

DEPARTMENT OF WATER RESOURCES

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**VIA-EMAIL**

3/30/2026

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Subject: The Draft Environmental Impact Report for Butte Water District 2026 to 2030
Temporary Water Transfers Program State Clearinghouse #2025081335

Dear Mr. Stinnett,

The California Department of Water Resources (DWR) has reviewed the Draft Environmental Impact Report (DEIR) for the Proposed Project. DWR provides the following comments for consideration.

Proposed Project Description

The Butte Water District (District) proposes the Temporary Water Transfers from 2026 to 2030 Project, which would allow short-term water transfers of up to 24,000 acre-feet (AF) in any year, including up to 14,000 AF from crop idling transfers and up to 10,000 AF from groundwater substitution (GWS) transfers. Water made available by crop idling and/or groundwater substitution within District boundaries would be retained and stored by DWR at Lake Oroville for delivery to Valley Water or another buyer, subject to DWR approval. The project area is defined as the District boundaries, which encompass approximately 32,505 acres in the northern Sacramento Valley in both Butte and Sutter Counties, and land idled for transfer purposes would primarily be drawn from rice acreage within the District, although other crops identified in DWR's transfer guidance could also potentially be idled. Under the groundwater substitution component, groundwater pumping would occur only within the portion of the District located in Sutter County, in a manner consistent with the applicable Groundwater Sustainability Plan.

Specific Comments1.3 Methodology

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The Methodology section explains that the Initial Study Geology and Soils analysis (found in Chapter 6 of this DEIR) concluded that Geology and Soils impacts, including subsidence, could be eliminated from further discussion. Table ES-1 Geology and Soils Impacts capture the impact conclusions in section Threshold 6 asks, “would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site...subsidence....” Table ES-1 records the conclusion that the level of significance for potential subsidence before mitigation is less than significant, and no mitigation is necessary.

However, the less than significant conclusion in the Initial Study is based on inadequate information or an inadequate analysis based on historical pumping, which is only up to 55,000 AF per year.

CHAPTER 2: PROJECT DESCRIPTION

2.1.6.4 Water Transfer Type

Describing cropland idling water transfers, this subsection states that,

“[t]he quantity of transfer water made available through crop idling is currently calculated based on the pattern of Evapotranspiration Rate of Applied Water (ETAW).”

The DEIR does not disclose the rice ETAW value assumed for crop-idling transfer accounting or explain whether that value is consistent with current DWR/Reclamation transfer guidance. The DEIR should therefore be revised to identify the ETAW value used and ensure that it is consistent with current DWR/Reclamation transfer guidance. In addition, DWR’s 2019 [Draft Water Transfer White Paper](#) recommends that if transfer water cannot be stored in May and June, the allowable rice ETAW is reduced to 2.1 AF/acre for the July through September period (White Paper, p. 16). Accordingly, the DEIR should evaluate and disclose how transfer quantities would be reduced in years when early-season storage is unavailable, rather than relying solely on a full-season assumption.

The Project’s GWS transfers will extract from the Sutter Subbasin, where groundwater is regulated by the Sutter Subbasin Groundwater Sustainability Agency (GSA) through the implementation of the Sutter Subbasin Groundwater Sustainability Plan (GSP). SGMA and its implementation by GSAs is State law; see California Water Code, Division 6. Conservation, Development, and Utilization of State Water Resources, Part 2.74. Sustainable Groundwater Management (SGMA – Water Code § 10720 et seq.)

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To adequately fulfill the intent of section 3.3.2.2, the EIR must show how the Project will comply with SGMA regulations as stated in the Sutter Subbasin GSP. Each GSP has Sustainable Management Criteria, Minimum Thresholds, and a Monitoring Network comprised of Representative Monitoring Sites (RMSs).

The focus of the EIR as related to GWS transfer pumping must center on the geographic locations of the two existing wells and the planned well. The focus of the EIR must view the pumping from the 2, possibly 3 wells, in a radial fashion, as this is how groundwater within alluvial aquifers responds to extraction – pumping creates a cone of depression at depth and groundwater levels surrounding the well decline in a radial pattern. At a minimum, impacts from GWS pumping should be identified within a 2-mile radius around each GWS transfer well.

CHAPTER 3: ENVIRONMENTAL IMPACT ANALYSIS

3.1.5 Cumulative Impacts

2026-2027 North to South Water Transfers:

The two Project Agencies – USBR and DWR – used the “[Long-Term Water Transfers EIS/EIR \(2014\)](#)” to guide and regulate GWS transfers for 2015-2025 period; this document has been superseded by the “2026-2027 North to South Water Transfers” document (Table 3-2), which indicates that the Maximum Annual Potential Transfer (acre-feet) for Butte Water District is 6,000 AF per year for 2026 and 2027. It appears that the proposed project exceeds the Maximum Annual Potential Transfer (acre-feet) for Butte Water District, currently at 6,000 AF. The DEIR should be revised to clarify that the proposed project does not exceed the maximum 2026–2027 North-to-South Water Transfers amount.

3.2 Biological Resources

Section 3.2.5 (Mitigation) of the DEIR includes, in part, the following mitigation measures:

BIO-8: “An inspection of the exclusion fence each day by the contractor will be completed to ensure it is functional for the intended purpose.”

BIO-13: “The District will keep adequate water in major irrigation and District owned and operated drainage canals.”

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BIO-14: “The District will perform giant garter snake BMPs during irrigation canal maintenance activities...”

With respect to BIO-8, the DEIR should require that inspection of the exclusion fence be conducted by a qualified biologist, rather than by the contractor. In addition, the water transfer-specific mitigation measures identified in BIO-13 and BIO-14 do not appear to include all measures necessary to address crop-idling impacts. The DEIR should add discussion of idling fields in a mosaic pattern to avoid contiguous blocks of idled habitat, identify fields that should be considered ineligible based on proximity to known populations, and provide DWR with the ability to ground-truth idled fields to ensure that Giant Garter Snake mitigation measures are being implemented as described.

3.3.4-3.3.5 Hydrology and Water Quality Impact Analysis and Mitigation

Mitigation measures incorporated for impacts to hydrology and water quality include:

HYD-1: “Mitigation Measure HYD-1 requires participating agencies to implement groundwater level monitoring and, if impacts occur, to compensate affected parties or reduce pumping until water levels recover...” “HYD-1 requires land surface elevation monitoring to ensure any subsidence is identified early, and mitigation applied if necessary.”

HYD-2: “Lowering groundwater levels can induce leakage from surface water bodies” “To address this, the Mitigation Measure HYD-2 institutes an SDF to ensure that transferred volumes do not include water attributable to induced stream depletion.”

With regard to the two mitigation measures above, DWR has the following comments:

- HYD-1: Since 2022, scientific knowledge of subsidence has progressed. In order for the impact analysis to be consistent with the current scientific knowledge of subsidence, DWR recommends that the subsidence impact analysis be expanded to incorporate the best available science for subsidence risk management, specifically [DWR's Best Management Practices for the Sustainable Management of Groundwater: Land Subsidence \(January 2026\)](#), which was developed and is available for this purpose.
- HYD-2: The minimum SDF for 2026 was set at 20 percent by DWR and Reclamation, as conveyed to sellers by email on January 27, 2026. DWR recommends reflecting a minimum SDF of 20 percent in the DEIR unless a site-

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specific SDF is supported by data that has been reviewed by DWR and Reclamation. Value of SDF for future years is subject to change.

Please reach out to me if you have questions regarding these comments.

Sincerely,

Nancy E Finch

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