

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. BOX 2000, Sacramento, Ca. 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrihts.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS
Protests based on Injury to Vested Rights should be completed on other side of this form

APPLICATION: 10030 LICENSE: 2840

We, the California Sportfishing Protection Alliance; Chris Shutes, 1608 Francisco St., Berkeley, CA 94703; Bill Jennings, 3536 Rainier Ave., Stockton, CA 95204; and Michael Jackson, P.O. Box 207, 429 West Main St., Quincy, CA 95971. (Name and address of Protestant)

have read carefully a petition for temporary transfer of water under Section 1725 of the Water Code, of Tule Basin Farms, under application 10030 for license 2840, noticed on May 13, 2010, to transfer 3,520 acre-feet of water, by reducing its diversion from the West Borrow Pit of the Sutter Bypass in that amount, to eight State Water Contractor agencies (the Dudley Ridge Water District, Kern County Water Agency, Napa County Flood Control and Water Conservation District, the Metropolitan Water District of Southern California, Antelope Valley-East Kern Water Agency, Oak Flat Water District, Palmdale Water District, and the San Bernardino Valley Municipal Water District). Petitioner proposes to substitute groundwater for surface water whose licensed diversion is foregone.

It is desired to protest against the approval thereof because to the best of our information and belief:
The proposed application/petition for water will:

- (1) not be within the State Water Resources Control Board's (SWRCB) jurisdiction
- (2) not best serve the public interest** **X**
- (3) be contrary to law** **X**
- (4) have an adverse environmental impact** **X**

State Facts, which support the foregoing allegations:

Please see attached comment letter for supporting facts and discussion.

Under what conditions may this protest be disregarded and dismissed? The requested transfer should be denied as a temporary transfer under Section 1725 of the Water Code. As a long-term transfer under Section 1735 of the Water Code, the proposed transfer should be analyzed under CEQA. The SWRCB should also conduct a public trust analysis of license 2840. Petitioner must demonstrate that its proposed transfer will not contribute to long-term conditions of groundwater overdraft. CSPA reserves the right to state additional dismissal terms based on review of the CEQA document and the public trust analysis.

A true copy of this protest has been served upon the petitioner by mail.

(Personally or by mail)


Date: June 14, 2010.

Chris Shutes, Water Rights Advocate,

Bill Jennings, Executive Director

Michael Jackson

California Sportfishing Protection Alliance



Protestant(s) Authorized Representative sign here

Certificate of Service

I hereby certify that on this day, June 14, 2010, I, Chris Shutes, have placed in first class mail at Berkeley, California, a true copy of this protest mailed to:

Tule Basin Farms
c/o Marc Van Camp
MBK Engineers
1771 Tribute Rd., Suite A
Sacramento, CA 95815

A handwritten signature in black ink, appearing to read "Chris Shutes", with a long horizontal flourish extending to the right.

Chris Shutes