

State of California

California Natural Resources Agency

Memorandum

Date: **MAY 01 2013**

BOARD OF SUPERVISORS

To: Ms. Barbara Evoy, Chief
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, California 95812-2000

2013 MAY -3 A 10: 26

From: Robert B. Cooke, Chief *RBC*
State Water Project Analysis Office
Department of Water Resources

Subject: 2013 Petition for Temporary Change to Modify the State Water Project and Central Valley Project Authorized Places of Use

Enclosed is the Department of Water Resources (DWR) and the United States Bureau of Reclamation's (Reclamation) Petition for Temporary Transfer to facilitate exchanges of State Water Project (SWP) and Central Valley Project (CVP) water south of the Delta. The petition requests the Board temporarily modify the authorized Place of Use of the listed Reclamation permits to include the SWP authorized place of use downstream of the Harvey O. Banks Pumping Plant, and the DWR permit to include the CVP authorized places of use downstream of the Jones Pumping Plant.

The changes will allow DWR and Reclamation to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of Banks and Jones. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the water supply reductions imposed on SWP and CVP contractors in 2013.

Also included are (1) a check for the \$60,200.00 fee to the State Water Resources Control Board, and (2) a check for \$850 to the Department of Fish and Wildlife. If you or your staff wish to discuss this petition further, please contact me at (916) 653-4313 or Nancy Quan of my staff at (916) 653-0190 or you may contact Richard Woodley, Mid Pacific Region, Bureau of Reclamation at (916) 978-5201.

Attachments

cc: (See attached list.)

ATTACHMENTS AVAILABLE
FROM CLERK

Please indicate County where your project is located here:

See Supplement

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion Wat. Code, § 1701
 Point of Rediversion Wat. Code, § 1701
 Place of Use Wat. Code, § 1701
 Purpose of Use Wat. Code, § 1701
 Temporary Urgency Wat. Code, § 1435
 Temporary Change Wat. Code, § 1725
 Long-term Transfer Wat. Code, §§ 382, 1735
 Instream Flow Dedication Wat. Code, § 1707

Application Permit License Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:
Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:
Proposed:

Purpose of Use

Present:
Proposed:

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:
Downstream Location:

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

Amount of Water to be Transferred

upto 114,000 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is cubic feet per second or million gallons per day.

General Information – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer? Yes No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

N/A

All Water Right Holders Must Sign Below: I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated at


Water Right Holder or Authorized Agent Signature


Water Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) applicable fees, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/

SUPPLEMENT

BOARD OF SUPERVISORS

2013 MAY -3 A 10: 26

California Department of Water Resources

Application Number 14443, Permit 16479

U.S. Bureau of Reclamation Permits for the Central Valley Project

Application Numbers: 23, 234, 1465, 5626, 5628, 5638, 9363, 9364, 9366, 9367, 9368, 13370, 13371, 15374, 15375, 15376, 15764, 16767, 16768, 17374, 17376, 22316

License Number 1986 and Permit Numbers: 11885, 11886, 12721, 11967, 11887, 12722, 12723, 12725, 12726, 12727, 11315, 11316, 11968, 11969, 11970, 12860, 11971, 11972, 11973, 12364

Requested Change

The Department of Water Resources (DWR) and the United States Bureau of Reclamation (Reclamation) request that the State Water Resources Control Board (SWRCB) modify the permits listed in this petition to temporarily change the authorized place of use of (1) the above Reclamation permits to include the State Water Project (SWP) authorized place of use downstream of Harvey O. Banks Pumping Plant (Banks) as shown on the maps on file with the SWRCB, and (2) the above DWR permit to include the Central Valley Project (CVP) authorized place of use downstream of Jones Pumping Plant (Jones) as shown on the maps on file with the SWRCB and as shown on the attached maps. DWR and Reclamation request that the above changes remain in effect for one year from the date of any order approving this petition. The changes will allow DWR and Reclamation to more effectively and efficiently utilize the operational flexibility of the combined SWP and CVP facilities and water supply south of the Banks and Jones. The operation flexibility will, in turn, help minimize the impacts to water users south of the Delta caused by the significant reductions in Project water supply in 2013. The changes will facilitate the exchanges noted in this petition which are intended to maximize the beneficial use of available supplies within areas experiencing reductions in their SWP and CVP supplies. All other provisions of the above permits protecting other legal users of water and the environment will remain in effect as will all other regulatory restrictions governing SWP and CVP operations.

Reason for the Requested Changes

Water supply conditions are currently classified as "Dry" for the Sacramento River basin and "Critical" for the San Joaquin River basin. The dry conditions in 2013 to date have resulted in allocations of 35 percent of contract Table A amounts to the SWP contractors and only 20 percent of contract amounts to CVP agricultural contractors south of Jones.

In addition to annual hydrology, the ability of DWR and Reclamation to deliver Project water south of the Delta is affected by current operational restrictions affecting the ability to divert water from the Delta, including those contained in SWRCB Decision 1641 and the current biological opinions issued for the protection of Delta smelt and anadromous fishes and marine mammal species. Operational limitations severely restrict Project exports through June, impacting the ability of the Projects to capture excess spring flows and move water from upstream storage to contractors south of the Delta.

DWR and Reclamation believe that the requested change is necessary to allow the SWP and CVP to help alleviate impacts of the water shortages to users within the SWP and CVP service areas downstream of the Delta pumping facilities, and to facilitate the most efficient use of water that is already in storage. Due to the combination of the increased regulatory restrictions on exports, and future uncertainty, water transfers and exchanges are more important than ever. The change will not result in the diversion of additional water from the Delta or the delivery of more water to any individual water supplier or user than has been delivered historically. Instead, the requested change will provide the operational flexibility the Projects need to get available supplies where they are needed most and in the most efficient manner possible.

Proposed Projects Requiring Change in Authorized Place of Use

All exchanges covered by this petition will occur south of the Delta and total amount of water transferred will not exceed 194,000 acre-feet. The following exchanges are proposed by SWP and CVP contractors south of the Delta to alleviate anticipated water supply shortages. In all cases the water supply of the receiving agency will not exceed historic deliveries.

CVP-SWP Exchange under a Consolidated Place of Use Petition to Facilitate Conveyance of Water to Santa Clara Valley Water District

Santa Clara Valley Water District (SCVWD) contracts for a water supply from both the SWP and CVP. The SWP water is delivered through the South Bay Aqueduct (SBA) and the CVP water is delivered from San Luis Reservoir through the San Felipe Division. In 2013, there are several operational and maintenance issues that may require the delivery of the SCVWD's CVP or SWP supplies through an exchange. Up to 40,000 AF of the SCVWD's CVP and/or SWP supplies may be subject to these alternative conveyance approaches. The need for this flexibility is described in more detail below:

- Based on projected operating conditions, total storage in San Luis Reservoir may drop to levels that result in operational and/or water quality problems. When this occurs, SCVWD's pumping capacity through the San Felipe Division can be limited, potentially impacting the ability to meet district demands. In addition, low water levels can result in reduced water quality causing water treatment problems which could result in severe reductions in the quantity of CVP supplies conveyed through the San Felipe Division, as well as increased water treatment costs. Another issue is the aging infrastructure on the San Felipe Division, which could result in both planned and unplanned facility shutdowns for maintenance and repair. Inspections of various reaches of the San Felipe Division, currently scheduled for fall 2013, will limit the SCVWD's ability to receive water through the San Felipe Division. Both San Luis Reservoir water level issues and potential infrastructure repairs may require delivery of SCVWD's CVP water through an exchange with the SWP. Reclamation and DWR are therefore requesting approval to exchange CVP and SWP water to allow SCVWD's CVP water to be pumped at Jones Pumping Plant and delivered to DWR at O'Neill Forebay for use within the SWP service area south of O'Neill, and in exchange, an equal amount of SWP water would be pumped at Banks Pumping Plant and delivered to SCVWD through the SBA. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.
- Planned and unplanned shutdowns on the SBA as well as within SCVWD's service area may prevent deliveries of SWP water through the SBA. Critical maintenance on the SBA is scheduled to take place in November 2013, and the SCVWD's aging infrastructure may require unplanned shutdowns that limit the ability to receive SWP water through the SBA. A shutdown and relocation of one of SCVWD's critical pipelines necessary to deliver water from the SBA to two treatment plants is scheduled this year, limiting the SCVWD's ability to receive water through the SBA. Reclamation and DWR are requesting an exchange of CVP and SWP water to allow the delivery of SCVWD's SWP through an exchange with the CVP. SWP water would be pumped at Banks Pumping Plant and delivered to the CVP at O'Neill Forebay for use within the CVP service area south of O'Neill. In exchange, an equal amount of CVP water would be pumped at Jones Pumping Plant and delivered to SCVWD through the San Felipe Division. The proposed exchange would not increase the total amount of CVP or SWP water allocated to SCVWD by DWR or Reclamation.

The added flexibility provided by the proposed exchanges will allow SCVWD to manage operational and maintenance uncertainties on both the San Felipe Division and the SBA. Approval of the petition will allow the continued delivery of water to SCVWD and

provide operational flexibility, thus minimizing negative impacts to the economy of the SCVWD service area, water levels within the region's groundwater basin, and local environmental resources.

Oak Flat Water District/Del Puerto Water District Exchange

Oak Flat Water District (OFWD), a SWP contractor, and Del Puerto Water District (DPWD), a CVP contractor, are adjacent districts located north of San Luis Reservoir in San Joaquin, Stanislaus and Merced Counties. The districts share common landowners. Landowners with water supply allocations from both projects have requested the ability to optimize the application of available supplies on their combined properties. The proposed exchange would allow the delivery of up to 1,000 af of the landowners' allocated CVP supplies through SWP turnouts on the California Aqueduct to lands within DPWD, delivery of a portion of their allocated CVP supply to lands within OFWD and delivery of a portion of their allocated SWP supplies through CVP turnouts on the Delta Mendota Canal to lands within DPWD. The proposed exchanges would result in no increase in total SWP or CVP allocations to either district.

Kern County Water Agency-Kern Tulare Water District Exchange

Kern County Water Agency (KCWA) is a SWP contractor with numerous member units within Kern County. Kern Tulare Water District (KTWD) is a CVP contractor located in Kern County with a contract for water through the Cross Valley Canal (CVC). Due to limited capacity at Jones Pumping Plant, conveyance of CVP-CVC water through SWP facilities is often required to affect deliveries to the CVC contractors. DWR and Reclamation have an agreement to pump CVC water at Banks Pumping Plant for delivery to the CVC when capacity is available. As a result of projected hydrologic conditions and anticipated operational restrictions, it is possible there will be no capacity to move CVC water through Jones or Banks until fall 2013. In order to assist KTWD in meeting peak irrigation demands this summer, KCWA will deliver up to 16,000 acre-feet of SWP water to KTWD through the summer months. In exchange, KTWD will deliver an equivalent amount of CVP-CVC water to KCWA in the fall for delivery to KCWA member units. KTWD is within the SWP place of use, however several of the KCWA member units to receive the fall CVP water are outside the CVP place of use. The exchange will not result in an increase in allocations to either district.

Castaic Lake Water Agency-San Luis Water District

Castaic Lake Water Agency (CLWA), a SWP contractor, entered into a long-term water banking and exchange program with Rosedale-Rio Bravo Water Storage District (RRBWSD) to store up to 100,000 acre-feet of its SWP contract supply in the RRBWSD Water Banking and Recovery Program. CLWA also entered into a long-term agreement with Buena Vista Water Storage District (BVWSD) for the purchase of up to 11,000

acre-feet per year of Kern River water appropriated under BVWSD's pre-1914 water rights to high flows on the Kern River. The high flow Kern River water is diverted and placed in groundwater storage for later extraction. The pre-1914 water purchased by CLWA is stored in its share of the RRBWSD banking and storage program. CLWA is proposing to transfer up to 11,000 acre-feet of its purchased pre-1914 water to San Luis Water District. The transfer would be accomplished by exchange. CLWA will provide up to 11,000 acre-feet of its 2013 SWP supply to SLWD. CLWA will retain up to 11,000 acre-feet of pre-1914 water in its portion of the RRBWSD program.

Arvin-Edison WSD/Metropolitan Water District Program

Groundwater Banking:

Metropolitan Water District of Southern California (MWDSC) stores a portion of its SWP supply in the Arvin-Edison Water Storage District (AEWSD, a CVP contractor) groundwater banking facilities depending on annual allocations. If requested, AEWSD is obligated to return previously banked SWP water to MWDSC. In the absence of this proposed exchange, previously banked SWP water can only be recovered from AEWSD banking facilities through groundwater extraction. The expansion of the CVP place of use will allow AEWSD the option and flexibility to return MWDSC's banked water through an exchange of its available CVP Delta/San Luis Reservoir, or Friant surface supplies (CVP water supplies). The exchange will allow AEWSD greater flexibility in the scheduling and use of its CVP supplies as well as a reduction in energy and costs associated with the groundwater extraction. The ability for AEWSD to return surface water through exchange would enhance the water quantity, water quality, and timing of water returned to MWDSC. CVP water supplied to MWDSC by AEWSD in lieu of extraction to recover previously stored SWP water will result in a balanced exchange or bucket-for-bucket (one-for-one) reduction of MWDSC's groundwater banking account with AEWSD. The exchange will occur only to the extent MWDSC has a positive bank account. Upon return of water to MWDSC, MWDSC's previously banked SWP water would transfer to AEWSD.

Regulation Program:

Additionally, the requested change in CPOU would allow AEWSD to deliver CVP water supplies to MWDSC first and receive back SWP water supplies in exchange at a later time. This program better facilitates the use of AEWSD CVP water supplies that have a limited opportunity for use under current CVP operations. AEWSD is interested in taking advantage of MWDSC's ability to take delivery of and use or store AEWSD's CVP water supplies and return SWP water supplies to AEWSD at a future time in order to enhance AEWSD's ability to match supply to grower demands. The ability to regulate

water in this manner reduces the need to directly recharge and subsequently extract supplemental groundwater. This exchange mechanism would also be on a balanced exchange or bucket-for-bucket (one-for-one) basis.

Fall/Winter Supplies Exchange:

In the event that hydrologic conditions become wetter than expected later in the year (2013 fall or 2013/2014 winter), and AEWSD believes that there may be limited ability to carry over 2013 CVP water supplies in CVP reservoirs, AEWSD CVP water supplies would be delivered to MWDSC to reduce risk of spill and subsequent potential loss of water supplies. The CVP water will be delivered to MWDSC by exchange in San Luis Reservoir or directly into the California Aqueduct via the Friant Kern Canal and AEWSD facilities. MWD is willing to provide water management services to assist in regulating the available contract supplies.

MWDSC would receive AEWSD water prior to spill and at a later time, return a lesser amount (return 2 acre-feet for every 3 acre-feet regulated) to AEWSD. The unbalanced nature of the exchange reflects the compensation to MWDSC for their water management services, which would protect a portion of the water from spilling. In the absence of the exchange with MWDSC, AEWSD would attempt to avoid spilling the water by delivering the available CVP contract supplies to groundwater banking programs within the AEWSD service area or other areas that are within the CVP place of use.

The benefits of the above proposed exchanges provide, among other things, offsets to the impacts to AEWSD of the San Joaquin River Restoration Program by increasing AEWSD's ability to efficiently use water supplies and by increasing the opportunities to complete the return of SJRRP releases to AEWSD. In addition, the exchange could result in a reduction in energy and costs associated with groundwater recharge and extraction.

The proposed exchanges would be up to a total of 100,000 acre-feet of CVP water supplies for all three programs described above.

CVP Delta supplies will be provided as stated above.

Friant Division CVP water will be provided directly via delivery from the Friant-Kern Canal and AEWSD's distribution system, including its connections to the California Aqueduct at Milepost 227 (Reach 14C) or via its capacity in the Cross Valley Canal to the California Aqueduct at Tupman/Milepost 238 (Reach 12E).

Kern County Water Agency to Westlands

KCWA proposes to deliver up to 10,000 acre-feet of its 2013 SWP allocation to land within Westlands Water District (WWD) to facilitate the delivery of previously stored CVP water in the Semitropic Water Storage District (SWSD) groundwater banking program. Two landowners, Paramount Farming Company (PFC) and Poso Creek Water Company (PCWC), have agricultural operations in both KCWA and WWD and have both a SWP and CVP contract supply. PFC and PCWC have banked CVP water in the SWSD program. PFC and PCWC plan to recover up to 10,000 acre-feet of their previously stored CVP. Delivery of the CVP water currently stored in SWSD will be accomplished through exchange. KCWA will deliver up to 10,000 acre-feet of SWP water to WWD turnouts on the joint use facilities. An equivalent amount of PFC and PCWC water stored in SWSD will be transferred to KCWA.

Kern County Water Agency to Westlands – Kern River Water

KCWA proposes to delivery up to 16,000 AF of its 2013 SWP allocation to WWD to facilitate the delivery of Kern River water rights water purchased by WWD. Up to 7,600 acre-feet of Nickel Kern River water rights water previously stored in SWSD along with up to 8,400 acre-feet of 2013 Kern River water will be assigned to KCWA. The exchange will be a one for one exchange. The KCWA SWP Table A water will be delivered to WWD's turnouts in Reaches 4-7 of the joint-use San Luis Canal.

General Information

The Amount of Water to be Transferred/Exchanged Would Have Been Consumptively Used or Stored in the Absence of the Transfer

With SWP allocations at 35 percent and CVP allocations to south of Delta Ag contractors at 20 percent, available supplies remain below contractor demands. Even with the supplemental supplies provided by the proposed exchanges, some contractors will have unmet demands. Recent restrictions on pumping from the Delta substantially limit SWP and CVP exports in all years and can result in severe shortages in dry years. The projects proposed under this petition involve water that would have been consumptively used or stored in the absence of the exchanges. The transfers and exchanges will allow agencies experiencing significant water supply restrictions to efficiently recover previously stored water, or limit operational issues related to delivery of allocated CVP and SWP contract supplies.

Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions or Use, Return Flows, or Effects on Legal Users

The change requested by DWR and Reclamation will not result in any measurable changes to streamflow, water quality, timing of diversion or use, or return flows. There will be no impact to other legal users of water. The water to be transferred or exchanged is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions.

The timing of diversions from the Delta will not change, however the timing of deliveries south of the Delta diversion facilities to specific SWP or CVP contractors will change. In the case of the OFWD/DPWD and KCWA/WWD exchanges, there may be minor changes in the total quantity delivered to either district, but the aggregate quantity delivered to both districts will not change. In the case of the CLWA/SLWD transfer, additional water will be delivered to SLWD; however total deliveries will not exceed historic average deliveries. The delivery rates from San Luis Reservoir may be slightly different. The scheduling of the deliveries will be coordinated between DWR and Reclamation so as not to adversely impact any SWP or CVP contractor deliveries. Adequate capacity in the California Aqueduct and in the Delta Mendota Canal is available, and will not be adversely impacted as a result of the exchanges.

The exchanges will not result in a measurable change in quantity or quality of return flows. There will be no increase in either SWP or CVP allocations as a result of the proposed exchanges. There could be some shift in the timing of deliveries of SWP and CVP allocated supplies. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. Exchanges similar to those proposed above were conducted in 2009, 2010, and 2012 consistent with the provisions of WR 2009-0033, WR 2010-0032-DWR and the July 6, 2012 SWRCB order approving DWR and Reclamations' Petition for Change to consolidate the authorized places of use of the SWP and CVP. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers.

There will be no impact to other legal users of water. The water is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions. The quantity of water diverted from the Delta will not change as a result of the proposed exchanges. The terms and conditions contained in D1641 protect other in-basin diverters from any potential impacts of Project diversions of natural flow. DWR and Reclamation will continue to operate in conformance with D1641 and all other applicable regulatory restrictions governing SWP and CVP operations. There are no other legal users downstream of the points of diversion that would be affected by the exchanges.

The Transfer Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment

The change requested by DWR and Reclamation will not result in unreasonable impacts to fish and wildlife or the environment. All the water to be exchanged is water that would have been consumptively used or stored in the absence of the exchanges. The total quantity of water diverted will not change. The water is diverted out of the watershed from which it originates in conformance with the provisions of the respective DWR and Reclamation water rights permits governing those diversions. There will be no change in the amount of SWP or CVP water diverted at the Banks or Jones Pumping Plants. Therefore, there will be no change in flow or water quality conditions in the Delta. The transfers and exchanges are conducted south of the Delta and will not affect pumping from the Delta. All water exported at the SWP and CVP pumping plants is pumped consistent with the criteria contained in D1641 and all other applicable regulatory restrictions governing SWP and CVP operations.

The exchanges will not result in a measurable change in quantity or quality of return flows. There will be no increase in either SWP or CVP allocations as a result of the proposed exchanges. There could be some shift in the timing of deliveries of SWP and CVP allocated supplies.

Exchanges similar to those proposed above have been implemented in previous years by both DWR and Reclamation. No measureable affects on other legal users of water, fish and wildlife or the environment were noted from those transfers. For the above reasons, DWR and Reclamation believe the facts support a finding that approval of this Petition would not result in injury to other legal water users or unreasonable impacts to the environment.