

**EXHIBIT 54**

CITY AND COUNTY OF SAN FRANCISCO



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March 21, 2011

Ms. Katherine Mrowka  
Division of Water Rights  
State Water Resources Control Board  
P. O. Box 2000  
Sacramento, CA 95812-2000

Re: *Comment on February 22, 2011 Notice of Proposed Initial Study/Mitigated  
Negative Declaration for Water Right Application 31491 of G. Scott Fahey*

Dear Ms. Mrowka:

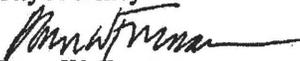
I write on behalf of the City and County of San Francisco regarding the above-referenced Notice. On November 8, 2004, San Francisco wrote a letter to the SWRCB Water Rights Division ("Board") notifying it of certain errors in the October 1, 2004 *Application 31491 - (1) Wet Meadows Springs tributary to Hull Creek; (2) Unnamed Spring (aqua) Marco Spring, and (3) Unnamed Spring (aqua) Polo Spring, both tributary to Unnamed Stream thence Hull Creek in Tuolumne County*. The Board accepted the City's October 1<sup>st</sup> letter as a protest based on Injury to Prior Rights. Subsequently, the applicant accepted terms that were proposed by the City to resolve its protest, and the City dismissed the protest on December 16, 2004.

The Initial Study/Mitigated Negative Declaration does not refer to the terms accepted by the applicant to dismiss San Francisco's protest. As compliance with the accepted terms are part of the proposed project, we request that the accepted terms be referred to in the project description and discussed in Section IX, Hydrology and Water Quality. As noted in the City's November 8, 2004 letter, San Francisco only intends to notify the applicant of the need to provide replacement water when necessary; that is, when the applicant's use has led to a reduction, or has a strong potential of reducing, the water supply of San Francisco. Also as noted, the wide range of year-to-year hydrology on the Tuolumne River makes it impossible to predict whether or not the diversions of the applicant in one year will have a negative impact to San Francisco the next year or later.

Thank you for considering this comment and request.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

  
Donn W. Furman  
Deputy City Attorney

cc: Steve Ritchie  
Roger Masuda, TID

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