

Wetzel, Jeff@Waterboards

From: Monheit, Susan@Waterboards
Sent: Monday, November 02, 2015 12:38 PM
To: Wetzel, Jeff@Waterboards
Cc: kniblett@mindspring.com
Subject: RE: PG&E Water Certification FERC Project 803/ Resend Susan Monheit

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Jeff,
This email is regarding DeSabra.
Please give Ken a call if you have any questions 530-873-9382

-Susan

-----Original Message-----

From: kniblett@mindspring.com [<mailto:kniblett@mindspring.com>]
Sent: Monday, November 02, 2015 12:32 PM
To: Monheit, Susan@Waterboards
Subject: Fw: PG&E Water Certification FERC Project 803/ Resend Susan Monheit

-----Forwarded Message-----

>From: kniblett@mindspring.com
>Sent: Nov 2, 2015 11:23 AM
>To: Amber.Villalobos@waterboards.ca.gov
>Cc: Mark Dale <dale@cedar-creek.com>
>Subject: PG&E Water Certification FERC Project 803
>
>Reference: DeSabra Centerville Hydroelectric Project Water Quality Certification; Mitigation Measure 3; PG&E Wording Change request: Section "N".
>
>Ms Amber Villalobos:
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>PG&E has requested a change in wording in Section "N" to correspond to the wording in the 1942 adjudication. We oppose this wording change.
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>Recent History: PG&E dewatered the Upper Centerville Canal (UCC) in June 2015, without prior notification to water service rights holders. Water was returned to the UCC temporarily but discontinued due to major water leakage as a result of inadequate maintenance of the first mile of the UCC by PG&E. PG&E was directed by FERC to repair the UCC, which they have done. Water was returned to the UCC on 10/12/15. PG&E did provide water (not potable) via tank truck to legal users, although at a reduced rate from allocated levels.
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>The impact to the UCC community was severe. In just one small area served by distribution box 5: one family relies on the UCC water flow for domestic/drinking water (filtered), at least eight wells suffered significant reduction of water flow or complete failure within weeks of the UCC being dewatered. Adjustments were made- toilets flushed once per

day, showers were taken in local campgrounds, hundreds of dollars spent for the purchase of potable water, landscaping was lost, etc. Note: the UCC was dewatered because of inadequate maintenance of the UCC in the first mile, and not from a lack of water supply; this situation could have been avoided.

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>Historically, the UCC has provided water for over 100 years to “legal water users”. Reference the 1915 California Railroad Commission Decision No. 2899, case 668: “HELD. That complainants have been receiving water from this ditch for a considerable number of years and have prior right to such water, therefore defendant can not arbitrarily discontinue service to them.” It further stated: “It follows as a matter of law that defendant(PG&E”)was and is a public utility water company. Therefore, at least as to present consumers of water, the service of water must be continued and defendant has no right to stop their supply of water...”. It further states “...the clause which in terms sets out the right of the company to discontinue service is ineffective and can not be availed of by defendant as establishing a right”. In the 1942 adjudication of water rights PG&E managed to modify this with the key phrase “...only if PG&E chooses to operate the Upper Centerville Canal”. In paragraph 36 of the adjudication “...is for public service delivery to consumers hereinafter named in this paragraph...”, tacitly acknowledging the role of PG&E as a water service provider.

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>For well over a century there has been a continuous flow of water in the UCC with minor interruptions for maintenance. The legal users came to trust PG&E based on this 100+ year experience. That trust was betrayed in June, 2015 when PG&E “dewatered” the UCC without notice because of their failure to maintain the UCC. Further distrust ensued when PG&E implied that they were going to “decouple” from the UCC.

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>We ask that PG&E be required to maintain the history of water flows in the UCC that legal water users have come to rely on for basic living standards and that the phrase change not be approved.

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>Kenneth R Niblett, member of the Cherokee Ditch Water Association Steering Committee and water service rights holder

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