the District maintains a release of 10 cfs down the Bear River during the months of July through March of the subsequent year and 25 cfs during the months of April through June. The District does not release surface water down the Bear River to fulfill District surface water delivery obligations. These releases are made through the fish flow bypass structure and enter the Bear River at the base of the Diversion Dam. Releases through the structure are measured and recorded at USGS Gage 11423800, Bear River Fish Release below Camp Far West Reservoir. Table 1 summarizes the average monthly fish flow releases to the Bear River for 2009, during the 2009 DWB Transfer. As identified above, the Diversion Dam does not typically spill during the irrigation season; however, some unmeasured seepage/leakage does occur. Based on information provided by Brad Arnold, the District's General Manager, and District staff, this quantity of water is assumed to be minimal and will not change as a result of the proposed transfer.

Pursuant to the Settlement Agreement, the District releases 4,400 AF during dry or critical years, as classified by the Sacramento Valley Year Type Index (Index) 40-30-30. Releases are made through the Diversion Dam, which is modified to allow for water to be released at the specified diversion rate needed to fulfill the 4,400 AF release. Table 2 identifies the average monthly flow rate pursuant to the Settlement Agreement during the 2009 DWB Transfer. If the May 1 Index classifies 2010 as a dry or critical water year, Settlement Agreement releases will be coordinated with DWR during July, August, and September.

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Under the proposed transfer, the Diversion Dam would be modified in a similar manner as under the 2009 DWB Transfer to allow for the flow rate of release needed to satisfy up to 10,000 AF of transfer water. Water released pursuant to the proposed transfer would be in addition to the District's required fish flow bypass and any releases required pursuant to the Settlement Agreement.

Other inflows to the Bear River below the Diversion Dam are the result of natural runoff and inflow from non-District operations. These downstream inflows are not the result of operations within the District. Therefore, they will not be affected by the proposed transfer.

According to the Division of Water Rights eWRIMS website, no authorized points of diversion exist along the Bear River from the Diversion Dam to the confluence with the Feather River.

Surface Water Use within the District

As previously indicated, the Reservoir was constructed to reduce the reliance on groundwater within the District's service area. The available surface water supplies are not sufficient to meet all of the demands within the District. The surface water supply is a supplemental source of water for District landowners.

Water originating from the Bear River for delivery to the District's service area is measured at the head of the main canal. The headworks of the main canal consist of a rated radial gate that is used to control, as well as measure, deliveries to the canal. Figure 3 shows the main canal deliveries to District landowners for the 2009 irrigation season.

The major crop within the District is rice, which typically requires approximately 5 to 6 AF per acre of applied water to satisfy consumptive use and cultural practices. Since the construction and subsequent enlargement of the Reservoir, landowners have received between ½ and 2½ AF per acre of supplemental surface water to augment their groundwater pumping and fulfill irrigation needs within the District. The quantity of supplemental surface water delivered to landowners varies depending upon hydrologic conditions and other factors. Based on current projections, the quantity of supplemental surface water available for delivery to District landowners in 2010, assuming the proposed transfer, will be within the historical range.

Tail Water Recovery Facilities and Operations within the District

District Delivery System and Facilities

As identified above, water is diverted at the Diversion Dam and conveyed through the main canal for delivery within the District's service area. The District utilizes a system of constructed canals, a pipeline, and reconstructed stream channels and sloughs as both its delivery and drainage system. Figure 4 is a map of facilities within the District's service area, including

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the main channels used to convey water to District landowners. Control structures located at key locations are operated to minimize spill and maintain water levels in order to facilitate deliveries.

Figure 4 identifies the District's eight outflow sites where spill could occur during the irrigation season. At seven of these eight outflow sites, control structures are in place, which maintain the water levels throughout the irrigation season to facilitate deliveries from the conveyance channels. Yankee Slough, Line 3, Line 3B, West Auburn Extension, East Auburn Extension, Coppin Dam, and King Slough have upstream control structures in place to maintain water levels and minimize outflow during the irrigation season.

According to Mr. Arnold, outflow from the District is minimal; and generally only occurs just prior to rice harvest, when farmers drain their rice fields. Mr. Arnold identified Coppin Dam and King Slough (sites 6 and 7 on Figure 4) as the two locations where outflow does occur. As identified on Figure 4, Coppin Dam is located at the confluence of the Auburn Ravine and the East Side Canal. Spill at the Coppin Dam can be partially attributed to operations within the District, and partially to unexpected inflow from Auburn Ravine which originates upstream of the District. According to District staff, outflow from the other conveyance channel control structures in place and at Pleasant Grove Creek, which does not have a control structure in place, is minimal. The tailwater from the majority of the District operations would flow into the East Side Canal, and thence, into the Natomas Cross Canal. Although the control structures at the outflow sites could be utilized for measurement of District outflow, due to budgetary constraints, and observations by District staff confirming that outflow is minimal during irrigation season, outflow measurement has not been conducted.

As identified above, the control structures at the outflow sites are operated to maintain water levels to facilitate deliveries to District landowners. The outflow structures will be operated to maintain the same water levels with or without the proposed transfer. Therefore, there will be little or no change in District outflow as a result of the proposed transfer.

Third Party Impact Consideration

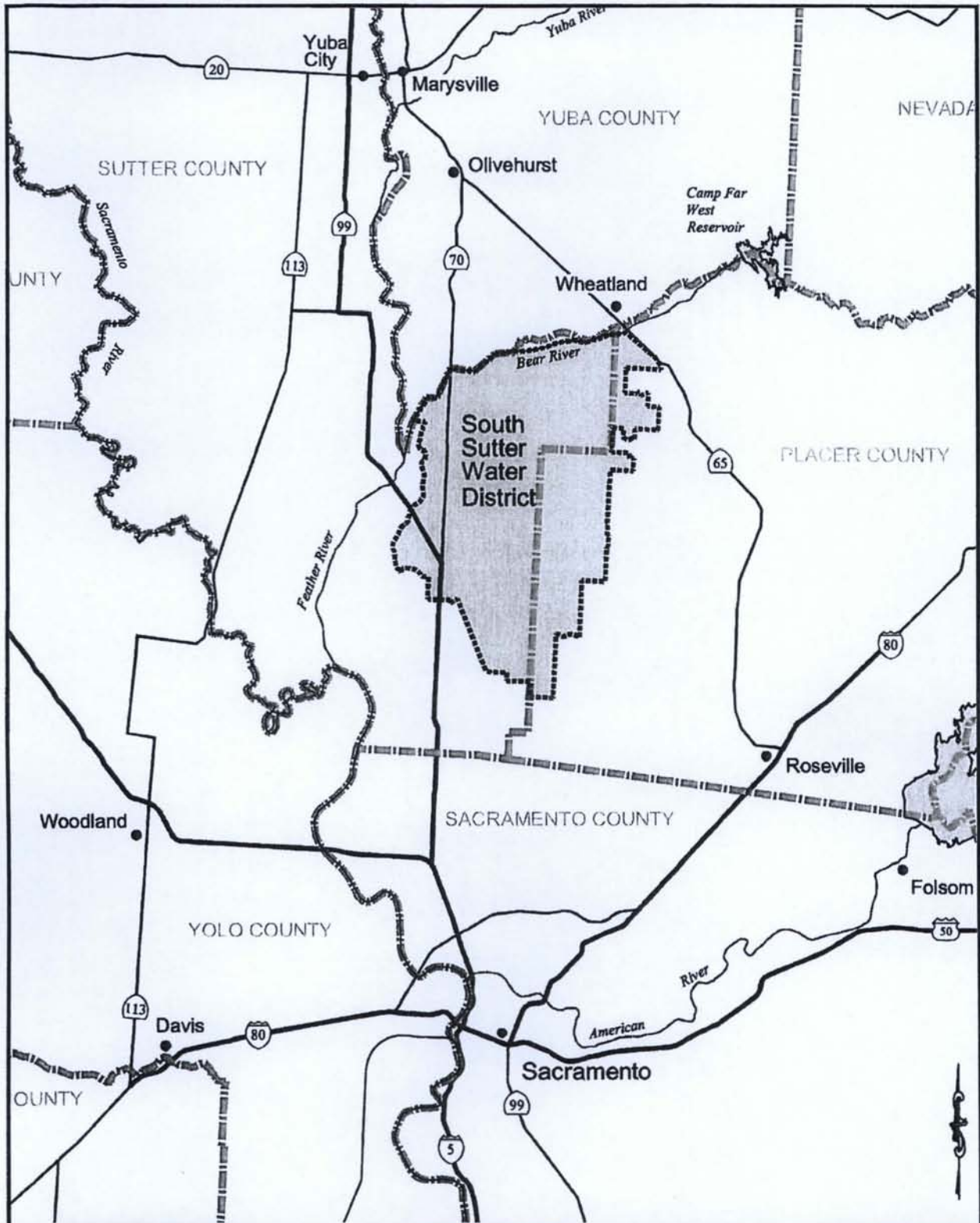
The cropping pattern within the District, delivery operations, and outflow operations will not change as a result of the proposed transfer. Therefore, the release and transfer of up to 10,000 acre-feet of surface water proposed by the District will have little to no impact on other parties within or downstream of the District.

Environmental Documentation

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from CEQA. The District intends to file a Notice of Exemption (NOE) pursuant to CEQA for the proposed temporary transfer. In February 2010, the U.S. Bureau of Reclamation prepared an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for water transfers during 2010 and 2011. This EA and FONSI can be found at http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=4699. Although the EA and

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FONSI do not attempt to address the District's proposed transfer directly, Section 3.18 covers Cumulative Effects, including a water transfer of up to 10,000 AF from the District.



MBK ENGINEERS
 2450 Alhambra Boulevard, 2nd Floor
 Sacramento, California 95817
 Phone: (916) 456-4400 • Fax: (916) 456-0253

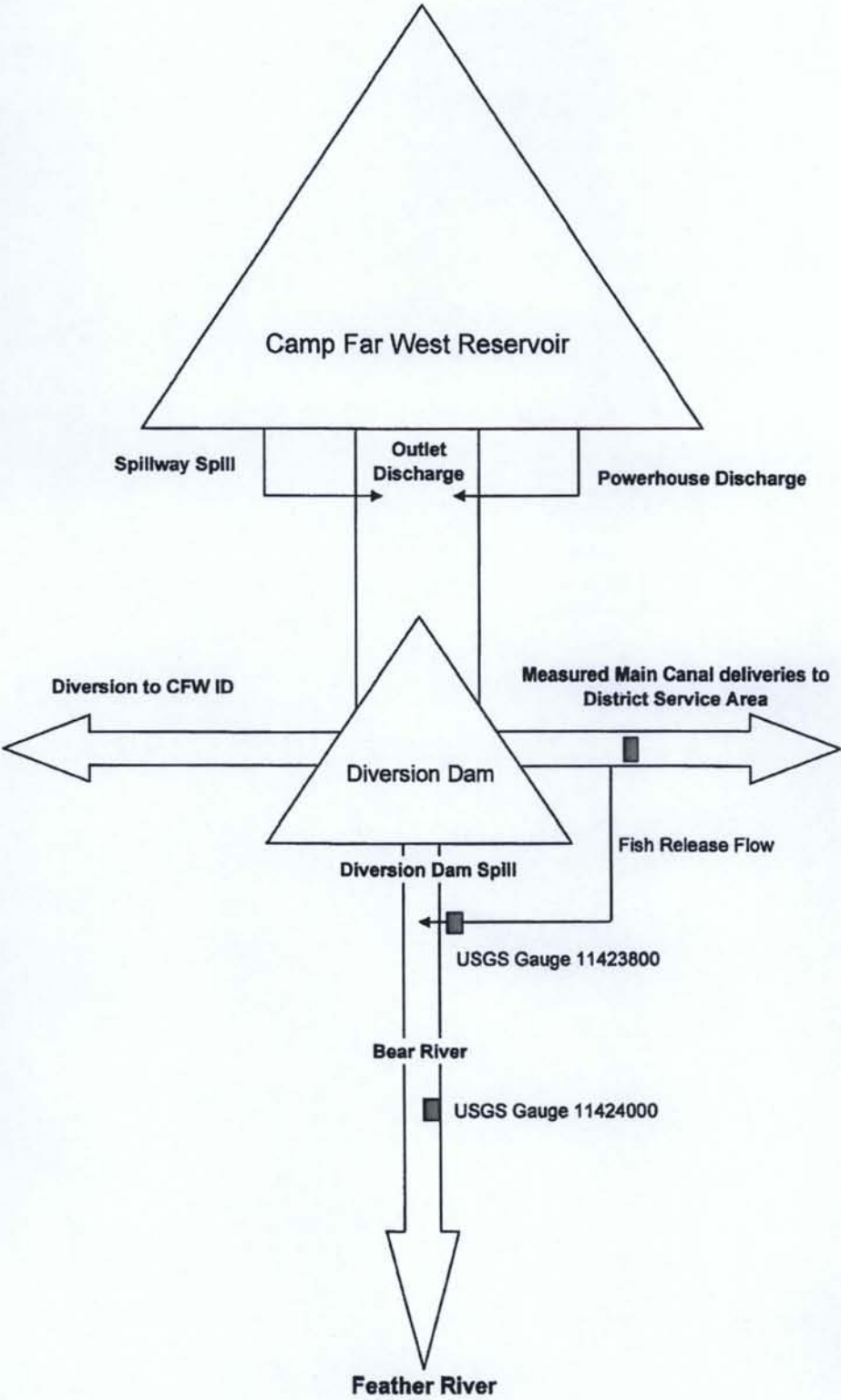
South Sutter Water District

Attachment to the Environmental Information Form

SCALE:	MTS
JOB NUMBER:	8024
DRAWN BY:	YB
DATE:	April 2009
Use Length On Original Drawing Unless Otherwise Indicated. Adjust Scale Accordingly.	

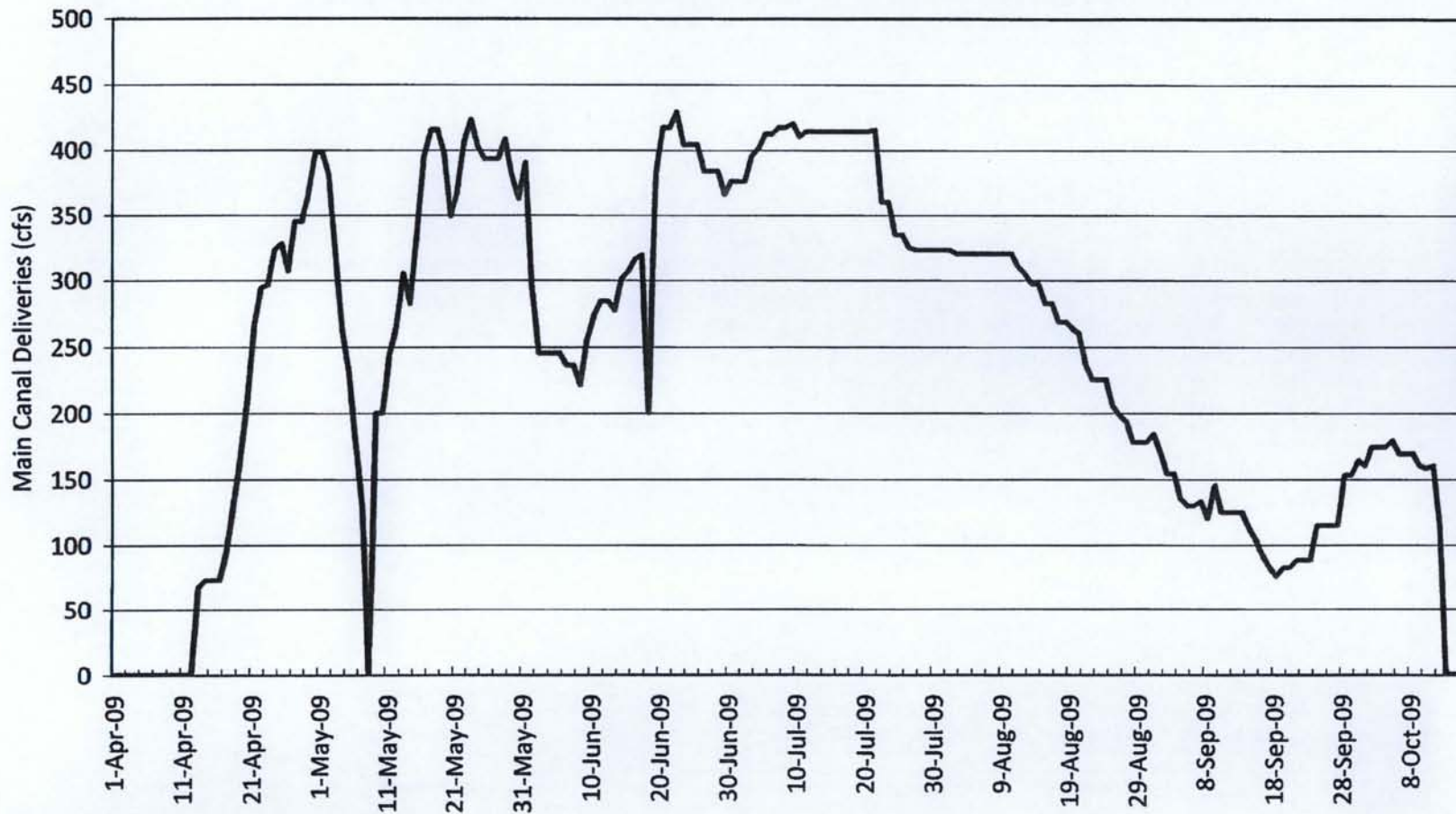
Figure 1

Figure 2



South Sutter Water District
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Figure 3
South Sutter Water District
2009 Main Canal Deliveries



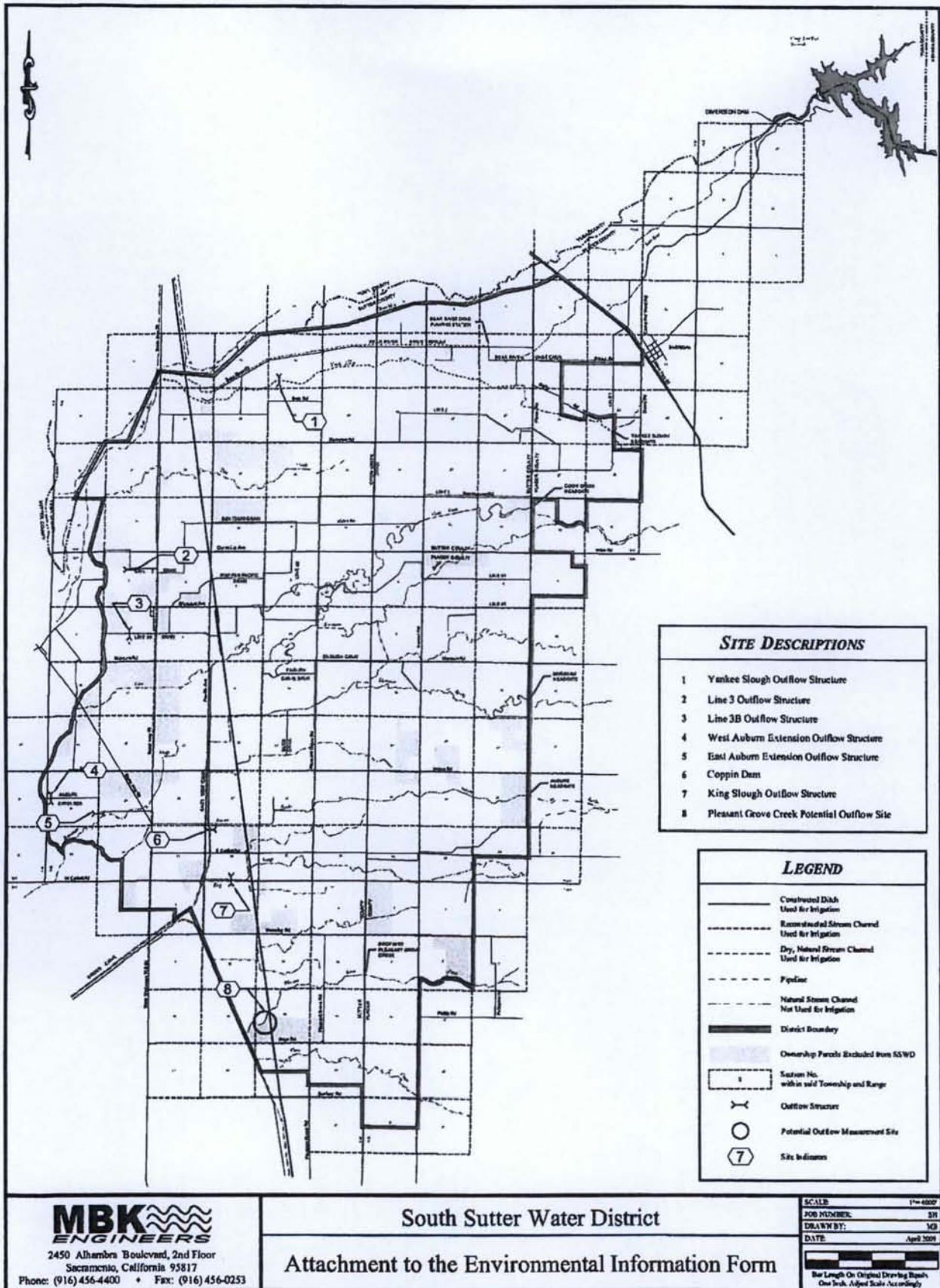


Figure 4

South Sutter Water District
Attachment to Environmental Information Form

Table 1

Average Monthly Flow Rate at the Fish Flow
Release Structure

Month	Fish Flow Release ^{1/} cfs
Jul-09	11.4
Aug-09	11.1
Sep-09	10.9

Table 2

Average Monthly Flow Rate at the Bay-Delta
Settlement Agreement Weirs

Month	Average Monthly Flow Rate cfs
Jul-09	34.6
Aug-09	37.0
Sep-09	0.33

Note:

^{1/} USGS website has not been updated to reflect releases during 2009 at USGS Gage 11423800; and therefore, the values identified above are preliminary and based on daily readings made by District staff.