

Addendum to DRAFT Technical Information for Preparing Water Transfer Proposals

**Information to Parties Interested In Making Water
Available for Water Transfers in 2014**

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Prepared By:
CALIFORNIA DEPARTMENT OF WATER RESOURCES
AND
BUREAU OF RECLAMATION, MID-PACIFIC REGION



2014 WATER TRANSFER GUIDELINES ADDENDUM

This is an Addendum to the DRAFT Technical Information for Preparing Water Transfer Proposals which require use of State Water Project (SWP) or Central Valley Project (CVP) facilities, available at http://www.water.ca.gov/watertransfers/docs/DTIWT_2014_Final_Draft.pdf.

2014 is currently projected to be a critically dry year, and coupled with water delivery system limitations, it is anticipated that the available water supply will be drastically reduced. The Department of Water Resources (DWR) understands the severe nature of this emergency situation and is dedicated to assisting buyers and sellers in executing transfers in a timely fashion.

Water transfer proposals requiring SWP conveyance should be submitted to Nancy Quan in the State Water Project Analysis Office, nancy.quan@water.ca.gov, (916) 653-0190. Proposals requiring CVP conveyance should be submitted to Sheri Looper, slooper@usbr.gov, (916) 978-5556. Sellers are strongly encouraged to submit proposals as early as possible to expedite project review and execution of conveyance agreements.

The following provisions are added or supersede the DRAFT Technical Information for Preparing Water Transfer Proposals dated October 2013. DWR and The U.S. Bureau of Reclamation (Reclamation) will provide an expedited review and approval process for proposals which meet the deadlines below but does not preclude proposals submitted after the deadlines.

1. For Groundwater Substitution Transfers:
 - Transfer proposals substantively similar to those approved in 2013 will be expedited unless new technical evidence becomes available, provided the seller obtains all other necessary approvals.
 - Wells that were approved by DWR in 2009 through 2013 will be accepted for groundwater transfers in 2014 unless technical evidence indicates use of the well could result in impacts to third parties or the environment.
 - Streamflow Depletion Factors (SDF) applied to groundwater substitution pumping will be 12% (except where a different SDF has been previously approved) with the exception of projects where groundwater monitoring data or other available data has demonstrated 12% is not appropriate and does not have previous approval.
2. By February 1, 2014, potential sellers will submit environmental documents prepared under the California Environmental Quality Act (CEQA) or submit petitions for temporary change to the State Water Resources Control Board (SWRCB), as applicable.
3. By February 1, 2014, potential sellers will submit conditional draft transfer proposals to DWR.
4. By March 15, 2014, potential sellers will certify any environmental documentation required under CEQA or will have obtained approval from the SWRCB.

5. By March 15, 2014, potential groundwater substitution sellers will update and finalize their 2014 transfer proposals including wells participating in the transfers.
6. By April 1, 2014, DWR will issue its decision on whether to approve any proposed groundwater substitution transfer including wells participating in the transfers, execute 2014 conveyance agreements with buyers and sellers, and issue Water Code Section 1810 findings.
7. By April 1, 2014, potential crop idling sellers will update and finalize, as applicable, 2014 water transfer proposals including the fields participating in the transfers.
8. By April 15, 2014, DWR will issue its decision on whether to approve any proposed crop idling transfers including fields participating in the transfers, execute 2014 conveyance agreements with buyers and sellers, and issue 1810 findings.
9. This Addendum does not set a precedent for future water transfers.

DWR Roles and Responsibilities Water Transfer Process

Water Code Section 1810 outlines much of DWR's roles and responsibilities for transfers where its conveyance facilities are being requested (See Water Code Section 1810, attached)

DWR's Roles and Responsibilities:

- Facilitate use of SWP Facilities for bona fide transfers where unused operational capacity in the SWP exists (provide current SWP operational information to buyers and sellers as needed)
- Assist seller to develop the water transfer proposal consistent with the Technical Information for Preparing Water Transfer Proposals and determine the total potential transferable amount of water under the proposal (Includes assisting the seller in coordinating with the SWRCB where water rights are involved when requested by the seller)
- Coordinate with Reclamation to assure concurrence that the proposed transfer is bona fide and is considered under the Coordinated Operations Agreement (COA)
- Act as a Responsible Agency under CEQA for those projects requiring CEQA compliance
- Prepare Findings under Article 1810 (d) that the proposed transfer:
 - is being made without injuring any legal user of water; and,
 - without unreasonably affecting fish, wildlife, or other in-stream beneficial uses; and,
 - without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred
- Execute a conveyance agreement with the buyer and seller outlining the provisions for using Project Facilities.

CALIFORNIA WATER CODE SECTION 1810

1810. Notwithstanding any other provision of law, neither the state, nor any regional or local public agency may deny a bona fide transferor of water the use of a water conveyance facility which has unused capacity, for the period of time for which that capacity is available, if fair compensation is paid for that use, subject to the following:

(a) Any person or public agency that has a long-term water service contract with or the right to receive water from the owner of the conveyance facility shall have the right to use any unused capacity prior to any bona fide transferor.

(b) The commingling of transferred water does not result in a diminution of the beneficial uses or quality of the water in the facility, except that the transferor may, at the transferor's own expense, provide for treatment to prevent the diminution, and the transferred water is of substantially the same quality as the water in the facility.

(c) Any person or public agency that has a water service contract with or the right to receive water from the owner of the conveyance facility who has an emergency need may utilize the unused capacity that was made available pursuant to this section for the duration of the emergency.

(d) This use of a water conveyance facility is to be made without injuring any legal user of water and without unreasonably affecting fish, wildlife, or other instream beneficial uses and without unreasonably affecting the overall economy or the environment of the county from which the water is being transferred.