



State Water Resources Control Board



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Division of Water Rights
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Arnold Schwarzenegger
Governor

**NOTICE OF PETITIONS FOR TEMPORARY CHANGE
INVOLVING THE TRANSFER OF UP TO 20,000 ACRE FEET OF WATER
FROM THE PLACER COUNTY WATER AGENCY
TO THE SAN DIEGO COUNTY WATER AUTHORITY
UNDER PERMITS 13856 & 13858 (APPLICATIONS 18085 & 18087)**

Notice is hereby given that on May 6, 2009,

Placer County Water Agency
c/o Hanspeter Walter
Kronick, Moskovitz, Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814

filed with the State Water Resources Control Board (State Water Board) two Petitions for Temporary Change under Water Code section 1725, et seq. Pursuant to the petitions, Placer County Water Agency (PCWA) seeks to transfer up to 20,000 acre-feet (af) of water to the San Diego County Water Authority (SDCWA). Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year from the date of approval.

DESCRIPTION OF THE TRANSFER

PCWA proposes to transfer up to 20,000 af of water currently stored in French Meadows Reservoir and Hell Hole Reservoir (the major storage facilities of its Middle Fork Project) under Permits 13856 and 13858 (Applications 18085 and 18087) to SDCWA. The petitions request that transfer be authorized for release from the effective date of this order through December 31, 2009, however, the water is most likely to be released during the months of July, August, and September, 2009. Water will be released to the Rubicon River thence the Middle Fork American River and temporarily stored in Folsom Reservoir. The transfer water would then be available for release to the Lower American River thence the Sacramento River to the Delta for export at the Banks Pumping Plant and delivery to SDCWA. Due to the additional amount of export pumping associated with this transfer, additional Delta inflow will be required to maintain water quality objectives within the Delta. Accordingly, a portion of the transfer water (typically referred to as "carriage water") will be used for salinity control, fish and wildlife enhancement, and water quality control.

California Environmental Protection Agency

PCWA states that the proposed transfer of up to 20,000 af of water will not impact its ability to provide domestic deliveries to its customers. Additionally, PCWA's petition indicates that it intends to enter into an agreement with the U.S. Bureau of Reclamation (Reclamation) to ensure that future refill of water transferred from storage does not adversely impact the American River watershed. If necessary, SDCWA plans to execute a wheeling/storage agreement with Reclamation in order to provide operational flexibility to first store the transfer water in Folsom Reservoir before its conveyance through the Delta.

In the absence of this transfer, up to 20,000 af of the subject water would remain in storage in French Meadows Reservoir and Hell Hole Reservoir.

PROPOSED TEMPORARY CHANGE

The proposed transfer would temporarily add the service areas of SDCWA (as shown on map submitted with the petitions) to the authorized place of use under Permits 13856 and 13858. The State Water Project (SWP)'s Banks Pumping Plant would be temporarily added as a point of rediversion under Permits 13856 and 13858. Folsom Reservoir would be added as an alternate point of rediversion. In addition, salinity control, fish and wildlife enhancement, and water quality control should be temporarily added as purposes of use under Permits 13856 and 13858 consistent with carriage water requirements described above.

PETITIONER'S WATER RIGHTS

Permits 13856 and 13858 (Applications 18085 and 18087), issued on January 10, 1963, authorize PCWA to divert to storage up to a maximum of 133,700 af per year (afa) in French Meadows Reservoir and up to 208,400 afa in Hell Hole Reservoir. These permits also authorize the direct diversion of up to a total of 2,025 cfs between November 1 and July 1 of each year. The authorized purposes of use under Permits 13856 and 13858 are irrigation, municipal, industrial, recreation and incidental domestic and the place of use is shown on PCWA's map set dated July 31, 1996.

PCWA also holds Permits 13855 and 13857 (Applications 18084 and 18086), issued on January 10, 1963. These permits authorize similar direct diversion and storage totals and locations as Permits 13856 and 13858, however, these permits are for non-consumptive uses (i.e., power generation and recreation) and are not included in this petition for temporary change.

PCWA owns and operates the Middle Fork Project (located within the upper American River watershed) which consists of the French Meadows and Hell Hole reservoirs, with combined storage capacity of approximately 342,000 af, and associated canals, pipelines, powerhouses and regulating reservoirs. French Meadows Reservoir is located on the Middle Fork American River and Hell Hole Reservoir is located on the Rubicon River (which is tributary to the Middle Fork American River). PCWA's Federal Energy Regulatory Commission (FERC) licenses require PCWA to maintain minimum

instream flows in the Middle Fork American River and Rubicon River (below both reservoirs) based on the season and water year type. Water stored in French Meadows Reservoir may be pumped via underground pipeline to Hell Hole Reservoir and, during normal operations, PCWA uses Hell Hole Reservoir as the release point for most of the water it uses for power generation and its authorized consumptive uses.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes involving the transfer of water that was previously stored are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATE WATER RESOURCES CONTROL BOARD'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involve only water that would otherwise have been consumptively used, stored, or conserved pursuant to Water Code section 1011, by Permittee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the State Water Board cannot satisfy, in a timely manner, the provisions of Water Code section 1725, et. seq., then the State Water Board may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENT

Pursuant to the requirements outlined above, the State Water Board is seeking information to assist in the evaluation of the proposed temporary change of water rights. Any person may file comments concerning the petition for temporary change. The comments must address the required findings set forth above. The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). While such a determination has not been made in this case, commenters should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Due to the relative brevity of the temporary transfer process, the Division (if necessary) may request that the petitioner submit additional information during the comment

