

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER WR 2007-0035-DWR

In the Matter of License 2184 (Application 1692)

El Dorado Irrigation District

**ORDER APPROVING CHANGES IN POINT OF DIVERSION,
PLACE OF USE AND PURPOSE OF USE**

SOURCE: North Fork Weber Creek tributary to Weber Creek thence South Fork American River

COUNTY: El Dorado

WHEREAS:

1. License 2184 was issued pursuant to permitted Application 1692 on March 1, 1941, and was recorded with the County Recorder of El Dorado County on March 15, 1941. Recording of this license, and subsequent orders issued thereto, is prescribed by Water Code section 1650.
2. The Division of Water Rights (Division) record of ownership for License 2184 shows the current holder of the license as El Dorado Irrigation District (EID).
3. EID submitted a Change Petition dated November 23, 2004 to the Division requesting authorization to change Weber Reservoir License 2184 as follows:
 - a. Add EID's existing pump station at Folsom Reservoir as an authorized Point of Rediversion;
 - b. Add areas served by or to be served by EID in the El Dorado Hills area as authorized Places of Use;
 - c. Add Fish, Wildlife Preservation and Enhancement and Recreation uses within Weber Creek from Weber Reservoir to Folsom Reservoir and Fish and Wildlife Preservation and Enhancement within Weber Reservoir as authorized Purposes of Use; and
 - d. Add Municipal, Industrial and Fire Protection as authorized Purposes of Use within the place of use to be added to License 2184.
4. The petition was noticed on January 28, 2005, and no protests to approval of the petition were received by the Division.
5. The use of Folsom Dam and Reservoir to divert water under this water right is subject to the terms and conditions of a contract between the United States and EID for that use. The U.S. Bureau of Reclamation (Reclamation) did not protest approval of the petition, but submitted a February 25, 2005 letter requesting the following condition in any order of approval:

“The use of Folsom Dam and Reservoir to redivert water under this water right shall be subject to the terms and conditions of a contract between the United States and EID for that use.”

The contract includes matters that are outside of the water rights jurisdiction of the State Water Resources Control Board (State Water Board). Therefore, the following condition will be included in the approval order:

“Access to the Point of Rediversion on Folsom Dam and Reservoir is subject to the licensee entering into a contract with the U.S. Bureau of Reclamation for the use of Folsom Reservoir. No water shall be diverted under this license until the contract is executed and a copy delivered to the Chief of the Division of Water Rights. This license is subject to measurement of flows and continuous documentation that rediversion by EID does not exceed quantities released into Weber Creek, minus conveyance and evaporation losses.”

6. Upon approval of the changes, EID will operate Weber Reservoir as described in the October 2002 “Weber Reservoir Flow Regime and Restoration Plan,” (restoration plan) developed by EID and the Department of Fish and Game (DFG). EID submitted the restoration plan with its Petition for Change and included the restoration plan in its list of environmental commitments in the Initial Study and Mitigated Negative Declaration for the EID Relocation of Water Rights, April 2005. The following elements of the restoration plan will be included as terms of the order approving the change:

- a. Maintain a minimum of 200 acre-feet (af) of available water in storage at Weber Reservoir as of September 1 of each year for the purpose of maintaining minimum reservoir releases during the months of September, October and November;
- b. Within 12 months of the date of this order, EID shall install, maintain, operate and monitor the continuous recording gages located at:
 - (i) Gage 1 at Snow's Road;
 - (ii) Gage 2 at the outflow downstream of the release pipe, but upstream of the confluence with spillway waters.
 - (iii) Stage height (S1) of the reservoir to be located upstream of the spillway where stage height is not significantly impacted by the spillway.
- c. Maintain a year-round minimum release schedule from Weber Reservoir to protect and enhance fish, wildlife and recreation in Weber Creek downstream of Weber Reservoir as follows:
 - (i) Releases will be determined by the following equation when reservoir storage in Weber Reservoir is greater than 200 af:
$$Q_{\text{release}} = 0.67 \times (Q_{\text{inflow}})^{0.5}$$
$$Q_{\text{inflow}} = \text{the mean of the preceding calendar month inflow at Gage 1}$$
 - (ii) To provide opportunity to calculate Q_{inflow} , the new release regime need not be implemented until the eighth day of each new calendar month.
 - (iii) Q_{release} shall not be less than 1 cubic foot per second (cfs). When the water surface in the reservoir is below the release pipe elevation, $Q_{\text{release}} = \text{valve open}$.

- d. Maintain a “ramping rate” for changes in releases from Weber Reservoir for the purpose of protecting fish and wildlife resources from adverse impacts caused by sudden change in Weber Creek hydrology. The ramping rate shall be calculated such that manageable releases Q_{release} will not result in changes in Weber Creek instream depth exceeding 0.5 foot depth per hour measured at Gage 2.
- e. EID shall report compliance on its website and provide written compliance documentation upon request by the State Water Board, including the following information:
 - Gage 1: calendar month mean value, average daily values for current month, historic average daily values;
 - Gage 2: calendar month mean values, average daily values for current month, historic average daily values;
 - S1: calendar month mean, calendar month final stage values, average daily values for current month, historic average daily values;
 - Equation /rules for calculating Q_{release} ;
 - Q_{release} = calculated;
 - Spill over the spillway start and stop dates.

Records shall be maintained for a minimum of three years.

- f. EID shall implement a pulse flow for the purpose of flushing embedded sediments that resulted from the sediment discharge event of January 30 to March 2, 2001. EID shall conduct the pulse flow event in accordance with the restoration plan and shall report the dates when pulse flow occurred with its Progress Report by Licensee.
7. Reclamation’s February 25, 2005 letter (modified by Reclamation’s March 25, 2005 letter) requested that EID measure Weber Creek flows to determine the losses associated with the releases between Weber Reservoir and Folsom Dam, in addition to the gage locations listed in condition 6(d) above. Reclamation requested that:
- a. EID install and operate a gage in Weber Creek near the confluence with the South Fork American River, at a location mutually acceptable to EID and Reclamation;
 - b. during periods when EID is releasing water from storage at Weber Reservoir for redirection at Folsom Lake, EID maintain daily flow and reservoir release data from this gage; and
 - c. EID and Reclamation use this data to confirm the amount of water available for redirection at Folsom Lake, taking into account other accretions to and depletions from Weber Creek between Weber Dam and the confluence with the South Fork American River.

By letter dated June 3, 2005, EID accepted the license conditions regarding installation of stream gages.

8. Pursuant to the provisions of the California Environmental Quality Act (CEQA), EID prepared an Initial Study and Mitigated Negative Declaration, State Clearinghouse # 2005042129, for the project. The EID Board of Directors adopted the Mitigated Negative Declaration on June 6, 2005. The State Water Board has filed a Notice of Determination with the State Clearinghouse in compliance with Section 21108 or 21152 of the Public Resources Code. The Mitigated Negative Declaration includes an environmental commitment to implement the 2002 Weber Reservoir Flow Regime and Restoration Plan. The specific mitigation measures for protection of fish and wildlife are listed in Term 6 above.

9. In 1996, both the Federal Energy Regulatory Commission (FERC) and the Division of Safety of Dams deemed Weber Dam unsafe if subjected to an earthquake of a certain magnitude. Although the Licensee completed the retrofit of Weber Dam, the reconstruction effort did not involve the hydroelectric facilities. (May 11, 2004 EID Application for Long-Term Warrant Act Contract, p. 29.)
10. The State Water Board has determined that the license shall be amended to include the following specific corrections or changes:
 - a. Add EID's existing pump station at Folsom Lake as an authorized point of redirection:

North 25° 06' East, 2,358 feet from the SW corner, the NE¼ of NW¼ of SW¼ of Section 1, T10N, R8E, MDB&M.
 - b. Add areas served by or to be served by EID in the El Dorado Hills area as authorized Places of Use:

All of Sections 1, 2, 11 through 14, 24, and portions of Sections 3, 10, 15, 23, 25, and 26 of T9N, R8E; portions of Sections 5, 6, 7, 18, 19, 20, 29, and 30 of T9N, R9E; portions of Sections 6, 19, 30 and 31 of T10N, R9E; all of Sections 23, 25 through 27, 34 through 36, and portions of Sections 1 through 3, 9 through 12, 14 through 16, 21, 22, 24, 28, and 33 of T10N, R8E; all of Section 36 and portions of Section 35 of T11N, R8E, all within MDB&M, as shown on map dated January 26, 2006, filed with the State Water Board.
 - c. Add Fish, Wildlife Preservation and Enhancement and Recreation uses within Weber Creek between Weber Reservoir and Folsom Reservoir; and Fish, Wildlife Preservation and Enhancement and Fire Protection within Weber Reservoir as authorized Purposes of Use;
 - d. Add Municipal, Industrial and Fire Protection as authorized Purposes of Use within the place of use to be added to License 2184.
 - e. Add license conditions pursuant to the 2002 Weber Reservoir Flow Regime and Restoration Plan and Reclamation's February 25, 2005 letter (as modified by Reclamation's March 25, 2005 letter) for the protection of fish and wildlife as described above; and
 - f. Add a maximum withdrawal from storage limit to the license.

THEREFORE, IT IS ORDERED:

The Change Petition is approved subject to the terms listed above.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated: October 12, 2007