



STATE WATER RESOURCES
CONTROL BOARD

825 NE Multnomah, Suite 1500
Portland, Oregon 97232

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DIV OF WATER RIGHTS
SACRAMENTO

July 17, 2012

Via Hand Delivery

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814

Subject: Withdrawal and Resubmittal of Section 401 Water Quality Certification for PacifiCorp Energy's Klamath Hydroelectric Project (FERC No. 2082), Siskiyou County

Dear Mr. Howard:

In February 2004, PacifiCorp (now PacifiCorp Energy) applied to the Federal Energy Regulatory Commission for a new major license for its Klamath Hydroelectric Project (Project) on the Klamath River in California and Oregon. In conjunction with that application, PacifiCorp Energy on March 29, 2006, requested that the State Water Resources Control Board (SWRCB) certify the California portions of the Project pursuant to section 401 of the federal Clean Water Act (33 USC § 1341, California Water Code § 13160, and 23 C.C.R. Chpt. 28). This request was withdrawn and simultaneously resubmitted to the SWRCB on February 28, 2007, and again on February 22, 2008. More recently, on July 11, 2008, PacifiCorp withdrew its application to facilitate settlement negotiations for a long-term settlement of the project. By letters dated August 22, 2008 and September 22, 2008, the SWRCB requested that PacifiCorp resubmit its application for water quality certification so that the certification process could continue. The application was resubmitted to the SWRCB on September 26, 2008.

Subsequently, the application was withdrawn and simultaneously resubmitted to the SWRCB on September 10, 2009, August 25, 2010, and again on August 3, 2011. In a response letter dated August 17, 2011, the SWRCB recognized that the letter initiated a one-year time clock from the date received for the SWRCB to act on the request for water quality certification. The SWRCB has adopted a resolutions to hold in abeyance PacifiCorp's application (see SWRCB Resolution Nos. 2010-0024, 2010-0049, 2011-0038), and the resolutions require PacifiCorp to withdraw and resubmit its application at least two weeks before the one-year anniversary of the prior year's submittal in order to continue the abeyance.

Accordingly, PacifiCorp Energy hereby withdraws and resubmits, as of the date of this letter, its request for certification of the California portions of the Project pursuant to

Mr. Thomas Howard

August 25, 2010

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section 401. The resubmitted application is identical to the application that was resubmitted on September 26, 2008.

Please acknowledge receipt of this letter and confirm acceptance of the application.

Pursuant to applicable statutes and regulations, PacifiCorp Energy is providing notice of the resubmitted application to the Executive Officer of the North Coast Regional Water Quality Control Board, via copy of this letter.

If you have any questions on the application, please feel free to contact me at (503) 813-6170.

Sincerely,



Tim Hemstreet
Klamath Licensing Manager

cc: Mr. Matt St. John, NCRWQCB
Ms. Jennifer Watts, SWRCB
Ms. Marianna Aue, SWRCB
Mr. Robert Donlan, Ellison, Schneider & Harris