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## State Water Resources Control Board

FEB 21 2020

In Reply Refer to:  
TMC: A033103

Del Puerto Water District and San Joaquin River Exchange Contractors Water Authority  
Attn: Anthea G. Hansen and Chris White  
[ahansen@delpuertowd.org](mailto:ahansen@delpuertowd.org)  
[cwhite@sjrecwa.net](mailto:cwhite@sjrecwa.net)

ORIGINAL TO FOLLOW BY CERTIFIED MAIL (P.O. Box 1596, Patterson, CA 95363)

Dear Del Puerto Water District and San Joaquin River Exchange Contractors:

WATER RIGHT APPLICATION A033103 OF DEL PUERTO WATER DISTRICT TO  
APPROPRIATE WATER FROM DEL PUERTO CREEK TRIBUTARY TO SAN  
JOAQUIN RIVER IN STANISLAUS COUNTY

The State Water Resources Control Board, Division of Water Rights (Division) received the subject water right application of Del Puerto Water District and the San Joaquin River Exchange Contractors Water Authority (collectively, "Applicants") on January 23, 2020. The application requests 34,688 acre-feet of collection to storage in a proposed, 82,000 acre-foot reservoir located on Del Puerto Creek in western Stanislaus County. Water stored in the reservoir would be later withdrawn for irrigation use and released for instream uses (possibly fish and wildlife preservation and enhancement) downstream of the proposed dam. The primary purpose of the proposed reservoir would be to provide additional South-of-Delta storage to increase reliability of Central Valley Project water deliveries (via the Delta-Mendota Canal) to agricultural water users located within the Applicant's service districts.

**Division staff has determined that the application includes an underpayment of \$485,470. Consequently, the application cannot be accepted for initial review. The application is hereby returned to the applicants. The submitted fee will also be refunded under separate cover.**

Per California Code of Regulations, title 23, division 3, section 676, an application will not be accepted for initial review or filing unless it is accompanied by the filing fee required by chapter 5 (commencing with California Code of Regulations, title 23, section

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1061). California Code of Regulations, title 23, section 1062, subdivision (a)(1)(A) requires water right applicants to pay a one-time application fee of \$1,000 plus \$15 per each acre-foot greater than 10 acre-feet based on the total annual amount of diversion sought by the application or \$553,919, whichever is less. The correct application filing fee for the proposed appropriation of 34,688 acre-feet is \$521,170. The Division's Fiscal Year 2019-2020 Fee Schedule Summary is available at:

[https://www.waterboards.ca.gov/resources/fees/water\\_rights/docs/fy\\_19\\_20\\_fee\\_Schedule\\_Summary.pdf](https://www.waterboards.ca.gov/resources/fees/water_rights/docs/fy_19_20_fee_Schedule_Summary.pdf)

Please note that a cursory look revealed several issues with the information provided in the following sections of the application form.

- Section 4: Purpose of Use, Diversion/Storage Amount and Season
- Section 5: Sources and Points of Diversion/Rediversion
- Section 6(a): Likelihood of Water Availability:
- Section 6(d): Alternate Sources of Water
- Section 7: Place of Use
- Section 8: Project Schedule
- Section 9: Justification of Amounts Requested
- Section 15: Map Requirements
- Section 17(d): Fish and Wildlife Information

To help ensure that the application form is completed correctly, Division staff strongly encourage the Applicants to reference the guidance documents available on the Division's Water Rights Applications webpage, and schedule a pre-application consultation meeting or draft application review with Division staff prior to resubmitting the application form with the correct filing fee. Guidance for water right applicants is available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/#permitting](https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/#permitting)

Timothy Chow is the staff person presently assigned to this matter, and he may be contacted at (916) 341-5435 or [timothy.chow@waterboards.ca.gov](mailto:timothy.chow@waterboards.ca.gov) for assistance and further information. Written correspondences or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Timothy Chow, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

C. Scott Frazier, Senior Environmental Scientist  
Bay Valley Permitting Unit  
Division of Water Rights

Enclosure: Application A033103 (original)

ec: Amanda Montgomery, Permitting Section Manager  
Division of Water Rights  
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