

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2013-0059-EXEC

In the Matter of Permit 18593 (Application 27174)
Georgetown Divide Public Utility District

ORDER APPROVING PETITION FOR EXTENSION OF TIME

SOURCE: Pilot Creek

COUNTY: El Dorado

BY THE BOARD:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 18593 to Georgetown Divide Public Utility District (Permittee) on September 24, 1982, pursuant to Application 27174.
2. The permit requires that construction work be completed by December 1, 1985, and that the water be applied to the authorized use by December 1, 1986.
3. Permittee requested, and has received two prior time extensions. On December 17, 1985 and on March 24, 2000, the Division granted extensions of time to commence or complete construction work or apply the water to full beneficial use. The 2000 time extension order required that water be fully used by December 31, 2010.
4. On December 23, 2010, Permittee filed a petition for an extension of time within which to commence or complete construction work or apply water to beneficial use. The required fee was submitted.
5. Permittee constructed the Stumpy Meadows Dam and Reservoir Project in the early 1960's. The Permittee's project is a multi-purpose facility currently used for consumptive purposes of use under other appropriate water rights issued by the State Water Board. Permittee has constructed the penstock necessary to convey water to a hydroelectric generator.

Other than the hydroelectric generation plant itself, Permittee has constructed the necessary facilities, but could not transmit electricity before Pacific Gas & Electric (PG&E) or another electrical company constructs a transmission line to or near Stumpy Meadows Dam.
6. State policy (Executive Order S-21-09) favors increasing the amount of electricity generated from renewable resources.
7. The petition was not noticed. (tit. 23, CCR § 843).

8. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) Permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.
9. Permittee has shown that due diligence has been exercised. The multi-purpose reservoir project and penstock have been built.
10. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. Permittee is waiting for PG&E to construct electrical transmission lines to, or near, Stumpy Meadows Dam.
11. Permittee has shown that satisfactory progress will be made if a time extension is granted. Permittee has indicated that it will timely install the hydroelectric generator once an electrical transmission line is available to convey the power. All other facilities are existing, including the penstock.
12. Permittee has shown good cause for the time extension.
13. Pursuant to Resolution No. 2002-0104, the State Water Board has delegated authority to the Executive Director to conduct and supervise the activities of the State Water Board.
14. Pursuant to Resolution No. 2012-0029, the State Water Board has delegated authority to the Deputy Director to administer the duties required under the California Environmental Quality Act (CEQA). (Resolution No. 2012-0029, section 4.10.) Resolution No. 2012-0029 authorizes the Deputy Director to redelegate this authority to the Assistant Deputy Director for Water Rights. This authority has been so redelegated.
15. The project does not involve the expansion of the amount of water that Permittee may divert and use at the Stumpy Meadows Dam. The water currently used for consumptive purposes will be routed through the existing penstock for power generation. There will be no expansion in an existing use. Accordingly, the project is exempt from CEQA under California Code of Regulations, title 14, section 15061, subdivision (b). The Division will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
16. A term has been added to require measurement of water diverted under the permit to comply with Water Code section 1605.
17. In addition to any obligation the State Water Board may have under CEQA, the State Water Board has an independent obligation to consider the effect of the proposed project on public trust resources and to protect those resources where feasible. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419 [189 Cal.Rptr. 346, 658 P.2d 709].) There is no evidence that the time extension will have any adverse impacts on public trust resources.

NOW, THEREFORE, IT IS ORDERED THAT THE STATE WATER BOARD HEREBY APPROVES THE PETITION FOR EXTENSION OF TIME. THE ATTACHED AMENDED PERMIT, WHICH INCORPORATES THE TIME EXTENSION, IS ISSUED.

STATE WATER RESOURCES CONTROL BOARD


Thomas Howard
Executive Director

Dated: 11/12/13



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

In Reply Refer to:
KDM:A027174

Mr. Henry White
Georgetown Divide Public Utility District
P.O. Box 4240
Georgetown, CA 95634

Dear Mr. White:

AMENDED WATER RIGHT PERMIT 18593 (APPLICATION 27174), PILOT CREEK IN EL DORADO COUNTY

Your petition has been approved and the requested extension of time has been incorporated in the enclosed water right. All previous versions of the water right have been superseded by the present version of the water right. The amended water right may be viewed at:
http://www.waterboards.ca.gov/water_issues/programs/ewrims/license_search.shtml

The amended water right includes conditions based on any of the following which are applicable to this project: (1) protest resolution; (2) mitigation measures based on any California Environmental Quality Act document and/or public trust evaluation prepared for the petition; (3) standard terms related to (a) continuing authority and water quality (Cal. Code Regs., tit. 23, § 780 (a), (b)), (b) threatened and endangered species, and (c) archeology; and (4) previous water rights or orders of the State Water Resources Control Board. Due to changes in format, the amended water right may have different term numbering than the original water right. Please make sure that you have reviewed the amended water right and understand your obligations.

If you require further assistance, I can be reached at (916) 341-5363 or Kathy.mrowka@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Katherine Mrowka, P.O. Box 2000, Sacramento, CA, 95812-2000.

Sincerely,

for Katherine Mrowka, Senior
Inland Streams Unit
Division of Water Rights

Enclosures: (1) Amended Permit; (2) Order

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR



**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

RIGHT TO DIVERT AND USE WATER

APPLICATION 27174

PERMIT 18593

Right Holder: Georgetown Divide Public Utility District
P.O. Box 4240
Georgetown, CA 95634

The State Water Resources Control Board (State Water Board) authorizes the diversion and use of water by the right holder in accordance with the limitations and conditions herein SUBJECT TO PRIOR RIGHTS. The priority of this right dates from **September 24, 1982**. This right is issued in accordance with the State Water Board delegation of authority to the Deputy Director for Water Rights (Resolution 2012-0029) and the Deputy Director for Water Rights redelegation of authority dated July 6, 2012. This right supercedes any previously issued right on **Application 27174**.

Right holder is hereby granted a right to divert and use water as follows:

1. Source of water: **Pilot Creek**

tributary to: **Rubicon River thence Middle Fork American River thence American River**

within the County of El Dorado

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Stumpy Meadows Dam North 2,094,086 feet and East 6,958,561 feet	SE ¼ of NW ¼	11	12N	12E	MD

3. Purpose of use	4. Place of use					
	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian	Acres
Power	SE ¼ of NW ¼	11	12N	12E	MD	

The place of use is shown on map filed with the State Water Board.

5. The water appropriated under this right shall be limited to the quantity which can be beneficially used and shall not exceed **50 cubic feet per second** by direct diversion to be diverted from November 1 of each year to August 1 of the succeeding year. The maximum amount diverted under this right shall not exceed **27,174 acre-feet per year**.
(000005A)
 6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2023.
(0000009)
 7. Water diverted under this right is for nonconsumptive use and is to be released to Pilot Creek within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T12N, R12E, MDB&M.
(0000111)
 8. The total quantity diverted under this permit, together with that diverted under permit or license issued pursuant to Application 12421, shall not exceed 50 cubic feet per second.
(0000114)
 9. All rights and privileges to appropriate water for power purposes under this right are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this water right may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to right holder of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications.
(0000001)
 10. During the season specified in this permit, the total quantity and rate of water diverted and used under this right and under right holder's existing right for the place of use specified in this right shall not exceed the quantity and rate of diversion and use specified in this right. If the right holder's claimed existing right is quantified at some later date as a result of an adjudication or other legally binding proceeding, the quantity and rate of diversion and use allowed under this right shall be the net of the face value of this right less the amounts of water available under the existing right.

Right holder shall forfeit all rights under this permit or license if right holder transfers all or any part of the claimed existing right for the place of use covered by this permit or license to another place of use without the prior approval of the State Water Board.

Right holder shall take and use water under the existing right claimed by right holder only in accordance with law.

(0000021)
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THIS RIGHT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. Right holder is on notice that: (1) failure to timely commence or complete construction work or beneficial use of water with due diligence, (2) cessation or partial cessation of beneficial use of water, or (3) failure to observe any of the terms or conditions of this right, may be cause for the State Water Board to consider revocation (including partial revocation) of this right. (Cal. Code Regs., tit. 23, § 850.) (0000016)
- B. Right holder is on notice that when the State Water Board determines that any person is violating, or threatening to violate, any term or condition of a right, the State Water Board may issue an order to that person to cease and desist from that violation. (Wat. Code, § 1831.) (0000017)
- C. Right holder is not authorized to make any modifications to the location of diversion facilities, place of use or purposes of use, or make other changes to the project that do not conform with the terms and conditions of this right, prior to submitting a change petition and obtaining approval of the State Water Board. (0000018)
- D. Once the time to develop beneficial use of water ends under this permit, right holder is not authorized to increase diversions beyond the maximum annual amount diverted or used during the authorized development schedule prior to submitting a time extension petition and obtaining approval of the State Water Board. (0000019)
- E. Only the amount of water applied to beneficial use during the authorized diversion season, as determined by the State Water Board, shall be considered when issuing a license. (Wat. Code, § 1610.) (0000006)
- F. Right holder shall maintain records of the amount of water diverted and used under this right to enable the State Water Board to determine the amount of water that has been applied to beneficial use. (0000015)
- G. Right holder shall promptly submit any reports, data, or other information that may reasonably be required by the State Water Board, including but not limited to documentation of water diversion and use under this right and documentation of compliance with the terms and conditions of this right. (0000010)
- H. No water shall be diverted under this right unless right holder is operating in accordance with a compliance plan, satisfactory to the Deputy Director for Water Rights. Said compliance plan shall specify how right holder will comply with the terms and conditions of this right. Right holder shall comply with all reporting requirements in accordance with the schedule contained in the compliance plan. (0000070)
- I. Right holder shall grant, or secure authorization through right holder's right of access to property owned by another party, the staff of the State Water Board, and any other authorized representatives of the State Water Board the following:
1. Entry upon property where water is being diverted, stored or used under a right issued by the State Water Board or where monitoring, samples and/or records must be collected under the conditions of this right;

2. Access to copy any records at reasonable times that are kept under the terms and conditions of a right or other order issued by State Water Board;
 3. Access to inspect at reasonable times any project covered by a right issued by the State Water Board, equipment (including monitoring and control equipment), practices, or operations regulated by or required under this right; and,
 4. Access to photograph, sample, measure, and monitor at reasonable times for the purpose of ensuring compliance with a right or other order issued by State Water Board, or as otherwise authorized by the Water Code.
- (0000011)
- J. This right shall not be construed as conferring right of access to any lands or facilities not owned by right holder.
- (0000022)
- K. All rights are issued subject to available flows. Inasmuch as the source contains treated wastewater, imported water from another stream system, or return flow from other projects, there is no guarantee that such supply will continue.
- (0000025)
- L. This right does not authorize diversion of water dedicated by other right holders under a senior right for purposes of preserving or enhancing wetlands, habitat, fish and wildlife resources, or recreation in, or on, the water. (Wat. Code, § 1707.) The Division of Water Rights maintains information about these dedications. It is right holders' responsibility to be aware of any dedications that may preclude diversion under this right.
- (0000212)
- M. No water shall be diverted or used under this right, and no construction related to such diversion shall commence, unless right holder has obtained and is in compliance with all necessary permits or other approvals required by other agencies. If an amended right is issued, no new facilities shall be utilized, nor shall the amount of water diverted or used increase beyond the maximum amount diverted or used during the previously authorized development schedule, unless right holder has obtained and is in compliance with all necessary requirements, including but not limited to the permits and approvals listed in this term.
- Within 90 days of the issuance of this right or any subsequent amendment, right holder shall prepare and submit to the Division of Water Rights a list of, or provide information that shows proof of attempts to solicit information regarding the need for, permits or approvals that may be required for the project. At a minimum, right holder shall provide a list or other information pertaining to whether any of the following permits or approvals are required: (1) lake or streambed alteration agreement with the Department of Fish and Wildlife (Fish & G. Code, § 1600 et seq.); (2) Department of Water Resources, Division of Safety of Dams approval (Wat. Code, § 6002); (3) Regional Water Quality Control Board Waste Discharge Requirements (Wat. Code, § 13260 et seq.); (4) U.S. Army Corps of Engineers Clean Water Act section 404 permit (33 U.S.C. § 1344); and (5) local grading permits.
- Right holder shall, within 30 days of issuance of any permits, approvals or waivers, transmit copies to the Division of Water Rights.
- (0000203)

- N. Urban water suppliers must comply with the Urban Water Management Planning Act (Wat. Code, § 10610 et seq.). An "urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually.

Agricultural water users and suppliers must comply with the Agricultural Water Management Planning Act (Act) (Water Code, § 10800 et seq.). Agricultural water users applying for a permit from the State Water Board are required to develop and implement water conservation plans in accordance with the Act. An "agricultural water supplier" means a supplier, either publicly or privately owned, supplying more than 50,000 acre-feet of water annually for agricultural purposes. An agricultural water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers.

(0000029D)

- O. Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this right, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this right with a view to eliminating waste of water and to meeting the reasonable water requirements of right holder without unreasonable draft on the source. Right holder may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this right and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by right holder in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution, article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- P. The quantity of water diverted under this right is subject to modification by the State Water Board if, after notice to right holder and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

Q. This right does not authorize any act which results in the taking of a candidate, threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) or the federal Endangered Species Act (16 U.S.C. § 1531 et seq.). If a "take" will result from any act authorized under this right, right holder shall obtain any required authorization for an incidental take prior to construction or operation of the project. Right holder shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this right.

(0000014)



STATE WATER RESOURCE CONTROL BOARD

[Signature]
Director of Water Rights

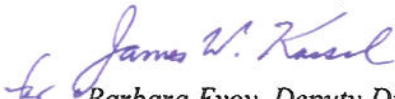
Date

This right is issued and right holder takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer .

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD


Barbara Evoy, Deputy Director
Division of Water Rights

Dated:

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) Division of Water Rights
State Water Resources Control Board, P.O. Box 2000
Sacramento, CA 95814

County Clerk
County of _____

(Address)

Project Title: Petition for Extension of Time for Water Right Permit 18593

Project Location - Specific:

Georgetown Divide Public Utility District (GDPUD) service area; Stumpy Meadows Dam

Project Location - City: Georgetown

Project Location - County: El Dorado

Description of Nature, Purpose and Beneficiaries of Project:

Petition for extension of time for water right Permit 18593 of GDPUD. The permit is for power generation at the multi-purpose Stumpy Meadows Dam and Reservoir Project. The project was built in the early 1960's, including the penstock. During the extension, a generator will be installed in the existing facilities. The water currently used solely for consumptive use will also generate power.

Name of Public Agency Approving Project: State Water Resources Control Board

Name of Person or Agency Carrying Out Project: GDPUD

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: Existing facilities (CEQA Guideline 15301); minor alterations to land (CEQA Guideline 15304)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The project was built in the 1960's. The project is a multi-purpose facility currently used for consumptive purposes. Other than the power generation plant itself, all facilities are existing, including the penstock. Water currently used for consumptive purposes will also generate power. There is no expansion of an existing use or expansion in water use.

Lead Agency

Contact Person: Hank White

Area Code/Telephone/Extension: 530-333-4356

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency

Signed by Applicant

Date received for filing at OPR: _____

Revised 2005