State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 958 12-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR TEMPORARY TRANSFER OF WATER/WATER RIGHTS

(*Water Code 1725*)

☒ Point of Diversion ☒ Point of Rediversion ☒ Place of Use ☐ Purpose of Use

Application No(s). 18087 Permit No. 13858 License No. _____
Statement or Other No. _____

Present Holder and User of Water Right

Placer County Water Agency	Hanspeter Walter	(916) 321-4500
Person or Company name	Contact person	Telephone No.

Kronick, Moskovitz, Tiedemann & Girard

400 Capitol Mall, 27th Floor	Sacramento	CA	95814
Address	City	State	Zip Code

hwalter@kmtg.com
E-MAIL (For noticing purposes)

Proposed New User

San Diego County Water Authority	Meena Westford	(858) 522-6716
Person or Company name	Contact person	Telephone No.

4677 Overland Ave.	San Diego	CA	92123
Address	City	State	Zip Code

mwestford@sdcwa.org
E-MAIL (For noticing purposes)

Placer County Water Agency ("PCWA") hereby petitions the State Water Resources Control Board ("SWRCB") under the provisions of Water Code section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations section 794 et seq. for

Rec'd $9,997.00 5/6/09 MS

temporary changes to the water right application noted above for the purpose of transferring water. The changes are shown on the accompanying maps and described as follows:

Executive Summary

Placer County Water Agency proposes to transfer 20,000 acre-feet ("AF") of water currently stored in its Middle Fork Project ("MFP") reservoirs on the Rubicon and American Rivers to the San Diego County Water Authority ("SDCWA") for domestic, municipal and industrial use within the service area of SDCWA. To accomplish this transfer, the following temporary changes in the place of use and points of rediversion under PCWA's MFP water right permit are needed:

1) Allow temporary storage of transfer water in Folsom Reservoir.

2) Allow re-diversion of transfer water at the State Water Project's Clifton Court Forebay and Harvey O. Banks Pumping Plant.

3) Allow use of transfer water within the SDCWA service area.

Placer County Water Agency

Placer County Water Agency is a public agency created and existing pursuant to the provisions of the Placer County Water Agency Act. (Water Code Appx. Ch. 81.) PCWA owns and operates the Middle Fork Project and holds water rights for that project pursuant to Permits 13856 and 13858, issued on Applications 18085 and 18087, by the State Water Rights Board, predecessor to the State Water Resources Control Board.

San Diego County Water Authority

San Diego County Water Authority is a public agency created, formed and operating under the County Water Authority Act (Stats. 1943, Ch. 545, as amended; West's Cal. Water Code Appx. Ch. 45). SDCWA delivers water at wholesale to its member public agencies for beneficial municipal, industrial, and agricultural uses in its territory. SDCWA is a member agency of the Metropolitan Water District of Southern California ("Metropolitan"), which is a State Water Project ("SWP") Contractor. SDCWA is interested in augmenting its water supply and water storage portfolio to implement its adopted drought management and other water supply plans. Transfer water that PCWA provides to SDCWA will be used entirely within the SDCWA service area.

Description of Proposed Transfer

PCWA proposes to release up to 20,000 acre-feet of water stored in its Middle Fork Project for transfer to the SDCWA ("Transfer Water"). The Transfer Water will be released from PCWA's Ralston Afterbay Reservoir on the Middle Fork of the American River, and is planned to be routed through Folsom Reservoir to points of rediversion at the State Water Project's Clifton Court Forebay and Harvey O. Banks pumping plant. The Transfer Water will be scheduled in cooperation with the Department of Water Resources ("DWR") and the U.S. Bureau of

Reclamation ("Reclamation") such that it will use available surplus release, pumping and transmission capacity and will not disrupt normal Central Valley Project ("CVP") or SWP operations.

PCWA has determined that it has at least 20,000 AF of surplus water stored in the Middle Fork Project. PCWA reached this conclusion by reviewing projected MFP inflow, storage, and operations data. Specifically, PCWA had approximately 222,200 AF of water in storage in its Middle Fork Project reservoirs as of 4/21/2009 (French Meadows and Hell Hole Reservoirs) and the projected runoff from 4/21/09 through the end of June is another 120,000 AF. This water is stored pursuant to a Federal Energy Regulatory Commission license (Project No. 2079) and water right permits nos. 13855, 13856, 13857, and 13858. The estimated total MFP water supply in 2009 is therefore about 342,200 AF. PCWA anticipates supplying the following quantities of water to its MFP customers in 2009: City of Roseville – 15,000 AF; San Juan Water District – 13,000 AF; and, Sacramento Suburban Water District – 13,000 AF. In addition, PCWA anticipates diverting 10,000 AF for its own retail customers in 2009. Deducting from this total MFP supply the estimated 51,000 AF of consumptive demands within PCWA's MFP service area, and FERC's 50,000 AF required minimum combined reservoir carryover, from the total supply leaves 241,200 AF available to be used for power generation or reserved as additional carryover storage for 2010, which is well above the proposed transfer amount of 20,000 AF.

PG&E has contract rights to operate the MFP for power generation after all of the consumptive water demands of the MFP service area are met. Outflow from the MFP for the rest of the year is anticipated to be approximately 190,000 AF for PG&E power generation, existing water deliveries and other requirements. Under the proposed transfer, PCWA, in collaboration with PG&E, would release a total of 20,000 AF of additional water from the MFP at Ralston Afterbay Reservoir on the Middle Fork of the American River in 2009, predominantly in the months of July, August, and September. At the end of the year, MFP combined carryover storage would be 20,000 AF less than without the transfer. The 20,000 AF of new water, released from MFP storage, which would have otherwise remained in storage in the absence of this transfer, is the water that is proposed to be transferred (i.e., "Transfer Water").

After release from the MFP, the Transfer Water would flow into Folsom Reservoir. The Transfer Water will be scheduled in cooperation with DWR and Reclamation such that this transfer will take advantage of available release, pumping, and transmission capacity. Use of this available capacity will not disrupt normal CVP or SWP operations. SDCWA would receive the Transfer Water after its rediversion at the State Water Project's ("SWP") Clifton Court Forebay and Harvey O. Banks Pumping Plant.

The amount of Transfer Water delivered under this Agreement will be measured as releases are made from Ralston Power Plant, and will be the difference between releases from the Middle Fork Project with and without the transfer described herein, which PCWA will report to Reclamation, DWR, and SDCWA in monthly reports. Reclamation will verify the total amount delivered based upon the actual MFP December storage low point.

Amount of Water to be Transferred

20,000 acre-feet.

Period of Transfer/Exchange

Physical transfer / rediversion of Transfer Water may occur between May 1, 2009 to December 31, 2009, but most likely during June, July, August, and September. Transfer Water will be used in the SDCWA service area within one year from approval of the transfer pursuant to Water Code § 1728.

Place of Use of Transfer Water

The 20,000 AF of Transfer Water, less conveyance losses, will be put to reasonable and beneficial use within the SDCWA service area. (See related Environmental Information Form for map.)

Agency Coordination

As a requirement of this transfer, PCWA will enter into a refill agreement with Reclamation. The refill agreement will ensure that other legal users of water with vested rights to water from the American River watershed are not unreasonably affected or negatively impacted by the proposed transfer. The refill agreement will affect future year(s) operations of the MFP by requiring PCWA to refrain from storing runoff in the MFP, or alternatively to re-release an amount of water equivalent to the amount of Transfer Water released, if refilling the additional storage space in MFP reservoirs created by this transfer would result in an equivalent decrease in the amount of water stored in Folsom Reservoir.

Furthermore, to accomplish this transfer, it may be necessary for SDCWA to execute a Warren Act contract or other wheeling/storage agreement with Reclamation in order to provide operational flexibility to first store the Transfer Water in Folsom Lake before its conveyance through the Delta. Additionally, DWR and Reclamation will coordinate SWP and CVP operations to convey the Transfer Water through the Delta. The SWP will divert the Transfer Water from the Delta.

The Metropolitan Water District of Southern California ("Metropolitan") will assist SDCWA in wheeling the Transfer Water to the SDCWA service area, subject to available capacity, consistent with Articles 55 and 56 of Metropolitan's State Water Project Long Term Water Supply Contract. Metropolitan's policy with regard to the wheeling of water not owned or controlled by Metropolitan is set forth in its Administrative Code, Sections 4119 and 4405. These Code provisions implement Metropolitan board policy, which is to support its member agencies' purchase and transportation of water not owned or controlled by Metropolitan, provided that all of the conditions of the Administrative Code are satisfied, which include full cost recovery. The wheeling service policy states that member agencies have the right to utilize Metropolitan's rights to State Water Project facilities. Accordingly, the rediversion and conveyance of this Transfer Water is very similar to DWR's and Metropolitan's other drought year transfers in 2009.

Point of Diversion or Rediversion

Current:

A. PCWA's current points of diversion are located at California Grid Coordinates, Zone II, Mount Diablo B&M:

		N	E	Quart.	Sec.	T-N	R-E
Duncan Creek	Duncan Creek	538,130	2,431,040	NW SW	24	15	13
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8

B. PCWA's current points of rediversion are located at California Grid Coordinates, Zone II, Mount Diablo B&M:

		N	E	Quart.	Sec.	T-N	R-E
M.F. American River	French Meadows	530,100	2,434,250	NW NE	36	15	13
Rubicon River	Hell Hole	510,750	2,452,000	SW SE	16	14	14
M.F. American River	Ralston Interbay	498,137	2,397,300	NW NE	35	14	12
M.F. American River	Ralston Afterbay	490,160	2,357,100	NW NW	3	13	11
N.F. American River	Auburn	444,400	2,267,400	NE SW	23	12	8
American River	Folsom Dam	380,461	2,240,626	SW NE	24	10	7

Proposed:

C. Under the proposed transfer, the Transfer Water would be rediverted, possibly after temporary storage in Folsom Reservoir within the NW ¼ of the SW 1.4 of Sec. 10, T10N R8E, MDBM, or California Coordinates W 121°05'534 N38°44'20.

After release from Folsom Reservoir, the Transfer Water would flow down the lower American and Sacramento Rivers and be rediverted at the SWP's Clifton Court Forebay and Banks Pumping Plant situated in the southwest Sacramento-San Joaquin Delta. After such rediversion, Transfer Water would be conveyed to SDCWA using SWP and Metropolitan facilities.

Place of Use

Current: Western Placer County and northern Sacramento County.

Proposed: SDCWA service area.

Purpose of Use

Current: Domestic, Municipal & Industrial, Recreational, Irrigation.

Proposed: Domestic, Municipal and Industrial.

	Season of Use	*Direct Use (cfs)*	*Storage (ac-ft)*
Current:	See project description and water rights permit.		

Proposed: Water would be used within the SDCWA service area within one year after approval of the transfer pursuant to Water Code § 1728.

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Placer and Sacramento Counties.

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

San Diego County.

1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)?

Yes. The 20,000 AF of proposed Transfer Water is currently in storage in PCWA's Middle Fork Project reservoirs and would remain in storage absent this transfer.

1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change.

To provide the 20,000 acre-feet of Transfer Water under this application, PCWA proposes to transfer 20,000 AF of MFP storage surplus. The release of this surplus water would be accomplished in accordance with PCWA's power sale contract with Pacific Gas & Electric ("PG&E").

PCWA had approximately 222,200 AF of water in storage in its Middle Fork Project reservoirs as of 4/21/2009 (French Meadows and Hell Hole Reservoirs) and the projected runoff from 4/21/09 through the end of June is another 120,000 AF. This water is stored pursuant to a Federal Energy Regulatory Commission license (Project No. 2079) and water right permits nos. 13855, 13856, 13857, and 13858. The estimated total MFP water supply in 2009 is therefore about 342,200 AF. PCWA anticipates supplying the following quantities to its MFP customers in 2009: City of Roseville – 15,000 AF; San Juan Water District – 13,000 AF; and, Sacramento Suburban Water District – 13,000 AF. In addition, PCWA anticipates diverting 10,000 AF for its own retail customers in 2009. Deducting the estimated 51,000 AF of consumptive demands within PCWA's MFP service area, and the 50,000 AF FERC-required minimum combined reservoir carryover, from the total supply leaves 241,200 AF available to be used for power generation or reserved as additional carryover storage for 2010, which is well above the proposed transfer amount of 20,000 AF.

2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point?

Yes.

2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow?

Yes.

2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.

PCWA does not know the identities of the other legal users of water between its present point of diversion and storage at its MFP reservoirs and the proposed point of rediversion at Folsom Lake and the SWP's Clifton Court Forebay and Banks Pumping Plant. Also, because of the geographic scope of this water transfer, it is impractical to list all other legal users of water between the MFP and the proposed points of rediversion. Furthermore, as explained in response to Question 3.a, flows downstream of PCWA points of diversion (i.e., MFP Reservoirs) and above points of rediversion will be minimally or negligibly increased by the release of Transfer Water. Therefore, there will be no adverse effects on legal users of water between existing points of diversion and proposed points of rediversion.

3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange.

The amount of change in streamflow, water quality, timing of diversion or use, return flows, and effect on legal users of water will be minimal and will cause no adverse economic, physical, or environmental effects. PCWA's release of an additional 20,000 AF from the MFP is a small increment of the water that will be released from the MFP into Folsom Lake this year. Approximately 190,000 AF will be released from the MFP during the transfer period; therefore, the release of Transfer Water will increase the normal quantity released by about 10%. After release, this additional 20,000 AF will flow first to Folsom Lake and then to points of rediversion in the south Delta at the SWP pumping facilities. Once leaving Folsom Lake, the 20,000 AF of Transfer Water will comprise an increasingly miniscule increment of water when compared to the average flows in the lower American and Sacramento Rivers, and the Delta.

Although water may be released and transferred as late as December 31, 2009, in general May through October is the relevant time period because water flows during this period are the most susceptible to operational changes from water transfers. This is largely due to the fact that the normal winter storms that alter and often dominate the hydrology of the Delta and its tributaries do not usually occur until November and later.

Upper American River

This transfer will not significantly affect flows, water quality, or legal users of water on the upper American River. During the transfer period, PG&E generates power using the MFP. When PG&E requires peak power generation, PG&E uses the full 1,000 cfs of MFP release capacity. Release of Transfer Water will occur at times when PG&E is not using the full 1,000 cfs of MFP release capacity. PCWA's release of Transfer Water will therefore have the effect of dampening the fluctuations in the upper American River caused by PG&E's summer power generation activities. Instead of river flows abruptly decreasing when power generation demands are reduced, flows will remain more stable and will not decrease when compared to baseline conditions.

Lower American River, Sacramento River, and Delta

As explained below, this transfer involves a very small quantity of water compared to the volumes of water moving through these river systems. The following table is derived from data in Attachment 8 of the related Environmental Information Form submitted with this petition. The table presents the average daily Delta outflow, river flows, and SWP and CVP pumping rates in acre-feet during the period May through October, which will likely constitute the primary portion of the proposed transfer period.

The May – October data provided in this application are the most recent data for the relevant months provided by Reclamation's Central Valley Operations Office in its monthly reports (available at http://www.usbr.gov/mp/cvo/pub_rpts.html). Furthermore, these data are considered representative of likely conditions in 2009 because both 2007 and 2008 were also dry hydrological years. Also, 2007 and 2008 were years in which the SWP and CVP were subject to restrictions on allowable reverse flows in Old and Middle Rivers, which restricted SWP and CVP Delta pumping in order to prevent "take" of the Delta smelt under the U.S. Endangered Species Act. Similar restrictions on reverse flows and related pumping constraints, imposed by the U.S. Fish and Wildlife Service, will likely apply in 2009 as well. Thus, these data provide the Board with information to review the proposed transfer in light of the potential hydrologic conditions likely to occur during the proposed transfer as required by Water Code § 1727(b)(1).

2007-2008 Average Daily Delta Outflow and Combined SWP/CVP Pumping in Acre-Feet per Day.*

	May	June	July	August	September	October
Lower American River (cfs)	2,592	6,795	7,464	5,631	3,431	2,636
Sacramento River at Freeport (cfs)	17,077	21,996	37,753	34,016	31,023	21,253
Delta Inflow (cfs)	25,614	26,976	41,983	38,261	34,793	25,479
Combined SWP/CVP Pumping (cfs)	3,945	4,344	22,575	22,298	19,507	14,953
Delta Outflow (cfs)	17,093	15,300	11,466	8,051	10,726	8,011

* Data from Reclamation operations reports (see text above and Environmental Information Form for explanation).

The 20,000 AF of Transfer Water will not be transferred all at once, but will be released from the MFP and conveyed across the Delta to the SWP pumping facilities over a period of time during the remainder of 2009, all within existing pumping and other regulatory constraints. As indicated from the table above, in comparison to the amount proposed for transfer, much larger volumes of water are expected to move through the American and Sacramento Rivers and the Delta. Thus, the transfer of an additional 20,000 AF would increase flows by only a very small amount of the total in any of the water bodies listed and would also cause only a very small increase to SWP Delta pumping. Thus, while the exact operations required to implement the proposed transfer cannot be stated with precision at this time, it is clear that the transfer will only negligibly affect streamflows, water quality, timing of diversion or use, return flows, and effect on legal users of water.

The hydrologic systems and project operations affected by this transfer experience wide fluctuations in river stages and pumping operations due to natural events and because of other water project operations such as compliance with D-1641. The data presented represent the low flow and low pumping circumstances that are likely to occur in 2009,

but the fact that the river flows and pumping rates are greater in average and wetter years also supports the conclusion that slightly increased flows, with a concomitant increase in SWP pumping rates, will not significantly or unreasonably affect streamflow, water quality, timing of diversion or use, return flows, or other legal users of water.

Because of the minimal changes in existing conditions, other legal users of water will not be adversely affected by this transfer project. The only effects of this transfer on other legal users of water will be a very slight increase in river flows from PCWA's MFP to the proposed points of rediversion at the SWP delta pumping facilities. Furthermore, when the Transfer Water is diverted by the SWP south Delta pumping facilities, all existing state and federal regulations will be complied with, including Decision 1641, State and Federal endangered species acts, and all biological opinions and take permits.

3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727(b)(1).

No legal user of water will be injured because PCWA's transfer of water will only slightly increase, not decrease, streamflows below PCWA's MFP reservoirs. Any such increase will be minor and will not cause any water flows to increase above normal seasonal levels, or to violate any regulatory requirements. The 20,000 AF of proposed Transfer Water is currently in storage in accordance with PCWA's water rights and, with or without this proposed transfer, would not be available to any other legal user of water. Additionally, PCWA will enter into a reservoir refill agreement with Reclamation, ensuring that future refill of any storage space in PCWA's MFP reservoirs created by the transfer will not reduce the amount of water Reclamation could otherwise divert under its water rights.

A recent DWR analysis shows the availability of pumping capacity at the SWP's Banks Pumping Plant given various hydrological conditions. (Exhibit 1.) According to this data, the SWP has ample conveyance capacity to pump the proposed Transfer Water. Specifically, given DWR's current 2009 SWP allocation of 30% and even with the most restrictive limitations on negative flows in Old and Middle Rivers to protect Delta smelt, DWR's analysis shows that the SWP has capacity to convey up to 500,000 acre-feet of non-project water such as PCWA's proposed Transfer Water. Also, existing agreements between SDCWA, DWR and Metropolitan will ensure that this transfer does not affect other SWP contractors.

4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements.

PCWA has not contacted the Regional Board staff, but intends to do so during the review process if Division of Water Rights staff requests it. PCWA has executed similar transfers in the past without any adverse change in water quality. The MFP water proposed for transfer is very high quality runoff derived predominantly from snowmelt and rains falling in largely undeveloped higher elevation portions of Placer County in the

Sierra Nevada. If anything, the slight increase in flows in downstream reaches that could result from this transfer should improve water quality by increasing dissolved oxygen levels and decreasing the concentration of dissolved solids and other constituents of concern in downstream waters.

5a. Consult with the California Department of Fish and Game pursuant to 14 CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation.

A copy of this petition was sent to the DFG North Central Regional Manager Sandra Morey at 1701 Nimbus Road, Rancho Cordova, CA 95670 Phone: (916) 358-2899, FAX: (916) 358-2899. PCWA has not received DFG's opinion regarding the project, but will provide this information to the appropriate SWRCB staff when available. PCWA expects DFG to indicate that the transfer will not unreasonably affect fish or wildlife resources because very similar transfers have been done in the past with no adverse impacts identified by DFG. In fact, in the past DFG has advocated such transfers as part of the transfer of water to the CAL-FED Environmental Water Account ("EWA"). DFG also reviewed a similar transfer from PCWA to Westlands Water District in 2008, and did not indicate that instream beneficial uses would be adversely affected.

5b. 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)?

Generally no. The Transfer Water will be consumptively used within the SDCWA service area, most likely for municipal and industrial use. However, the release of Transfer Water from PCWA's MFP reservoirs will provide up to 20,000 AF to support additional flows in the Middle and North Fork American Rivers. These increased flows may enhance some biological resources in those reaches of river given the drought conditions affecting California. Additionally, the addition of the Transfer Water into the SWP system may incrementally improve wetlands, fish and wildlife habitat, or recreational opportunities or aesthetics in San Luis Reservoir or other particular SWP terminal reservoirs.

5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change.

As explained in response to Question 5a, the proposed transfer may improve water quality and thereby benefit instream beneficial uses including fish and wildlife resources. There is no evidence that the proposed transfer will negatively affect fish and wildlife or other beneficial instream uses in any unreasonable, significant, or measurable way.

When the Transfer Water is diverted at the SWP south Delta pumping facilities, all existing state and federal regulations will be complied with, including Decision 1641, State and Federal endangered species acts and all biological opinions and take permits. Reclamation has agreed to implement all reasonable and prudent alternatives that will be

triggered in 2009 contained in the U.S. Fish and Wildlife Service's 2008 Biological Opinion on effects of combined SWP and CVP operations on the Delta smelt. Additionally, there is close monitoring and coordination between DWR, Reclamation, USFWS, and the National Marine Fisheries Service ("NMFS"), and the California Department of Fish and Game ("DFG") regarding the effects of combined project operations on the host of species inhabiting the Delta. This allows the relevant agencies to quickly deal with circumstances as they arise, and to avoid significant impacts to species of special concern (i.e., listed and protected under state or federal laws).

Given the small amount of water involved in this transfer relative to the amount of water in the system and pumped by the projects, it is not expected that any fish species will be adversely affected by the proposed additional releases from PCWA's reservoirs. Almost identical change petitions and transfers have been granted by the SWRCB in the past to support acquisition of water assets by the EWA. For instance, in 2001 the SWRCB issued Order WR 2001-18-DWR, which approved the transfer of 20,000 AF from PCWA's Middle Fork Project reservoirs to the California Department of Water Resources to support the EWA. A copy of this order is attached to the Environmental Information Form submitted with this petition. Notably, that order found that because "the water proposed for transfer would temporarily benefit fishery resources by providing increased flows and decreased water temperatures in a critically dry year there is no apparent reason why increased flows during the summer would harm fishery resources." Similar circumstances exist this year, and if the proposed transfer causes any effect on fish, the effect should be the same beneficial effect noted by the SWRCB in Order 2001-18-DWR approving the 2001 transfer.

The transfer period at issue here occurs during a time when delta smelt and longfin smelt are not at high risk of entrainment at the SWP pumps because during the July to September period when a majority of the Transfer Water is likely to be conveyed through the Delta, the majority of the populations of both species are further downstream at the confluence of the Sacramento and San Joaquin Rivers or in the Suisun Marsh or Napa River areas, all of which are beyond the zone of influence of the SWP pumps. This means that slightly increased SWP pumping will not have a meaningful effect of populations of these species.

Additionally, salmonid entrainment by the SWP is generally low or absent during the summer and early fall months during which time the majority of Transfer Water will be conveyed through the Delta and diverted for export to SDCWA. This is partially due to the fact that outmigrating smolts have already left the freshwater system by this time, and the projects do not entrain a high number of adult salmonids because they are strong swimmers able to avoid entrainment influences of SWP pumping. This fact, coupled with the fact that any SWP pumping will only be slightly increased and well within the range of current and past pumping rates, leads to a conclusion that salmonids will not be unreasonably or significantly affected by the proposed transfer.

Other wildlife and plant species in the project area should not be affected by the slight changes in streamflows caused by this transfer.

(See Environmental Information Form for more details.)

5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727(b)(2).

See response to Question 5c above. (See Environmental Information Form for more details.)

6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area?

No. PCWA has independent legal authority for this transfer under its organic act. (See Water Code Appx. Ch. 81.)

6b. If yes, provide an analysis of the effect of the proposed transfer/exchange on the overall economy of the area from which the water is being transferred.

N/A.

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

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

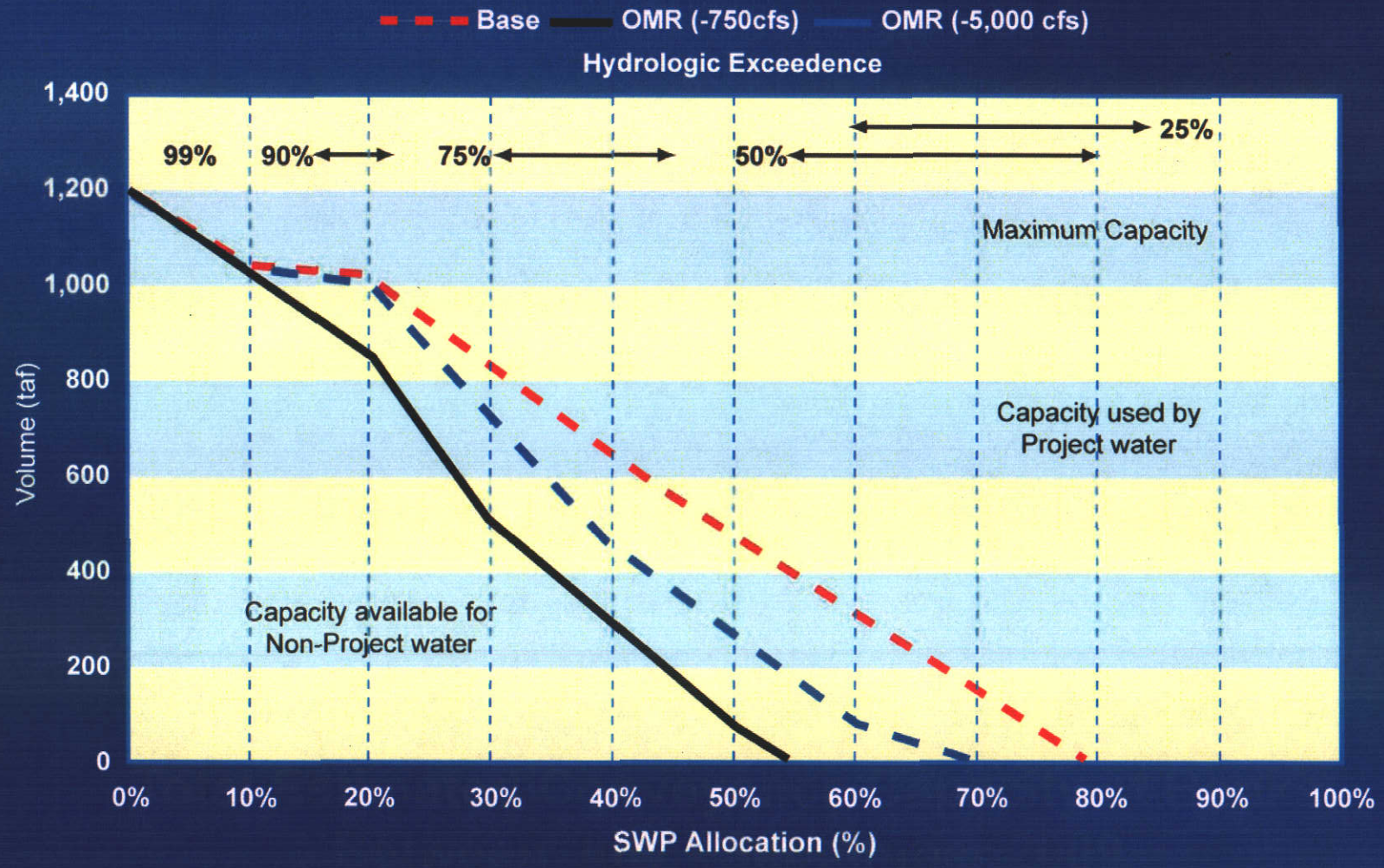
Dated: May 6, 2009, at Sacramento, California.

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD,
Attorneys for Placer County Water Agency

By: _____
Hanspeter Walter

400 Capitol Mall, 27th Floor
Sacramento, CA 95814
Telephone No.: (916) 321-4500

Total Estimated Conveyance Capacity at Banks Between July - September 2009



* Based on September's Allocation Analysis for 2009 (dated 9/16/2008)

** Assumed maximum capacity of 6,680 cfs at Clifton Court Forebay

*** Capacity may be further reduced up to a maximum of 128 TAF for the CVC Contractors

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On May 6, 2009, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

PETITION FOR TEMPORARY TRANSFER OF WATER/WATER RIGHTS and **ENVIRONMENTAL INFORMATION FOR PETITIONS**

in a sealed envelope, postage fully paid, addressed as follows:

Sandra Morey, Manager
North Central Region
California Department of Fish and Game
1701 Nimbus Road
Rancho Cordova, CA 95670

Clerk of the Board of Supervisors
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

Clerk of the Board of Supervisors
County of San Diego
1600 Pacific Highway
San Diego, CA 92101
(619) 236-3771

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 6, 2009, at Sacramento, California.

Do Gentry

Do Gentry