



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JUL 10 2012

Mr. Richard Doble
Hydro Licensing
Pacific Gas and Electric Company
Mail Code N11C
P.O. Box 770000
San Francisco, CA 94177

Mr. Peter Kampa
General Manager
Tuolumne Utilities District
18885 Nugget Blvd
Sonora, CA 95370

Dear Mr. Doble and Mr. Kampa:

REQUEST FOR A TEMPORARY VARIANCE OF CONDITION #4 OF THE STATE WATER RESOURCES CONTROL BOARD ORDER WR 2009-0039 FOR PACIFIC GAS AND ELECTRIC COMPANY'S SPRING GAP-STANISLAUS HYDROELECTRIC PROJECT

A request was sent to the State Water Resources Control Board (State Water Board) by letter dated May 11, 2012, from Tuolumne Utilities District (TUD) and followed by a letter dated May 18, 2012, from Pacific Gas and Electric Company (PG&E) requesting a one year variance of Condition #4 of State Water Board Order WR 2009-0039 regarding the minimum water surface elevation of Pinecrest Reservoir on Labor Day 2012. The requests state that the combination of a dry water year and the early end of spill of both Lyons and Pinecrest Reservoirs creates a situation where PG&E cannot provide supplemental water to Lyons Reservoir through Labor Day, to maintain TUD's consumptive water supply, and also maintain a Labor Day elevation of 5,608 feet in Pinecrest Reservoir. Therefore, PG&E, on the behalf of TUD, requested that it be allowed to lower the minimum water surface elevation for Pinecrest Reservoir to 5,606 feet by Labor Day in 2012.

The State Water Board hereby approves the request for variance of Condition #4 under the following conditions:

1. The variance will allow PG&E a minimum water surface elevation of 5,606 feet in Pinecrest Reservoir up to and including Labor Day 2012;
2. PG&E will provide the State Water Board with a report on the actual daily drawdown of Pinecrest Reservoir and instream flows below the reservoir, from June 3 (end of spill) to September 5, 2012, by November 30, 2012;
3. TUD will institute its Phase III conservation measures during the same period (from the receipt of this letter until September 5, 2012);

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

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4. TUD will provide the State Water Board with a report on the actual water usage from Lyons Reservoir from June 1, 2012, to September 5, 2012, and during that period for the last 10 years, by November 30, 2012;
5. PG&E and TUD will provide the State Water Board with all available information related to water losses from the Tuolumne Main Canal (Canal) by August 17, 2012;
6. The Condition #4 variance expires effective September 6, 2012 (day after Labor Day); and
7. All other conditions and requirements of State Water Board Order WR 2009-0039 remain in effect and are unchanged.

The State Water Board also hereby informs both PG&E and TUD that a complaint was filed with the California Environmental Protection Agency on November 17, 2011, alleging that water being transferred through the Canal represents a waste and unreasonable use of water due to inefficiencies and leakage from the Canal. The State Water Board was delegated the complaint, which will be considered in conjunction with your request for long-term adjustments to the Pinecrest minimum lake elevations by modifying Condition #4 of the Spring Gap-Stanislaus Hydroelectric Project (Project) water quality certification.

The State Water Board intends to hold a public workshop in August or September 2012 concerning the request to modify Condition #4 based on PG&E's Pinecrest Lake Level Study.¹ Public notice will be given when a date and location are selected for the workshop. If you have questions regarding this matter, please contact Mr. Jeffrey Parks at (916) 341-5319 or at jparks@waterboards.ca.gov. Written correspondence can be directed to: State Water Resources Control Board, Division of Water Rights, Attention: Mr. Jeffrey Parks, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,


Thomas Howard
Executive Director

cc: Ms. Beth Martinez
Stanislaus National Forest
USDA, Forest Service
19777 Greenly Road
Sonora, CA 95370

Ms. Sara Bahm
California Department of Fish and
Game
1234 East Shaw Avenue
Fresno, CA 93719

Mr. Allen T Green
2644 La Via Way
Sacramento, CA 95825-0307

¹ Copies of requests and comments received by the State Water Board regarding this Project are available online at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml#ferc2130