Attachment A

Environmental Information for Petitions

Attachment A

Executive Summary

Placer County Water Agency (PCWA) proposes to transfer a minimum of 5,000 acre-feet (AF) and up to a maximum of 20,000 AF of Middle Fork Project (MFP) water (Transfer Water) currently stored in Hell Hole Reservoir on the Rubicon River and French Meadows Reservoir on the Middle Fork American River to the East Bay Municipal Utility District (EBMUD) for designated beneficial use within the EBMUD service area. To accomplish this transfer, the following temporary changes in the Place of Use (POU) and points of rediversion under PCWA's MFP Water Right Permit 13856 are being requested by Petition to:

1) Allow for rediversion of Transfer Water by EBMUD at the Freeport Regional Water Project (FRWP) intake facility (**Attachment B**), and
2) Allow for the consumptive use of Transfer Water within the EBMUD service area (**Attachment C**) consistent with current beneficial use designations.

Placer County Water Agency

PCWA is a public agency created and existing pursuant to the provisions of the Placer County Water Agency Act (Water Code Appx. Ch. 81.). PCWA owns and operates the MFP and holds appropriative water rights for the MFP pursuant to Permits 13856 and 13858, issued on Applications 18085 and 18087, by the State Water Rights Board, predecessor to the State Water Resources Control Board (SWRCB). SWRCB Permits 13856 and 13858, both issued in 1963 and amended in 1975, allow for the combined diversion and storage of 315,000 Acre Feet per Annum (AFA) of MFP water held in two onstream storage reservoirs (French Meadows and Hell Hole Reservoir).

PCWA's MFP is a multi-purpose project designed to conserve waters of the Middle Fork American River, the Rubicon River and tributaries thereto for beneficial Domestic, Municipal & Industrial, Recreational, and Irrigation uses as well as hydro-electrical power generation. Principal project features include two storage reservoirs, five associated diversion dams (Duncan, North Fork Long Canyon, South Fork Long Canyon, Middle Fork Interbay, and Ralston Afterbay), and five power plants (French Meadows, Hell Hole, Middle Fork, Ralston, and Oxbow).

For the purposes of this proposed 20,000 AF transfer, PCWA will be solely exercising Permit 13856 which allows for the storage and consumptive use of 249,000 AF of MFP water (25,000 AF at Duncan Creek diversion; 95,000 AF in French Meadows; and 129,000 in Hell Hole Reservoir).

East Bay Municipal Water District

EBMUD, a public utility, was formed under the Municipal Utility District (MUD) Act, passed by the California Legislature in 1921. EBMUD supplies water to 1.34 million people plus industrial, commercial, institutional, and irrigation water users in the East Bay region of the San Francisco Bay Area. EBMUD's 332-square-mile water service area encompasses incorporated and unincorporated areas within Alameda and Contra Costa Counties. EBMUD's principal raw water source is the Mokelumne River in the Sierra Nevada, with a diversion point at Pardee Reservoir in Calaveras and Amador Counties. EBMUD's existing water supplies are sufficient in non-drought years. In dry years, EBMUD's water supplies can be supplemented with water from the Central Valley Project (CVP), or purchased transfer

water, using the recently completed FRWP with an intake located on the Sacramento River, to meet customer demands.

As a result of the current drought conditions and based on projected EBMUD water supply reservoir storage levels if dry conditions continue, EBMUD is interested in supplementing its Mokelumne River raw water supplies via this transfer. Transfer water that PCWA provides to EBMUD will be used entirely within the EBMUD service area shown in **Attachment C.** The transfer water would be used by EBMUD to (1) perform fish screen testing in April 2014 at the FRWP intake facility as required in the 2004 Biological Opinions issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) for operation of the FRWP intake facility; and (2) provide supplemental water to meet EBMUD customer demands during the drought.

Description of Proposed Transfer

PCWA proposes to release up to 20,000 AF of water stored in its MFP for transfer to EBMUD ("Transfer Water"). The Transfer Water will be released from Ralston Afterbay, PCWA's most downstream reservoir on the Middle Fork American River, through Oxbow Powerhouse to the Middle Fork and North Fork American rivers, and then will be routed through Folsom Reservoir (Point of Delivery), thence the lower American River, thence the Sacramento River, thence the FRWP intake facility, the Point of Rediversion for EBMUD sought under this Petition (**Attachment B**). The FRWP is jointly owned and operated by the Freeport Regional Water Authority (FRWA), a joint powers authority between Sacramento County and EBMUD. The FRWP intake facility is the existing Point of Diversion for EBMUD's diversions of Central Valley Project (CVP) contract water in dry years. EBMUD will coordinate with the United States Bureau of Reclamation (Reclamation) CVP operations staff to determine the timing and flow rate of Transfer Water releases from the Point of Delivery for rediversion at the FRWP intake facility. Notwithstanding, it is anticipated that Reclamation will release the Transfer Water at a rate ranging from 80-140 cubic feet per second (cfs) as done in previous transfers and given the current dry year flows established on the lower American River consistent with the Flow Management Standard (FMS).

As part of the Petition approval process, PCWA must ensure that the needs of their Placer County customers are met prior to determining that surplus water is available for out-of-county sale. As such, the volume of Transfer Water delivered under this Agreement must be measured against PCWA's baseline operations plan for 2014 which takes the following factors into account:

1. All serviceable demands within Placer County based on American River Pump Station (ARPS) pumping limitations,
2. Contractual obligations to meet San Juan Water District (SJWD) and Roseville demands,
3. Recreational rafting releases,
4. MFP minimum instream flow requirements,
5. Minimum carryover storage requirements,
6. The most up-to-date B-120 hydrologic inflow forecasts,
7. Discretionary power releases, and
8. Evaporative losses.

It should be noted that, due to the current hydrologic conditions (as of February 12, 2014), PCWA is only being allocated 50% of their Drum-Spaulding supply in 2014. PCWA's Drum-Spaulding supply is the main source for western Placer County. As such, PCWA will be taking its full entitlement of 35,500 AF at the ARPS in 2014 to help augment reduced supplies in the areas that are typically served by the PG&E supply. Based upon the amount of water pumped in 2014 at the ARPS, PCWA must send supplemental water downstream, from storage, to benefit the lower American River based on the Water Forum Agreement (WFA).

As a result of the WFA commitments described above, the water proposed to be transferred by PCWA under Permit13856 for this Petition will be "Replacement" or environmental releases pursuant to the WFA. The WFA specifies that, given PCWA's demands at the ARPS, in the driest or 'conference' years, when the March through November Unimpaired Inflow to Folsom Reservoir (UIFR) is less than 400,000 AF (e.g., current 2014 projections), PCWA will re-operate its MFP and replace water to the lower American River, conditioned upon PCWA's ability to sell this replacement water to a willing buyer downstream of the mouth of the American River, under terms acceptable to PCWA. The WFA also requires that the source of this replacement/mitigation water in drier years would be water not normally released from the MFP.

PCWA's Purveyor Specific Agreement within the WFA was formally adopted by the PCWA Board of Directors in June of 2002 under the 'Operations and Maintenance' section of the Mitigation Monitoring and Reporting Program (MMRP) / Environmental Commitments Plan pursuant to the California Environmental Quality Act (CEQA) EIS/R for the construction and operation of the ARPS. Of the approximately 40,000 AF of surplus water that PCWA intends to release from MFP storage to satisfy its WFA obligations and ARPS CEQA MMRP requirements in 2014, PCWA intends to transfer half (20,000 AF) to EBMUD as the Transfer Water sought under this Petition.

As of February 11, 2014, PCWA has determined that it has at least 20,000 AF of surplus water stored in the MFP. PCWA reached this conclusion by reviewing current MFP storage levels, projected inflow, and modeled project operations data for 2014. Specifically, PCWA has approximately 146,000 AF of water held in storage in its MFP reservoirs as of February 11, 2014. Based on a derivation of the Department of Water Resources (DWR) Bulletin-120 inflow forecast for the American River Basin, the projected runoff for the remainder of the year is an additional 107,000 AF. The estimated total of MFP planned/baseline releases (e.g., water supply deliveries, recreation releases, minimum instream flow releases, evaporative losses, and hydropower generation) for the remainder of 2014, when accounting for accretion between reservoirs as well as tributary inflows (using a conservative 90% exceedence for hydrology), requires approximately 123,000 AF of stored MFP water, resulting in an estimated peak 2014 MFP storage trace of 205,000 AF at the end of May and a planned (without-transfer) carryover storage target (January 31, 2014) of 130,000 AF pursuant to the Refill Agreement executed by and between USBR and PCWA for the 2013 transfer of 20,000 AF to Westlands Water District (WWD). Assuming that PCWA will not be allowed to refill the 20,000 AF deficit from the 2013 WWD transfer in 2014, the carryover storage target (January 31, 2014) for the purposes of this Petition will be 110,000 AF.

In order to accomplish the transfer, PCWA proposes to release an additional 20,000 AF from MFP storage reservoirs during the months of April, July, and August of the year 2014; reducing the end of year (December 31, 2014) MFP storage level to approximately 110,000 AF. This assumes that PCWA will not be allowed to refill the 20,000 AF deficit from the previous year's transfer as mandated by the 2013 Refill Agreement with Reclamation. Should the unlikely hydrologic scenario occur where PCWA would meet the requisites of the 2013 Refill Agreement, PCWA would then target the end of year storage of 130,000 AF. These proposed with-transfer carryover levels remain well above the minimum carryover level required by FERC (50,000 to 100,000 AF depending upon the amount of inflow). The 20,000 AF of additional water released from MFP storage, which would have otherwise remained in storage in the absence of this transfer, is the water that is proposed to be transferred (i.e., "Transfer Water").

After release from the MFP, the Transfer Water would flow into Folsom Reservoir. The release of the Transfer Water from Folsom Reservoir will be scheduled by Reclamation, in cooperation with EBMUD, such that this transfer will not disrupt normal CVP or State Water Project (SWP) operations and will adhere to all current flow standards for the lower American River (from Lake Natoma to the confluence with the Sacramento River). EBMUD would receive the Transfer Water after its rediversion at the FRWP intake facility (**Attachment B**). Water pumped at the FRWP intake facility travels east via underground

pipeline to the Folsom South Canal which flows south to the Mokelumne Aqueducts which flow west to the EBMUD service area.

Initial measurement of transfer releases will be conducted using a power generation rating curve that correlates generator megawatt output with discharge. These values will be verified using calibrated gage data downstream of Ralston Afterbay after transfer releases are made from Oxbow Powerhouse. PCWA will verify these numbers with reservoir storage traces on a daily time step and shall send monthly reports to Reclamation and EBMUD. The final method of verification will be based upon the actual MFP December/January storage low point as stipulated in a Refill Agreement to be executed between PCWA and Reclamation.

Amount of Water to be Transferred

20,000 AF.

Period of Transfer/Exchange

PCWA is anticipating release of the initial 5,000 AF of Transfer Water beginning on April 1, 2014 through the Oxbow Powerhouse at a rate of 250 cfs, for a period of ten days, ending on April 10, 2014 (totaling 5,000 AF). It is currently anticipated that Reclamation will initiate release of Transfer Water from the Point of Delivery on April 3, 2014 at a rate ranging from 80-140 cfs for rediversion by EBMUD at the FRWP intake facility. Based on the anticipated rate of release by Reclamation, EBMUD rediversion at the FRWP intake facility will take about 25 days. EBMUD's maximum rate of diversion at the FRWP intake facility is 155 cfs. Based on an operational range between 80 cfs and 155 cfs, and depending on the rate of release by Reclamation, it could take anywhere between 16 to 32 days for EBMUD to redivert the water at the FRWP intake facility.

The remaining 15,000 AF is intended to be released starting July 1, 2014 through August 31, 2014 (7,500 AF per month) by PCWA at the rates described above. These are the preliminary dates targeted for transfer based on PCWA MFP operational constraints, points of rediversion, and the ability of Reclamation to release water from Folsom Reservoir to meet contractual obligations and protect fisheries resources in the lower American River. Ultimately, the water released by Reclamation will be dependent on Folsom Reservoir storage and downstream conditions. Transfer Water will be used in the EBMUD service area within one year from SWRCB approval of the transfer pursuant to Water Code § 1728.

Place of Use of Transfer Water

The 20,000 AF of Transfer Water, less conveyance losses, will be put to reasonable and beneficial municipal and industrial uses within the EBMUD service area (**Attachment C**). The EBMUD service area encompasses the cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Hercules, Oakland, Piedmont, Pinole, Richmond, San Leandro, San Pablo, Walnut Creek, and the City of Brentwood and unincorporated areas in Alameda and Contra Costa Counties; generally located within T1, 2, 3 S and 1 and 2 N, R 1, 2, 3, 4, and 5 W, and 1, 2, and 3 E, MDB&M, as shown on EBMUD Map 1932-R dates December 6, 2010 filed with the State Water Board.

Agency Coordination and Consultation

As a requirement of this transfer, PCWA will enter into a reservoir refill agreement with Reclamation. The refill agreement will ensure that other downstream legal users of water with vested rights in American River watershed are not unreasonably affected or negatively impacted by the proposed transfer.

PCWA will be sending a copy of this Petition to the California Department of Fish and Wildlife (CDFW) who acts as a responsible agency consistent with Water Code §1726(c).

To accomplish this transfer, EBMUD will be executing a Warren Act contract with Reclamation in order to temporarily store (less than 30 days) the Transfer Water in Folsom Reservoir prior to its release. As part of this Warren Act contract, which is a federal action, Reclamation will informally consult with NMFS and/or the USFWS to obtain a not likely to adversely affect concurrence under Section 7 of the Endangered Species Act (ESA) for federally listed threatened and endangered species. EBMUD has obtained a Biological Opinion issued by NMFS pursuant to Section 7 of the ESA and an Incidental Take Permit issued by the CDFW pursuant to the California ESA for the operation and maintenance of the FRWP intake facility (**see discussion in 3a**).

In addition, DWR and Reclamation will coordinate SWP and CVP operations to ensure Transfer Water does not interfere with the Reclamation/DWR Coordinated Operation Agreement.

Point of Diversion or Rediversion

Current:

A. PCWA's current points of diversion (POD) are located at California Grid Coordinates, Zone II, NAD 27, Mount Diablo B&M:

Water Body	POD Location	N	E	Quart.	Sec.	T-N	R-E
Duncan Creek	Duncan Creek	538,130	2,431,040	NW SW	24	15	13
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
S.F. Long Canyon	Long Canyon	507,675	2,434,250	SW NE	24	14	13
N.F. Long Canyon	Long Canyon	506,970	2,431,250	NW SW	24	14	13
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8

B. PCWA's current points of rediversion (PORD) are located at California Grid Coordinates, Zone II, NAD 27, Mount Diablo B&M:

Water Body	PORD	N	E	Quart.	Sec.	T-N	R-E
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8
American River	Folsom Dam	380,461	2,240,626	SW NE	24	10	7

Proposed Point(s) of Rediversion:

C. No changes are requested in this Petition for PCWA's current points of diversion or points of rediversion.

After release from the Point of Delivery (Folsom Reservoir), the Transfer Water will flow down the lower American and Sacramento Rivers and be rediverted, less carriage and conveyance losses, at the FRWP intake facility. After such rediversion, Transfer Water would be conveyed to the EBMUD service area using EBMUD owned facilities or facilities covered in the Warren Act contract with Reclamation.

Accordingly, PCWA proposes to add the following points of rediversion under this Petition:

Freeport Regional Water Project Intake Facility

This Point of Rediversion is located 38° 28' 21.28" N; 121° 30' 23.44" W, California Coordinate System, Zone 3, NAD 83, being within the SW ¼ of NE ¼ of Section 11, T7N, 4E, MDB&M. This proposed Point of Rediversion is identified on maps filed with the Division of Water Rights (Division) under the Reclamation CVP Water Rights and is shown in **Attachment B**.

PCWA Place of Use

Current: Western Placer County and northern Sacramento County, as shown on a map set dated July 31, 1996 on file with the Division and as shown in **Attachment D**.

Proposed: No change in PCWA's current POU is proposed; PCWA proposes to add the service area of EBMUD as an additional POU in order to facilitate the temporary water transfer to EBMUD. This proposed temporary addition to the PCWA POU includes the EBMUD service area as shown in **Attachment C**.

Purpose of Use

Current: Domestic, Municipal & Industrial, Recreational, Irrigation.

Proposed: No change in PCWA's current purpose of use in its POU. EBMUD would use the Transfer Water for Municipal and Industrial uses in its service area.

Season of Use, Direct Diversion Use (cfs), and Storage (AF)

Current: See project description and water rights permit.

Proposed: No change requested.

Access to Proposed Point of Rediversion

EBMUD is a member of the FRWA, which owns and operates the facilities at the proposed new point of rediversion. PCWA and EBMUD have an agreement under which EBMUD would divert water made available for transfer by PCWA in 2014. EBMUD, therefore, would divert the water at the proposed point of rediversion using EBMUD's allocated portion of the FRWP intake capacity. For purposes of the rediversion of water under Permit 13856, PCWA would have access to that location through its agreement with EBMUD. EBMUD's address and contact person are as stated in the petition.

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Placer and Sacramento.

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

Contra Costa and Alameda.

1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)?

Yes. The 20,000 AF of proposed Transfer Water is currently in storage in PCWA's MFP reservoirs and would remain in storage absent this transfer, as described above.

1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change.

To provide the 20,000 AF of Transfer Water under this Petition, PCWA proposes to transfer 20,000 AF of MFP storage surplus. The release of this surplus water would be accomplished in synchronization with PCWA's hydroelectric power generation operations between April 1, 2014 and August 31, 2014. **Attachment E** shows the 2014 MFP operational plan both with and without the transfer. Please refer to the ***Description of the Proposed Transfer*** above for justification that the Transfer Water would have been consumptively used or stored in the absence of the proposed temporary change.

2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point?

Yes.

2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow?

There are a number of water users taking water from the American River between PCWA's current points of return flow and the points at which any downstream water user would return water to the system. PCWA would not transfer water such that it would adversely impact water users within the PCWA service area and PCWA will continue MFP surface water deliveries (Roseville, SJWD, and PCWA Zones 1 and 5 via ARPS) as described above to its existing Placer County customers with or without the proposed temporary water transfer. In addition, PCWA will be entering into a refill agreement with Reclamation to ensure that there are no adverse impacts to the SWP/CVP during the refill cycle of the MFP reservoirs. Therefore, there will be no change in the return flow pattern to water users within PCWA's service area.

3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange.

Middle Fork and North Fork American Rivers

This transfer will not significantly alter flows, water quality, or reduce the ability for legal users to lawfully take water on the Middle Fork and/or North Fork American rivers when compared to baseline conditions of PCWA's MFP. During the transfer period, PCWA will be generating power as they always do during periods of peak summer energy demand. Peak power generation at the point of transfer release, at Oxbow Powerhouse, is 6 megawatts (MW) which equates to a discharge of approximately 1,000 cfs. The release of Transfer Water would generally occur at times when PCWA is not using the full generation capacity at OPH and would occur within the 'shoulder hours' or off-peak times when generation is typically not scheduled. As such, PCWA's release of Transfer Water will, therefore, fall into the same range of flows (approximately 150 cfs to 1100 cfs) that occur normally in the Middle Fork and North Fork American rivers, during recreational flow releases or during periods of peak generation common for the spring and summer months.

Physical habitat and water chemistry conditions in the tributary streams and rivers associated with the MFP are of high quality, with low concentrations of mineral constituents and other substances generally conforming to regulatory water quality objectives and standards. Historical data shows that generally all of the constituents analyzed in project-affected waters (within and downstream of project impoundments) complied with current regulatory standards; Water Quality Technical Study Report - AQ 11 prepared in support of the Federal Energy Regulatory Commission (FERC) Environmental Impact Statement (EIS) for PCWA's MFP FERC Relicensing Project No. 2079 is provided electronically as **Attachment F** for a detailed description of general water quality conditions within the MFP watershed.

In addition, as owner and operator of a Public Water System, PCWA conducts routine California Code of Regulations (CCR) Title 22 water quality sampling at the ARPS (approximately four miles upstream of the Point of Delivery) pursuant to Section 116275 of the California Safe Drinking Water Act which is contained in Part 12, Chapter 4 of the California Health and Safety Code. PCWA's California Department of Public Health and Safety (DPHS) Monitoring requirements set forth in California Department of Public Health and Safety Permit No. 01-02-07(P) 003 issued on December 10, 2007 are set to ensure that MFP surface water diverted from the North Fork American River at the ARPS meets current DPHS drinking water standards as well as Central Valley Regional Water Quality Control Plan (Basin Plan) Water Quality Standards and Objectives. The previous four years (2010-2013) of data from the ARPS DPHS water quality sampling is also attached electronically in **Attachment F**.

Based on the clean, cold, generally high-quality water released from the MFP, the increase in magnitude of flows during the transfer period will benefit water temperature, water quality, and instream flow conditions. As such, the proposed transfer will likely have a positive effect on downstream aquatic habitats and the species that these habitats support.

Receiving Water Bodies: Lower American and Sacramento Rivers

After release at Oxbow Powerhouse, Transfer Water will flow first into Folsom Reservoir where it will be temporarily held in storage by Reclamation and scheduled for release to the FRWP intake facility (**Attachment B**) along the Sacramento River. While this supplemental water may decrease the temperature of the water entering Folsom Reservoir, Reclamation and DWR will be responsible for coordination and scheduling of the volume and timing of releases from the Point of Delivery to the Point of Rediversion so that optimal thermal conditions are realized in the receiving water bodies consistent with existing state and federal regulations, endangered species acts, and all biological opinions in effect at the time of the transfer. These releases from Folsom will first enter the lower American River which in turn flows into the Sacramento River.

Due to the current drought conditions, Reclamation is currently releasing the target minimum flow of 500 cfs established in the FMS for the lower American River, under recommendation by the Water Forum, and agreeable to all state and federal resource agencies. As such, it is unlikely that the transfer releases from Folsom Reservoir made by Reclamation during the transfer period, consistent with the adopted Water Forum stakeholder engagement process, would cause any adverse effect in stage or discharge to the lower American River resulting in impacts to the fisheries resources.

Although Transfer Water may be released by PCWA and rediverted by EBMUD for a period of up to one year or less from the date of SWRCB approval (Water Code § 1728), it is anticipated that the water will be transferred in April (5,000 AF), July (7,500 AF), and August (7,500 AF) of 2014. During these summer months, stream flows in the American River, Sacramento River, and

Sacramento-San Joaquin Delta are typically dominated by CVP and SWP deliveries as well as temporary water transfers. This is largely due to the fact that the normal, historical unimpaired hydrology of the American and Sacramento rivers, as well as those of the Delta and its tributaries, would typically support a declining hydrograph during these summer months. In a year like 2014 when CVP/SWP deliveries will be significantly cut, PCWA's 'supplemental' releases may have a greater ability to benefit the aquatic environment downstream of the MFP.

Thus, while the exact schedule and volume of transfer releases that will be implemented by Reclamation operations for Folsom Reservoir cannot be stated with precision at this time, it is clear that the transfer will not cause substantial changes in streamflow, water quality, timing of diversion or use, return flows, nor would it have a detrimental effect on legal users of water within the MFP area or PCWA's current deliveries within their permitted POU.

The only effects of this transfer on other legal users of water downstream of the Point of Delivery will an increase in river flows from PCWA's MFP to the proposed Point of Rediversion at the FRWP intake facility. The diversion of Transfer Water at the FRWP intake facility would comply with Decision 1641 and all state and federal regulations and permits that apply to the proposed Point of Rediversion, including:

- California Endangered Species Act Incidental Take Permit No. 2081-2010-031-03 and, particularly, that permit's Term 9.1, which limits total FRWA diversions to 185 mgd of 286 cfs and a maximum annual volume of 147,000 acre-feet.

- Lake and Streambed Alteration agreement notification no. 1600-2006-0321-R2.

- All biological opinions issued by either the USFWS or NMFS that apply to diversions at the FRWP intake facility.

As such, the transfer will cause no adverse economic, physical, or environmental effects within the geographic scope of this transfer.

3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727(b)(1).

No legal user of water will be injured because PCWA's transfer of water will only slightly increase, not decrease, streamflow below PCWA's MFP reservoirs. Any such increase will be minor and will not cause any water flows to increase above normal seasonal levels, nor would the increased flows violate regulatory flow requirements as Reclamation will be using the FMS for the lower American River. The 20,000 AF of proposed Transfer Water is currently in storage in accordance with PCWA's water rights and, with or without this proposed transfer, would not be available to any other legal user of water. Additionally, PCWA will enter into a reservoir refill agreement with Reclamation, ensuring that future refill of any storage space in PCWA's MFP reservoirs created by the transfer will not reduce the amount of water the SWP/CVP or other water users could otherwise divert under their water rights.

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements.

PCWA has not formally contacted the Regional Board staff, but intends to send a copy of this Petition by February 18, 2014. PCWA has executed similar transfers in the past without any adverse change in water quality. The MFP water proposed for transfer is very high-quality runoff derived predominantly from snowmelt and rains falling in largely undeveloped higher elevation portions of Placer County in the Sierra Nevada. If anything, the slight increase in flows in downstream reaches resulting from this transfer should improve water quality by decreasing or moderating water temperatures, increasing dissolved oxygen levels and decreasing the concentration of dissolved solids and other constituents of concern in downstream waters as previously described.

5a. Consult with the California Department of Fish and Wildlife (CDFW) pursuant to 14 CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation.

Consistent with Water Code § 1726, a copy of this Petition will be sent by February 18, 2014 to the CDFW North Central Regional Manager Tina Bartlett at 1701 Nimbus Road, Rancho Cordova, CA 95670 Phone: (916) 358-2900, FAX: (916) 358-2912. PCWA expects CDFW to indicate that the transfer will not unreasonably affect fish or wildlife resources because very similar transfers have occurred in the past with no adverse impacts identified by CDFW. In fact, in the past, CDFW has advocated such PCWA transfers as part of the transfer of water to the CAL-FED Environmental Water Account (EWA). CDFW has reviewed many similar transfers from PCWA since the early 1990's and have never indicated that instream beneficial uses would be adversely affected by the introduction of PCWA Transfer Water to downstream reaches.

5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC § 1707)?

No. This Petition is not for instream flow dedication pursuant to WC § 1707

While the primary purpose of this Petition will be for consumptive and beneficial Municipal and Industrial uses within the EBMUD service area, the release of Transfer Water from PCWA's MFP reservoirs will provide up to 20,000 AF of supplementary flows in the Middle Fork and North Fork American rivers to the proposed Point of Rediversion. These supplemental releases are also being made pursuant to PCWA's Purveyor Specific Water Forum Agreement which requires transfer water to flow through the lower American River in drier water years to offset pumping at the ARPS.

As such, these increased flows will likely enhance aquatic habitats, white-water boating and recreational opportunities, as well as potentially improving and/or maintaining persistence of the cold water pool in Folsom Reservoir given the current storage levels. Furthermore, the addition of the Transfer Water will likely have the same benefits for the Sacramento River to the Point of Rediversion.

5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change.

As explained above, the proposed transfer may improve water quality and thereby benefit instream beneficial uses including fish and wildlife resources. There is no evidence that the proposed transfer will negatively affect fish and wildlife or other beneficial instream uses in any unreasonable, significant, or measurable way. In addition, the proposed releases are in addition to PCWA's existing downstream flow requirements and meet commitments provided for in the

Water Forum Agreement for PCWA to release additional water in dry years to preserve and protect the environmental resources of the lower American River.

When the Transfer Water is diverted at the FRWP intake facility (**Attachment B**), all existing state and federal regulations will be followed, including Decision 1641, State and Federal endangered species acts and all biological opinions and take permits issued for the construction and operation of the facility (**see discussion in 3a**). Reclamation has agreed to implement all reasonable and prudent alternatives that will be triggered in 2014 contained in the applicable biological opinions. Additionally, there is close monitoring and coordination between Reclamation, USFWS, NMFS, and the CDFW regarding the effects of project operations on the host of species inhabiting the lower American River currently based on the drought conditions and record low levels of Folsom Reservoir. Because all state and federal resource agencies are currently working closely on lower American River flow conditions if any adverse condition arises they will be quick to react to avoid significant impacts to species of special concern (i.e., listed and protected under state or federal laws).

Given the relatively insignificant increment of water that will be released by Reclamation on daily basis, Reclamation transfer releases are not expected to adversely affect any special status fish species. In addition, PCWA has submitted numerous change petitions for temporary transfers over the years, which have all been granted by the SWRCB without cause for concern, and have never been associated with or responsible for identifiable adverse water quality or flow conditions resulting in take of any listed species nor have these transfers ever adversely affected downstream beneficial uses.

5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727(b)(2).

See response to Question 5c above.

6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area?

No. PCWA has independent legal authority for this transfer under its organic act. (See Water Code Appx. Ch. 81.)

6b. If yes, provide an analysis of the effect of the proposed transfer/exchange on the overall economy of the area from which the water is being transferred.

N/A.