

State Water Resources Control Board

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 6,500 ACRE-FEET OF WATER FROM GARDEN HIGHWAY MUTUAL WATER COMPANY TO VARIOUS STATE WATER PROJECT CONTRACTORS

Notice is hereby given that on March 24, 2021, Garden Highway Mutual Water Company (Garden Highway or petitioner), represented by MBK Engineers, filed with the State Water Resources Control Board (State Water Board) a Petition for Temporary Change under Water Code section 1725, et seq. The petition requests the transfer of up to 6,500 acre-feet (af) of water for use within various State Water Project (SWP) Contractor’s service areas. Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

DESCRIPTION OF THE TRANSFER

Garden Highway proposes to transfer water to provide an additional water supply for participating agencies. The total amount of water intended for transfer pursuant to this petition is up to 6,500 af. Garden Highway holds a water right license authorizing the direct diversion of up to 39 cubic feet per second (cfs) of water from the Feather River for irrigation use. Table 1. List of Petitioner, Water Right, and Details of Proposed Transfer below identifies the specific water right license under which the petition was filed, the amount of water proposed for transfer, the corresponding rate of diversion, and the transfer type.

In order to make water available for transfer, the petitioner has proposed to reduce its consumptive use (CU) of surface water by a like amount. This reduction will be achieved by increasing groundwater pumping to make surface water available for transfer (groundwater substitution, or GW).

The petitioner proposes to rely on SWP facilities to convey water. The petitioner has stated that the proposed transfer will be in accordance with the guidelines contained in the Department of Water Resource’s “Draft Technical Information for Preparing Water Transfer Proposals”, published December 2019 and available at: [Department of Water Resources Water Transfers website](#).

Table 1. List of Petitioner, Water Right, and Details of Proposed Transfer

Petitioner	Application No.	License No.	Transfer Amount (af)	Transfer Rate (cfs)	Transfer Type
Garden Highway	1699	2033	6,500	39	GW

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

PROPOSED CHANGES

Garden Highway requests the following temporary changes to its respective water right license.

1. Add portions of the SWP service area to the place of use;
2. Add the Banks Pumping Plant and the Barker Slough Pumping Plant as points of diversion;
3. Add San Luis Reservoir as a point of rediversion; and
4. Add municipal, industrial, and domestic to the authorized purposes of use.

The transfer is proposed to occur between May 1 and September 30. A link to the petition submittal for the temporary changes listed above is available on the State Water Board's website at: [2021 Notices](#).

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water;
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses; and
4. Any increase in groundwater pumping associated with this transfer (i.e., groundwater substitution) is performed in compliance with Water Code sections 1745.10 and 1745.11.

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water

Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of this petition and seeking information to assist in the evaluation of the proposed temporary changes. Comments should identify the application or license number being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioner has the burden of establishing that the proposed temporary changes will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since at this time the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on April 28, 2021.

Comments are encouraged to be submitted by April 13, 2021 to allow additional time for staff to address issues within the timelines provided by the Water Code.

Send comments to both:

Patricia Fernandez
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812
patricia.fernandez@waterboards.ca.gov

MBK Engineers
c/o Darren Cordova
455 University Avenue, Suite 100
Sacramento, CA 95825
cordova@mbkengineers.com

For more information regarding this matter, please contact Patricia Fernandez by email at patricia.fernandez@waterboards.ca.gov.

Date of Notice: **March 29, 2021**