



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

CORRESPONDENCE NO. 6

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Division of Water Rights

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Arnold Schwarzenegger
Governor

**NOTICE OF PETITION FOR TEMPORARY URGENCY CHANGE
INVOLVING THE TRANSFER OF 4,000 ACRE-FEET OF WATER
TO AREAS WITHIN THE WESTLANDS WATER DISTRICT
UNDER CALIFORNIA DEPARTMENT OF WATER RESOURCES'
PERMIT 16482 (APPLICATION 17512)**

Notice is hereby given that on June 19, 2008

Department of Water Resources
c/o Nancy Quan, Chief
Program Development and Water Supply and Transfers
P.O. Box 942836
Sacramento, CA 94236-0001

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BOARD OF SUPERVISORS

filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) a Petition for Temporary Urgency Change pursuant to Water Code Section 1435, et seq. Pursuant to the petition, the Department of Water Resources (DWR) proposed to temporarily add portions of the Westlands Water District (WWD or District), the majority of which is served solely by the U.S. Bureau of Reclamation's Central Valley Project (CVP), to the authorized place of use under DWR Permit 16482 (Application 17512). Temporary urgency changes filed pursuant to Water Code section 1435 may be effective for a period of up to 180 days.

STATE WATER BOARD ACTION

Pursuant to Water Code section 1438, subdivision (a), the State Water Board may approve a petition for temporary urgency change prior to issuing public notice of the change. The State Water Board has reviewed the petition and other information contained in its files. Based on the information currently available, on July 3, 2008, the State Water Board issued Order WR 2008-0031-DWR conditionally approving the proposed temporary urgency change in the place of use under Permit 16482. Electronic copies of this notice, Order WR 2008-0031-DWR, and the petition are available on the Division of Water Rights' website at: www.waterrights.ca.gov.

CURRENT DRY CONDITIONS

On June 12, 2008, after assessing the full impact that the severe water shortages have had on San Joaquin Valley agriculture, Governor Schwarzenegger issued a Proclamation, proclaiming a state of emergency within the counties of Sacramento, San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and Kern.

The water proposed for transfer pursuant to this temporary urgency change will be used on land within Newton Farms and Hansen Ranches/Vista Verde Farms for irrigation of



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permanent crops. These lands are located within Fresno County. A shortage of CVP supply in WWD threatens the health of those permanent crops.

PENDING PETITION FOR TEMPORARY CHANGE

On May 8, 2008, DWR submitted to the State Water Board a petition for temporary change requesting the transfer of up to 7,000 af of SWP water from the Tulare Lake Basin Water Storage District (Tulare) service area to land within WWD in accordance with Water Code Section 1725, et seq. The comment period for the public notice of that petition expired on July 18, 2008. The 4,000 af requested under this petition is included in the quantity requested by DWR in its May 8, 2008 petition. The above-noted reduction in CVP water supplies has created an urgent need for supplemental water in advance of the date at which water might be available under DWR's May 8, 2008 petition.

DESCRIPTION OF THE PROPOSED TEMPORARY URGENCY CHANGE

SWP water is stored in San Luis Reservoir under the provision of Permit 16482 (Application 17512) and held for use in the service areas of SWP contractors including Tulare. Newton Farms and Hansen Ranches/Vista Verde Farms are farming interests that hold lands in both Tulare and WWD. These parties have requested that up to 4,000 af of SWP water currently scheduled for use on their lands within Tulare's service area be transferred for immediate use on their lands located within WWD. The petitioner indicated that no additional groundwater will be pumped within Tulare as a result of this transfer. Since the petitioner has already filed a petition for temporary change to achieve this transfer, the proposed temporary urgency change would be effective for a period of 180 days from the date of Order WR 2008-0031-DWR, or when the State Water Board has made a determination regarding the previous petition for temporary change.

PLACE OF USE UNDER THE PROPOSED TRANSFER

DWR's petition requests the temporary addition of areas within WWD to the place of use of Permit 16482. These areas are located within Township 17S, Range 15E and Township 20S, Range 18E, MDB&M, and are shown on a map prepared by DWR available for viewing with the copy of the notice for DWR's May 8, 2008 petition posted on the Division of Water Rights' website at [www.waterrights.ca.gov/Water Transfers Program](http://www.waterrights.ca.gov/Water%20Transfers).

DWR'S WATER RIGHT

Permit 16482 was issued to DWR on September 26, 1972, and it authorizes DWR to divert to storage up to 1,100,000 af of water between January 1 and December 31 of

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each year. Authorized sources under Permit 16482 are the Sacramento-San Joaquin Delta Channels, Italian Slough, and San Luis Creek. The water may be used for irrigation, domestic, municipal, industrial, salinity control, recreation, fish and wildlife enhancement, and to generate incidental power. The subject 4,000 af of SWP water is either stored in San Luis Reservoir or will be stored under provisions of DWR's permits (set forth in State Water Resources Control Board Revised Decision 1641) and Biological Opinions issued by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under the Endangered Species Act. Thus, the transfer of up to 4,000 af to WWD should have no effect on any natural streamflow or hydrologic regime. Release rates from San Luis Reservoir may increase due to the proposed transfer.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Chapter 6.6 of Part 2, Division 2, of the Water Code, commencing at section 1435, provides that any permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use from that specified in the permit or license may petition for a conditional temporary change order. Prior to approving a temporary change order pursuant to Chapter 6.6, the State Water Board must make the following findings specified in Water Code section 1435(b):

1. The petitioner has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife or other instream beneficial uses.
4. The proposed change is in the public interest, including findings to support change order conditions imposed to ensure that the change is in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

The State Water Board has retained jurisdiction to modify Order WR 2008-0031-DWR. Any person may file an objection to the changes authorized in Order WR 2008-0031-DWR, however, the comments should address the issues that the State Water Board must evaluate, as set forth above. Although the State Water Board has approved the temporary changes in place of use based on the information currently available, the State Water Board may in its discretion modify or revoke this approval at any time.

Objections filed in response to this notice shall be mailed to both parties at the addresses listed below. Since this change is in effect only until the State Water Board makes a determination regarding DWR's pending petition for temporary change, objectors requesting modification or revocation of Order WR 2008-0031-DWR should

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file their objections as soon as possible. The State Water Board will consider objections regarding this petition as soon as possible after their receipt; however, all objections must be filed by 3:00 pm on August 22, 2008 for the State Water Board to consider them. The State Water Board anticipates that an Order addressing a petition for Temporary Change under Water Code Section 1725 et seq. will be issued by August 22, 2008, thereby superceding Order WR 2008-0031-DWR. Interested parties are encouraged to file objections by FAX and to notify the following contact persons by telephone of any objections that will be submitted. However, an original copy of all objections must be received by the State Water Board to be considered.

Division of Water Rights
c/o Greg Wilson
P.O. Box 2000
Sacramento, CA 95812-2000
FAX: (916) 341-5400

State Department of Water Resources
c/o Nancy Quan
P.O. Box 942836
Sacramento, CA 94236-0001
FAX: (916) 653-9628

Please address questions about this notice to Greg Wilson at (916) 341-5427. Questions regarding the petitioner or transferee should be addressed as follows:

DWR-SWP (petitioner):

Nancy Quan (916) 653-0190
FAX: (916) 653-9628

WWD (transferee):

Thomas Birmingham (559) 241-6241
FAX: (559) 241-6277

Original signed by

Leslie F. Grober, Manager
Hearings and Special Programs Section

Dated: August 6, 2008