

Please indicate County where your project is located here:

Calaveras County

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

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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, Point of Rediversion, Place of Use, Purpose of Use, Temporary Urgency, Temporary Change, Long-term Transfer, Instream Flow Dedication
Wat. Code, § 1701, Wat. Code, § 1701, Wat. Code, § 1701, Wat. Code, § 1701, Wat. Code, § 1435, Wat. Code, § 1725, Wat. Code, §§ 382, 1735, 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 1/4-1/4 level and California Coordinate System (NAD 83). Present: New Melones Reservoir

Proposed: Jones Pumping Plant

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: Oakdale and South San Joaquin Irrigation Districts

Proposed: San Luis Delta Mendota Water Authority "SLDMWA"

Purpose of Use
Present: Irrigation

Proposed: Irrigation

Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 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:
Table with 12 columns (Jan-Dec) and 1 row.

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.

SLDMWA
Federico Barajas
Executive Director
federico.barajas@sldmwa.org

RECEIVED
6/21/21
chk# 1034
\$850.00
MS

Amount of Water to be Transferred

100,000.00 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.

None.

All 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 06/16/2021 at Sacramento, CA

Tim O'Laughlin Digitally signed by Tim O'Laughlin
Date: 2021.06.16 12:18:17 -07'00'

Right Holder or Authorized Agent Signature


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) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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<http://www.waterboards.ca.gov/waterrights>

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Project Description attached.

Insert the attachment number here, if applicable: 1

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request
06/17/2021

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

Will a waste discharge permit be required for the project? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. Yes No

- | | | | |
|------------------|---------------------|-----------------------|--------------------|
| Grading Permit | Use Permit | Watercourse | Obstruction Permit |
| Change of Zoning | General Plan Change | Other (explain below) | |

If applicable, have you obtained any of the permits listed above? If yes, provide copies. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
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If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

- Has an archeological report been prepared for this project? If yes, provide a copy. Yes No
- Will another public agency be preparing an archeological report? Yes No
- Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

- N/A - Release from storage at New Melones, re-diverted at Jones.

Maps

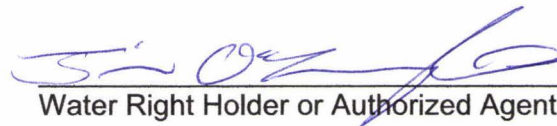
For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 06/16/2021 at Sacramento, CA

Tim O'Laughlin Digitally signed by Tim O'Laughlin
Date: 2021.06.16 12:28:23 -07'00'



Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

NOTE:

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

Project Description

Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID) will transfer up to 100,000 Acre Feet of conserved, stored water to San Luis & Delta-Mendota Water Authority (SLDMWA). The transfer will take place from July 1, 2021 to September 30, 2021.

OID and SSJID (Districts) have pre-1914 adjudicated rights and post-1914 water rights on the Stanislaus River. This water transfer will use the Districts' conserved, stored water in Old Melones. Old Melones has licenses to store, and store and re-divert water for irrigation in the Districts. Old Melones Application is A001081 and its license number is 2012. Statement of Use for the last 10 years for license number 2012 are attached. Old Melones has a storage capacity of 112,500 Acre Feet.

When Reclamation built New Melones Dam, they did not tear down Old Melones, nor did Reclamation condemn Old Melones. Reclamation filed applications to appropriate water from the Stanislaus River with the State Water Resources Control Board (State Water Board). The Districts protested Reclamation's applications. The Districts' protest was resolved with the 1972 Agreement. In 1988, the Districts and Reclamation entered into the 1988 Agreement and Stipulation. A copy of the 1988 Agreement is attached. The 1988 Agreement supersedes the 1972 Agreement. In addition to the 1988 Agreement, the Districts entered into an Agreement on the Operation of New Melones and Tulloch Reservoir. A copy of that agreement is attached.

The 1988 Agreement is an operation agreement between the Districts and Reclamation. The Districts are not Central Valley Project (CVP) contractors and do not receive CVP water. The Federal District Court, Eastern District, determined that the Districts are not subject to the Reclamation Reform Act. The Eastern District also determined in another matter that Reclamation's operations at New Melones cannot infringe the Districts right to take delivery of water in critical years. Judge Wagner stated at page 238 of his ruling on cross motions for summary judgment:

"More to the point, neither NMFS nor the Bureau has the discretion to violate these water rights (OID&SSJID). It is inappropriate to speculate they will break the law."

The 2009 Operations Criteria Plan Biological Opinion (OCAP-BO) ruling was appealed on other grounds, but the ruling as to this issue was not appealed.

The ruling is of particular interest here. The Districts sued the United States regarding the OCAP-BO because in critical years, there was no operation plan to ensure Reclamation would not use the District's water for CVP purposes. The decision was very clear. Even if there is insufficient water for CVP purposes, Reclamation could not use the Districts' water.

Paragraph 4 of the 1988 Agreement controls this year's project operations. The Districts have used Mr. Dan Steiner for over 20 years to model annual water operations at New Melones. His analysis as of May 25, 2021 is attached. In March and April of this year,

Reclamation made a 100 percent allocation to interim and firm CVP contract holders from New Melones. A copy of Reclamation's Declaration is attached. Since Reclamation made its allocation determination the entire conservation account is available for Districts use this year. The conservation account was created in recognition of the Districts' storage rights at Old Melones and Tulloch. The Districts' rights at the two reservoirs totals 198,000 Acre Feet. The Districts have continually used and reported their storage and use of water from Old Melones.

Mr. Steiner's analysis shows inflow, projected inflow and formula water is less than 450,000 Acre Feet. The Districts currently have 200,000 Acre Feet in the conservation account. Pursuant to Paragraph 4, the Districts can take "all or part" of the conservation account water, but their total water use cannot exceed 600,000 Acre Feet. The Districts are projected to use 480,000-500,000 Acre Feet in the Districts. The water transfer will bring the Districts' total use to 580,000-600,000 Acre Feet.

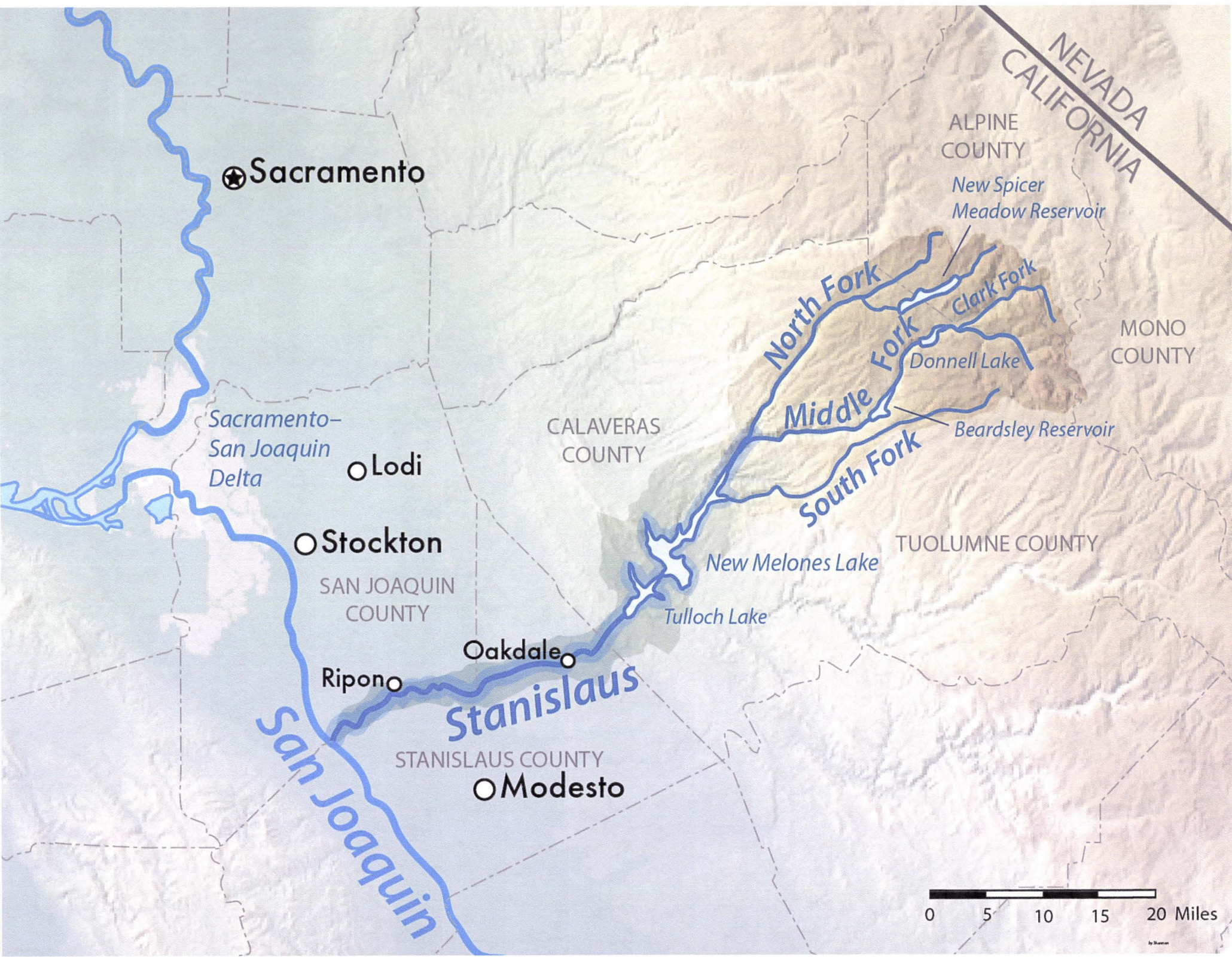
There will be no impacts to any legal user of water. The conserved, stored water would not otherwise be in the Stanislaus and San Joaquin Rivers. The Districts' 1988 Agreement recognizes the use of this water. The Districts' senior water rights to store water are paramount to Reclamation's water rights.

The water made available will be in addition to Reclamation's releases for instream flow to meet OCAP-BO requirements, D-1641 total dissolved solids (TDS) concentration requirements at Vernalis and D-1422 requirements. There will be no impact to Delta outflow. Delta inflow will increase.

Theses flows will increase flow on the Stanislaus and San Joaquin Rivers. TDS concentration will improve at Vernalis during the water transfer. Circulation in the South Delta may improve. Water surface elevations may rise slightly in the South Delta.

End of month storage in September 2021 (EOMSS) at New Melones is projected to be 900,000 Acre Feet. There is sufficient water in New Melones to meet Reclamation's regulatory requirements in 2022. The operation for the Biological Assessment for the 2019 OCAP-BO included the 1988 Agreement. The use of the conserved, stored water in the conservation account was contemplated in the 2019 OCAP-BO.

Phase I of the State Water Board Water Quality Control Plan and OCAP-BO describe the carryover storage in New Melones necessary to maintain cold-water pool. The estimates range from 500,000-700,000 Acre Feet. Thus, the cold-water pool at New Melones will not be infringed upon. Cold-water will be available for Fall Run Chinook Salmon (FRCS) spawning in the Stanislaus River this Fall.



★ Sacramento

NEVADA
CALIFORNIA

ALPINE COUNTY
New Spicer Meadow Reservoir

MONO COUNTY

Sacramento-San Joaquin Delta

○ Lodi

CALAVERAS COUNTY

North Fork

Clark Fork

Middle Fork

Donnell Lake

South Fork

Beardsley Reservoir

○ Stockton

SAN JOAQUIN COUNTY

New Melones Lake

TUOLUMNE COUNTY

Tulloch Lake

Ripono

○ Oakdale

Stanislaus
San Joaquin

STANISLAUS COUNTY

○ Modesto

0 5 10 15 20 Miles

By Mapcom

