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Acting Secretary

State Water Resources Control Board



Arnold Schwarzenegger
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Division of Water Rights

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NOTICE OF APPLICATION REQUESTING TEMPORARY PERMIT TO DIVERT WATER FOR SACRAMENTO MUNICIPAL UTILITY DISTRICT'S UPPER AMERICAN RIVER HYDROELECTRIC PROJECT UNDER APPLICATION T31613

Notice is hereby given that on April 21, 2006

Sacramento Municipal Utility District
c/o Joseph Schofield
Downey Brand LLP
555 Capitol Mall, 10th Floor
Sacramento, CA 95814

filed with the State Water Resources Control Board (State Water Board), Application T31613 for a Temporary Permit under Water Code section 1425 et seq. Sacramento Municipal Utility District (SMUD) seeks to divert 100,000 acre-feet (af) of water from Rubicon River sources in El Dorado County for its Upper American River Project (UARP), a large hydroelectric development licensed by the Federal Energy Regulatory Commission (FERC Project No. 2101) between April 21, 2006 and June 30, 2006. According to the Department of Water Resources snow pack and precipitation data and forecasts, the 2005-06 water year will be one of the four wettest years in 65 years of record for the American River watershed. SMUD seeks a temporary permit to generate hydroelectric power using the high flows.

APPLICATION SUMMARY:

SMUD's facilities are operated under License 11074 (Application 12624). The temporary application will use the existing facilities to divert 100,000 af of water and generate up to 80,000 more megawatt hours of electrical energy this spring than SMUD could generate using License 11074. The State Water Board will condition any temporary permit for protection of prior vested rights.

County: El Dorado.

Points of Diversion (POD) and Sources:

POD 1) Rubicon Reservoir

Source: Rubicon River tributary to Middle Fork American River thence American;

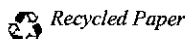
Location: within the NW¼ of SW¼ of Section 9, T13N, R16E, MDB&M.

POD 2) Buck Island Reservoir

Source: Little Rubicon River (aka Rockbound/Highland Creek) tributary to Rubicon River;

Location: within the SW¼ of the NW¼ of Section 6, T13N, R16E, MDB&M.

California Environmental Protection Agency



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POD 3) Loon Lake Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River;

Location: within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T13N, R15E, MDB&M.

POD 4) Gerle Creek Reservoir

Source: Gerle Creek tributary to South Fork Rubicon River thence Rubicon River;

Location: within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, T13N, R14E, MDB&M.

POD 5) Robbs Peak Reservoir

Source: South Fork Rubicon River tributary to Rubicon River;

Location: within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, T13N, R14E, MDB&M.

Points of Rediversion (PORD):

- PORD 1) Buck Island Reservoir located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 6, T13N, R16E, MDB&M;
- PORD 2) Loon Lake Reservoir located within the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 5, T13N, R15E, MDB&M;
- PORD 3) Gerle Creek Reservoir located within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15, T13N, R14E, MDB&M;
- PORD 4) Robbs Peak Reservoir located within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 27, T13N, R14E, MDB&M;
- PORD 5) Union Valley Reservoir located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, T12N, R14E, MDB&M;
- PORD 6) Junction Reservoir located within the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, T12N, R14E, MDB&M;
- PORD 7) Camino Reservoir located within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 4, T11N, R13E, MDB&M;
- PORD 8) Brush Creek Reservoir located within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 10, T11N, R12E, MDB&M;
- PORD 9) Slab Creek Reservoir located within the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25, T11N, R11E, MDB&M;
- PORD 10) Chili Bar Reservoir located within the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25, T11N, R10E, MDB&M.

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Diversion Quantities, Diversion Season and Beneficial Use:

Point of Diversion	Quantity		Quantity Cap	Diversion Season	Beneficial Use
	Direct Diversion	Storage			
POD 1 Rubicon Reservoir	800 cubic feet per second (cfs)	n/a	100,000 af	April 21, 2006 through June 30, 2006	Hydroelectric power generation at Loon Lake, Robbs Peak, Union Valley, Jaybird, Camino, Slab Creek, White Rock, and Chili Bar Powerhouses
POD 2 Buck Island Reservoir	160 cfs				
POD 3 Loon Lake Reservoir	950 cfs				
POD 4 Gerle Creek Reservoir					
POD 5 Robbs Peak Reservoir					

Place of Use:

Powerplant	Use is Within	Section	Township	Range	Base and Meridian
Loon Lake Powerhouse	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	18	13N	15E	MDB&M
Robbs Peak Powerhouse	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	11	12N	14E	MDB&M
Union Valley Powerhouse	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	30	12N	14E	MDB&M
Jaybird Powerhouse	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	4	11N	13E	MDB&M
Camino Powerhouse	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	15	11N	12E	MDB&M
Slab Creek Powerhouse	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	25	11N	11E	MDB&M
White Rock Powerhouse	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	31	11N	11E	MDB&M
Chili Bar Powerhouse	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	25	11N	10E	MDB&M

SMUD is responsible for the environmental review pursuant to any State or federal environmental requirements.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1425 et seq., the State Water Board may issue a conditional, temporary permit if the following findings regarding that permit can be made:

1. The applicant has an urgent need for the water proposed to be diverted and used;
2. The water may be diverted and used without injury to any other lawful user of water;
3. The water may be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed diversion and use are in the public interest, including findings to support permit conditions imposed to assure that water is diverted and used in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Pursuant to the requirements of section 1425 above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary permit. Any person may file comments, objections and/or recommendations concerning SMUD's application for a temporary permit. The materials must address the issues that the State Water Board must evaluate, as set forth above. If the State Water Board cannot satisfy, in a timely manner, the provisions of section 1425 et seq., then the State Water Board may schedule and notice a hearing regarding the proposed temporary permit.

Materials filed in response to this notice must be received in writing by 3:00 p.m. on May 30, 2006 at both addresses listed below. Due to the brief noticing period, interested parties are encouraged to file comments, objections, etc., by fax up until the deadline. However, an original copy of all materials must be received for the State Water Board to consider your concerns.

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Division of Water Rights
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Sacramento, CA 95812-2000

Phone: (916) 341-5360
Fax: (916) 341-5400

Please address questions about this notice to Kate Gaffney at (916) 341-5360. If you have any questions regarding Project details you may contact Joseph Schofield of Downey Brand LLP at (916) 444-1000.

**ORIGINAL SIGNED BY
STEVEN HERRERA FOR**

*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: **May 1, 2006**