

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

PETITION FOR CHANGE
(WATER CODE 1700)

_____ Point of Diversion, _____ Point of Rediversion, _____ Place of Use, _____ Purpose of Use
Application 27451 Permit 19312 License _____ Statement or Other _____

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

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

Present NW 1/4 of NE 1/4 SEC 30 13N 10E MD
Proposed _____

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

Present _____
Proposed _____

Purpose of Use

Present POWER
Proposed _____

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? YES

(yes/no)

- GIVE REASON FOR PROPOSED CHANGE: PRODUCE MORE POWER
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? NO
(yes/no)
- WATER WILL BE USED FOR POWER PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? OWNERSHIP
(ownership, lease verbal or written agreement)

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

If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Attach additional pages if needed.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.

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

Dated 2/25/04, 20 04 at SAN MARTIN CA, California

M.W. Sautter
Signature(s)

408 782 3104
Telephone No.

NOTE: A \$100 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

3/2/04
#1000.0
AC



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Sacramento Valley - Central Sierra Region

1701 Nimbus Road, Suite A

Rancho Cordova, CA 95670



December 18, 2003

Mr. Gary Garratt
Eagle Hydro
111 Rollins Rd.
Millbrae, CA 94030

Dear Mr. Garratt:

**Comments On The Proposal To Change The Minimum Flow Requirements
For Canyon Creek Hydroelectric Project, FERC 7192,
Canyon Creek, El Dorado County**

The Department of Fish and Game (Department) has reviewed the ECORP Consultant's monitoring report for Canyon Creek Hydroelectric Project. The report summarized the results of fishery surveys conducted during the fall of 2002 and 2003. The survey purpose is to provide baseline fishery data which will be used to evaluate any impacts to the fishery as a result of a change to the bypass flows now required under the exempted license for the Canyon Creek Hydroelectric Project (FERC 7192). The study was initiated as a result of your April 22, 2001 letter to the Department requesting that we consider lowering the existing bypass flow requirement.

The Canyon Creek Hydroelectric Project is a small exempted run-of-the-river project located on Canyon Creek in El Dorado County. The maximum capacity of the project is 11.5 cfs. Based on our review of the historic Canyon Creek hydrology, Canyon Creek summer water temperature data, Physical Habitat Simulation Model results, and on the life history of rainbow and brown trout, we ~~agreed~~ to a flow change provided that you to conduct a four-year fishery-monitoring program to determine how the trout populations respond to the flow change. The first two years of the monitoring study has been completed and support lowering the bypass flow from 10cfs to 4cfs (or the natural flow, whichever is less) from October 1 to February 14. The present minimum stream flow requirements for the Canyon Creek Project are:

February 15 to May 31 - 15 cfs or the natural, whichever is less
June 1 to February 14 - 10 cfs or the natural, whichever is less

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Our revised minimum stream flow requirements will be:

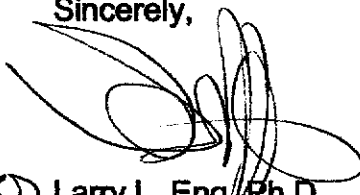
February 15 to May 31 – 15 cfs or the natural, whichever is less
June 1 to September 30 – 10 cfs or the natural, whichever is less
October 1 to February 14 – 4 cfs or the natural, whichever is less

Any modification to the existing flow regimen must also be supported by the ~~State Water Resources Control Board's~~ **State Water Resources Control Board's** Division of Water Rights and the U. S. Fish and Wildlife Service. Also keep in mind, based on the water temperature data you have submitted over the years, the Department will not support any future request to lower the existing summer flow requirement.

The second phase of the four-year monitoring program should begin in the fall of 2006. This will allow for at least a one-generation change in the fishery population before we begin the impact analysis part of the monitoring program. In addition to the trout data, please continue to report all other fish collected including the macro invertebrate crayfish. Any crayfish data you already have should be added to Table 3 in the November 6, 2003 the final report.

Thank you for your continued cooperation. If you have questions about our above comments, please contact Mr. Carson Cox, Hydropower Coordinator at (916) 358-2875.

Sincerely,


for Larry L. Eng, Ph.D.
Deputy Regional Manager

cc: Ms. Megalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Hydroelectric Power Coordinator
U.S. Fish and Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, CA 95825-1846

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cc: Mr. Phil Scordelis
Federal Energy Regulatory Commission
901 Market Street, Suite 350
San Francisco, CA 94103

Mr. Edward Anton
~~c/o Jim Canaday~~
~~State Water Resources Control Board~~
~~Post Office Box 2000~~
~~Sacramento, CA 95812-2000~~

Mr. Tom Keegan
ECORP Consulting Inc.
2260 Douglas Blvd., Suite 160
Roseville, CA 95661