

December 19, 2012

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DIV OF WATER RIGHTS
SACRAMENTO

Mr. Phillip Crader, Manager of Permitting and Licensing Section
State Water Resources Control Board
1001 I Street
PO Box 2000
Sacramento, CA 95812-2000

- Subject: 1) Petitions for Changes of Place of Use and Point of Rediversion – Pardee Reservoir Hydroelectric Rights, License 1388 (Application 4768), License 6062 (Application 5128) and Permit 10479 (Application 15201)
- 2) Petition for Change of Place and Purpose of Use – Pardee Reservoir Municipal Water Right, License 11109 (Application 4228)
- 3) Amended Petition for Change of Place and Purpose of Use – Pardee/ Camanche Reservoirs Municipal Water Right, Permit 10478 (Application 13156)

Dear Mr. Crader:

Consistent with our discussions with you on August 30, 2012, the East Bay Municipal Utility District (EBMUD) hereby files the subject additional change petitions, summarized below, to conform the permits and licenses issued by the State Water Board (SWB) for the Mokelumne Project to EBMUD's existing Mokelumne River water supply and hydroelectric operations. EBMUD will continue to use its existing Mokelumne River facilities to meet the existing and future water supply needs of the residents in the cities and other areas within EBMUD's service area.

Other legal users of water will not be impacted by these change petitions, because the change petitions do not involve any additional appropriation of water; the hydroelectric rights are non-consumptive; and EBMUD does not propose any changes in its existing municipal and hydroelectric operations at Pardee and Camanche Reservoirs. In addition, EBMUD will continue to make required releases to meet the obligations to downstream water rights holders.

- 1) EBMUD is petitioning to add fish and wildlife preservation and enhancement at Pardee Reservoir as an additional purpose of use under License 11109/ Application 4228. Waters stored in Pardee Reservoir support fish and wildlife resources at Pardee. The proposed change in purpose of use does not expand EBMUD's existing water rights to divert water from the Mokelumne River and will not result in any potentially significant impacts.

This petition also proposes to update the place of use set forth in License 11109. The place of use for License 11109 was last approved when the License was issued by the SWB in 1981.

The proposed change in place of use is a result of annexations of additional lands to EBMUD's current and ultimate service area boundaries by the LAFCOs of Alameda and Contra Costa counties. For each of these annexations, LAFCO, as the lead agency, complied with the requirements of CEQA, approved environmental documents and added the areas to EBMUD's service area, thus requiring that they be served by EBMUD. This proposed change in the place of use is simply to update the map on file with the SWB to conform the place of use to add areas LAFCO has already ordered to be served, for which CEQA documentation was completed, and which EBMUD is currently serving. Adding these areas will not result in any potentially significant impacts that were not examined in prior CEQA documents. (See also 23 CCR § 798.)

- 2) EBMUD is amending the previously filed petition under Permit 10478 to add changes to the purpose of use. EBMUD is petitioning to formally add recreation, fish and wildlife preservation, and enhancements at Pardee and Camanche Reservoirs as authorized purposes of use under Permit 10478. EBMUD also proposes to add industrial use as an authorized purpose of use under Permit 10478. The proposed change in purpose of use does not expand EBMUD's existing water rights to divert water from the Mokelumne River and will not result in any potentially significant impacts. (See also 23 CCR § 798.)
- 3) EBMUD is also filing three petitions on its Pardee Reservoir hydroelectric water rights (License 1388/ Application 4768, License 6062/ Application 5128, and Permit 10479/ Application 15201). These petitions would make technical clarifications to conform those three rights to subsequently imposed state and federal terms and conditions and to facilitate the operations necessary to meet those requirements and other downstream release obligations. Each water right license/ permit authorizes certain amounts and seasons for direct diversion at the powerhouse and storage at Pardee Reservoir, which will remain unchanged with these petitions.

EBMUD routinely releases water from Pardee Reservoir to Camanche Reservoir at various times to assist in meeting state and federally imposed terms and conditions, including (a) releases to meet the SWB's decision in D-1641 requiring minimum fishery flow releases, which release requirements are also mandated by the Federal Energy Regulatory Commission (FERC); (b) releasing cool water from Pardee Reservoir to Camanche Reservoir in summer and fall to be released from Camanche Reservoir for the benefit of the anadromous fishery in the lower Mokelumne River, as required by D-1641 and FERC; and (c) making flood control releases as required by the U.S. Army Corps of Engineers. In addition, EBMUD is required to make releases to meet its obligations to downstream water rights holders. In conducting these operations, water is customarily released from Pardee to Camanche Reservoir through the Pardee Powerhouse, and, in turn, through the Camanche Powerhouse to the Mokelumne River. The proposed changes will not result in any new

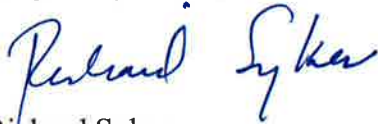
construction, no changes to EBMUD's operations will occur, and will not result in any potential significant impacts.

EBMUD has and will continue to meet all flow requirements at Camanche Reservoir, including the release requirements imposed by the SWB's D-1641 to release the Joint Settlement Agreement (JSA) fisheries flows from Camanche Reservoir to the lower Mokelumne River. EBMUD has been releasing JSA required flows to protect and enhance the Mokelumne fishery since the flows were first negotiated in 1996, and will continue to release those instream flows.

Enclosed are one original and one copy of each change petition together with the associated Environmental Information form for the petitions, maps, and total filing fee of \$23,728 (\$5,932 for each petition) payable to the SWB and additional fee of \$850 payable to the Department of Fish and Game (DFG) to cover the relevant fee associated with these change petitions. This single filing fee to DFG is consistent with Public Resources Code Section 10005(e) for a single project.

Regarding the enclosed, amended petition for change on Permit 10478, and consistent with our telephone conversation with Kathy Mrowka on June 12, 2012, we understand the filing fees paid in 2010 in association with the change petition on Permit 10478 are also sufficient for the enclosed amended petition under Permit 10478. There should be no additional fees necessary to process this amended petition. We have enclosed a fully revised amended petition on Permit 10478 to replace the December 2010 petition, with the exception of the maps from December 2010, which remain unchanged.

Very Truly Yours,



Richard Sykes

Enclosures

cc: James W. Kassel, Assistant Division Chief, SWRCB
Tina Bartlett, Regional Manager, Department of Fish and Game