

State of California
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.waterrights.ca.gov

STATE WATER RESOURCES CONTROL BOARD
2009 AUG -1 AM 11:48
DIVISION OF WATER RIGHTS

PETITION FOR TEMPORARY URGENCY CHANGE
(Water Code 1435)

____ Point of Diversion, x Point of Rediversion, ____ Place of Use, ____ Purpose of Use

Application # 5645E Permit # 21112 License # _____ Statement or Other _____

I (we) El Dorado Irrigation District hereby petition for a temporary urgency
(Water Right Holders Name)

change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present See Attachment.

Proposed See Attachment.

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

Present No changes required.

Proposed _____

Purpose of Use

Present No changes required.

Proposed _____

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

The temporary urgency change(s) is to be effective from Issuance to 180 days
(yes/no) (Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? Yes

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes
(yes/no)

State the "Urgent Need" (Water Code 1435(c)) which is the basis of this temporary urgency change petition:
See Attachment

If the point of diversion or rediversion is being changed, is any person(s) taking water from the stream between the old point of diversion or rediversion and the proposed point? Yes

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? No
(yes/no)

8/1/08
\$5,150.00
\$880.25
JF

If yes, give name and address, 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, Division of Water Rights.

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes
(yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Stafford Lehr, Supervisory Fisheries Biologist, California Department of
Fish & Game, North Central Region. (916) 358-2900. Petitioner will
submit Mr. Lehr's written opinion when it is received.

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

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

Dated July 31, 2008 at Placerville, California
Thomas D. Cumpston (530) 642-4144
2890 Mosquito Road, Placerville, CA 95667 Telephone No.
(Address)

NOTE: A \$1000 filing fee, for each Application listed, made payable to the State Water Resources Control Board and an \$850 fee made payable to the Department of Fish and Game must accompany this petition for change.

**Attachment to Petition for Temporary Urgency Change
Permit 21112 (Application 5645B)
held by El Dorado Irrigation District**

POINT OF DIVERSION OR REDIVERSION

Present Points of Diversion:

Silver Lake Dam

North 65° 30' East, 3,260 feet from the SW corner of Projected Section 32, T10N, R17E, MDB&M, being within the NW ¼ of SE ¼ of said Projected Section 32.

Caples Lake Dam

North 51° 41' East, 1,400 feet from the SW corner of Projected Section 18, T10N, R18E, MDB&M, being within the SW ¼ of SW ¼ of said Projected Section 18.

Lake Aloha Dam

South 50° 40' West, 2,196 feet from the NE corner of Projected Section 30, T12N, R17E, MDB&M, being within the SW ¼ of NE ¼ of said Projected Section 30.

Folsom Reservoir Pump Station Intake

North 25° 06' East, 2,358 feet from the SW corner of Projected Section 10, T10N, R8E, MDB&M, being within the NE ¼ of NW¼ of SW ¼ of said Projected Section 10.

Present Point of Rediversion:

Folsom Reservoir Pump Station Intake

North 25° 06' East, 2,358 feet from the SW corner of Projected Section 10, T10N, R8E, MDB&M, being within the NE ¼ of NW¼ of SW ¼ of said Projected Section 10.

Proposed Points of Diversion:

No change in the present points of diversion identified in Permit 21112 is proposed.

Proposed Temporary Points of Rediversion:

No change in the present point of rediversion identified in Permit 21112 is proposed. The points of rediversion listed below are proposed to be temporarily added to Permit 21112.

El Dorado Canal

North 52° 02' West, 1,596.7 feet from SE corner of Section 29, T11N, R15E, MDB&M, being within the SE ¼ of SE ¼ of said Section 29. The description for the location of this proposed temporary point of rediversion is based on an Order issued by the Division of Water Rights for License 438 (Application 654), dated December 18, 1984, as shown on a map titled "Plan & Profile South Fork of American River and Silver Creek", dated February 15, 1984, which is on file with the Division of Water Rights.

Sly Park Dam (Jenkinson Lake)

South 3,375 feet and West 2,830 feet from NE corner of Section 17, T10N, R13E, MDB&M, being within the NE ¼ of SW ¼ of said Section 17. The description for the location of this proposed temporary point of rediversion is based on License 11835 (Application 2270), as shown on a map titled "Sly Park Reservoir Area", dated September 1, 1950, which is on file with the Division of Water Rights.

Proposed Point of Temporary Restorage:

The point of temporary restorage listed below is proposed to be temporarily added to Permit 21112.

Sly Park Dam (Jenkinson Lake)

South 3,375 feet and West 2,830 feet from NE corner of Section 17, T10N, R13E, MDB&M, being within the NE ¼ of SW ¼ of said Section 17. The description for the location of this proposed temporary point of restorage is based on License 11835 (Application 2270), as shown on a map titled "Sly Park Reservoir Area", dated September 1, 1950, which is on file with the Division of Water Rights.

DESCRIPTION OF PROPOSED CHANGES

The El Dorado Irrigation District (EID) proposes the following temporary urgency changes to Permit 21112:

- Adding the El Dorado Canal as a point of temporary rediversion;
- Adding Sly Park Dam (Jenkinson Lake) as a point of temporary rediversion and as a point of temporary restorage; and

- Relief from minimum and maximum flow requirements and lake level requirements at Caples Lake (Permit 21112 Conditions 12 and 9, respectively).

As discussed below in the basis of urgent need, releases from Caples Lake Dam will occur irrespective of the proposed temporary urgency change. Approval of the proposed temporary urgency change by the Division of Water Rights (Division) would authorize EID to divert up to 4,000 acre-feet of the total releases from Caples Lake Dam at EID's El Dorado Canal and Sly Park Dam (Jenkinson Lake) for consumptive use within the place of use covered by Permit 21112. This quantity will be routed to Jenkinson Lake through the Hazel Tunnel, located on the El Dorado Canal, at a rate of approximately 50 cubic feet per second. (See **Figure 1**). Releases from Sly Park Dam will be pumped from Jenkinson Lake to EID's Reservoir A Water Treatment Plant (WTP), and then delivered to EID's customers for consumptive uses within the authorized place of use specified in Permit 21112. Because demands supplied by EID's WTP are typically less than 50 cfs, a portion of the quantity of water proposed in this petition for temporary urgency change must be regulated or temporarily stored in Jenkinson Lake. Diversions to Jenkinson Lake will commence upon approval of this petition for temporary urgency change by the Division and will continue until 4,000 acre feet has been diverted to Jenkinson Lake or the drawdown is complete, whichever occurs first. EID's expected customer water demands, determined from the WTP's operating records, show that the maximum quantity of water proposed in this petition for temporary urgency change will be consumptively used within 180 days following approval of this petition by the Division.

In order for EID to divert water previously stored in Caples Lake Dam for consumptive uses, Permit 21112 requires EID to maintain minimum end-of-month lake levels at Caples Lake, as well as maximum and minimum releases from the Lake. Specifically, Conditions 9 and 12 in Permit 21112 (the latter of which incorporates by reference Federal Energy Regulatory Commission operating license [FERC License] requirements for Caples Lake) require EID to maintain minimum flows and to not exceed maximum flows below Caples Lake Dam, and to maintain minimum water levels in the Lake in order to protect Caples Lake summer recreational uses.

The releases from Caples Lake to carry out the emergency repair work will cause EID to draw down the Lake below the levels specified in Condition 9 of Permit 21112. EID likely will also be unable to meet the maximum release requirements under Condition 12 during the drawdown and the minimum release requirements under Condition 12 after the drawdown has occurred. EID staff have discussed the proposed emergency releases and drawdown at Caples Lake Dam and the proposed temporary urgency change with representatives from numerous agencies and stakeholder groups, including but not limited to the Federal Energy Regulatory Commission, the United States Forest Service, the State Department of Water Resources Division of Safety of Dams, and the State Department of Fish and Game, which have been advised that the minimum flows and water level requirements cannot be met as a result of the emergency repair work and required drawdown at Caples Lake Reservoir. EID is working directly with these agencies on measures to protect the environment and natural resources in Caples Lake and Caples Creek downstream of Caples Dam.

In order for EID to divert for consumptive uses up to 4,000 acre-feet of stored water released from Caples Lake, this petition requests temporary relief from EID's obligations to meet the requirements of Conditions 9 and 12 in Permit 21112. Because the Caples Lake drawdown will occur independently of this Petition, approval of the proposed temporary urgency change by the Division will not change the flows upstream of the El Dorado Canal and the water levels at Caples Lake Dam as compared with the condition absent approval of the temporary urgency change. EID will continue to meet the terms and conditions identified in Permit 21112 relative to releases from Lake Aloha and Silver Lake, and will meet all other existing downstream bypass obligations, including bypass requirements at the El Dorado Canal near Kyburz. In addition, EID will continue to operate its other facilities in accordance with EID's applicable water rights, FERC License, and other requirements. Following completion of the emergency repairs to the outlet structure at Caples Lake Dam and sufficient precipitation during the winter months, EID would expect to meet the minimum flows and water levels at Caples Lake required by Permit 21112. In the case that water year 2009 is again dry and the volume of water held in Caples Lake does not increase to meet these minimum requirements, EID will inform and request relief from the appropriate agencies, including the Division.

BASIS FOR URGENT NEED

EID discovered in June 2008 that the outlets at Caples Lake are at high risk of failure, with potentially catastrophic consequences if not dealt with as soon as possible. On July 1, 2008, the EID Board of Directors declared the Caples Lake outlet gate situation an emergency and directed EID staff to expedite the repair work. On July 11, 2008, EID identified a vendor that can fabricate and provide the materials to make the emergency repairs this year. To complete the

repair work, EID must draw down Caples Lake to empty or near-empty by approximately mid-September, 2008. As of July 16, 2008, the storage volume at Caples Lake was in excess of 19,000 acre feet. In order to achieve the necessary drawdown to complete the repair work this fall, water will be released from Caples Lake on a schedule that approximates that set forth in **Figure 2**. This schedule has been provided to numerous agencies and stakeholders for review and suggested modifications, including the State Department of Fish and Game (DFG). The schedule may be modified based on operating results and the ongoing discussions with DFG and other agencies for the estimated release period.

As the major public water supplier in El Dorado County, EID can ill afford to lose this stored water during the ongoing drought conditions. At present, it appears that EID's water supplies will be adequate to meet all projected demands in 2008, assuming the United States Bureau of Reclamation (Reclamation) approves EID's pending request for partial relief from the otherwise applicable reduction in EID's Folsom Reservoir water service contract under Reclamation's shortage policy. Due to dry conditions, however, EID's primary water supply, Jenkinson Lake, did not spill during water years 2007 or 2008, and 2008 maximum storage fell more than 4,000 acre-feet short of reservoir capacity. Because Jenkinson Lake is operated as a two-year water supply, these conditions expose EID to heightened risk of shortage if water supply conditions next winter are again dry. Furthermore, the drawdown of Caples Lake for the emergency repairs results in the release of approximately 10,000 acre-feet more water than would normally be permitted under EID's FERC License requirements. This extraordinary drawdown increases the risk that Caples Lake will not fill in 2009, even under more normal hydrologic conditions. A potential shortfall in Caples Lake storage would compromise EID's

ability to fully exercise its pre-1914 consumptive water rights associated with Caples Lake and the other water resources of this dual-purpose water supply/hydroelectric project.

Water Code Section 1435(b)(1) requires the State Water Resources Control Board (SWRCB) to find that EID has an urgent need to make the proposed temporary urgency change. The SWRCB may find an “urgent need” if circumstances exist to conclude that the temporary urgency change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented, unless the petitioner has not exercised due diligence in pursuing the requested water right changes.

This petition for temporary urgency change meets the requirement for “urgent need” under Water Code section 1435(b)(1). The proposed temporary urgency change is necessary to allow EID to capture some of the released stored water and to put that water to beneficial use for the benefit of its customers and the Region. To the extent that EID is authorized to use water released from Caples Lake to meet customer demands over the next 180 days, it can retain and hold other water supplies in storage in order to meet its water demands during 2009 and future years, thus maximizing the beneficial use of water. The temporary urgency change is the EID’s only feasible means to conserve this water for consumptive uses, because the water will no longer be available to EID if it is not rediverted at the El Dorado Canal and conveyed to Sly Park Dam.

EID has proceeded diligently in pursuing the temporary urgency change. In the short time since EID learned that it could perform the repair work at Caples Lake in 2008, it has explored numerous options to mitigate the water supply impacts of this unprecedented drawdown at Caples Lake, and has determined that the temporary urgency change to Permit 21112 is the only feasible means to conserve and salvage a portion of the water released from Caples Lake for consumptive use by its customers. EID contacted the SWRCB the week of July 14, 2008 to discuss the proposed temporary urgency change, and has proceeded expeditiously to file this petition.

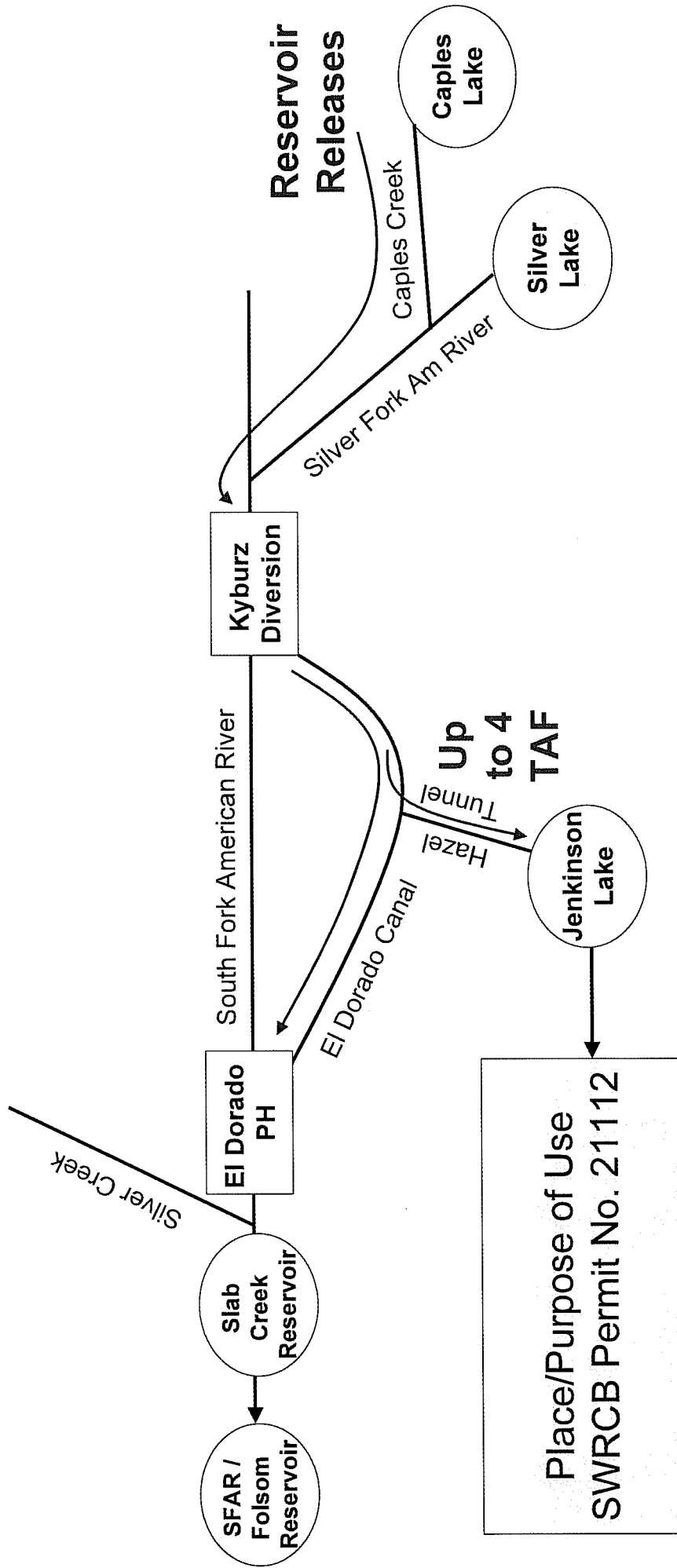
NO INJURY TO OTHER LAWFUL USERS OF WATER

The quantity of water proposed to be rediverted upon approval of this petition for temporary urgency change is water previously stored in EID's Caples Lake and released in order to complete the emergency repairs. As such, the water is "foreign in time" and not subject to appropriation by other legal users of water (riparian or appropriative) unless abandoned. EID has no intent to abandon the water, and will redivert up to 4,000 acre-feet of the previously stored water pursuant to this temporary urgency change and/or for power generation purposes pursuant to EID's SWRCB Licenses 438 and 2541 (Applications 654 and 1441, respectively). Rediversion and use of this released stored water, consistent with the amount, purpose, and place of use limitations identified in Permit 21112, will not adversely affect other legal water users such as the United States Bureau of Reclamation in future years, as EID has prior rights to the water for the proposed uses.

NO ADVERSE AFFECT TO FISH AND WILDLIFE

This petition for temporary urgency change is not expected have significant adverse environmental effects beyond the effects that may occur from the reservoir drawdown and release activities associated with the emergency repair work to the Caples Lake outlet gates. Should any significant adverse impacts occur, those impacts would happen irrespective of the proposed temporary urgency change. The potential environmental effects of the proposed temporary urgency changes are described in more detail in the attached Environmental Information Form.

Project Schematic for Proposed Temporary Urgency Change Petition for Caples Lake Drawdown



PRELIMINARY CAPLES LAKE DRAWN DOWN SCHEDULE AT 150 CFS MAXIMUM FLOW

Date	Caples Release Flow cfs	Caples Release ac-ft	Caples Staff Gage Read ft	Caples Capacity ac-ft	Silver Release cfs	Echo Release cfs	Aloha Release cfs	Watershed Inflow cfs	Total Flow to SFAR cfs
07/17/08	14	28	56.6	19,066	5	0	57	42	118
07/18/08	34	67	56.6	18,999	5	0	57	40	136
07/19/08	80	159	56.3	18,840	5	0	57	40	182
07/20/08	80	159	56.1	18,681	5	0	57	40	182
07/21/08	80	159	55.8	18,523	4	0	57	32	174
07/22/08	80	159	55.5	18,395	4	0	29	50	164
07/23/08	134	266	55.4	18,366	4	0	29	27	195
07/24/08	134	266	55.0	18,100	4	0	5	30	173
07/25/08	149	296	54.5	17,836	4	0	5	44	202
07/26/08	150	297	54.1	17,539	4	0	5	30	189
07/27/08	150	297	53.6	17,241	4	0	5	29	188
07/28/08	154	305	52.6	16,758	4	0	5	15	178
07/29/08	151	299	52.1	16,451	4	0	5	15	175
07/30/08	150	297		16,154	4	0	5	27	186
07/31/08	150	297		15,856	4	0	5	26	185
08/01/08	150	297		15,559	4	0	5	25	184
08/02/08	150	297		15,261	4	0	5	25	184
08/03/08	150	297		14,964	4	0	5	25	184
08/04/08	150	297		14,666	4	0	5	24	183
08/05/08	150	297		14,369	4	0	5	24	183
08/06/08	150	297		14,071	4	0	5	23	182
08/07/08	150	297		13,774	4	0	5	22	181
08/08/08	150	297		13,477	4	0	5	22	181
08/09/08	150	297		13,179	4	0	5	21	180
08/10/08	150	297		12,882	4	0	5	21	180
08/11/08	150	297		12,584	4	0	5	20	179
08/12/08	150	297		12,287	4	0	5	20	179
08/13/08	150	297		11,989	4	0	5	20	179
08/14/08	150	297		11,692	4	0	5	20	179
08/15/08	150	297		11,394	4	0	5	20	179
08/16/08	150	297		11,097	4	0	5	20	179
08/17/08	150	297		10,799	4	0	5	20	179
08/18/08	150	297		10,502	4	0	5	20	179
08/19/08	150	297		10,205	4	0	5	20	179
08/20/08	150	297		9,907	4	0	5	20	179
08/21/08	150	297		9,610	4	0	5	20	179
08/22/08	150	297		9,312	4	0	5	20	179
08/23/08	150	297		9,015	4	0	5	20	179
08/24/08	150	297		8,717	4	0	5	20	179
08/25/08	150	297		8,420	4	0	5	20	179
08/26/08	150	297		8,122	4	0	5	20	179
08/27/08	150	297		7,825	4	0	5	20	179
08/28/08	150	297		7,527	4	0	5	20	179
08/29/08	150	297		7,230	4	0	5	20	179
08/30/08	150	297		6,933	4	0	5	20	179
08/31/08	150	297		6,635	4	0	5	20	179
09/01/08	150	297		6,338	4	0	5	20	179
09/02/08	150	297		6,040	4	30	5	20	209
09/03/08	150	297		5,743	4	30	5	20	209
09/04/08	150	297		5,445	4	30	5	20	209
09/05/08	150	297		5,148	4	30	5	20	209
09/06/08	150	297		4,850	4	30	5	20	209
09/07/08	150	297		4,553	4	30	5	20	209
09/08/08	150	297		4,256	4	30	5	20	209
09/09/08	150	297		3,958	4	30	5	20	209
09/10/08	150	297		3,661	4	30	5	20	209
09/11/08	150	297		3,363	4	30	5	20	209
09/12/08	150	297		3,066	4	30	5	20	209
09/13/08	150	297		2,768	4	30	5	20	209
09/14/08	150	297		2,471	4	30	5	20	209
09/15/08	150	297		2,173	4	30	5	20	209
09/16/08	150	297		1,876	4	30	5	20	209
09/17/08	150	297		1,578	4	30	5	20	209
09/18/08	150	297		1,281	4	30	5	20	209
09/19/08	150	297		984	4	30	5	20	209
09/20/08	150	297		686	4	30	5	20	209
09/21/08	150	297		389	4	30	5	20	209
09/22/08	150	297		91	4	30	5	20	209
09/23/08	150	126		0	4	30	5	20	209
09/24/08	0	0		0	4	30	5	20	59
09/25/08	0	0		0	4	30	5	20	59
09/26/08	0	0		0	4	30	5	20	59
09/27/08	0	0		0	4	30	5	20	59
09/28/08	0	0		0	4	30	5	20	59
09/29/08	0	0		0	4	30	5	20	59
09/30/08	0	0		0	4	30	5	20	59
10/01/08	0	0		0	4	30	5	20	59

Footnotes:
 1.983 ac-ft/cfs/day
 19,066 ac-ft in Caples as of 07/16/08
 5 cfs per day discharge reduction due to head loss
 actual data
 forecasted data