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## State Water Resources Control Board

### **NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 1,500 ACRE-FEET OF WATER FROM TUDOR MUTUAL WATER COMPANY TO VARIOUS STATE WATER PROJECT CONTRACTORS**

Notice is hereby given that on April 28, 2022, Tudor Mutual Water Company (Tudor or petitioner), 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 1,500 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**

Tudor proposes to transfer water to provide an additional water supply to Dudley Ridge Water District, Kern County Water Agency, County of Kings, Palmdale Water District, San Gabriel Valley Water Company, Metropolitan Water District of Southern California, Alameda County Water District, Zone 7 Water Agency, Santa Clara Valley Water District, Antelope Valley East Kern Water Agency, San Bernardino Valley Municipal Water District, Napa County Flood Control and Water Conservation District, and Tulare Lake Water Storage District. The total amount of water intended for transfer pursuant to this petition is up to 1,500 af. Tudor holds a water right license authorizing the direct diversion of up to 32 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

<b>Petitioner</b>	<b>Application No.</b>	<b>License No.</b>	<b>Transfer Amount (af)</b>	<b>Transfer Rate (cfs)</b>	<b>Transfer Type</b>
Tudor	16401	6184	1,500	32	GW

## **PROPOSED CHANGES**

Tudor 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 Oroville Dam as a point of diversion;
3. Add the Banks Pumping Plant and the Barker Slough Pumping Plant as points of diversion and points of rediversion;
4. Add San Luis Reservoir, Castaic Dam, Perris Dam, and Pyramid Dam as points of rediversion; and
5. Add municipal, industrial, and domestic to the authorized purposes of use.

The transfer is proposed to occur between May 1 and September 30, 2022. A link to this notice for temporary transfer and related information is available on the State Water Board's website at: [2022 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.

**The 30-day comment period per Water Code section 1726 (f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake Watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation will help expedite processing of water transfers. 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 May 24, 2022.**

Send comments to both:

Ken Emanuel  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812  
[kenneth.emanuel@waterboards.ca.gov](mailto:kenneth.emanuel@waterboards.ca.gov)

Tudor Mutual Water Company  
c/o Patrick Neu  
MBK Engineers  
455 University Avenue, Suite 100  
Sacramento, CA 95825  
[neu@mbkengineers.com](mailto:neu@mbkengineers.com)

For more information regarding this matter, please contact Ken Emanuel by email at [kenneth.emanuel@waterboards.ca.gov](mailto:kenneth.emanuel@waterboards.ca.gov).

Date of Notice: **May 9, 2022**