

Supplement to Petition for Change

Application and Permit Numbers for U.S. Bureau of Reclamation Central Valley Project

Application Numbers 5626, 5628, 9363, 9364, 13370, 13371, 15374, 15375, 15764, 16767, 17374, 17376

Permit Numbers 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11973, 12364

Project Location

Source: Sacramento – San Joaquin Delta

Place of Use: Fresno, Merced, San Benito, San Joaquin, and Stanislaus Counties
(within the authorized Central Valley Project place of use)

Requested Change

The United States Bureau of Reclamation (Reclamation) requests that the State Water Resources Control Board (State Water Board) modify the permits listed in this petition to add Los Banos Creek Detention Dam and three downstream points on Los Banos Creek as points of rediversion of CVP water previously stored by Reclamation. The three downstream points of rediversion on Los Banos Creek are existing facilities located at Reclamation’s Delta Mendota Canal, Central California Irrigation District’s Outside Canal, and Central California Irrigation District’s Main Canal. The four requested points of rediversion are:

By California Coordinate System of 1983 Zone 3	40-acre subdivision of public land survey	Section (Projected)	Township	Range	Base and Meridian
<u>Los Banos Creek Detention Dam</u> Lat: 36.993 Long: -120.934 Easting: 6435619.369 Northing: 1819652.421	SE ¼ of NE ¼	12	11S	9E	MD
<u>Los Banos Creek at Delta-Mendota Canal</u> Lat: 37.018 Long: -120.900 Easting: 6444880.364 Northing: 1829277.248	NE ¼ of SW ¼	32	10S	10E	MD

<u>Los Banos Creek at CCID Outside Canal</u> Lat: 37.040 Long: -120.891 Easting: 6447541.507 Northing: 1837276.358	NE ¼ of NE ¼	29	10S	10E	MD
<u>Los Banos Creek at Main Canal (Grassland Water District deliveries)</u> Lat: 37.072 Long: - 120.880 Easting: 6450799.481 Northing: 1848914.345	SW ¼ of SE ¼	9	10S	10E	MD

To facilitate the requested change, a buried pipeline that varies in width from 36 to 54 inches with a capacity of 40 cubic feet per second (cfs) will be installed to convey CVP water into Los Banos Creek Detention Reservoir from an existing 40-cfs CVP water turnout owned by San Luis Water District. CVP water will be made available for re-storage by participating CVP contractors through the development of local water supplies via approved programs that utilize conservation, water recirculation, and groundwater substitution.

CEQA and NEPA documentation has been completed, linked here as follows:

[Joint Final Environmental Assessment and Initial Study/Mitigated Negative Declaration](#)

[Technical Appendices](#)

[CEQA Notice of Determination](#)

[NEPA Finding of No Significant Impact](#)

Reclamation and its participating CVP contractors successfully implemented a proof-of-concept for this requested change by installing and operating a temporary pipeline under temporary change petitions approved by the State Water Board in 2019 and in 2020. The proof of concept successfully conserved CVP water for re-storage in Los Banos Reservoir and later beneficial use. The temporary change orders are linked here as follows:

[Order issued in 2019](#)

[Order issued in 2020](#)

All required permits have been obtained for construction and operation of the pipeline and appurtenant facilities, as described in the Environmental Information Form.

Los Banos Creek Detention Dam and Reservoir are federally owned and state operated facilities that were constructed jointly by Reclamation and the California Department of Water Resources as part of the San Luis Unit of the CVP to provide flood control protection to the San Luis Canal. Reclamation holds a separate License 12134 for storage in Los Banos Creek Detention Reservoir of up to 14,000 acre-feet per annum for non-consumptive purposes of use. The California Department of Parks and Recreation operates public recreational facilities at the reservoir. The requested change has been coordinated with all affected agencies and will not operate to the detriment of existing uses or raise any Safety of Dams concerns.

The requested change will not increase the quantity or alter the timing of Reclamation's diversion of water from the Delta, change the timing of CVP withdrawals from existing storage, increase CVP allocations, or result in the delivery of more CVP water than has been delivered historically. CVP water that will be re-stored in Los Banos Creek Detention Reservoir is limited to water that is previously stored by the CVP, and water will continue to be used within the CVP place of use. The requested change will not reduce flows or impact water quality in Los Banos Creek.

All other provisions of the above-listed permits that protect legal water users and the environment, and all other regulatory restrictions governing CVP operations, will remain in effect.

Reason for Requested Change

The requested change will improve the timing and efficiency of CVP water deliveries by allowing Reclamation to deliver previously stored CVP water to the participating contractors by way of rediversion to storage in Los Banos Creek Detention Reservoir. The requested change is for the purpose of improving water supply reliability and drought supplies of up to 8,000 acre-feet per year for managed wetlands in the Grassland Water District (GWD) and two other CVP contractors that can receive water from Los Banos Creek: San Luis Water District (SLWD) and Central California Irrigation District, a member of the San Joaquin River Exchange Contractors (SJREC).

CVP water will be rediverted to storage in Los Banos Creek Detention Reservoir for later release to these contractors downstream at the three requested points of rediversion on Los Banos Creek. The participating contractors rely on multiple sources of water, of which the Central Valley Project is a part. To make their CVP water available for rediversion to storage, the contractors will develop and use an equivalent amount of water locally, through conservation, recovered and recirculated water, and groundwater, in lieu of surface water from the CVP. These local water development projects have federal approval and are one-for-one water substitutions that will not increase Reclamation's diversions from the Delta. The development of local supplies will occur south of the Delta and the total amount of water will not exceed 8,000 acre-feet.

The requested change will improve water supply reliability because CVP water that is conserved through approved local water development projects has a low priority for storage in San Luis Reservoir, subjecting it to potential loss. Deliveries of conserved CVP water are also constrained by the capacity of CVP canals since they occur at times of peak deliveries. Re-storing the conserved CVP water in Los Banos Creek Detention Reservoir will give the participating contractors greater flexibility to meet their optimal water demands at wildlife refuges and to mitigate drought conditions. The participating contractors are located downstream from Los Banos Creek Detention Reservoir and can efficiently access water from Los Banos Creek.

The Requested Change Will Not Effectively Initiate a New Right

All the water to be re-stored in Los Banos Creek Detention Reservoir for delivery later in time is water that would be consumptively used or stored in the absence of the requested change. In the absence of the change, Reclamation would not make conserved CVP water available for the purpose of re-storing it in Los Banos Creek Detention Reservoir and would instead deliver that CVP water to the participating contractors for their consumptive use. The water to be re-stored is part of each participating contractors' annual CVP water allocation, thus the requested change will not result in the delivery of more CVP water than has been delivered historically.

In order to conserve CVP water for storage in Los Banos Creek Detention Reservoir, local water supplies will be developed and used in lieu of CVP water in the following ways. Reclamation will ensure that future operations under the requested change will be supported by existing or renewed environmental approvals and conditions.

Conserved, Recovered and Recirculated Water

SJREC will use locally conserved and recovered surface water in lieu of CVP deliveries, making CVP water available for re-storage in Los Banos Creek Detention Reservoir. Water will be generated through the conservation and tailwater recovery program, as described in the following link: [Water Transfer Program for the San Joaquin River Exchange Contractors, 2014 – 2038 Environmental Impact Statement/Environmental Impact Report](#) approved by Reclamation on July 30, 2013. Instead of transferring the conserved CVP water to other water users, water will be re-stored in Los Banos Creek Detention Reservoir for later use.

GWD and SLWD will make CVP water available for re-storage in Los Banos Creek Detention Reservoir through a local recirculated water program, the North Grasslands Water Conservation and Water Quality Control program, as described in the following link: [North Grasslands Water Conservation/Water Quality Control and Level 2 Refuge Water Exchange Project Final Environmental Assessment](#) approved by Reclamation on April 24, 2017. This program re-collects and re-applies water locally within wetlands in GWD, conserving CVP water supplies for later use. In return for funding a portion of the project, SLWD receives credit for half of the conserved water.

Groundwater Substitution

CCID will operate groundwater wells within its service area to produce groundwater for irrigation purposes in lieu of CVP water deliveries, making CVP water available for other uses, as described in the following link: [Central California Irrigation District and San Luis Canal Company 10-Year Annual Transfer Program Final Environmental Assessment](#) approved by Reclamation on January 25, 2024. Instead of transferring the conserved CVP water to other water users, CCID will re-store it in Los Banos Creek Detention Reservoir for later use.

GWD and SLWD will also provide groundwater for wetland purposes within GWD, making CVP water available for later use, as described in the following link: [5-Year Groundwater Acquisitions for South of Delta Central Valley Project Improvement Act Refuges Final Environmental Assessment](#) approved by Reclamation on January 28, 2016 (and subsequently renewed). Conserved CVP water will be re-stored in Los Banos Creek Detention Reservoir.

Effects on Reclamation's Water Right License 12134

Reclamation holds License 12134 for diversion of Los Banos Creek into storage at the Los Banos Creek Detention Reservoir. License 12134 is for nonconsumptive uses only, for the purposes of recreation, incidental domestic use at the State Park recreational facility, and fish and wildlife management. The Los Banos Creek Detention Reservoir was constructed to protect the San Luis Canal from debris due to flooding in Los Banos Creek. The California Department of Water Resources operates this facility.

With the requested change, all of these current uses will continue. The total volume of water stored in the Reservoir at any given time will not increase. The same volume of water from Los Banos Creek will flow through the Reservoir, but on a different schedule that may reduce the volume of water stored annually under License 12134.

For water rights reporting purposes, the volume of CVP water introduced into or released from the Reservoir under the requested change will be measured daily, and this volume will not be included in the calculations of diversions to storage and withdrawals from storage reported annually under License 12134. The daily diversion rate will also be adjusted, to account for introduced water as a result of the requested change.

Analysis of Potential Changes in Streamflow, Water Quality, Timing of Diversions or Use, Return Flows, or Effects on Legal Users of Water

The requested change will not result in any measurable changes to streamflow, water quality, timing of diversion or use of CVP water, or return flows, nor will it have effects on legal users of water.

Streamflow

The requested change will improve the streamflow in Los Banos Creek downstream of the Los Banos Creek Detention Reservoir. Currently, the Reservoir is only operated for flood control purposes in the late fall and winter months, and there is evaporation of natural inflow to the Reservoir in the remainder of the year. Prior to the construction of the Reservoir, Los Banos Creek received higher flows and there was more recharge to the groundwater aquifer along the Creek. Re-storing CVP water in the Reservoir will allow for spring, summer, and early fall releases into Los Banos Creek and improve streamflow.

The requested change will also reduce recurring flooding downstream of Los Banos Creek Reservoir. The project incorporates an upgraded box culvert below the Los Banos Creek Detention Dam to better accommodate releases from the Reservoir into Los Banos Creek.

Further details are provided on pages 2, 3, 19, 52 and 53 of the CEQA document, at the following link: [Environmental Assessment/Mitigated Negative Declaration](#).

Water Quality

During project construction, water quality will be protected through an approved Construction General Permit and Storm Water Pollution Prevention Plan (SWPPP). Applications have also been submitted for Regional Water Quality Control Board Section 401 and Section 404 dredge and fill permit from the U.S. Army Corps of Engineers (both pending). Compliance with all conditions imposed will protect water quality during construction.

During project operation, Reclamation's water quality standards for CVP facilities will apply to all water introduced into the Los Banos Creek Detention Reservoir. During the proof-of-concept period in 2020, four water quality tests were conducted that confirmed no water quality impacts.

These protections and requirements are described in the attached Environmental Information Form and on pages 51 and 52 of the CEQA document, at the following link: [Environmental Assessment/Mitigated Negative Declaration](#) as well as its appendix C, at the following link: [Appendix C.](#))

Timing of Diversion and Use

The CVP water to be re-stored will already have been removed from use in the downstream water supply because it is exported from the Delta. CVP water is diverted out of the watershed from which it originates and is stored and delivered in conformance with the provisions of Reclamation's water right permits governing those diversions. The terms and conditions contained in Decision 1641 protect other in-basin diverters from potential impacts of CVP diversions. Reclamation will continue to

operate in conformance with D-1641 and all other applicable regulatory restrictions governing CVP operations. The quantity and timing of water diverted from the Delta will not change because of the requested change.

CVP water to be re-stored in Los Banos Creek Detention Reservoir will be limited to water previously stored in other CVP reservoirs including Shasta, Trinity, Folsom, and San Luis Reservoirs. Accordingly, the requested change will not result in an increase in the amount of natural or abandoned flow diverted by Reclamation. Reclamation will provide the CVP water for re-storage in coordination with its storage withdrawals from other reservoirs, which will not be altered by the requested change. Reclamation will track and account for the water withdrawn from storage and re-stored.

Water re-stored in Los Banos Creek Detention Reservoir will be limited to water made available by the development of approved local water supplies, which will conserve CVP water that otherwise would have been delivered to the participating CVP contractors and allow it to instead be re-stored in Los Banos Creek Detention Reservoir for later use. Accordingly, the proposed changes will not result in a change in CVP operations or an increase in the amount of annual CVP water allocations.

Return Flows

Return flows will not be reduced by the requested change. Locally developed water supplies will be used in lieu of CVP water deliveries plus approved conservation measures within SJREC. Overall, use of water within CVP participating contractor districts will improve wetland conditions and alleviate drought conditions. Los Banos Creek flows will be improved, and local flooding will be reduced.

Effects on Legal Users of Water

In general, as with this requested change, the storage and later use of water that would otherwise be consumptively used will not result in injury to other legal users of water.

Regarding operation of Los Banos Creek Reservoir, License 12134 is held by the applicant U.S. Bureau of Reclamation at Los Banos Creek Detention Dam for non-consumptive purposes of use, and operation of the Reservoir is subject to a Memorandum of Agreement with the California Department of Fish & Wildlife for the bypass of water. The California Department of Parks and Recreation operates public recreational facilities at the Reservoir. The requested change has been coordinated with all affected agencies and will not operate to the detriment of existing uses.

Regarding Los Banos Creek, the requested change will not reduce flows in Los Banos Creek but will improve streamflow and reduce local flooding. All legal users downstream of the requested points of rediversion have been informed of this Petition and are either participating agencies or members of participating agencies. License

5271 is held by Herman Menezes, a member of participating contractor Central California Irrigation District, who is informed. License 10068 is held by participating contractor Grassland Water District, who is informed. Any riparian water users are also members of the participating districts.

Pumping groundwater for use within CCID and GWD will not adversely affect groundwater supplies. Groundwater will be pumped from the Delta-Mendota Subbasin of the San Joaquin Valley Groundwater Basin. In accordance with the Sustainable Groundwater Management Act (SGMA), all participating contractors are members of Groundwater Sustainability Agencies (GSAs) that adopted a [Groundwater Sustainability Plan](#) (GSP) for the Subbasin, and are subject to ongoing oversight by the State Water Board and the Department of Water Resources.

SGMA groundwater monitoring and reporting requirements will apply to any pumping that takes place to develop the approved local supplies that will support the proposed change. The GSP contains conservative groundwater triggers to ensure that groundwater does not fall below 2015 levels, including a required pumping reduction plan if groundwater measurements fall below those depths established as triggers. Accordingly, any conservation of CVP water based on groundwater substitution will not be allowed if groundwater levels fall below 2015 levels in the area where pumping is proposed.

GWD is also subject to a detailed annual Groundwater Level and Subsidence Monitoring Plan included in the [5-Year Groundwater Acquisitions for South of Delta Central Valley Project Improvement Act Refuges Final Environmental Assessment](#), which has been renewed and is implemented on an ongoing basis.

Effects on Recreational Users of Water

The requested change includes elements to increase Reservoir access in two ways: 1) by improving road access to recreational facilities by providing a box culvert over the Canyon Road outlet of Los Banos Creek below the Los Banos Creek Detention Dam; and 2) by extending the existing boat ramp to allow Reservoir access during lower water levels. The new box culvert will allow vehicles to pass during most flood release scenarios. Currently, access is only provided during times of low or no flood flows, when it is physically possible for a vehicle to travel across the Los Banos Creek crossing. Extending the boat ramp will allow increased access for boats and recreational users when water levels are lower.

The Requested Change Will Not Result in Unreasonable Impacts to Fish and Wildlife or the Environment

The requested change will not result in unreasonable impacts to fish and wildlife or the environment. All of the water to be re-stored is CVP water that would have been consumptively used or stored in the absence of the requested change. The water is

diverted out of the watershed from which it originates in conformance with the provisions of the Reclamation's water rights permits governing those diversions. The total quantity of water diverted will not change. Therefore, there will be no change in flow or water quality conditions in the Delta.

The development of local water supplies to support the requested change will be conducted south of the Delta and will not affect pumping from the Delta. All water exported at the CVP pumping plant is pumped consistent with the criteria contained in D1641 and all other applicable regulatory restrictions governing CVP operations. The timing of up to 8,000 acre-feet of south of Delta CVP deliveries may shift slightly, however total annual allocations will not change, and deliveries will not exceed historic average deliveries, or affect streamflow.

No measurable effects on fish and wildlife or the environment were noted from implementation of the proof-of-concept in 2020. Streamflow will improve in Los Banos Creek. A detailed analysis of environmental impacts, including adopted mitigation measures to reduce and avoid those impacts, is set forth in the [Environmental Assessment/Mitigated Negative Declaration](#) including technical [Appendices](#).

Groundwater pumping for the proposed exchanges will not result in streamflow depletions due to the interconnection of groundwater and surface water. A series of monitoring wells is maintained near the San Joaquin River under the applicable [Groundwater Sustainability Plan](#) for the Subbasin and as part of the [seepage management plan for the San Joaquin River Restoration Program](#). The participating contractors are required to monitor and report annually on interconnected surface water, and to analyze and avoid any impacts from groundwater pumping. In general, the San Joaquin River is a "gaining reach" within this area, due to high groundwater levels and recharge from CVP surface water deliveries to GWD and CCID.

The Requested Change Is in the Public Interest

The requested change is in the public interest because it will result in more effectively managing the Los Banos Creek Detention Reservoir, by maximizing water management opportunities for the region including drought mitigation, local wildlife and agricultural water supply reliability, and optimizing flood control releases resulting in downstream flood avoidance benefits. Ease of access for recreational uses of the Reservoir will also be improved.