

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD

2012 DEC 27 PM 2:20

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterboards.ca.gov/waterrights>

DIV OF WATER RIGHTS
SACRAMENTO

AMENDED PETITION FOR CHANGE
(WATER CODE 1700)

___ Point of Diversion, ___ Point of Rediversion, XX Place of Use, XX Purpose of Use, ___ Split
Application 13156 Permit 10478 License _____

If the change petition is being submitted for the purpose of requesting to split the water right between two or more owners, see page 2.

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion: (Give coordinate distances in California Coordinates, NAD 83, or other ties as allowed by CCR, tit. 23, section 715. Also provide the 40-acre subdivision in which the present and proposed points of diversion lie.)

Present: No Change Requested
Proposed: No Change Requested

Place of use (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present: See Attachment
Proposed: See Attachment

Purpose of Use

Present: Municipal
Proposed: Municipal and Industrial; Recreation and Fish & Wildlife Preservation and Enhancement at Pardee and Camanche Reservoirs

GIVE REASON FOR PROPOSED CHANGE:

See Attachment

WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED: (yes or no) No

WATER WILL BE USED FOR Municipal and Industrial; Recreation and Fish & Wildlife Preservation and Enhancement at Pardee and Camanche Reservoirs PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of?

Ownership XX, lease _____, verbal or written agreement _____. If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

Not Applicable

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? (yes or no) No. Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See Files at State Water Resources Control Board

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: EBMUD met with DFG on December 11, 2012 to review the petition and the petition was mailed to DFG on December 19, 2012. Transmittal letter attached.

All petitioners must sign at the bottom of page 2.

Fill out this section only if you are requesting to split a water right among multiple owners.

REQUEST FOR DIVISION OF LICENSE/PERMIT

Request to divide License/Permit _____ issued on Application _____ into _____ licenses/permits. Fill out and attach a separate sheet of paper if the water right will be divided among more than two owners, or you need additional space.


ITEM:	First Owner	Second Owners
Name:		
Address:		
Phone Number:		
Source:		
Storage Quantity Assigned (in Acre-Feet):		
Maximum Rate of Diversion to Offstream Storage (cfs)		
Maximum Amount (afa)		
Diversion Season:		
Point(s) of Diversion in CA Coordinates (NAD 83)		
Place of Use (APN Number)		
Purpose(s) of Use		
Note: A map showing the place of use boundaries must be submitted.		

All Petitioners Must Sign Below:

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated December 19, 2012 at Oakland, California

 First Owner's Signature and Telephone Number	Richard G. Sykes Director of Water & Natural Resources (510)287-1629	Second Owner's Signature and Telephone Number
--	--	--

NOTE: All petitions must be accompanied by the **filing fee (see fee schedule at www.waterrights.ca.gov)** made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany a change petition. Separate petitions are required for each water right.

**ATTACHMENT TO
PETITION FOR CHANGE OF PLACE OF USE AND PURPOSE OF USE
PERMIT 10478 (APPLICATION 13156)**

1. Present Place of Use:

Within the East Bay Municipal Utility District's probable ultimate service area comprising 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; adjacent incorporated and unincorporated areas located outside the District boundaries but which it is proposed to annex; and military installations of the United States, adjacent to the District or to its facilities, where service is required for national security; and generally located within Township 1, 2, 3, 4, South and 1 and 2 North, Ranges 1, 2, 3, 4, and 5 West and 1, 2, and 3 East, MDB&M, as shown on maps on file at the office of the State Water Resources Control Board

Proposed Place of Use:

Recreation and fish and wildlife preservation and enhancement at Pardee and Camanche Reservoirs and municipal and industrial within the East Bay Municipal Utility District's probable ultimate service area comprising 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; adjacent incorporated and unincorporated areas located outside the District boundaries but within EBMUD's probable ultimate service boundary, or sphere of influence as determined by the Alameda and Contra Costa Counties' Local Area Formation Commission; and military installations of the United States, adjacent to the District or to its facilities, where service is required for national security; and generally located within Township 1, 2, 3 South and 1 and 2 North, Ranges 1, 2, 3, 4, and 5 West and 1, 2, and 3 East, MDB&M, as shown on EBMUD Map 1932-R.

Reasons for Change in Place of Use:

On July 3, 1956, the State Water Board's predecessor approved EBMUD's water right application (A13156) and authorized EBMUD's place of use that included the Probable Ultimate EBMUD Service Area, which covered an area of about 514 square miles. That boundary has changed as a result of a number of events. In 1963, state legislation created Local Agency Formation Commissions (LAFCOs), which were charged with establishing boundaries for local agencies, including special districts. In response to the new LAFCO mandates, EBMUD and other water agencies in the Bay Area engaged in an effort to reorganize their service area boundaries to eliminate unnecessary overlap. The Alameda and Contra Costa County LAFCOs eventually adopted a boundary and designated

spheres of influence (SOI) for EBMUD. The changes undertaken to be consistent with LAFCO requirements reduced EBMUD's probable ultimate service area boundary by removing lands along the northern and southern borders that were outside of the area then served by the District and beyond the area which it ultimately planned to serve. The effect of these actions was to reduce EBMUD's ultimate service area from 514 square miles to 480 square miles.

Since that time, LAFCO authorities have been strengthened, most notably with the passage of the Cortese-Knox Act in 1985 and the comprehensive Cortese-Knox Hertzberg amendments in 2000. Over the years, LAFCO has annexed additional lands to the area served by EBMUD and, as a result, also changed EBMUD's probable ultimate service area boundary.

In 1983, the State Water Board amended EBMUD's place of use under Permit 10478 and added the City of Brentwood comprising an area of about 2.5 square miles. During this process the State Water Board also updated EBMUD's current service area and the probable ultimate service area boundary which comprised an area of about 480 square miles, as shown on maps on file at the State Water Board office.

Generally, EBMUD policies preclude annexation of lands outside the ultimate service boundary or LAFCO's SOI. However, from time to time, LAFCO has required EBMUD to annex lands outside those boundaries. In those instances, LAFCO, as the lead agency, complied with the requirements of CEQA, approved environmental documents and changed EBMUD's SOI and service area boundaries. A listing of the annexations and their environmental documents is included in the attachment to the State Water Board Environmental Information Form.

Accordingly, this petition for change in place of use updates EBMUD's permitted place of use to conform to the LAFCO approved and required service area boundary as described in the attached map. The proposed new place of use is identified as the "Probable Ultimate EBMUD Service Area" on the attached Change of Place of Use map. In summary, the proposed change simply updates the map on file with the SWRCB to conform the place of use to add areas LAFCO has already ordered be served, for which CEQA documentation was done, and which EBMUD is currently serving

2. Present Purpose of Use:

The present purpose of use under the Permit is municipal use.

Proposed Purpose of Use:

EBMUD is also petitioning to formally add recreation and fish and wildlife preservation and enhancement at Pardee and Camanche Reservoirs as authorized purposes of use under Permit 10478. EBMUD also proposes to add industrial use as an authorized purpose of use under Permit 10478.

Reasons for Change in Purpose of Use:

The requested additional uses of recreation, fish and wildlife are all existing, required uses at Pardee and Camanche Reservoirs. Waters stored in Pardee and Camanche Reservoirs support fish and wildlife and recreational resources at Pardee and Camanche Reservoirs. Industrial use is already part of the authorized municipal use under Permit 10478. That permit was issued to EBMUD as a result of the State Water Board's Decision-858. That decision found that "municipal use includes all of those purposes for which water is customarily used by a municipality," *including* industrial use. (D-858, pages 69-70.) Thus, Permit 10478 already has industrial use as an authorized purpose of use. By this petition EBMUD requests that industrial use be expressly added as a formal purpose of use in Permit 10478. The proposed changes in purpose of use do not expand EBMUD's existing water rights to divert water from the Mokelumne River and will not result in any impacts on existing legal water users or instream beneficial use. In addition, the change in purpose of use will not result in any new construction, no changes to EBMUD's operations will occur, and the change will not result in any potential significant impacts.

California Environmental Protection Agency State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterboards.ca.gov/waterrights>

**ENVIRONMENTAL INFORMATION
FOR PETITIONS***

Application 13156, Permit 10478, (Changes in Place of Use and Purpose of Use)

* Required for all petitions, including change petitions, time extension petitions, wastewater change petitions and instream flow dedication petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment No. 1

See Attachment No. 1

2. COUNTY PERMITS NOT APPLICABLE.

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____

Department: _____ Telephone: (_____) _____

County Zoning Designation:

Are any county permits required for your project? YES ☹ NO If YES, check appropriate box below:

- Grading permit Use permit Watercourse Obstruction permit Change of zoning
 General plan change Other (explain):

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
 Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board
 Coastal Commission State Lands Commission Other (specify)

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. ____

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO

If YES, explain:

See Attachment No. _____

d. Have you contacted the California Department of Fish and Game concerning your project? YES
 NO

If YES, name and telephone number of contact: Tina Bartlett, Regional Manager, (916) 358-2900

4. ENVIRONMENTAL DOCUMENTS

a. Has any California public agency prepared an environmental document for your project? YES NO¹
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: CONTRA COSTA LOCAL AREA FORMATION COMMISSION (See Attached Map Figure and Table)

b. If NO, check the appropriate box and explain below, if necessary:

The petitioner is a California public agency and will be preparing the environmental document.*

I expect that the State Water Board will be preparing the environmental document.**

I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency:

Note ¹: For the change in the place of use, LAFCO has already completed CEQA documentation (see attached list). The change in purpose of use will not create potentially significant environmental effects because no changes from existing conditions will occur for the reasons set forth in Attachment 1 hereto. The petition is exempt under CEQA Guidelines §15061(b)(3) because it will have no significant effect on the environment; §15261 as an ongoing project approved prior to 1970; and §15301 as an existing facility. EBMUD will also include discussion of the petition in an EIR it is preparing on its time extension petition on Permit 10478.

See Attachment No. See Attachment to the Change Petition

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

5. WASTE/WASTEWATER

a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. _____

b. Will a waste discharge permit be required for your project? YES NO
Person contacted: _____ Date of contact: _____

c. What method of treatment and disposal will be used?
NA

 See Attachment No. ____

6. ARCHEOLOGY

a. Have any archeological reports been prepared on this project? YES NO
b. Will you be preparing an archeological report to satisfy another public agency? YES NO
c. Do you know of any archeological or historic sites located within the general project area?
 YES NO If YES, explain:

 See Attachment No. ____

7. ENVIRONMENTAL SETTING

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.
 Along the stream channel immediately downstream from the proposed point(s) of diversion.
 Along the stream channel immediately upstream from the proposed point(s) of diversion.
 At the place(s) where the water is to be used.

PHOTOS ARE ON FILE WITH THE DIVISION OF WATER RIGHTS.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 12-19-12 Signature: Richard J. Sheer

Attachment No. 1

Reasons for Change in Place of Use:

On July 3, 1956, the State Water Board's predecessor approved EBMUD's water right application (A13156) and authorized EBMUD's place of use that included the Probable Ultimate EBMUD Service Area, which covered an area of about 514 square miles. That boundary has changed as a result of a number of events. In 1963, state legislation created Local Agency Formation Commissions (LAFCOs), which were charged with establishing boundaries for local agencies, including special districts. In response to the new LAFCO mandates, EBMUD and other water agencies in the Bay Area engaged in an effort to reorganize their service area boundaries to eliminate unnecessary overlap. The Alameda and Contra Costa County LAFCOs eventually adopted a boundary and designated spheres of influence (SOI) for EBMUD. The changes undertaken to be consistent with LAFCO requirements reduced EBMUD's probable ultimate service area boundary by removing lands along the northern and southern borders that were outside of the area then served by the District and beyond the area which it ultimately planned to serve. The effect of these actions was to reduce EBMUD's ultimate service area from 514 square miles to 480 square miles.

Since that time, LAFCO authorities have been strengthened, most notably with the passage of the Cortese-Knox Act in 1985 and the comprehensive Cortese-Knox Hertzberg amendments in 2000. Over the years, LAFCO has annexed additional lands to the area served by EBMUD and, as a result, also changed EBMUD's probable ultimate service area boundary.

In 1983, the State Water Board amended EBMUD's place of use under Permit 10478 and added the City of Brentwood comprising an area of about 2.5 square miles. During this process the State Water Board also updated EBMUD's current service area and the probable ultimate service area boundary which comprised an area of about 480 square miles, as shown on maps on file at the State Water Board office.

Generally, EBMUD policies preclude annexation of lands outside the ultimate service boundary or LAFCO's SOI. However, from time to time, LAFCO has required EBMUD to annex lands outside those boundaries. In those instances, LAFCO, as the lead agency, complied with the requirements of CEQA, approved environmental documents and changed EBMUD's SOI and service area boundaries. A listing of the annexations and their environmental documents is included in the attachment to the State Water Board Environmental Information Form.

Accordingly, this petition for change in place of use updates EBMUD's permitted place of use to conform to the LAFCO approved and required service area boundary as described in the attached map. The proposed new place of use is identified as the "Probable Ultimate EBMUD Service Area" on the attached Change of Place of Use map. In summary, the proposed change simply updates the map on file with the SWRCB to conform the place of use to add areas LAFCO has already ordered be served, for which CEQA documentation was done, and which EBMUD is currently serving

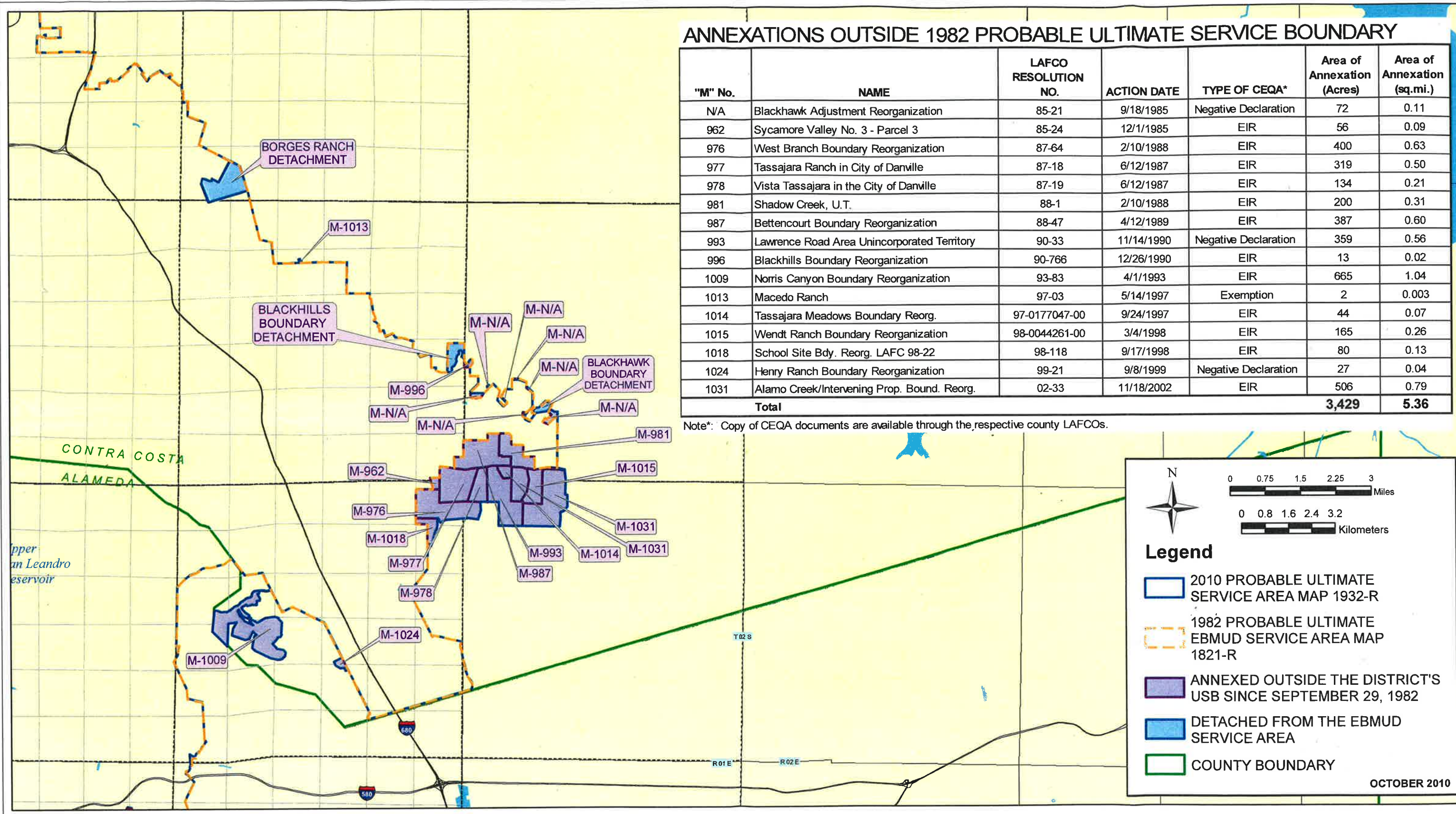
Reasons for Change in Purpose of Use:

The requested additional uses of recreation, fish and wildlife are all existing, required uses at Pardee and Camanche Reservoirs. Waters stored in Pardee and Camanche Reservoirs support fish and wildlife and recreational resources at Pardee and Camanche Reservoirs. Industrial use is already part of the authorized municipal use under Permit 10478. That permit was issued to EBMUD as a result of the State Water Board's Decision-858. That decision found that "municipal use includes all of those purposes for which water is customarily used by a municipality," *including* industrial use. (D-858, pages 69-70.) Thus, Permit 10478 already has industrial use as an authorized purpose of use. By this petition EBMUD requests that industrial use be expressly added as a formal purpose of use in Permit 10478. The proposed changes in purpose of use do not expand EBMUD's existing water rights to divert water from the Mokelumne River and will not result in any impacts on existing legal water users or instream beneficial use. In addition, the change in purpose of use will not result in any new construction, no changes to EBMUD's operations will occur, and the change will not result in any potential significant impacts.

ANNEXATIONS OUTSIDE 1982 PROBABLE ULTIMATE SERVICE BOUNDARY

"M" No.	NAME	LAFCO RESOLUTION NO.	ACTION DATE	TYPE OF CEQA*	Area of Annexation (Acres)	Area of Annexation (sq.mi.)
N/A	Blackhawk Adjustment Reorganization	85-21	9/18/1985	Negative Declaration	72	0.11
962	Sycamore Valley No. 3 - Parcel 3	85-24	12/1/1985	EIR	56	0.09
976	West Branch Boundary Reorganization	87-64	2/10/1988	EIR	400	0.63
977	Tassajara Ranch in City of Danville	87-18	6/12/1987	EIR	319	0.50
978	Vista Tassajara in the City of Danville	87-19	6/12/1987	EIR	134	0.21
981	Shadow Creek, U.T.	88-1	2/10/1988	EIR	200	0.31
987	Bettencourt Boundary Reorganization	88-47	4/12/1989	EIR	387	0.60
993	Lawrence Road Area Unincorporated Territory	90-33	11/14/1990	Negative Declaration	359	0.56
996	Blackhills Boundary Reorganization	90-766	12/26/1990	EIR	13	0.02
1009	Norris Canyon Boundary Reorganization	93-83	4/1/1993	EIR	665	1.04
1013	Macedo Ranch	97-03	5/14/1997	Exemption	2	0.003
1014	Tassajara Meadows Boundary Reorg.	97-0177047-00	9/24/1997	EIR	44	0.07
1015	Wendt Ranch Boundary Reorganization	98-0044261-00	3/4/1998	EIR	165	0.26
1018	School Site Bdy. Reorg. LAFC 98-22	98-118	9/17/1998	EIR	80	0.13
1024	Henry Ranch Boundary Reorganization	99-21	9/8/1999	Negative Declaration	27	0.04
1031	Alamo Creek/Intervening Prop. Bound. Reorg.	02-33	11/18/2002	EIR	506	0.79
Total					3,429	5.36

Note*: Copy of CEQA documents are available through the respective county LAFCOs.



N

0 0.75 1.5 2.25 3 Miles

0 0.8 1.6 2.4 3.2 Kilometers

Legend

- 2010 PROBABLE ULTIMATE SERVICE AREA MAP 1932-R
- 1982 PROBABLE ULTIMATE EBMUD SERVICE AREA MAP 1821-R
- ANNEXED OUTSIDE THE DISTRICT'S USB SINCE SEPTEMBER 29, 1982
- DETACHED FROM THE EBMUD SERVICE AREA
- COUNTY BOUNDARY

OCTOBER 2010

ANNEXATIONS OUTSIDE THE 1982 ULTIMATE SERVICE BOUNDARY

THIS MAP IS COMPILED FROM RECORDS AND INFORMATION LOCATED IN VARIOUS EBMUD, CITY, COUNTY, AND STATE OFFICES AND OTHER RESOURCES. IT'S INTENDED USE IS FOR GENERAL REFERENCE PURPOSES ONLY. EBMUD IS NOT RESPONSIBLE FOR ANY ERRORS WHICH MAY BE CONTAINED HEREIN. IF DISCREPANCIES ARE FOUND PLEASE NOTIFY THE EBMUD MAPPING UNIT.

