

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Permitted Applications 11792, 12910, 12911, 12912, 13091, 13092, 13093, 18727, 18728, 19148 and 19149	)	ORDER:	WR 80-7
CALAVERAS COUNTY WATER DISTRICT,	)	SOURCES:	Stanislaus River and Tributaries
Permittee.	)	COUNTIES:	Tuolumne, Calaveras, Stanislaus and San Joaquin

ADDITIONAL COMMENTS

BY MEMBER DUNLAP:

I concur in the findings and orders in Board Order WR 80-7, which approves petitions for changes and time extensions for long-permitted appropriations. I want to make it clear, however, that I believe that the Board's public interest responsibility in administering the appropriative water rights system neither allows nor requires uncritical approval of appropriations for hydroelectric power generation.

The Board is accustomed to analyzing water projects and making decisions about the amount of water which can be reasonably and beneficially used. However, the Board has not in the past analyzed in depth many major energy-related aspects of such projects. Specifically, the Board has not in the past evaluated whether one project is the logical project to develop to supply power as compared with other means of producing power or locations for power facilities. The Board has not in the past evaluated the extent to which the power consumer has pursued

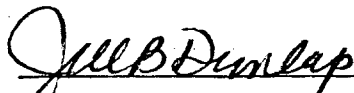
energy conservation as a potential energy source, either as a substitute for a project or as an additional supply.

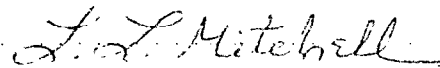
Yet, the Board is charged with allowing development of water, a public resource, only under conditions which protect the public interest. The Board may sometimes be the only state agency with public interest authority over an energy generating project.

As both energy and water continue to become more precious, I believe that the Board must intensify its analysis of energy-related aspects of water projects.

Dated: MAR 20 1980

I CONCUR:

  
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Jill B. Dunlap  
Member

  
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L. L. Mitchell  
Member

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ORDER GRANTING CHANGES IN POINTS OF DIVERSION  
AND EXTENSIONS OF TIME

BY VICE CHAIRMAN MILLER:

This order concerns eleven permitted applications authorizing the Calaveras County Water District (petitioner) to appropriate water from the North Fork of the Stanislaus River and its tributaries. During hearings before the State Water Resources Control Board (Board) in 1962, the petitioner proposed to develop a hydroelectric and various water supply projects. Over time the plan of the proposed hydroelectric project and water supply projects has undergone changes. Throughout, the purpose of the hydroelectric project has been to obtain funds to construct water supply projects for domestic, agricultural and other uses.

The petitioner now plans to construct a revised hydroelectric project and water supply projects on the North Fork of the Stanislaus River. Accordingly, the petitioner has petitioned the Board seeking approval of changes to permits including changes in the purpose of use, place of use and points of diversion.

The petitions were protested. Most protests allege that the proposed hydroelectric project and water supply projects will have adverse environmental impacts and that such impacts are not addressed adequately in the environmental documents. Six days of hearings were held to receive evidence pertaining to the petitioned changes and the protests. This order will address the petitioned changes in the permits for the proposed hydroelectric project and water supply projects, the environmental issues raised by the protestants and time extensions for commencing construction of the projects.

#### GENERAL DESCRIPTION OF THE PROPOSED PROJECT

"The proposed project calls for the enlargement of Spicer Meadow Dam and Reservoir, presently owned by the Pacific Gas and Electric Company (PG&E), plus the construction of three diversion dams, three tunnels, two power plants and an afterbay. The overall plan will provide approximately 192,000 acre-feet of storage and 205 megawatts of capacity.

"The existing Spicer Meadow Reservoir constructed in 1929 will be enlarged from approximately 4,060 acre-feet storage capacity to 189,000 acre-feet storage capacity for the conservation and regulation of Highland Creek flows. The existing dam now owned by PG&E will be inundated.

"The North Fork Diversion Dam, located at the confluence of Silver and Duck Creeks, will divert flows through a tunnel into Spicer Meadow Reservoir for storage. Controlled releases (about 300 cfs) from Spicer Meadow Reservoir will flow through a 5.2 megawatt power plant and thence down the existing stream channels to McKay's Point where it will again be diverted into the Collierville Tunnel and Penstock located on the north side of the river to a power installation at Clark Flat approximately one

mile below the confluence of the North and Middle Forks. The power plant will have an installed capacity of 200 megawatts with a maximum static head of 2,270 feet. Flows in Beaver Creek will also be diverted to McKay's Point for rediversion into the Collierville Tunnel.

"The project plan includes the purchase from PG&E of portions of the Utica Project (project works under Federal Energy Regulatory Commission licenses issued to PG&E as Project Nos. 2019 and 2699) for integration into the proposed new development. The diversion dam and tunnel on Beaver Creek within the Calaveras Big Trees State Park will be taken out of service. The major portion of the Utica Ditch will also be taken out of service. Water will be released out of the Collierville Tunnel to the Ditch near Darby Knob (start of penstock) for transmission to the Murphys-Angels power plants and to the communities of Murphys and Angels Camp."<sup>1/</sup>

With funds obtained from the construction of the hydroelectric project and additional local funds, the petitioner plans to construct facilities to supply water for domestic and agriculture uses. These water supply projects are described, currently, in general terms only.

PERMITTED APPLICATIONS AND ACTIONS  
REQUIRED ON PERMITS

Existing Permits

Table 1 (see Appendix) summarizes the eleven permitted applications of concern in this matter. Of the eleven permits, five authorize the petitioner to divert and store water at locations for the power project as proposed in 1962 (permitted Applications 12910, 12911, 13092, 18727 and 19148). The remaining permits

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1. Supplemental Draft Environmental Impact Report, North Fork Stanislaus River Hydroelectric Project, Volume I, August 1978, pp. II-1, 2, CCWD Exhibit 4A.

authorize the petitioner to divert and store water at locations for other uses (Permitted Applications 11792, 12912, 13091, 13093, 18728 and 19149).

Petitions for Change

The petitioner has petitioned for changes in seven permitted applications. (Permitted Applications 11792, 12911, 13093, 18727, 18728, 19148 and 19149.) The changes requested will conform the existing permits to the planned changes in this hydroelectric project and water supply projects. The changes, in general, relate to the number, capacity, and location of the storage features of the projects and to the number and location of the powerhouses. The changes would also enable the petitioner to use the water storage and transfer features of the hydroelectric project for future water supply projects. The use of water for hydroelectric purposes is not consumptive. Water used for consumptive purposes may be the same water used after power generation for a consumptive use. An impoundment may hold water for both hydroelectric and consumptive uses.

Storage reservoirs would be eliminated from the original permits at the following locations and for the following amounts:

Ganns Reservoir	--	60,000 acre-feet
Big Trees Reservoir	--	162,000 acre-feet

Permitted storage in the Spicer Meadows Reservoir would be enlarged from 130,000 acre-feet to 189,000 acre-feet by transferring part of the storage at Ganns and Big Trees Reservoir to Spicer

Meadows. Also, the powerhouses at Sand Flat, Boards Crossing and Big Trees would be deleted and the New Spicer Powerhouse added.

The "Notice of Petition to Change" (see Appendix) describes the essential features of these permits and the petitioned changes.

#### Time Extensions for Permits

In addition to considering the petitioned permit changes, the Board must consider time extensions for commencing construction under all eleven permits. Holders of permits to appropriate water must proceed with due diligence to construct the necessary facilities to place the water to use.<sup>2/</sup> For good cause shown, this Board may extend the time for commencing construction.<sup>3/</sup> The petitioner has been granted time extensions by prior orders of this Board, and it is necessary to consider what additional extensions should be granted at this time.<sup>4/</sup>

#### PROTESTANTS

The petitions for change were protested by the following persons. The Department of Fish and Game; the Sierra Club, Northern California Regional Conservation Committee; Friends of the River; Wilderness Society; the Concerned Citizens of Calaveras County; Melva H. and Donald E. Werner; Patricia H. Koehn; Lori L. Deacon; Sheila Gradison, Barbara Luri and Tom Owens; Lynn Dorroh, James Gilbertson and Theresa Robbins; Patty Shires; Stephen H.

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2. Water Code Section 1396.

3. Water Code Section 1398.

4. Board Order dated January 10, 1969, and Orders WR 75-1, WR 76-11, and WR 78-2.

Schadlich, Franklin H. Mayne and Virginia Mayne Galinovich;  
Dorrington B. Matt; Glen Deardorff; Eric and Judith Walters;  
and Imogene Smith.

Other interested persons appeared and testified during  
the hearings leading to this Order.

#### BACKGROUND AND PRIOR BOARD ACTIONS

In 1962 the Board held hearings to consider competing  
projects to appropriate unappropriated water in the Stanislaus  
River. In addition to the petitioner, the competitors included  
Tuolumne County Water District #2 (TCWD). Adopted March 14, 1963,  
Decision 1114 concluded that the permits should be awarded to the  
petitioner because its project would more fully develop water  
resources, provide the widest benefits, and best conserve the  
public interest. Subsequently litigation by TCWD resulted in a  
court order directing reconsideration of Decision 1114.<sup>5/</sup> Reconsider-  
ation was accomplished on August 25, 1965, by Decision 1226, and  
essentially reaffirmed the earlier decision.<sup>6/</sup>

In 1963 the petitioner filed an application with the  
Federal Power Commission for a license to construct a hydroelectric  
project on the North Fork of the Stanislaus.<sup>7/</sup> The application was  
denied in 1965 principally because the petitioner was unable to

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5. Order of July 24, 1964, Superior Court for the County of  
Sacramento, Case No. 145784.
  6. The petitioner and TCWD reached, subsequently, an agreement  
whereby TCWD would also obtain funds from construction of the  
petitioner's hydroelectric project to develop water supply  
projects.
  7. The Federal Energy Regulatory Commission now performs the  
functions formerly exercised by the Federal Power Commission.



obtain a contract with a power purchaser. At the time, the cost of electricity from fossil fuel power plants was more attractive than the cost of electricity from the proposed hydroelectric project.<sup>8/</sup>

Following Decision 1226 an order was adopted on January 10, 1969, extending the time for commencing construction of the permitted facilities to January 1, 1972. Responding to a petition for additional time in which to commence construction, the Board concluded in Order WR 75-1 adopted on January 16, 1975:

\* \* \*

"2. That the time for commencement of construction ... should be extended for a further hearing when the draft environmental impact statement is complete, but not later than September 1, 1975. The purpose of this hearing will be to consider whether further time should be allowed for formulation of the details of a definitive project.

"3. That the permittee should be placed on notice that if additional time for formulation of details of a definitive project is allowed, as a result of the hearing under paragraph two next above, the Board may later amend the permits to conform with the definitive project and with current conditions. Because the permits were issued nearly 10 years ago, and because there has been neither substantial financial commitment nor commencement of construction as provided in the permits, further hearing, fully noticed with opportunity for protestants to be heard, will be held regarding the definitive project prior to amendment of the permits. Amendments may include conditions to protect the environment based on the current laws and knowledge regarding the environment, conditions to protect vested rights and the public interest, and new quantity limitations consistent with the project formulated although the availability of unappropriated water will not be an issue." (Emphasis added.)

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8. See Order WR 75-1.

Further hearing was held on August 27, 1975, to consider (1) the diligence with which the petitioner had pursued the project since 1974; (2) the petitioner's ability to proceed, including the project's economic feasibility; and (3) the schedule for obtaining required approvals and agreements prior to construction. Adopting Order 76-11 on July 15, 1976, the Board concluded:

\* \* \*

"2. That permittee has proceeded diligently with efforts to further the project ... since the March 1974 hearing, and that the permittee has made a prima facie showing that it has a feasible project. The permittee should be allowed an extension of time to December 1, 1977, to formulate the details of its project and obtain a purchaser for the project power....

\* \* \*

"4. That Permits ... should be revoked without further hearing if the electors fail to approve bonds to finance the permittee's project prior to December 1, 1977, and that the permittee in accepting the time extension agrees to this condition."

An extension of time within which elector bond approval must be obtained was petitioned on July 28, 1977. Board Order WR 78-2 adopted on February 14, 1978, included the following determination:

"1. The conditions contained in Order WR 76-11 were specific criteria for prospectively determining permittee's due diligence ... through December 1, 1977.

a. Permittee has obtained a purchaser for project power, within the meaning of Order WR 76-11.

\* \* \*

c. Permittee has formulated the details of its project, within the meaning of that Order.

d. Permittee's electors did not have an opportunity to approve bonds to finance permittee's project by December 1, 1977, as required by that Order.

"2. Permittee has exercised due diligence in an effort to formulate its project, commence and complete construction work and apply water to beneficial use in accordance with the instant permits and with Division 2 of the Water Code and the regulations of the Board with exception of the requirement of Order WR 76-11 to conduct a bond election by December 1, 1977.

a. Permittee cited reasons beyond its absolute control for inability to schedule bond election before December 1, 1977.

\* \* \*

"3. The protests against granting extension of time were based on environmental issues and lack of diligence by permittee.

a. Environmental issues should rightfully be a part of the Board's consideration of the permittee's petitions for changes in the permits.

b. Permittee has made substantial progress during the time that has elapsed since Order WR 76-11.

"THE BOARD DETERMINES THAT:

"1. Disposal of allegations of protestants that permittee has been lacking in diligence is within the Board's authority.

"2. Permittee has shown good cause for extension of time under Water Code Section 1398.

"NOW, THEREFORE, IT IS ORDERED that the time set forth in Condition 4 of Order WR 76-11 be extended to December 1, 1978."

The proposed hydroelectric project was first presented to the voters of Calaveras County in June of 1978 and defeated

narrowly. Resubmitted to the voters in November of 1978, after an active campaign by proponents and opponents, the bonds for the project were approved by 60.9 percent of the voters.<sup>9/</sup>

Finally, following the 1978 petitions for change, protests filed, hearings held, and briefs filed, this matter is now before the Board for decision.

#### ISSUES AND FINDINGS

Section 100, California Water Code, declares that "... because of conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable...", however, the section further provides "... that the conservation of ... water is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. In addition, the California Environmental Quality Act (CEQA) provides that state and public agencies which regulate or undertake activities which affect the quality of the environment, shall give major consideration to preventing environmental damage.<sup>10/</sup>

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9. See March 21, 1976, hearing transcript, testimony of Mr. William Wulfson, pp. 28-30. During the hearings concerning this matter, several protestants took issue with the fairness of the election. Absent judicial proceedings challenging the results of the election, the election results must speak for the voters.
  10. The Public Resources Code Section 21000 et seq. is commonly referred to as the California Environmental Quality Act.

Upon adopting Decision 1114 in 1963, the Board determined that certain amounts of unappropriated waters were available to the petitioner and, as between competing projects, the petitioner's applications would more fully develop water resources, provide the widest benefits, and best conserve the public interest.

Environmental and public interest considerations aside, petitions for changes in permits are granted if the changes proposed "... will neither in effect constitute or initiate a new right nor operate to the injury of any other appropriator or beneficial user of water."<sup>11/</sup> No protest was received nor evidence produced that would provide grounds for denying, on this basis, the changes petitioned. In general, the changes reduce the scope of the project and consequently reduce the potential impact upon other holders of water rights.

With one exception, the bases for all the protests were that (1) the proposed changes would not conserve the public welfare or that (2) the proposed changes would have an adverse environmental impact.<sup>12/</sup> The Department of Fish and Game's (Department) protest was in furtherance of its statutory obligations to assure that sufficient waters are passed by dams to protect downstream fisheries and to assure that fish and wildlife resources are not jeopardized by the exercise of appropriative water rights.<sup>13/</sup>

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11. Section 738, Article 15, Subchapter 2, Chapter 3, Title 23, California Administrative Code.
  12. Mr. Stephen H. Schadlich et al. filed the protest based on an alleged pre-1914 appropriative right for instream recreation. Because this is not a legally recognized right (Cal Trout, Inc. v. SWRCB, 153 Cal.Rptr. 672) the protest is included among the public welfare and environmental protests.
  13. Water Code Section 1243, 1257; California Fish and Game Code Section 5937.

As articulated, the public welfare and environmental positions in this matter are developed largely from the same facts. The petitioner and protestants have differing views regarding application of these policies to the facts.

#### Threshold CEQA Considerations

The petitioner has prepared and adopted a Supplemental Environmental Impact Report (SEIR).<sup>14/</sup> The SEIR's focus is on the hydroelectric project, its alternatives, impacts and mitigation measures. General consideration, only, is given to the water supply projects that may be developed with the funds made available from construction of the hydroelectric project. The SEIR indicates that "Before any individual water-related project is constructed, a detailed environmental report will be prepared for the project."<sup>15/</sup> The SEIR does address, however, those aspects of some projects for consumptive use of water that would be an integral part of the hydroelectric project, e.g., storage and diversion works that would be common to the proposed hydroelectric project and some water supply projects.

The petitioner has petitioned for changes in permits for the proposed hydroelectric project, and for changes in permits for water supply projects that relate only partially to the hydroelectric project.<sup>16/</sup>

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14. North Fork Stanislaus River Hydroelectric Development Project, Supplemental Draft Environmental Impact Report (SEIR), Calaveras County Water District (CCWD Exhibit 4-A).

15. See SEIR, Vol. I, II-25, CCWD Exhibit 4-A.

16. See Petitions for Change, pp. 3-4, supra.

Threshold issues based on CEQA are jointly raised by certain protestants; these issues concern whether the Board may act on these petitions at this time.<sup>17/</sup> The contentions may be stated as follows:

1. That the Board must determine the adequacy of the SEIR;
2. That the SEIR is inadequate; and
3. That the Board should prepare a new supplemental SEIR.

The second and third contentions are based, essentially, on the same allegations. The bases for these contentions may be summarized in the following manner:

1. The SEIR does not address the entire project, i.e., the hydroelectric project and such water development projects as may be constructed in the future;
2. Growth inducing impacts are not adequately discussed;
3. The impacts of the Collierville Afterbay Dam were not discussed adequately;
4. Consideration was not given to the possible use of a road through the Calaveras Big Trees State Park for moving construction equipment;
5. Gabbot Meadow mitigation measures are not addressed sufficiently; and

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17. Friends of the River, Sierra Club No. Calif. Regional Conservation Commission, Concerned Citizens of Calaveras County, Wilderness Society, and Dale Meyer.

6. Insufficient consideration was given to hydroelectric project alternatives.<sup>18/</sup>

An action was filed challenging the SEIR in the Calaveras County Superior Court.<sup>19/</sup> Among other matters, the adequacy of the SEIR was challenged on the basis that (1) the SEIR failed to consider the water supply projects along with the hydroelectric project; (2) growth inducing impacts were not considered fully; and (3) the impacts of the Collierville Afterbay Dam were not discussed adequately.

On November 19, 1979, the court filed its judgment and Findings of Fact and Conclusions of Law for the action. The court's findings of fact included the following:

\* \* \*

"8. The hydroelectric project is an independent project. It is not part of a larger undertaking, is not a necessary precedent for action on a larger project, and its construction will not commit respondent to carry out a larger project with significant environmental effects.

"9. To the extent feasible, and to the extent information was reasonably available, the SEIR discussed the cumulative impacts of (a) other projects being studied by respondent, including the water supply projects, and (b) other projects existent and planned in the region.

"10. To the extent feasible, and to the extent information was reasonably available, the SEIR discussed the growth-inducing impacts of the hydroelectric project and of possible future water supply projects.

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18. See protestants joint brief dated August 8, 1979, by the protestants identified in Footnote 17, supra.

19. Concerned Citizens of Calaveras County v. Calaveras County Water District, Case No. 9504, Superior Court for the County of Calaveras.



"12. To the extent feasible, and to the extent that information was reasonably available, the SEIR discussed the significant environmental impacts of the Collierville Afterbay."

The judgment has been appealed. Section 21167.3 of CEQA provides in part:

"If an action ... alleging that an environmental impact report does not comply with the provisions of this division is commenced ... responsible agencies shall assume that the environmental impact report for a project does comply with the provisions of this division and shall issue a conditional approval or disapproval of such project .... A conditional approval shall constitute permission to proceed with a project when and only when such action or proceeding results in a final determination that the environmental impact report does comply with the provisions of this division." (Emphasis added.)

Until all appeals have been taken or an appeal is foregone, the determination does not become final.

In accordance with the foregoing provision, the Board is directed to assume that the SEIR for the hydroelectric project complies with the requirements of CEQA.

The petitioner, however, has petitioned for changes in permits for planned water supply projects not addressed in the SEIR. If the petitioned permit changes are for one project including both hydroelectric and water supply features, then the SEIR is inadequate. This raises the issue currently being litigated, whether the hydroelectric is severable from any future water supply projects. Because this issue is being litigated, the Board will assume, for the purposes of this order, that the hydroelectric project is a finite project. However, to the extent that the petitioner, as the lead agency, has not fully addressed the changes

proposed in planned water supply projects in any SEIR, the Board cannot comply with CEQA and approve the petitioned changes. Accordingly, at this time, the Board will not act on the petitions for change for the water supply projects.

The question remains whether the Board is required to prepare supplemental environmental documents for impacts related to the hydroelectric project. CEQA requires a responsible agency to prepare additional environmental documents when (1) the lead agency cannot be compelled to prepare additional environmental documents, and (2) the following circumstances are present:

"(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

"(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

"(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available."<sup>20/</sup>

This question presents the same dilemma discussed under the preceding issue. That is, what is the scope of the project. If the petitioned permit changes are for one project including both hydroelectric and water supply features, then substantial changes have been proposed requiring additional environmental documents. This too raises the litigated issue of what is the project and, for the purposes of this order, the Board will assume the hydroelectric project is a finite project.

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20. Section 150653, Article 6, Chapter 3, Title 14, Cal. Adm. Code; Public Resources Code Section 21166.

Limiting our consideration, therefore, to the project as defined in the petitioner's SEIR, the record will not support the conclusion that the petitioner is currently proposing either substantial changes in the project or that there have been substantial changes in the circumstances under which the project is undertaken that would require preparations of supplemental environmental documents. Further, the record will not support the conclusion that new information has become available that was not known, could not have been known, and that is of sufficient import to require the preparation of new supplemental environmental documents.

In conclusion, we assume that the SEIR is adequate for the proposed hydroelectric project and find that the circumstances requiring preparation of a new SEIR are not present. The Board will determine the adequacy of the SEIR later in the order.

Agreement Between the Petitioner and the Department of Fish and Game

Although the Department of Fish and Game (Department) protested the petitions for change, an agreement executed on March 16, 1979, resolves the Department's major objections. The petitioner's commitments to the Department are included within the mitigation measures proposed for the project.

The Board will require the petitioner's compliance with the agreement as a condition of approving changes to the permits.

Significant Environmental Effects

The petitioner has prepared a final supplemental environmental impact report. The proposed hydroelectric project, as approved by the petitioner, will have the following significant effects on the environment:

1. Construction of Spicer Meadow Reservoir will inundate approximately 160 acres of Gabbot Meadow - a prime wildlife habitat.
2. Construction of Spicer Meadow Dam, North Fork Diversion Dam, Beaver Creek Diversion Dam, and McKays Point Diversion Dam will affect the flow regime of Highland Creek, North Fork Stanislaus River, and Beaver Creek and adversely affect fish and wildlife.
3. Construction of the Collierville Penstock will prevent wildlife access from one side to the other and could hamper deer migration in this area.
4. Construction of Spicer Meadow Dam and Reservoir as presently designed could result in water temperatures in Highland Creek and the North Fork Stanislaus River which are too cold for optimum trout growth.
5. Construction of the Collierville Afterbay Dam could block fish migrating from New Melones Reservoir to spawn in the Stanislaus River.
6. Operation of the McKays Point Diversion Dam could adversely affect rainbow trout recruitment in the downstream waters of the North Fork Stanislaus River.
7. Construction of diversion tunnels will be a hazard to deer.

8. Utilization of Love Creek Road as an access road to McKays Point Diversion facilities could adversely affect the residents along Love Creek Road.

9. Construction of Spicer Meadow Dam and Reservoir will inundate approximately 30 acres of commercial forest lands (standard component) within the Stanislaus National Forest.

10. The enlarged Spicer Meadow Reservoir has the potential to become a significant, if not dominant, recreation attraction in the upper North Fork Stanislaus River basin.

11. The Collierville transmission line will be an unnatural object on the landscape and will detract from the scenic values of the area."

The petitioner has changed or altered the proposed project to mitigate the significant environmental effects in the following manner:

1. The District has agreed, in accordance with plans and specifications prepared by the California Department of Fish and Game in cooperation with the U. S. Forest Service and the U. S. Fish and Wildlife Service, to rehabilitate 40 acres of meadow within the Railroad Flat deer herd boundary, construct 160 acres of new wet meadow habitat within the Railroad Flat deer herd boundary, and to provide up to \$20,000 annually to maintain these meadows for a period of 20 years following construction of the North Fork Project.

2. The District has agreed to release flows for the maintenance of fish and wildlife below all storage and diversion facilities as specified by the California Department of Fish and Game.

3. The District has agreed to provide, in areas designated by the Department of Fish and Game, a minimum clearance of three feet under the Collierville Penstock.

4. The District has agreed to conduct a detailed temperature prediction analysis of the water downstream of Spicer Meadow Dam and Reservoir prior to final design in order to determine the effects on the fishery and to determine if a multiport discharge facility will be necessary; if found to be necessary, the District has agreed to install such a facility. 21/

5. The District has agreed to cooperate with the California Department of Fish and Game in the investigation and analysis of the fish blockage at the Collierville Afterbay Dam and to make every reasonable effort to assist in the solution of the problem.

6. The District has agreed that if recruitment in the North Fork Stanislaus River is found by the California Department of Fish and Game to be adversely affected by operation of the North Fork Project, the District will provide for planting up to 200,000 fingerling rainbow trout annually.

7. The District has agreed to construct and maintain trash racks at the entrances of all tunnels.

8. The District has selected the U. S. Forest Service Road 5N35 from the Avery Dump Road to McKays as the primary access route to the McKays Point Diversion facilities.

9. The District has agreed to plant about 30 acres of under-stocked or non-stocked commercial forest lands on the Stanislaus National Forest.

10. The District has agreed to bear the financial responsibility of constructing, operating, and maintaining recreational facilities at Spicer Meadow Reservoir.

11. The individual transmission line towers, to the extent possible, will be located in a manner which mitigates their adverse visual and aesthetic impact.

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21. This order contains a term requiring compliance with this procedure.

The Board finds that there is no certainty that the loss of the wildlife habitat at Gabbot Meadows will be fully mitigated. It is concluded, however, that the need for additional electrical power and the funds that will be made available for the development of future water supply projects (as a consequence of construction of the hydroelectric plant) outweighs any unmitigated affects on wildlife habitat at Gabbot Meadows. The Board has reviewed and considered the information contained in the SEIR prior to the adoption of this order.

#### Other Environmental Effects

Testimony was presented during the hearings held by the Board that:

1. The project will significantly reduce spring flows and could result, eventually, in sedimentation of gravels and the reduction of aquatic organisms.

2. Placement of the Collierville Power Plant Afterbay could eliminate the more placid waters used for embarking on whitewater runs. Such waters are necessary for safe entry onto the river.

3. Releases from proposed impoundments will result in higher and cooler flows during those months during the summer when it is possible, normally, to swim in the river.

Provision number 9 of this Order will mitigate effects 1 and 2. If waters are to be kept at temperatures optimum for trout, the temperatures will be too cool for many swimmers.

## Conserving Public Welfare

As discussed previously, State policy declares that the general welfare requires that the water resources of the State be beneficially used to the fullest extent. Decision 1114 granted the petitioners the right to develop the North Fork of the Stanislaus because the petitioner proposed to more fully develop the water in question. In response to environmental considerations, the scope of the proposed hydroelectric project has been reduced from that originally approved by the Board.

Protestants have questioned whether the petitioner has a need, currently, for the water supply projects that could be paid for with funds from construction of the hydroelectric project. Testimony by representatives of the petitioner plainly showed an immediate need to develop water to be available for consumptive uses in the next five to ten years. The need for additional water for such use in the longer term was also shown.<sup>22/</sup> The proposed hydroelectric project will make funds available to the petitioner for the development of water supply projects.

The Northern California Power Association (Association)<sup>23/</sup> consists of eleven municipal utilities and one rural cooperative.

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22. Testimony of Mr. Steve Felte, March 22, 1979, Hearing Transcript, p. 215 et seq., and April 17, 1979, Hearing Transcript, p. 347 et seq.
  23. Redding, Lompoc, Biggs, Gridley, Roseville, Lodi, Ukiah, Healdsburg, Alameda, Palo Alto, Santa Clara and the Plumas Sierra Cooperative.



The Association is seeking to reduce its dependence upon the Pacific Gas & Electric Company as its supplier. In conjunction with its development of power from geothermal sources for base load power needs, the Association wishes to acquire power from the petitioner for peak loading needs.<sup>24/</sup>

The Association has entered into a Memorandum of Understanding (Memo) with the petitioner. In general, the Memo provides that the Association will advance funds for pre-construction costs, including the costs of obtaining necessary governmental approvals; the Association will pay \$12,500,000 after approvals are obtained from the Board and the Federal Energy Regulatory Commission; and the Association will make monthly payments of \$17,000 upon full operation of the hydroelectric facilities. The Association will, of course, receive the power. Finally, the Memo provides that the petitioner may reserve 5,000 acre-feet per annum (afa) for present use above McKay's Point and, at the petitioner's option, this amount may be increased to 8,000 afa in 20 years.

The petitioner will divide the funds received from the Association among the supervisorial districts to pay one-half of the cost of local water supply projects. The local electorate would have to approve the indebtedness to finance the remaining half of any local water project.<sup>25/</sup>

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24. Testimony of Normal A. Hill, April 18, 1979, Hearing Transcript, p. 608, et seq.

25. CCWD Exhibit No. 3.

Although the petitioner would obtain no local electric benefit from the power project, the Association service areas will receive the produced power. The petitioner will benefit only from the funds made available from the project and from the fact that some of the project facilities could be used conjunctively with future water supply projects. The record contains substantial evidence showing that there is a statewide need for more electric power.

In summary, the statewide need for increased electric power makes production of additional power desirable; the project will make funds available for future water supply projects and measures will be implemented to mitigate the projects' significant environmental effects.

We conclude, therefore, that the proposed project will implement state legislative policy encouraging the maximum beneficial use of the water resources of the State in the public interest.

Due Diligence

The protestants contend that the petitioner has failed to proceed with due diligence on those permits for which no environmental documents have been prepared and for which voter approval must be obtained for financing water projects.

The Board found in Order WR 78-2 that petitioner was proceeding diligently. Throughout, the petitioner's approach has been to develop the hydroelectric project first and then the water supply projects.<sup>26/</sup> Since July 28, 1978, the date of the adoption of Order WR 78-2, the petitioner has adopted an SEIR, obtained voter approval, and petitioned this Board for permit changes. The power contract with the Association will, finally, provide the petitioner with funds to develop and use its permits for water supply projects. Accordingly, we find that the petitioner is acting diligently with regard to these permits, as well as the hydroelectric project. This Order, however, will include conditions to establish specific criteria for determining the petitioner's diligence in the future.

#### Additional Findings

Order WR 75-1 placed the petitioner on notice that at the time the Board acts upon the definitive project, it may amend the permits to conform with any revisions to the project. With the exception of permitted Application 13092, the petitions for change, as amended during the hearings, seek to revise the permits to conform to the revised project. Permitted Application 13092 lists Collierville, Boards Crossing, Big Trees, and Sand Flat Powerhouses as places of use. This permit should be revised to list only Collierville and New Spicer Powerhouses as places of use.

26. See Decision 1114, p. 7; Decision 1226, p. 5 and Order WR 75-1.

## CONCLUSIONS

It is concluded from the foregoing that (1) the prerequisite requirements (set forth in Orders WR 75-1, WR 76-11 and WR 78-2) for granting time extensions for construction have been met for the hydroelectric project and the features of those water supply projects integral to the hydroelectric project; (2) subject to special conditions to protect the public welfare and to mitigate environmental effects the permits for the hydroelectric project and features of the water supply projects integral to the hydroelectric project should be changed to conform to the planned project; (3) action on the time extensions and petitions for change for the remaining features of the water supply projects should be postponed until environmental documents have been prepared; and (4) that the petitioners should be required to prepare the environmental documents for the remaining water supply projects by a date certain.

## ORDER

NOW, THEREFORE, IT IS ORDERED that:

1. Permitted application 13092 is amended to list only the Collierville and New Spicer Powerhouses as places of use.

2. Time extensions for constructing the hydroelectric project are granted for permitted applications 12911, 13092, 13093, 18727 and 19148. Time extensions for constructing the features of the water supply projects integral to the hydroelectric project are granted for permitted Applications 11792 (as it pertains to the North Fork of the Stanislaus River), 12910, 12912, 13091, 18728, and 19149.

Upon completion of the litigation concerning the adequacy of the SEIR, the Board will establish dates for the commencement and completion of construction and for applying the water to the proposed use for permitted Applications 12911, 13092, 13093, 18727 and 19148.

3. The petitioned changes for the hydroelectric project in permitted Applications 12911, 13093 and 19148 are approved and the permits shall be amended to include the following conditions:

a. The amount of water to be appropriated under permitted Application 12911 for power purposes shall be limited to the amount which can be beneficially used and shall not exceed 400 cfs by direct diversion year-round and 78,500 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year in the amounts and at the locations specified as follows:

(1) 400 cfs by direct diversion and 2,200 afa by storage at McKay's Point Reservoir.

(2) 76,300 afa by storage at Spicer Meadow Reservoir.

b. The amount of water to be appropriated under permitted Application 13903 shall be changed from municipal to power purposes and shall be limited to the amount that can be beneficially used and shall not exceed 50,050 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

(1) 49,700 afa at Spicer Meadow Reservoir.

(2) 350 afa at North Fork Diversion Dam Reservoir.

c. The amount of water to be appropriated under permitted Application 18727 for power purposes shall be limited to the amount that can be beneficially used and

shall not exceed 700 cfs year-round by direct diversion and 25 afa to be collected from about November 1 of each year to about July 1 of the succeeding year as follows:

(1) 60 cfs by direct diversion and 25 afa by storage at Beaver Creek Diversion Dam and Reservoir.

(2) 640 cfs by direct diversion at McKay's Point Diversion.

d. The amount of water to be appropriated under permitted Application 19148 for power purposes shall be limited to the amount which can be beneficially used and shall not exceed 940 cfs year-round by direct diversion and 52,000 afa by storage to be collected from about November 1 of each year to about June 30 of the succeeding year as follows:

(1) 600 cfs by direct diversion and 52,000 afa by offstream storage at Spicer Meadow Reservoir at a maximum rate of 1,000 cfs from North Fork Stanislaus River at North Fork Diversion Dam.

(2) 340 cfs by direct diversion from Beaver Creek Diversion Dam.

(3) 52,000 afa by storage from Highland Creek at Spicer Meadow Reservoir, provided the amount collected to storage at Spicer Meadow Reservoir shall not exceed 52,000 afa from the combined diversion from North Fork Stanislaus River and Highland Creek.

4. The petitioned changes for the features of the water supply projects integral to the hydroelectric project in permitted Applications 11792, 18728 and 19149 are approved. The permits shall be amended to include the following conditions:

a. The amount of water to be appropriated under permitted Application 11792, as it pertains to North Fork Stanislaus River, for municipal and industrial purposes shall be limited to the amount which can be beneficially used and shall not exceed 78,500 acre-feet per annum (afa) by storage to be collected from about November 1 of each year to about July 1 of the succeeding year in the amounts and at the locations specified as follows:

(1) 76,300 afa at Spicer Meadow Reservoir.

(2) 2,200 afa at McKay's Point Reservoir.

b. The amount of water to be appropriated under permitted Application 18728 for irrigation, domestic and stockwatering purposes shall be limited to the amount that can be beneficially used and shall not exceed 600 cfs by direct diversion to be diverted from about March 1 to July 1 of each year and 9,100 afa by storage to be collected from about November 1 of each year to about July 1 of the succeeding year. This diversion may be made as follows:

(1) 10 cfs from Beaver Creek Diversion Dam.

(2) 9,100 afa by storage at Spicer Meadow Reservoir.

(3) 590 cfs by direct diversion at McKay's Point Diversion Dam.

c. The amount of water to be appropriated under permitted Application 19149 for irrigation, domestic and stockwatering purposes shall be limited to the amount that can be beneficially used and shall not exceed 365 cfs by direct diversion to be diverted from about March 1 to July 1 of each year and 79,200 afa by storage to be collected from about November 1 of each year to about June 30 of the succeeding year as follows:

(1) 25 cfs to be diverted at McKay's Point Diversion Dam.

(2) 340 cfs to be diverted at Beaver Creek Diversion Dam.

(3) 350 afa by storage at North Fork Diversion Dam.

(4) 41,850 afa by storage at Spicer Meadow Reservoir.

(5) 37,000 afa by offstream storage at a maximum rate of diversion of 1,000 cfs from North Fork Stanislaus River to Spicer Meadow Reservoir.

5. The maximum amount of water to be diverted for storage under all permits during any one season shall not exceed:

a. 189,000 acre-feet at Spicer Meadow Reservoir.

b. 350 acre-feet at North Fork Diversion.

c. 400 acre-feet at Ramsey's Diversion.



- d. 2,200 acre-feet at McKay's Diversion Dam.
- e. 25 acre-feet at Beaver Creek Diversion Dam.
- 6. All permits shall be subject to standard permit conditions 6, 10, 11, 12 and 13.\*

7. The following special condition shall be included in the permits to appropriate water on the North Fork of the Stanislaus River and its tributaries:

"This permit is subject to the terms of the agreement dated March 16, 1969, between the Department of Fish and Game and the permittee."

8. The following conditions shall be included in all permitted applications:

a. Permittee shall install and maintain outlet pipes of adequate capacity in all dams as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering each reservoir which is not authorized for appropriation under this permit may be released.

b. Permittee shall install and maintain devices satisfactory to the Board to measure (a) water diverted into Spicer Meadow Reservoir from the North Fork Diversion Dam, and (b) water released from or flowing out of Spicer Meadow Reservoir.

c. Construction of the storage dams shall not be commenced until the Department of Water Resources has approved plans and specifications.

d. In accordance with the requirements of Water Code Section 1393, permittee shall clear the site of the proposed reservoirs of all structures, trees and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes.

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\*The Board maintains a list of standard permit terms. Copies are available upon request.

9. The environmental impacts of the project shall be mitigated by including the following conditions in the appropriate permits:

a. Except for dry years, as defined in Paragraph 10 of the agreement dated March 16, 1979, between Fish and Game and the permittee, the permittee, at intervals not to exceed five years, will provide flushing flows averaging 200 percent of the average annual flow or averaging 1,000 cfs whichever is greater for 30 consecutive days during the period from March 1 to May 31 in the North Fork Stanislaus River at the Avery Gage, unless such flows occur naturally. Releases from storage will be made for this purpose to the extent that it does not interfere with the maintenance of water surface elevations in Spicer Meadow Reservoir as provided for in Paragraph 9 of the agreement.

b. The permittee shall establish a swimming beach, access and parking at the Collierville Afterbay or some other suitable location on the river.

c. The Collierville Afterbay shall be located and operated in such a manner as to not interfere or degrade the current raft embarkment area on North Fork Stanislaus River located immediately below PG&E's Stanislaus Powerplant Afterbay.

d. A multiport outlet shall be constructed and operated on New Spicer Meadow Reservoir under specifications approved by the Department of Fish and Game to control the temperature of water released from the reservoir to optimize conditions for trout production in the North Fork, unless proven unnecessary (to the satisfaction of the Department) by the temperature analysis study of North Fork Stanislaus River to be conducted by the permittee.

10. Until environmental documents are prepared, no decision will be made on the petitions for change and extensions of time for commencing construction of features of water supply projects unrelated to the hydroelectric project for permitted Applications 11792, 12910, 12912, 13091, 18728, and 19149. Failure to complete final environmental documents for the water supply projects by December 1, 1983, may be viewed as failure to proceed with due diligence to construct the facilities necessary to put the water to use under permitted Applications 11792, 12910, 12912, 13091, 18728 and 19149.

11. The foregoing approvals, conditional approvals, and time extensions pertaining to the petitioner's planned hydroelectric project and permits for the water supply projects being an integral part of the hydroelectric project shall not become effective until the SEIR is determined, finally, by a court of competent jurisdiction to comply with Provision 13, Section 21000 et seq., Public Resources Code.

No construction work shall be commenced pursuant to any approval herein given until the SEIR is determined, finally, by a court of competent jurisdiction to comply with Section 21000, et seq. The Board may reconsider this order if it is finally determined the SEIR does not fully comply with Section 21000, et seq.

12. Staff is directed to issue amended permits on Applications 11792, 12919, 12911, 12912, 13091, 13092, 13093, 18727, 18728, 19148 and 19149, updating the permit format to current standards.

Dated: March 20, 1980

WE CONCUR:

ABSENT

\_\_\_\_\_  
William J. Miller,  
Vice Chairman

ABSENT

\_\_\_\_\_  
Carla M. Bard, Chairwoman

*L. L. Mitchell*  
\_\_\_\_\_  
L. L. Mitchell, Member

*Jill B. Dunlap*  
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Jill B. Dunlap, Member

*F. K. Aljibury*  
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F. K. Aljibury, Member

APPENDIX

**TABLE 1.**  
**SUMMARY OF APPLICATIONS OF CALAVERAS COUNTY WATER DISTRICT TO APPROPRIATE**  
**WATER FROM STANISLAUS RIVER AND TRIBUTARIES AS AMENDED BY PETITIONS FILED 12-7-60**

Appl. No.	Date filed	Source	Location of Point of Diversion				Direct Diversion		Storage		Purposes	Place of Use	
			Name	Sec.	Tr.	Rg.	cfs	Season	afa	Season			
11792	3-24-47	NF Stanislaus	Canns	SE	NE	4	6N 17E	-		52,000	10/1-7/1	I, D, In, R	150,449 acres (net) within service areas 1, 2, 4, 5, 7, 8, 9, 10, 11, 12 <sup>b</sup> , 14, 15 of CCWD and foothill area
			Squaw Hollow	NE	NW	2	4N 15E	-		2,000	10/1-7/1		
			Big Trees	NE	SW	18	5N 16E	-		24,500	10/1-7/1		
*12537	6-7-49	Black Creek	Black Res.	NE	NW	1	1N 12E	-		5,000	11/1-4/1	I, D	50,000 (net) acres southern Calaveras County
12910	1-25-49	NF Stanislaus Stanislaus	Squaw Hollow	NE	NW	2	4N 15E	400 <sup>a</sup>	3/1-10/31	-	I, D, S	124,073 acres (net) within service areas 5, 7, 8, 9, 10, 11, 12 <sup>b</sup> , 14, 15.	
			Goodwin	SE	NE	10	19 12E	400 <sup>a</sup>					
12911	1-25-49	NF Stanislaus	Canns	SE	NE	4	6N 17E	400	1/1-12/31	58,000	10/1-7/1	P	Big Trees Powerhouse Boards Crossing Powerhouse Collierville Powerhouse
			Squaw Hollow	NE	NW	2	4N 15E			2,000	10/1-7/1		
			Big Trees	NE	SW	18	5N 16E			18,500	10/1-7/1		
12912	1-25-49	NF Stanislaus	Ramsey	SE	NW	23	6N 16E	10	1/1-12/31			M	Towns within Calaveras County Ebbetts Pass Domestic System
13091	5-13-49	Highland Cr.	Spicer Meadows	NW	NE	9	6N 18E			63,000	10/1-7/1	I, D, S	39,073 acres (net) within service areas 5, 7, 8, 9, 10, 11, 12 <sup>b</sup> , 15
13092	5-13-49	Highland Cr.	Spicer Meadows	NW	NE	9	6N 18E			63,000	10/1-7/1	P	Sand Flat, Boards Crossing Big Trees and Collierville Powerhouses
13093	5-13-49	Highland Cr.	Spicer M.	NW	NE	9	6N 18E			23,000	10/1-7/1	M	Towns within Calaveras County W.D.
			Big Trees	NE	SW	18	5N 16E		40,000	10/1-7/1			
13727	5-20-59	Beaver Cr. Beaver Cr. NF Stanislaus	Upper	NE	SW	16	5N 16E	60 <sup>a</sup>	1/1-12/31	13,100 <sup>d</sup>	10/1-7/1	P	Big Trees Powerhouse Collierville Powerhouse
			Lower	NW	SE	36	5N 15E	60 <sup>a</sup>					
			Big Trees	NE	SW	18	5N 16E	640					

\* Revoked by Board Order WR 75-1

**TABLE I Cont.**  
**SUMMARY OF APPLICATIONS OF CALAVERAS COUNTY WATER DISTRICT TO APPROPRIATE**  
**WATER FROM STANISLAUS RIVER AND TRIBUTARIES AS AMENDED BY PETITIONS FILED 12-7-60**

Appl. No.	Date filed	Source	Location of Point of Diversion						Direct Diversion		Storage		Purposed	Place of Use
			Name	Sec.	Tp.	Rg.	cfs	Season	afa	Season				
18728	5-20-59	Beaver Cr.	Lower	NW SE 36	5N 15E	10	3/1-10/31					I, D, S	124,078 acres (net) with service areas 5, 7, 8, 9, 10, 12 <sup>b</sup> , 14, 15 of CCWD and Foothill Area	
		Beaver Cr.	Upper	NE SW 16	5N 16E			13,100 <sup>d</sup>	11/1-8/1					
		NF Stanislaus	Big Trees	NE SW 13	5N 16E	590 <sup>c</sup>	3/1-10/31	9,100	11/1-8/1					
		NF Stanislaus	Squaw Hollow	NE NW 2	4N 15E	590 <sup>c</sup>	3/1-10/31	20,000 <sup>e</sup>	11/1-8/1					
		Stanislaus	Goodwin	SE NE 10	1S 12E	590 <sup>c</sup>								
		Stanislaus	Tulloch	NW NE 7	1S 13E	590 <sup>c</sup>		151,440	11/1-8/1					
19149	12-23-59	NF Stanislaus	Silver Cr.	SW SE 20	5N 18E	600	1/1-12/31	52,000 <sup>e</sup>	11/1-6/30		P	Sand Flat, Boards Crossin Big Trees and Collierville Powerhouses		
		Beaver Cr.	Upper	NE SW 16	5N 16E	340	1/1-12/31							
		NF Stanislaus	Big Trees	NE SW 13	5N 16E		1/1-12/31	27,200	11/1-6/30					
		Highland Cr.	Spicer M.	NW NE 9	6N 18E			52,000 <sup>e</sup>						
19145	12-23-59	NF Stanislaus	Squaw Hollow	NE NW 2	4N 15E	25 <sup>o</sup>	3/1-10/31					I, D, S	Same as Application 18728	
		Beaver Cr.	Lower	NW SE 36	5N 15E	340	3/1-10/31							
		Stanislaus	Goodwin	SE NE 10	1S 12E	25 <sup>o</sup>	3/1-10/31							
		NF Stanislaus	Big Trees	SE NW 18	5N 16E			42,200	11/1-6/30					
		NF Stanislaus	Silver Cr.	SW SE 20	5N 18E			37,000	11/1-6/30					

- a I - Irrigation; D - Domestic; S - Stockwatering; P - Power; In - Industrial; R - Recreational; M - Municipal
- b Esperanza portion of Service Area 12 (See Plate I-2, CC Ex. 3)
- c Combined diversion from any one or a combination of points of diversion
- d Petitions of 12-7-60 amended to show 13,100 acre-feet from Beaver Creek in accordance with information received at hearing. (CC Ex.3, Table 111-5 and opening brief of Calaveras County)
- e Offstream storage in Jesus Maria Reservoir



## NOTICE OF PETITION TO CHANGE

Permit 15013	issued pursuant to	Application 11792	✓
" 15016	"	"	" 12911 ✓
" 15020	"	"	" 13093 ✓
" 15021	"	"	" 18727
" 15022	"	"	" 18728
" 15023	"	"	" 19148
" 15024	"	"	" 19149 ✓

Notice is hereby given that:

Calaveras County Water District  
P. O. Box 846  
San Andreas, CA 95249.

Petitioned the State Water Resources Control Board for changes in the above noted water right permits as follows:

1. Permit 15013 (A-11792) presently allows diversion from North Fork Stanislaus River tributary to Stanislaus River.

Points of diversion within:

- a. SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 4, T6N, R17E, MDB&M (Ganns Reservoir)
- b. NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 2, T4N, R15E, MDB&M (Squaw Hollow Reservoir)
- c. NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M (Big Trees Reservoir)
- d. Spicer Meadows Reservoir

Points of redirection:

- a. Goodwin Dam
- b. Esperanza Dam
- c. N 200 feet E 820 feet from NE corner of Section 2, T3N, R10E, MDB&M.  
(Below New Hogan)

In the counties of Calaveras and Tuolumne

In the amount of: 78,500 acre-feet per annum.

Purposes: Irrigation, domestic, industrial & recreational

Diversion season: November 1 to July 1

Place of use described: A gross irrigable area of 248,030 acres including:

1. Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
2. Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
3. Jesus Maria Reservoir serving areas within: T5N, R13E; T4N, R13E; T5N, R12E; T4N, R12E; T4N, R11E, all from MDB&M.



4. O'Neils Reservoir serving areas within: T5N, R14E; T4N, R14E; T4N, R13E; T5N, R13E, all from MDB&M.
5. McCarthy Reservoir serving areas within: T6N, R13E; T5N, R13E; T6N, R12E; T5N, R12E; T5N, R11E; T4N, R11E; T5N, R10E, all from MDB&M.
6. Ganns, Big Trees, Squaw Hollow, and Spicer Meadows serving areas within: T2N, R11E; T3N, R10E; T2N, R11E; T1N, R11E; T1S, R11E; T1S, R12E; T1S, R10E; T1N, R10E; T1N, R9E.

Recreation use at the sites of the above described reservoirs.

#### DESCRIPTION OF PROPOSED CHANGE:

- (1) To change the purposes of use to municipal and irrigation.
- (2) To add a point of diversion (at McKay's Point Diversion Dam) described as follows: S63°E, 2000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 2.
- (3) To change the distribution of storage by deleting Ganns and Big Trees Reservoirs from this permit and redistributing that storage to reservoirs as follows:
  - a. 32,000 afa from Ganns to Spicer Meadows
  - b. 200 afa from Big Trees to McKay's Point
  - c. 24,300 afa from Big Trees to Spicer Meadows
  - d. 2000 afa from Squaw Hollow to McKay's Point Diversion Dam

Therefore, the water to be appropriated under Permit 15013 would be collected and stored in the following amounts and locations:

- a. 2,200 afa at McKay's Point
- b. 76,300 afa at Spicer Meadows

- (4) Change the points of rediversion under this permit to the following points:

- a. McKay's Point Diversion Dam
- b. Ramsey Diversion Dam

2. Permit 15016 (A-12911) presently allows diversion from North Fork Stanislaus River tributary to Stanislaus River.

Point of direct diversion within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Projected Section 4, T6N, R17E, MDB&M. (Ganns Reservoir)

Points of diversion to storage within:

- a. SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 4, T6N, R17E, MDB&M. (Ganns Reservoir)
- b. Section 2, T4N, R15E, MDB&M. (Squaw Hollow Reservoir)
- c. NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)
- d. SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 3, T6N, R18E, MDB&M. (Spicer Meadows Reservoir)

In the County of Calaveras and Tuolumne.

In the Amount of: 400 cubic feet per second by direct diversion, and 78,500 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion)  
November 1 to July 1 (Storage)

Place of use described:

1. Boards Crossing Power House being within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 33, T6N, R16E, MDB&M.
2. Big Trees Power House being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 35, T5N, R15E, MDB&M.
3. Collierville Power House being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.
4. Sand Flat Power House being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 35, T7N, R17E, MDB&M.

DESCRIPTION OF PROPOSED CHANGE:

1. To add McKay's Point Diversion Dam as a point of diversion described as follows: S63 E, 2,000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 2.
2. To add McKay's Point Diversion Dam as point of rediversion.
3. To change the distribution of storage under Permit 15016 by deleting Ganns and Big Trees Reservoirs and redistributing their storage to reservoirs as follows:

- a. 32,000 afa from Ganns to Spicer Meadows
- b. 18,300 afa from Big Trees to Spicer Meadows
- c. 200 afa from Big Trees to McKay's Point
- d. 2000 afa from Squaw Hollow to McKay's Point Diversion Dam

(4) Therefore, the appropriated water under this permit will be collected and stored in the amounts and locations specified as follows:

- a. 2,200 afa at McKay's Point
- b. 76,300 afa at Spicer Meadows

2. 4. To change the place of use to the following:

- a. Collierville Power House within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.
- b. New Spicer Meadows Power House within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 9, T6N, R18E, MDB&M.

3. Permit 15020 (A-13093) presently allows diversion from Highland Creek and North Fork Stanislaus River tributaries to North Fork Stanislaus River and Stanislaus River respectively.

Point of diversion within:

- a. NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 9, T6N, R18E, MDB&M. (Spicer Meadow)
- b. NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M. (Big Trees)

In the Counties of Calaveras and Tuolumne.  
 In the amount of 58,000 acre-feet per annum by collection to storage.

Purposes: Municipal

Diversion Season: November 1 to July 1

Place of use described: The following municipalities to be served under this permit: Altaville, Angels Camp, Arnold, Dorrington, Hathaway Pines, Mountain Ranch Murphys, San Andreas, Sheep Ranch, Vallecita, White Pines, and others not specifically named here.

DESCRIPTION OF PROPOSED CHANGE:

1. To change the purpose of use to power.
2. To add North Fork diversion, on North Fork Stanislaus River, as a point of diversion described as follows: 1500 feet west from the SE corner of Section 20, T6N, R18E, MDB&M, being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 20.
3. To delete Big Trees Reservoir.
4. To change the distribution of storage under Permit 15020 by redistributing Big Trees Reservoir 35,000 acre-feet storage as follows:
  - a. 26,700 afa to Spicer Meadow
  - b. 350 afa to North Fork Diversion Dam
  - c. 7,950 afa to be delete from permit

Therefore, the water to be appropriated under the above permit will be collected and stored in the amounts and locations described as follows:

- a. 49,700 afa at Spicer Meadow
  - b. 350 afa at North Fork Diversion Dam
5. To change the place of use to the following:
    - a. Collierville Power House within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.
    - b. New Spicer Meadow Power House within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 9, T6N, R18E, MDB&M.
  6. To add McKay's Point Diversion Dam as a point of rediversion.
4. Permit 15021 (A-18727) presently allows diversion from Beaver Creek and North Fork Stanislaus River tributaries to Stanislaus River.

Points of direct diversion and point of diversion to offstream storage within:

1. NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 16, T5N, R16E, MDB&M. (Upper Beaver Diversion; direct and offstream storage)
2. NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 36, T5N, R15E, MDB&M. (Lower Beaver Diversion; direct)

Point of diversion to storage within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)

Points of rediversion: (1) Big Trees Reservoir (2) Squaw Hollow Reservoir.

In the Counties of Calaveras and Tuolumne.

In the amount of 700 cubic feet per second by direct diversion and 25,900 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion)  
and November 1 to July 1 (Storage)

Place of use described:

- a. Big Trees Power House - NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 35, T5N, R15E, MDB&M.
- b. Collierville Power House - SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.

#### DESCRIPTION OF PROPOSED CHANGE:

1. To change the distribution of storage by deleting Big Trees Reservoir and redistributing that storage as follows:
  - a. 25 afa to be stored at Beaver Creek Diversion Dam.
  - b. Delete 12,800 afa on-stream storage at Big Trees Reservoir.
  - c. Delete 13,075 afa off-stream storage at Big Trees Reservoir.
2. To change the points of diversion and rediversion by deleting Big Trees and Squaw Hollow Reservoirs and by adding McKay's Point Diversion Dam which is described as follows: S63<sup>0</sup>E, 2,000 feet from NW corner of Section 2, T4N, R15E, MDB&M, being within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 2.
3. To change the point of diversion by deleting Upper and Lower Beaver Creek Diversions and by adding New Beaver Creek Diversion described as follows: S20<sup>0</sup>E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 1.
4. To delete Big Trees Power House and include only Collierville Power House in the place of use under this permit. Collierville Power House is located within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.
5. Permit 15022 (A-18728) presently allows diversion from (a) Beaver Creek tributary to North Fork Stanislaus River (b) North Fork Stanislaus River tributary to Stanislaus River and (c) Stanislaus River tributary to San Joaquin River.

### Points of Diversion:

- a. Beaver Creek: within NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 36, T5N, R15E, MDB&M. (Lower Beaver diversion)
- b. Beaver Creek: within NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 16, T5N, R16E, MDB&M. (Upper Beaver diversion)
- c. N. F. Stanislaus River, direct diversion, diversion to offstream storage, and rediversion: within NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 2, T4N, R15E, MDB&M, Calaveras County. (Squaw Hollow Reservoir).
- d. Stanislaus River, Existing Goodwin Dam: within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10, T1S, R12E, MDB&M. (Point of direct diversion and rediversion of stored water)
- e. Point of rediversion on Littlejohns Creek: within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 2, T1S, R12E, MDB&M.
- f. N. F. Stanislaus: within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M. (Big Trees)
- g. Point of diversion to offstream storage in Littlejohns Reservoir from Stanislaus River: within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 7, T1S, R13E, MDB&M (Tulloch Reservoir)
- h. Point of rediversion on Jesus Maria Creek: within Section 23, T5N, R13E, MDB&M. (Jesus Maria Reservoir)

In the Counties of Calaveras and Tuolumne.

In the amount of 600 cubic feet per second by direct diversion and 193,640 acre-feet per annum by collection to storage.

Purposes: Irrigation, domestic and stockwatering.

Diversion Season: March 1 to July 1 (Direct Diversion)  
November 1 to July 1 (Storage)

Place of use described: A gross irrigable area of 206,460 acres including:

1. Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
2. Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
3. Jesus Maria Reservoir serving areas within: T5N, R13E; T4N, R13E; T5N, R12E, T4N, R12E; T4N, R11E, all from MDB&M.
4. O'Neils Reservoir serving areas within: T5N, R14E; T4N, R14E; T4N, R13E; T5N, R13E, all from MDB&M.
5. Littlejohns Reservoir serving areas within: T2N, R9E; T2N, R10E; T2N, R11E; T1R, R11E; T1S, R11E; T1S, R12E; T1N, R10E; T1S, R10E, all from MDB&M.
6. Big Trees Reservoir serving areas within: T3N, R14E; T3N, R13E; T2N, R13E; T2N, R12E; T3N, R12E, all from MDB&M.

### DESCRIPTION OF PROPOSED CHANGE:

1. To change the distribution of storage under Permit 15022 and to delete portions of the permitted amounts as follows:
  - (a) To redistribute 8,700 afa of the Big Trees Reservoir storage to Spicer Meadows Reservoir and 400 afa storage from Big Trees to Ramsey Diversion Dam.

(b) To delete Big Trees, Jesus Maria, and Littlejohns Reservoirs.

2. To change the points of diversion as follows:

- a. To change the point of diversion from the Upper and Lower Beaver Creek Diversions to the Beaver Creek Diversion Dam which is described as follows: S20° E, 1,000 feet from NW corner of Section 1, T4N, R13E, MDB&M, being within NW¼ of NW¼ of said Section 1.
- b. To delete Big Trees Dam as a point of diversion, and to add McKay's Point Diversion Dam and Ramsey Diversion Dam as points of diversion and redirection under this permit. Ramsey Diversion is described as follows: N68° 22' W, 2100 feet from NW corner of Section 23, T6N, R16E, MDB&M.

3. To delete the following points of diversion to off-stream storage: Squaw Hollow, and Tulloch Reservoirs. Also delete the Goodwin Dam as point of diversion.

6. Permit 15023 (A-19148) presently allows diversion from (a) North Fork Stanislaus River tributary to Stanislaus River in the County of Alpine. (b) Beaver Creek tributary to North Fork Stanislaus River in Tuolumne County. (c) North Fork Stanislaus River tributary to Stanislaus River in Calaveras and Tuolumne Counties. (d) Highland Creek tributary to North Fork Stanislaus River in Tuolumne County.

Points of diversion are:

For direct diversion

1. North Fork Stanislaus - within SW¼ of SE¼, Section 20, T7N, R18E, MDB&M. (North Fork Diversion Dam)
2. Beaver Creek - within the NE¼ of SW¼, Section 16, T5N, R16E, MDB&M. (Upper Beaver)

For diversion to storage

1. North Fork Stanislaus River - within NE¼ of SW¼, Section 18, T5N, R16E, MDB&M. (Big Trees)
2. Highland Creek - within NW¼ of NE¼, Section 9, T6N, R18E, MDB&M. (Spicer)

For redirection

1. Ganns Dam - within SE¼ of NE¼ of Projected Section 4, T6N, R17E, MDB&M.
2. Big Trees Dam - within the NE¼ of SW¼ of Section 18, T5N, R16E, MDB&M.
3. Squaw Hollow Dam - within NE¼ of NW¼, Section 2, T4N, R15E, MDB&M.

In the amount of 940 cubic feet per second by direct diversion and 79,200 acre-feet per annum by collection to storage.

Purposes: Power

Diversion Season: January 1 to December 31 (Direct Diversion) and  
November 1 to June 30 (Storage)

Place of use described:

- a. Sand Flat Power House being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 35, T7N, R17E, MDB&M.
- b. Boards Crossing Power House being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 34, T6N, R16E, MDB&M.
- c. Big Trees Power House being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 35, T5N, R15E, MDB&M.
- d. Collierville Power House being within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M.

DESCRIPTION OF PROPOSED CHANGE

1. To change the point of diversion from Upper Beaver Creek Diversion Dam to New Beaver Creek Diversion described as follows: S20°E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section 1.
2. To delete 27,200 afa storage at Big Trees Reservoir.

Water therefore appropriated under this permit will be as follows:

- a. 340 cfs by direct diversion at Beaver Creek Diversion.
- b. 600 cfs by direct diversion and 52,000 afa to off-stream storage at Spicer Meadow at a maximum rate of 1,000 cfs from North Fork Stanislaus River at North Fork Diversion.
- c. 52,000 afa by diversion to storage at Spicer Meadow.
3. To change the place of use to include ~~only~~ Collierville Power House under this permit located within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 6, T3N, R15E, MDB&M, *and New Spicer Meadows Power House within SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 9, T6N, R18E, MDB&M.*
4. To change the points of rediversion by deleting Ganns Dam, Big Trees Dam, and Squaw Hollow Dam as points of rediversion and adding McKay's Point Diversion Dam as a point of rediversion under this permit.
7. Permit 15024 (A-19149) presently allows diversion from (a) North Fork Stanislaus River tributary to Stanislaus River in Alpine, Calaveras and Tuolumne Counties (b) Highland Creek tributary to North Fork Stanislaus River in Tuolumne County (c) Beaver Creek tributary to North Fork Stanislaus River in Tuolumne County (d) Stanislaus River tributary to San Joaquin River in Calaveras and Tuolumne Counties.

Points of Direct Diversion:

1. N. F. Stanislaus - within NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 2, T4N, R15E, MDB&M. (Squaw Hollow)
2. Lower Beaver Creek - within NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , Section 36, T5N, R15E, MDB&M.
3. Existing Goodwin Dam - within SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 10, T1S, R12E, MDB&M.

### Diversion to Storage:

1. Highland Creek - within NW $\frac{1}{4}$  of NE $\frac{1}{4}$ , Section 9, T6N, R18E, MDB&M. (Spicers)
2. North Fork Stanislaus - within the NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 18, T5N, R16E, MDB&M. (Big Trees Reservoir)
3. N. F. Stanislaus at Silver Creek - within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 20, T7N, R18E, MDB&M. (Diverted to offstream storage in Spicers Meadow Reservoir)

### Rediversion of Stored Water:

1. Squaw Hollow Dam - within NE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 2, T4N, R15E, MDB&M.
2. Goodwin Dam - within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 10, T1S, R12E, MDB&M.

In the amount of 365 cubic feet per second by direct diversion and 79,200 acre-feet per annum by collection to storage.

Purposes: Irrigation, domestic & stockwatering

Diversion Season: March 1 to July 1 (Direct Diversion) and  
November 1 to June 30 (Storage)

Place of use described: A gross irrigable area of 206,460 acres including:

- (1) Scotts Reservoir serving areas within: T4N, R13E; T4N, R12E; T3N, R12E, all from MDB&M.
- (2) Esperanza Reservoir serving areas within: T5N, R13E, MDB&M.
- (3) Jesus Maria Reservoir serving areas T5N, R13E; T4N, R13E; T5N, R13E, T4N, R12E; T4N, R11E, all from MDB&M.
- (4) O'Neils Reservoir serving areas within: T4N, R14E; T4N, R14E; T4N, R13E, T5N, R13E, all from MDB&M.
- (5) Big Trees Reservoir serving areas within: T3N, R14E; T3N, R13E; T2N, R13E; T2N, R12E; T3N, R12E, all from MDB&M.

### DESCRIPTION OF PROPOSED CHANGE

1. To change the point of diversion from the Lower Beaver Creek Diversion to the New Beaver Creek Diversion described as follows: S20°E, 1,000 feet from NW corner of Section 1, T4N, R15E, MDB&M, being within NW $\frac{1}{4}$  of Section 1.
2. To change the point of diversion from Big Trees Reservoir to Spicer Meadow Reservoir located as follows: N 1225 feet, E 1700 feet to NE corner of Section 9, T6N, R18E, MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 9.
3. To delete the Goodwin Dam and Squaw Hollow Dam points of diversion and rediversion and add McKay's Point Diversion Dam and Ramsey Diversion Dam as points of diversion and rediversion.
4. To change the distribution of storage by redistributing:
  - (a) 350 afa from Big Trees to North Fork Diversion.
  - (b) 41,850 afa from Big Trees Reservoir to Spicer Meadow Reservoir.



Therefore water under Permit 15024 will be diverted and stored at the following locations and amounts:

- a. 25 cfs by direct diversion at McKay's Point.
- b. 340 cfs by direct diversion at Beaver Creek Diversion.
- c. 350 afa by storage at North Fork Diversion.
- d. 41,850 afa by storage at Spicer Meadows.
- e. 37,000 afa by off-stream storage at a maximum rate of diversion of 1,000 cfs from North Fork Stanislaus River to Spicer Meadow.

Petitioner represents that these changes involve no change in source and no increase in the amounts of appropriation.

RELATIVE TO PROTESTS

BLANKS UPON WHICH TO SUBMIT PROTESTS WILL BE SUPPLIED FREE UPON REQUEST

Any person desiring to protest the granting of such changes shall within 40 days from date hereof file a written protest with the State Water Resources Control Board, at the above address. A copy of the protest shall be sent to the petitioner. Such protest shall clearly set forth the protestant's objections to the change(s) and shall be on forms provided by the Board.

R. L. Rosenberger, Chief  
Division of Water Rights

Dated: Sacramento, California

AUGUST 22 1978

12/12/12

