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STATE WATER RESOURCES CONTROL BOARD

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DIV. OF WATER RIGHTS SACRAMENTO

TYPE OR PRINT IN BLACK INK
(For instructions, see booklet: "How to File an Application to Appropriate Water in California")

California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
www.waterrights.ca.gov

APPLICATION NO. 5645x12

APPLICATION TO APPROPRIATE WATER

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	El Dorado Water & Power Authority	Bradley J. Herrema
	c/o William T. Hetland	Brownstein Hyatt Farber Schreck
Mailing Address	3932 Ponderosa Road, Suite 200	21 E. Carrillo Street
City, State & Zip	Shingle Springs, CA 95682	Santa Barbara, CA 93101
Telephone	(530) 621-5392	(805) 963-7000
Fax	(530) 672-6721	(805) 965-4333
E-mail	bhetland@co.el-dorado.ca.us	bherrema@bhfs.com

2. OWNERSHIP INFORMATION (Please check type of ownership.)

☒ Sole Owner
☐ Limited Partnership*
☐ Corporation
☐ Limited Liability Company (LLC)
☐ Business Trust
☐ Joint Venture
☐ General Partnership*
☐ Husband/Wife Co-Ownership
☐ Other _____

*Please identify the names, addresses and phone numbers of all partners.

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

See attachment 1, 3.

☐ *For continuation, see Attachment No. ___*

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)
Total afa			Total afa				

☒ *See Attachment No.* 1, 4 * If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

b. Total combined amount taken by direct diversion and storage during any one year will be 40,000 acre-feet.

c. Reservoir storage is: ☒ onstream ☐ offstream ☐ underground (If underground storage, attach Underground Storage Form.)

d. County in which diversion is located: El Dorado County in which water will be used: El Dorado

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

☐ POD / ☐ PORD # _____ tributary to _____ thence _____

If needed, attach additional pages, check box below and label attachment

☒ *See Attachment No.* 1, 5.

b. State Planar and Public Land Survey Coordinate Description:

POD/ PORD #	CALIFORNIA COORDINATES (NAD 83)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWN-SHIP	RANGE	BASE AND MERIDIAN
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				

If needed, attach additional pages, check box below and label attachment

☒ *See Attachment No.* 1, 5.

c. Name of the post office most often used by those living near the proposed point(s) of diversion: Kyburz

6. WATER AVAILABILITY

a. Have you attached a water availability analysis for this project? ☐ YES ☒ NO
If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.

☒ *See Attachment No.* 1, 6.

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?
☒ YES ☐ NO

c. In an average year, does the stream dry up at any point downstream of your project? ☐ YES ☒ NO
If YES, during which months? ☐ Jan ☐ Feb ☐ Mar ☐ Apr ☐ May ☐ Jun ☐ Jul ☐ Aug ☐ Sep ☐ Oct ☐ Nov ☐ Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment
N/A

☐ *See Attachment No.* ___

7. PLACE OF USE

a.

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
¼ of ¼						☐ YES ☐ NO
				Total Acres:		

*Please indicate if section is projected with a "(P)" following the section number.

☒ *See Attachment No.* 1, 7. Please provide the Assessor's Parcel Number(s) for the place of use:

8. PROJECT SCHEDULE

a. Project is: ☐ proposed. Year construction will begin: _____
☒ partially complete. Extent of completion: UARP diversion facilities are complete. Re-diversion and delivery facilities have not been constructed.
☐ complete. Year completed: _____

b. Year of first use: _____ Year water will be used to the full extent intended: _____

9. JUSTIFICATION OF AMOUNTS REQUESTED

a. ☒ IRRIGATION: Maximum area to be irrigated in any one year: _____ acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

☒ *See Attachment No.* 1, 9.

b. ☐ DOMESTIC: Number of residences to be served: _____ Separately owned? ☐ YES ☐ NO Number of people to be served: _____ Estimated daily use per person is: _____ gallons per day Area of domestic lawns and gardens: _____ square feet
Incidental domestic uses:
_____
(dust control area, number and kind of domestic animals, etc.)

c. ☐ STOCKWATERING: Kind of stock: _____ Maximum number: _____
Describe type of operation: _____
(feedlot, dairy, range, etc.)

d. ☐ RECREATIONAL: Type of recreation: ☐ Fishing ☐ Swimming ☐ Boating ☐ Other _____

e. ☒ MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

☒ *See Attachment No.* 1, 9.

Month of maximum use during year: _____
Month of minimum use during year: _____

f. ☐ HEAT CONTROL: Area to be heat controlled: _____ net acres
Type of crops protected: _____
Rate at which water is applied to use: _____ gpm per acre
Heat protection season will begin _____ (month and day) and end _____ (month and day).

g. ☐ FROST PROTECTION: Area to be frost protected: _____ net acres
Type of crops protected: _____
Rate at which water is applied to use: _____ gpm per acre
The frost protection season will begin _____ (month & day) and end _____ (month & day).

h. ☐ INDUSTRIAL: Type of industry: _____
Basis for determination of amount of water needed: _____

i. ☐ MINING: Name of the claim: _____ ☐ Patented ☐ Unpatented

Nature of the mine: _____ Mineral(s) to be mined: _____
Type of milling or processing: _____
After use, the water will be discharged into _____ (watercourse)
in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____B. & M.

j. ☐ POWER: Total head to be utilized: _____ feet
Maximum flow through the penstock: _____ cfs Maximum theoretical horsepower capable of being generated by the works (cfs x fall ÷ 8.8): _____
Electrical capacity (hp x 0.746 x efficiency): _____ kilowatts at: _____% efficiency
After use, the water will be discharged into _____ (watercourse)
in ____ ¼ of ____ ¼ of Section _____, T _____, R _____, _____B&M. FERC No.: _____

k. ☐ FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced: _____

l. ☐ OTHER: Describe use: _____
Basis for determination of amount of water needed: _____

10. DIVERSION AND DISTRIBUTION METHOD

a. Diversion will be by gravity by means of: dams, tunnels.
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: _____
(sump, offset well, channel, reservoir, etc)
Pump discharge rate: _____ ☐ cfs or ☐ gpd Horsepower: _____
Pump Efficiency: _____

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	

☒ *See Attachment No.* 1, 10.

d. Storage reservoirs: (For underground storage, complete and attach underground storage form)

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)

☒ *See Attachment No.* 1, 10.

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter in inches	Length in feet	Fall: Vertical distance between entrance and exit of outlet pipe in feet	Head: Vertical distance from spillway to entrance of outlet pipe in feet	Dead Storage: Storage below entrance of outlet pipe in acre-feet

☒ *See Attachment No.* 1, 10.

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be _____ cfs. Diversion to offstream storage will be made by:
☐ Pumping ☐ Gravity

11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.
See attachment No. 1, 11.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? ☐ Weir ☐ Meter ☐ Periodic sampling ☐ Other (describe)
Attachment 1, 11.

12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?
☐ YES ☒ NO
If NO, I ☐ do ☒ do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:

☒ *See Attachment No.* 1, 12.

13. EXISTING WATER RIGHTS AND RELATED FILINGS

a. Do you claim an existing right for the use of all or part of the water sought by this application?
☒ YES ☐ NO
If YES, please specify: ☐ Riparian ☐ Pre-1914 ☐ Registration ☐ Permit ☐ License
☐ Percolating groundwater ☐ Adjudicated ☒ Other (specify) See attachment No. 1, 13.

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.

☐ *See Attachment No.* ___

c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.

☒ *See Attachment No.* 1, 13.

14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? ☐ Yes ☒ No If yes, please explain:

15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at http://topomaps.usgs.gov. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage. See the instruction booklet for more information.

☒ *See Attachment No.* 1,15.

ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

16. COUNTY PERMITS

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____
Department: _____ Telephone: (____) _____
County Zoning Designation:

Are any county permits required for your project? ☐ YES ☒ NO If YES, check appropriate box below:
☐ Grading permit ☐ Use permit ☐ Watercourse ☐ Obstruction permit ☐ Change of zoning
☐ General plan change ☐ Other (explain):

b. Have you obtained any of the required permits described above? ☐ YES ☒ NO
If YES, provide a complete copy of each permit obtained.
☐ *See Attachment No.* ___

17. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:
☒ Federal Energy Regulatory Commission ☐ U.S. Forest Service ☐ U.S. Bureau of Land Management ☐ U.S. Corps of Engineers ☐ U.S. Natural Res. Conservation Service ☐ Calif. Dept. of Fish and Game ☐ State Lands Commission ☐ Calif. Dept. of Water Resources (Div. of Safety of Dams) ☐ Calif. Coastal Commission ☐ State Reclamation Board ☒ Other (specify)
U.S. Bureau of Reclamation.

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.
FERC				
USBR	Warren Act contract			

☒ *See Attachment No.* 1, 17.

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake? ☐ YES ☒ NO
If YES, explain:

☐ *See Attachment No.* ___

d. Have you contacted the California Department of Fish and Game concerning your project?
☐ YES ☒ NO If YES, name, telephone number and date of contact:

18. ENVIRONMENTAL DOCUMENT

a. Has any California public agency prepared an environmental document for your project?
☐ YES ☒ NO

b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

c. If NO, check the appropriate box and explain below, if necessary:
☒ The applicant is a California public agency and will be preparing the environmental document.*
☐ I expect that the State Water Board will be preparing the environmental document.**
☐ I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency: ___
☒ *See Attachment No.* 1, 18.

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.

19. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? ☒ YES ☐ NO
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

_____

_____

_____

☒ *See Attachment No.* 1, 19.

b. Will a waste discharge permit be required for your project? ☐ YES ☐ NO
Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used? _____

_____

_____

☐ *See Attachment No.* ___

20. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? ☐ YES ☒ NO

b. Will you be preparing an archeological report to satisfy another public agency? ☐ YES ☒ NO

c. Do you know of any archeological or historic sites located within the general project area?
☐ YES ☒ NO If YES, explain:

_____

_____

_____

☐ *See Attachment No.* ___

21. ENVIRONMENTAL SETTING

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

☐ Along the stream channel immediately downstream from the proposed point(s) of diversion.

☐ Along the stream channel immediately upstream from the proposed point(s) of diversion.

☐ At the place(s) where the water is to be used.

☒ *See Attachment No.* 1, 21.

SUBMITTAL FEES

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an $850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

Signature of Applicant	Title or Relationship	Date
William T. Hetland	Executive Director	10-23-08
Signature of Co-Applicant (if any)	Title or Relationship	Date

Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.

"APPLICATION TO APPROPRIATE WATER" CHECKLIST

Before you submit your application, be sure to:

- ☐ **Answer each question completely.**
- ☐ **Number, label and include all necessary attachments.**
- ☐ **Include a legible map that meets the requirements discussed in the instruction booklet.**
- ☐ **Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation.**
- ☐ **Include two complete sets of color photographs of the project site.**
- ☐ **Enclose a check for the required fee, payable to the Division of Water Rights.**
- ☐ **Enclose an $850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game.**
- ☐ **Sign and date the application.**

Send the original and one copy of the entire application to:

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

3. PROJECT DESCRIPTION

PROJECT DESCRIPTION

The El Dorado Water & Power Authority (EDWPA), on behalf of its member agencies[1] (collectively the "El Dorado Parties"), is seeking a supplemental water supply to meet future water supply needs occasioned by population growth in El Dorado County, in accordance with its approved 2004 General Plan. This need is identified in the Water Resources Development and Management Plan ("Water Plan") commissioned by the El Dorado County Water Agency (EDCWA) (adopted in October 2007), and designed to coordinate water resource planning activities within El Dorado County. The Water Plan identifies an additional (above existing rights and allocations) water supply need within the EDWPA member agencies' service areas for municipal and irrigation uses of about 31,500 acre-feet annually ("AFA") at the year 2025 demand level and approximately 86,500 acre-feet annually at buildout.

The El Dorado Parties have recognized these increasing water supply needs and have been diligent in their planning and actions to acquire necessary supplemental water and water storage rights. Recognizing that there are limited opportunities for the construction of new water storage locations within the County, as well as the environmental concerns associated with such construction, the El Dorado Parties elected to pursue another arrangement: they have secured diversion and storage rights in the Sacramento Municipal Utility District's (SMUD) existing Upper American River Project (UARP) facilities. These rights are more fully described in the El Dorado – SMUD Cooperation Agreement ("Cooperation Agreement") approved in November of 2005, attached hereto as Attachment No. 2. So long as the El Dorado Parties secure the legal right to divert water, the Cooperation Agreement requires SMUD to make deliveries to the El Dorado Parties from the UARP, including deliveries to and from carryover storage, of up to 35,000 AFA through 2025 and thereafter, 40,000 AFA for the remaining term of the Agreement.

To secure supplemental water to meet a portion of its projected water needs in a manner consistent with the Cooperation Agreement, EDWPA requests the State Board approve the assignment of a portion of Applications 5645 filed by the State pursuant to Water Code section 10500 *et seq.* and the conformation of the assigned portion of the application to the application allowing diversion and storage in the UARP facilities attached hereto.

PURPOSE AND NEED

Physical Setting

[1] The El Dorado Water & Power Authority comprises the County of El Dorado, the El Dorado County Water Agency (EDCWA), the El Dorado Irrigation District (EID) and the Georgetown Divide Public Utility District (GDPUD).

El Dorado County is situated between Lake Tahoe and the Nevada border on the east and Folsom Reservoir and Sacramento County on the west. The County is predominantly situated on the western slope of the Sierra Nevada Mountains and is bounded by the Rubicon and Middle Fork American Rivers on the north, the South Fork of the Cosumnes River on the south and is bisected by the South Fork American River and its tributaries. With an abundance of natural resources and spectacular beauty, the County is home to more than 175,000 people and enjoys a billion-dollar economy.

Among the natural resources within the County are the water resources of the Middle and South Forks of the American River ("Upper American River"). The Upper American River and its tributaries – regional water resources sustained by local run-off – travel through El Dorado County. A substantial water supply source, the watershed theoretically could meet all of the County's projected west slope water supply demands.

The UARP, a hydroelectric power project built by the SMUD in the late 1950s, collects vast quantities of local run-off and Upper American River flows. In its current configuration, the UARP consists of eleven reservoirs and eight powerhouses, all of which are located within the boundaries of El Dorado County on the tributaries of the South Fork and Middle Fork American Rivers. The UARP collects the waters of the Upper American River for the purpose of generating power, and ultimately releases the diverted water downstream. The power produced by the UARP is utilized by SMUD customers in Sacramento County and small portions of Placer and Yolo Counties, while the waters which generate that power are currently put to consumptive use by the City of Sacramento and Central Valley Project (CVP) contractors.

Present El Dorado Water Use

Two of the El Dorado County western slope purveyors[2], EID and GDPUD, currently meet their needs through the utilization of a variety of water supplies, extending those supplies through their implementation of various water conservation measures. EID serves approximately 40,000 acre-feet of water each year, utilizing various pre-1914 and State Water Resources Control Board ("State Board") permitted and licensed rights in the South Fork American River, Echo Creek, and the Cosumnes River Basins, and a CVP Contract allowing diversions from Folsom Reservoir. Additionally, EID has a State Board permitted right within the South Fork American River Basin totaling 17,000 AFA. EID is working to secure approval from the United States Bureau of Reclamation (the "Bureau") to utilize Folsom Reservoir as a point of diversion and rediversion for this supply.[3]

GDPUD serves approximately 11,000 acre-feet of water each year, utilizing its pre-1914 and State Board permitted rights in the Middle Fork American River Basin. It

[2] The third western slope purveyor is the Grizzly Flats Community Service District (GFCSD). Water sought through this application is not intended for use in the GFCSD service area.

[3] Pursuant to Public Law 101-514, EDCWA intends to enter into a contract with the Bureau for the right to an additional 15,000 AFA of CVP M&I water from Folsom Reservoir or points upstream, for the benefit of both the EID and GDPUD service areas. This Application does not assume the availability of this supply.

primarily relies on its main water storage and diversion facility, the Stumpy Meadows Project.

As an extension of their commitment to steward the resources within the County, EID and GDPUD have adopted and implemented industry-leading water conservation practices to stretch the County's precious water supplies as far as possible. EID is a signatory to the California Urban Water Conservation Council's Memorandum of Understanding, outlining fourteen comprehensive conservation Best Management Practices, which all signatories pledge to implement. EID also has a United States Bureau of Reclamation required and approved Water Conservation Plan. Further, EID serves approximately 3,000 AFA (2005) of tertiary-treated recycled water generated at its wastewater treatment plants, in lieu of potable supplies.

As El Dorado County was without a general plan at the time the Sacramento Area Water Forum Agreement ("Water Forum Agreement") was finalized in 1999, EID and GDPUD were unable to enter into Purveyor Specific Agreements as part of that multi-party agreement. They did, however, participate in the negotiations toward the Water Forum Agreement and are signatories to Procedural Agreements anticipating their eventual accession to the Water Forum Agreement itself.

Projected Water Supply Need

In 2004, the El Dorado County Board of Supervisors adopted a General Plan for the County that fairly balances the need to continue the County's stewardship of public land and natural resources with the demand for new agricultural, commercial and residential development. In March 2005, the voters of the County approved a referendum on the plan adopted by the Board of Supervisors, which allowed a Superior Court writ of mandate regarding the plan to be lifted. Subsequently, litigation over the new General Plan was settled, meaning that the General Plan is now of unquestioned legal validity.

It is the mission of EDCWA to ensure that present and future water demands within the County are met. To that end, EDCWA, in collaboration with water purveyors within the County, developed the Water Plan. It is the goal of the Water Plan to coordinate water resource planning efforts within the County in a manner consistent with the General Plan. The Water Plan assumes that in certain areas in close proximity to the EID and GDPUD boundaries, where facilities exist or where the planned land use allows for higher density, development may eventually be provided water service ("Favorable Areas"). Consistent with the planned urban and agricultural land uses identified in the General Plan, the Plan projects additional consumptive water needs within the EID and GDPUD service areas and the Favorable Areas resulting in a total water need of 31,500 AFA by the year 2025. The most logical source for this supply is the Upper American River watershed.

The General Plan additionally anticipates that the population will continue to grow after year 2025. Build-out under the General Plan would result in a future water need within the areas to be served under this application of approximately 86,500 AFA.

However, this application is limited to 40,000 AFA as the maximum use of UARP facilities permitted under the El Dorado – SMUD Cooperation Agreement. Moreover, consistent with the future use by municipalities (Wat. Code, § 106.5), the El Dorado Parties would condition their diversion of quantities greater than 30,000 AFA under an approved permit upon a showing of increased demand and the existence of a valid General Plan.

PETITION AND APPLICATION

Petition

EDWPA requests that the State Board, pursuant to California Code of Regulations, Title 23, section 736(a), treat this application as a petition for assignment of a portion of Application 5645, filed pursuant to section 10500 *et seq.* of the Water Code. EDWPA asks that the assigned portion of Application 5645 be conformed to the diversion, re-diversion and storage regime proposed under this application.

In the processing of this application, EDWPA further requests the State Board to consider permit conditions on the American River water rights of the City of Sacramento and the Bureau pursuant to State Water Board Decision 893. (In the Matter of Applications 12140, et al. by the City of Sacramento and other applicants, to appropriate waters of the American River and its tributaries (1958) D-893; *see also* In the Matter of Applications 11331, 11332, 11761, 11762, 11989 (1958) D-886.) Specifically, by prior order of the State Board, the amounts that may be diverted under those permits are subject to reduction by future appropriation of water for reasonable, beneficial use within the upstream watershed, which includes the service areas of the El Dorado Parties and the Favorable Areas. The State Board also maintained continuing jurisdiction over all rights and privileges under those previously issued permits.

Diversion and Storage Facilities

The vast UARP has occupied virtually all the premier sites for diversion and storage of water from the American River. However, as a condition of withdrawing its objection to SMUD's operation of the UARP, El Dorado County executed agreements with SMUD in 1957 and again in 1961 that permitted El Dorado County to divert water from specified UARP facilities when the need arose. Subsequently, the El Dorado Parties and SMUD entered into the Cooperation Agreement, which largely supersedes the 1957 and 1961 agreements and specifies the terms and conditions under which SMUD will operate the UARP to capture, store and deliver water for the benefit of the El Dorado Parties.

In brief, the Cooperation Agreement enables the El Dorado Parties to avoid the costs and permitting issues associated with the construction of new water diversion and storage facilities by securing use of existing physical facilities. The El Dorado Parties rely upon the Cooperation Agreement for the purpose of demonstrating their legal right to use of the physical facilities that may be required to divert and store the waters of the

Upper American River that are the subject of this application.

The Cooperation Agreement requires SMUD to operate the UARP to divert and store water under the water rights of the El Dorado Parties. SMUD in turn will deliver the directly diverted and stored water to the El Dorado Parties in quantities of up to 35,000 acre-feet per year (40,000 acre-feet after 2025), including the right to carry-over as much as 15,000 acre-feet for drought and other emergencies. SMUD will deliver the water to the White Rock Penstock or the point in the South Fork of the American River immediately below the discharge point from the White Rock Powerhouse.

The Cooperation Agreement authorizes the El Dorado Parties to redivert the delivered water at one point within the UARP (the White Rock Penstock turnout, a valve located in the White Rock Penstock) or anywhere downstream of the UARP facilities, which the El Dorado Parties propose to do at Folsom Reservoir. These points of rediversion are described as points of "take" to distinguish them from the described points of diversion and rediversion in these Applications, although in some cases they are the same points. The points of take represent the last point from which water is taken from either an existing conveyance or from the river system by rediversion directly into EID or GDPUD facilities for conveyance, storage, treatment and distribution to consumptive end users. There are only two points of take to be considered for these Applications: the White Rock Penstock and Folsom Reservoir. However, the El Dorado Parties request that the State Board retain jurisdiction to consider adding additional points of rediversion to the permits at the following locations: (i) below the discharge point from the White Rock Powerhouse, and (ii) within the UARP if the El Dorado Parties have exercised their reopener rights under Section 13.4 of the Cooperation Agreement and the requisite negotiations with SMUD have resulted in an agreement to add one or more UARP points of delivery.

Diversion Amounts and Rates

Because the water appropriated under the applications will be diverted through and stored in SMUD's existing facilities, pursuant to the Cooperation Agreement, the El Dorado Parties propose diversion and storage of up to 30,000 AFA (40,000 AFA after year 2025), with diversions and rediversions at the same rates allowed under SMUD's UARP licenses and permit and with storage at Loon Lake, Ice House Reservoir and Union Valley Reservoir as allowed under SMUD's UARP licenses and permit. The El Dorado Parties propose that the water will be directly diverted and released from storage for take at White Rock Penstock or Folsom Reservoir at the rates agreed to in the Cooperation Agreement, as further described in this attachment.

Beneficial Use

The water appropriated under this application will be put to use for municipal and irrigation purposes in the EID and GDPUD service areas. Water taken from the UARP facilities via the White Rock Penstock will be conveyed into EID's service area for treatment and distribution. EID currently withdraws water from Folsom Reservoir

pursuant to a Water Service contract and a Warren Act contract with the Bureau. In order to take water from Folsom Reservoir pursuant to the proposed appropriation, EID will increase its diversion capacity at Folsom Reservoir, likely through the construction of an additional pumping plant and pipeline from Folsom Reservoir to its El Dorado Hills water treatment plant.

GDPUD, in order to utilize in its service area water appropriated pursuant to this application, may subsequently complete a water exchange with the Placer County Water Agency (PCWA). Such an exchange would allow GDPUD to divert at the North Folsom Pumping Plant (also known as the "Auburn Pumps") along the North Fork American River, and in turn allow PCWA to take water at Folsom Reservoir. Such an exchange is not part of this application and depending upon its terms, may require further State Board approvals. GDPUD has a right to a portion of the capacity of PCWA's recently constructed North Folsom Pumping Plant, but will need to construct a pipeline for conveyance of water from the pumping plant to its intended service area.

Prior Rights

The El Dorado Parties seek partial assignment of State-filed applications for the appropriation of water from the Upper American River. Pursuant to the Cooperation Agreement, the appropriated water will be diverted into and stored within the UARP facilities. Though the American River and its tributaries are considered fully appropriated for a portion of the year, this petition and application are consistent with the Declaration of Fully Appropriated Stream Systems, which states that "petitions for assignment of existing state filings…together with accompanying applications, which implement Water Code section 10500 et seq., and which propose appropriation of water from stream systems identified in the Declaration as fully appropriated, should be accepted for filing." (In the Matter of the Declaration of Fully Appropriated Stream Systems in California (1998) Order WR 98-08, § 4.4.)

The waters of the American River subject to Application 5645 originate within El Dorado County, and the El Dorado Parties may petition for the assignment of those applications to meet future water needs within the County.

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
PURPOSE OF USE	Rate (cfs)	Acre-feet per year	Beginning Date	Ending Date	Acre-feet per year	Beginning Date	Ending Date
Municipal	225	28,000	January 1	December 31	25,948	January 1	December 31
Irrigation	225	12,000	January 1	December 31	11,121	January 1	December 31

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

☑ POD/ ☐ PORD #(1): South Fork Silver Creek, tributary to Silver Creek, thence South Fork American River (Ice House Reservoir Dam): 75 cfs direct diversion; 10,000 AFA to storage[1]

☑ POD/ ☑ PORD #(2) Silver Creek, tributary to South Fork American River (Union Valley Reservoir Dam): 200 cfs direct diversion; 30,000 AFA to storage[1]

☑ POD/ ☑ PORD #(3): Silver Creek, tributary to South Fork American River (Junction Reservoir Dam): 100 cfs direct diversion

☑ POD/ ☑ PORD #(4): Silver Creek, tributary to South Fork American River (Camino Reservoir Dam): 50 cfs direct diversion

☑ POD/ ☑ PORD #(5): Brush Creek, tributary to South Fork American River (Brush Creek Reservoir Dam): 25 cfs

☐ POD/ ☑ PORD #(15): Slab Creek Reservoir, thence the White Rock Powerhouse Penstock

☐ POD/ ☑ PORD #(16): Folsom Reservoir

[1] Total diversion to storage in any year will be limited to 37,069 acre-feet between POD 1 and POD 2.

b. State Planar and Public Land Survey Coordinate Description

POD/ PORD #	POINT IS WITHIN (40-acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE AND MERIDIAN
# (1)	SE ¼ of SW ¼	1	11N	14E	MDB&M
# (2)	SW ¼ of SW ¼	20	12N	14E	MDB&M
# (3)	SW ¼ of SW ¼	30	12N	14E	MDB&M
# (4)	null ¼ of null ¼	4	11N	13E	MDB&M
# (5)	NW ¼ of SE ¼	10	11N	12E	MDB&M
# (15)	SE ¼ of SW ¼	29	11N	11E	MDB&M
# (16)	NW ¼ of NE ¼	10	10N	8E	MDB&M

6. WATER AVAILABILITY

Physical Availability

SMUD presently diverts, captures and stores more than 500,000 acre-feet per year from the American River for non-consumptive uses. SMUD is additionally presently seeking approval from the State Board to increase the authorized quantities set forth in its licenses and permit by as much as 123,900 acre-feet per year to conform with its actual practices and in anticipation of predicted future changes in runoff patterns. (See Applications 31595, 31596.) The UARP and the American River have been the subject of extensive monitoring and hydrologic modeling, all of which establish that the UARP controls vastly greater quantities of water than the El Dorado Parties now request for consumptive uses within El Dorado County. The El Dorado Parties will submit further water availability analyses as such information is developed in their environmental review of the project.

Fully Appropriated Stream Exception

The portion of the Upper American River from which the El Dorado Parties propose to divert water has been declared to be fully appropriated during a portion of the proposed diversion season. However, the State Board has determined that requests for assignment of existing state filings that implement Water Code section 10500 et seq., and which propose appropriation of water from stream systems identified by the State Board as being fully appropriated, should nonetheless be accepted for filing as they are consistent with the Declaration of Fully Appropriated Stream Systems. (In the Matter of the Declaration of Fully Appropriated Stream Systems in California (1998) Order WR 98-08, slip copy, at p. 19.)

As described in section 13., this application is based upon the priority of the State filings of which assignment is requested. In this regard, EDWPA requests the State Board to consider its prior orders imposing conditions on the American River water right permits of the City of Sacramento and the Bureau in State Board Decision 893 (see In the Matter of Applications 12140, et al. by the City of Sacramento and other applicants, to appropriate waters of the American River and its tributaries. (1958) D-893; *see also* In the Matter of Applications 11331, 11332, 11761, 11762, 11989 (1958) D-886) and Water Code sections 11128 and 11460.

Legal Availability

As described above, the El Dorado Parties petition the State Board to assign to them a portion of Application 5645, filed by the State pursuant to Water Code section 10500 et seq. This application has a priority date of 1927, prior in time to the rights of the City and the Bureau. (See In the Matter of Applications 12140, et al. by the City of Sacramento and other applicants, to appropriate waters of the American River and its tributaries. (1958) D-893; In the Matter of Application 26375 and 26373 to Appropriate

Water From The South Fork of the American River and Its Tributaries (1982) D-1587, slip copy, pp 43-45; Amending and Affirming Decision 1587 and Denying Petitions for Reconsideration (1983) WRO 83-1, slip copy, pp. 22-23 ["Persons planning water development projects have actual or constructive notice of state-held applications and must plan for the effect of such applications...The Bureau should have planned for a reduction in the water available to the Folsom Project for local needs inasmuch as Congress specifically instructed the Bureau to plan a project in accordance with state laws protecting local needs."]; In the matter of applications 29919, 29920, 29921, 29922 and petition for assignment of SFA 5645 of El Dorado Irrigation District and El Dorado County Water Agency to appropriate water from Silver Lake, Caples Lake, Lake Aloha, South Fork American River in Alpine, Amador and El Dorado Counties (1996) D-1635.)

Through Decision 893, the State Board imposed conditions subjecting the water right permits of the City of Sacramento and the Bureau to reduction by future appropriation of water for reasonable, beneficial use within the upstream watershed, which includes the El Dorado Parties' service areas and the Favorable Areas. (In the Matter of Application 26375 and 26373 to Appropriate Water From The South Fork of the American River and Its Tributaries, Amending and Affirming Decision 1587 and Denying Petitions for Reconsideration (1983) WRO 83-1, slip copy, p. 16 ["The operative effect of...the permit condition is to make [Bureau] Applications 13370 et seq. junior to all applications for the appropriation and use of water in the county or watershed in which the water originates"].) Decision 893 previously found sufficient water available for the applications permitted in those proceedings beyond the amount of water for which the El Dorado Parties now apply. Accordingly, water should be available for the requested diversions under the present application. (See, e.g., In the Matter of Eleven Petitions for Partial Assignment of Application 5348C and Proposed Completed Applications 5648C-1/11 (1982) State Board Decision D-1581.)

7. PLACE OF USE

The EID and GDPUD boundaries encompass approximately 137,000 and 75,000 acres, respectively. The water sought under this application and petition is intended to be put to use within the EID and GDPUD service area boundaries and the Favorable Areas. This Place of Use is delineated on the accompanying Place of Use Map.

9. JUSTIFICATION OF AMOUNTS REQUESTED[1]

Consistent with the planned urban and agricultural land uses identified in the General Plan, the Water Resources Development and Management Plan reallocates a portion of the additional consumptive water needs from outside the district boundaries (within the Favorable Areas) to EID and GDPUD, resulting in a total water need of 31,500 AFA by the year 2025. However, this planning level demand projection does not consider adjustments to 1999 (General Plan base year) growth projections to reflect actual conditions or demand from additional favorable areas identified since the Plan's completion. On this basis, for purposes of this application, the following adjustments have been made:

- Growth Projection Adjustment – As a result of General Plan legal challenges, development in the GDPUD area of the County has been curtailed since the General Plan growth projections were originally made in the 1999. Accordingly, to date, increases in water demands have not occurred as projected. It is estimated that the 2025 demand level will be approximately 2,100 AFA less than projected by the General Plan as a result of these recent growth constraints.

- Demand from Additional Favorable Areas – Favorable area mapping dates back to the General Plan base year of 1999. Adjustments have been made to either eliminate areas that have been determined to be impracticable to serve with public water or include additional areas based on actual annexations and new development agreements and/or proposals. As a result, the 2025 demand as been increase by approximately 500 AFA.

When these demand adjustments are made to the gross planning demand level of 31,500 AFA identified in the Plan, the demand level decreases to approximately 29,900 acre-feet in 2025. The Plan also identifies approximately 4,400 AFA of water conservation savings that may be possible to achieve by 2025, thereby potentially reducing 2025 demand by an additional 4,400 AFA to 25,500. At buildout, the demand level within the EID and GDPUD service areas (including the favorable areas) is projected to be approximately 87,000 AFA, less conservation, which is unquantified at this time. As described herein, the Cooperation Agreement limits the El Dorado Parties' diversion through and storage in the UARP facilities to 30,000 AFA through 2025 and 40,000 AFA thereafter.

[1] The amounts contained in this section include those applied for under EDWPA's request for assignment of portions of both Application 5644 and Application 5645.

a. IRRIGATION: Maximum area to be irrigated in any one year: 6,093 acres.

CROP	ACRES	METHOD OF IRRIGATION	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date	Ending date
Deciduous Orchard	2,337	Portable sprinklers	7,240	15 May	15 Sept
Vineyard, Christmas Tree, Olive/Citrus, Berries	3,757	Micro spray/drip	5,305	15 May	15 Sept
TOTAL	6,093		12,545		

e. MUNICIPAL:

POPULATION		MAXIMUM MONTH		ANNUAL USE		
Period	Population w/ latent	Average daily use (gallons/capita)	Rate of diversion (cfs)	Average daily use (gallons/capita)	Acre-foot (per capita)	Total w/ latent (AF)
Present (2006)	130,970	565	116.32	295	0.33	43,261
New supply only						
2011	2,958	458	2.13	239	0.27	793
2016	23,288	551	20.18	288	0.33	7,504
2021	44,086	561	38.94	293	0.33	14,482
2026	65,392	562	57.78	293	0.33	21,487
2031	88,241	564	78.28	295	0.33	29,112

Month of maximum use during year: July/August
Month of minimum use during year: February

Footnotes:

1. Total municipal demand includes latent demand to determine when new water rights are needed. Latent demand is a liability the purveyor is required to plan for and hold rights for. Actual diversions associated with latent demands will occur later than shown.
2. Population is based on 2004 General Plan projections, adjusted to include population associated with latent demand.
3. Month of Maximum use is projected to be July or August, each at approximately 16% of annual average use. (EID 2005 Water Diversion Report.) This application assumes use in GDPUD will be similar.
4. Municipal demand includes residential, commercial, industrial, losses and recreational turf irrigation such as parks, schools and golf courses.
5. Agricultural demand includes irrigation and losses and corresponds to the 2031 Municipal demand level.

10. DIVERSION AND DISTRIBUTION METHOD

The El Dorado Parties' appropriation of water is made possible and will occur through the UARP facilities. Pursuant to the Cooperation Agreement, the El Dorado Parties have the right to take water from the UARP facilities at the White Rock Penstock turnout, a valve located in the White Rock Penstock, and additionally to directly divert and take water released from storage below the UARP facilities, which the El Dorado Parties propose to take at the Folsom Reservoir.

The water appropriated under this application will be put to use for municipal and irrigation purposes in the EID and GDPUD service areas and the Favorable Areas. Water taken from the UARP facilities via the White Rock Penstock will be conveyed into EID's service area for treatment and distribution. EID currently withdraws water from Folsom Reservoir pursuant to a Water Service contract and a Warren Act contract with the Bureau. In order to take water from Folsom Reservoir, pursuant to the proposed appropriation, EID will increase its diversion capacity at Folsom Reservoir, likely through the construction of an additional pumping plant and pipeline from Folsom Reservoir to its El Dorado Hills water treatment plant.

GDPUD, in order to utilize in its service area water appropriated pursuant to this application, might subsequently complete a water exchange with the Placer County Water Agency (PCWA). Such an exchange would allow GDPUD to divert at the North Folsom Pumping Plant (also known as the "Auburn Pumps") along the North Fork American River, and in turn allow PCWA to take water at Folsom Reservoir. Such an exchange is not part of this application and depending upon its terms, might require further State Board approvals. GDPUD has a right to a portion of the capacity of PCWA's recently constructed North Folsom Pumping Plant, but will need to construct a pipeline for conveyance of water from the pumping plant to its intended service area.

d. Storage reservoirs:

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
Ice House Reservoir	136	Rockfill	1650	17.5	678	43,417	140
Union Valley Reservoir	453	Earthfill	1,835	28	2,860	277,290	360

11. CONSERVATION AND MONITORING

a. As an extension of their commitment to steward the resources within the County, EID and GDPUD have adopted and implemented industry-leading water conservation practices to stretch the County's precious water supplies as far as possible. EID is a signatory to the California Urban Water Conservation Council's Memorandum of Understanding, outlining fourteen comprehensive conservation Best Management Practices, which all signatories pledge to implement. EID also has a United States Bureau of Reclamation required and approved Water Conservation Plan. Further, EID served approximately 3,000 AFA of tertiary-treated recycled water in 2005 generated at its wastewater treatment plants, in lieu of potable supplies.

12. RIGHT OF ACCESS

The El Dorado Parties have the right to interconnect their pipeline facilities with SMUD's existing takeout on the White Rock Penstock subject to an interconnection construction agreement with SMUD under Section 5.2.2.2 of the Cooperation Agreement. EID presently holds access rights allowing its transport of water from Folsom Reservoir to EID treatment and distribution facilities. Access rights for water transport facilities from the White Rock Penstock to EID treatment and distribution facilities will be secured either through negotiations with affected landowners or eminent domain proceedings. GDPUD has a right to a portion of the capacity of PCWA's recently constructed North Folsom Pumping Plant, and will be required to secure, through negotiations with affected landowners or eminent domain proceedings, those lands necessary to develop required conveyance, treatment and distribution facilities.

13. EXISTING WATER RIGHTS AND RELATED FILINGS

The State of California has taken steps to assure that the areas in which water originates will have an adequate supply for their reasonable, beneficial use when those areas' water needs require its use. This policy is evidenced by Water Code § 10500, et seq., which provides for the reservation of priority applications for future development and that the priority of state-filed applications may not be released, nor may such applications be assigned such that the county of origin is deprived of water covered by the application necessary for its development. The waters of the American River applied for under this application originate within El Dorado County, and the El Dorado Parties may assert these statutory protections to provide for future consumptive needs within the County.

REQUESTED PERMIT TERMS

The El Dorado Parties request that any State Board order or permit authorizing storage, conveyance, or diversion of water in, through, or from UARP facilities pursuant to water rights that the El Dorado Parties obtain under this petition and application contain the following conditions, to become effective only if the El Dorado Parties terminate the Cooperation Agreement, pursuant to Cooperation Agreement Section 17.3.3.

(a) The El Dorado Parties' right to take 30,000 AFA (40,000 AFA after 2025) from White Rock Penstock or Slab Creek Reservoir will continue to be in full force and effect.

(b) Any provision authorizing storage or any other diversion will continue in force or terminate as specified in (i) through (iii) following.

> (i) If the El Dorado Parties believe they presently have the legal right (by contract or otherwise) to use UARP facilities for purposes beyond those specified in (a), within 30 days of giving notice of termination, the El Dorado Parties will provide SMUD with a reasonably detailed statement of the basis for such legal right, and within 30 days thereafter SMUD and the El Dorado Parties will confer on the matter.
>
> (ii) If SMUD and the El Dorado Parties do not reach agreement within the 30-day period, the El Dorado Parties may file a declaratory relief action respecting their claimed rights in the Superior Court of a Neutral County.
>
> (iii) If the El Dorado Parties and SMUD reach agreement or the El Dorado Parties commence a declaratory relief action within 90 days of its termination notice, the State Board will modify the order or permit to conform to the

> agreement between the El Dorado Parties and SMUD or to any final judgment in the declaratory relief action; otherwise the provision will terminate. The termination of the provision, however, will be without prejudice to any right of the El Dorado Parties to obtain, and any right of SMUD to oppose, similar authorization as if the Agreement had never existed.

(c) Under the rights permitted based on the assignment of portions of Applications 5644 and 5645, prior to placing more than 30,000 acre-feet per year to beneficial use after 2025, the El Dorado Parties will file an approved General Plan and a statement with the Water Division demonstrating the need for up to 40,000 acre-feet per year.

(d) The State Board will reserve jurisdiction to consider a request by the El Dorado Parties to add additional points of diversion/rediversion at the following locations: (i) below the discharge point from the White Rock Powerhouse, and (ii) within the UARP if the El Dorado Parties have exercised their reopener rights under Section 13.4 of the El Dorado – SMUD Cooperation Agreement and the requisite negotiations with SMUD have resulted in an agreement to add one or more points of delivery within the UARP.

15. MAP REQUIREMENTS

The points of direct diversion, diversion to storage and point of rediversion are shown on the attached map. Additionally, the two points of take sought under this application are also shown.

17. STATE/FEDERAL PERMITS AND REQUIREMENTS

SMUD and the El Dorado Parties have agreed that SMUD will make all necessary applications to the Federal Energy Regulatory Commission to obtain its approval for the El Dorado Parties' utilization of the UARP facilities to withdraw and store water for consumptive use in a manner consistent with the Cooperation Agreement.

18. ENVIRONMENTAL DOCUMENT

The EDWPA is a California joint powers authority and plans to prepare an Environmental Impact Report (EIR), acting as Lead Agency pursuant to the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The EIR will consider a range of reasonable alternatives to the project, a no project alternative, and potential impacts, mitigation measures, and monitoring requirements. The Draft and Final EIRs, along with the notice of determination, will be submitted to the State Board.

19. WASTE/WASTEWATER

Water put to municipal use pursuant to this application will result in the generation of wastewater. Within the EID service area, wastewater is treated at its Deer Creek and El Dorado Hills wastewater treatment plants. These plants fulfill all regulatory requirements for discharges, pursuant to permits from the Regional Water Quality Control Board, and treated effluent is discharged into the Cosumnes River Basin. In 2005, EID's El Dorado Hills wastewater treatment plant was named "Plant of the Year" by the Sacramento Section of the California Water Environment Association and EID was named "Collections System of the Year" for systems with 250 to 500 miles of collection lines. EID's wastewater treatment plants additionally generate 3,000 AFA (2005) of recycled water that is put to use for irrigation purposes each year.

Portions of EID's water service area do not receive wastewater treatment service from EID, but wastewater generated from these customers receives primary treatment in on-site septic tanks and is then disposed of pursuant to El Dorado County Regulations. Wastewater generated as a result of municipal use in GDPUD's service territory is similarly treated through customers' or community on-site septic systems.

Use of water under this application for irrigation purposes may result in agricultural runoff. This runoff is subject to and regulated under the Central Valley Regional Water Quality Control Board's regulation of irrigated lands, the vast majority of which is included in the Board's Irrigated Lands Conditional Waiver program.

21. ENVIRONMENTAL SETTING

El Dorado County is situated between Lake Tahoe and the Nevada border on the east and Folsom Reservoir and Sacramento County on the west. The County is predominantly situated on the western slope of the Sierra Nevada Mountains and is bounded by the Rubicon and Middle Fork American Rivers to the north. The South and Middle Fork American rivers as well as the Rubicon River drain much of the central and northern portions of the County into Folsom Reservoir. The southern portion of the County lies within the Cosumnes River watershed. At its eastern end, the County lies within the Lake Tahoe Basin and is drained by the Upper Truckee River, which is unconnected, hydrologically, with the American River watershed.

The American River watershed above Folsom Reservoir is very rugged, with rocky slopes, V-shaped canyons, and few flat valley or plateau areas. Elevations range from 10,400 feet msl at the headwaters to about 200 ft msl at Folsom Reservoir, with an average basin slope of approximately 80 feet per mile. The upper third of the basin has been intensely glaciated and is alpine in character, with bare peaks and ridges, considerable areas of granite pavement, and only scattered areas of timber. The middle third is dissected by profound forested canyons, which have reduced the inter-stream areas to narrow ribbons of relatively flat land. The lower third consists of low rolling mountains and Sierra Nevada foothills.

With the completion of Folsom Dam in 1955, as part of the U.S. Bureau of Reclamation's Central Valley Project (CVP), Folsom Reservoir, an impoundment capable of holding 975,000 acre-feet was formed. A regulating water body, Lake Natoma, was formed immediately downstream of Folsom Dam with the construction of Nimbus Dam. Below Nimbus Dam, the river passes through the urbanized Sacramento metropolitan area but is buffered by a riparian park, the American River Parkway, which extends 23 miles to the river's confluence with the Sacramento River. This portion of the American River is known as the Lower American River and is classified as a "recreation" river within both the State and federal Wild and Scenic River systems. While immediately downstream of Nimbus Dam, the river flows through a more incised channel with high bluffs, nearer the mouth, this topography flattens and the river is constrained by a series of adjacent levees and set-back levees.

Flows in this stretch of the river vary widely with season. Flows are controlled by releases from Folsom Dam under a variety of operational rules including D-893, modified D-1400, Folsom's flood control diagram, and voluntary releases made under the CVPIA Anadromous Fish Restoration Program by the Lower American River Operations Group. Flows can range anywhere from 500 cfs during dry periods to over 25,000 cfs during high runoff periods. The levees are designed to convey and hold flows up to 115,000 cfs.

The lower American River drains into the Sacramento River near downtown Sacramento where it then flows south into the Sacramento-San Joaquin River Delta.