

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>

STATE WATER RESOURCES
CONTROL BOARD

2003 JUN 20 PM 1:57

PETITION FOR CHANGE
(WATER CODE 1700)

DM OF WATER RIGHTS
SACRAMENTO

____ Point of Diversion, ____ Point of Rediversion, X Place of Use, ____ Purpose of Use
Application 12178 Permit 11356 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 _____

Proposed _____

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

Present 27,988 acres within the current boundaries of the FPUD as shown on map dated August 14, 2000, filed with the SWRCB.

Proposed See attached.

Purpose of Use

Present _____

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: See attached.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No

(yes/no)

• WATER WILL BE USED FOR municipal, domestic and irrigation PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? proposed agreement.

(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.

Metropolitan Water District of Southern Cal.
700 North Alameda St, Los Angeles, CA 90054

San Diego County Water Authority
4677 Overland Ave, San Diego, CA 92123

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.
None.

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 May 12, 2003 at Fallbrook, California

Signature(s)

[Signature]
(760) 728-1125

Telephone No.

PET-CHG (1-00)

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.

6-20-03
11:00
11

**Attachment to Petition for Change
Application No. 12178/Permit No. 11356**

Proposed Additional Place of Use: Permittee proposes to add to the existing permitted place of use, Permittee's service area, the rest of the service area of the San Diego County Water Authority, consisting of approximately 908,974 acres which includes the Cities of Carlsbad, Chula Vista, Del Mar, El Cajon, Encinitas, Escondido, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach and Vista; as well as the unincorporated areas of Alpine, Bonsall, Bonita, Camp Pendleton, Casa De Oro, Fallbrook, Lakeside, Mount Helix, Pauma Valley, Rainbow, Ramona, Rancho Santa Fe, Spring Valley and Valley Center, all within San Diego County, as shown on map no. 1878-3, revised December 1964, and filed in connection with Department of Water Resources Application Nos. 5629, 5630, 14443, 14444, 14445A, 17512 and 17514A (note: areas outside of the SDCWA service area on this map are not included in this proposed change).

Reason for proposed change:

Lake Skinner has historically been and is presently used to store water imported by Metropolitan Water District of Southern California (MWD), which water is delivered to users within the San Diego County Water Authority (SDCWA) including Fallbrook PUD. Fallbrook is now authorized to divert and store water in Lake Skinner, and deliver that water via existing MWD and SDCWA facilities to Fallbrook. This local source of supply will reduce Fallbrook's reliance on imported water supplies. In reviewing the delivery schedules it became apparent that due to the flashy nature of the Lake Skinner watershed, resulting in long periods of no or little precipitation and inflow and short periods of high precipitation and inflow, Fallbrook does not have the demand or internal storage to accept delivery of the full permitted amount within a short period. Fallbrook would therefore either need to store that water for a longer period of time (in some circumstances many months) in Lake Skinner or allow it to be delivered to other users in SDCWA and receive a like amount of imported water via exchange on Fallbrook's normal delivery schedule. In order to avoid the additional displacement of imported water that would result from longer storage, and associated cost, Fallbrook proposes to add the remaining place of use of SDCWA to the Lake Skinner water permit, allowing the above described exchange. The natural water diverted pursuant to the permit will remain in storage in Lake Skinner for more than 30 days, and then be delivered to Fallbrook to the extent of Fallbrook's capability to accept delivery, with the remainder going via the same facilities past Fallbrooks turnouts and south to SDCWA. SDCWA will continue imported water deliveries to Fallbrook in accordance with Fallbrook's normal schedule. A portion of those deliveries will be in exchange for the Lake Skinner water earlier received by SDCWA.

There will be no difference in the volume of water delivered to and used by either Fallbrook or other SDCWA users, no new or changed facilities are needed or proposed, and no direct or indirect effect on the environment will occur. The

downstream flows and protections for other water users as described in the Mitigated Negative Declaration for the original project will remain unchanged. This exchange effects an economic and operational efficiency only.

f:Attachment to Pet for Change - Skinner Exchange 051503.wpd

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DIV. OF WATER RIGHTS
SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 12178

PERMIT NO. 11356

LICENSE NO.

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. Provide a description of the proposed changes to your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, changes in land use, and project operational changes, including changes in how the water will be used.

See Attachment A hereto.

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
 - a. Person contacted _____ Date of contact _____
Department _____ Telephone () _____
 - b. Assessor's Parcel No. _____
 - c. County Zoning Designation _____
 - d. Are any county permits required for your proposed changes? No
If yes, check appropriate space below:
_____ Grading Permit, _____ Use Permit, _____ Watercourse
Obstruction Permit, _____ Change of Zoning, _____ General Plan
Change, Other (explain):

 - e. Have you obtained any of the required permits described above? N/A
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? No (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type _____
Person (s) contacted _____ Agency _____
Date of contact _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? Yes. See Attachment B hereto.

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: N/A
-
-
-

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? _____

Person contacted _____ Date of contact _____

What method of treatment and disposal will be used? _____

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area?

No. _____ If so, explain: _____

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

- a. Along the stream channel immediately downstream from the proposed point(s) of diversion
- b. Along the stream channel immediately upstream from the proposed point(s) of diversion
- c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

Subalpine Conifer
 Red Fir
 Lodgepole Pine
 Mixed Conifer
 Sierran Mixed Conifer
 White Fir
 Klamath Mixed Conifer
 Douglas-Fir
 Jeffrey Pine
 Ponderosa Pine
 Eastside Pine
 Redwood
 Pinyon-Juniper
 Juniper
 Aspen
 Closed-Cone Pine-Cypress
 Montane Hardwood-Conifer
 Montane Hardwood
 Valley Foothill Hardwood
 Blue Oak Woodland
 Valley Oak Woodland
 Coastal Oak Woodland
 Valley Foothill Hardwood-Conifer
 Blue Oak-Digger Pine
 Eucalyptus
 Montane Riparian
 Valley Foothill Riparian
 Desert Riparian
 Palm Oasis
 Joshua Tree

Shrub Dominated Communities

Alpine Dwarf-Shrub
 Low Sage
 Bitterbrush
 Sagebrush
 Montane Chaparral
 Mixed Chaparral
 Chamise-Redshank Chaparral
 Coastal Scrub
 Desert Succulent Shrub
 Desert Wash
 Desert Scrub
 Alkali Desert Scrub

Herbaceous Dominated Communities

Annual Grassland
 Perennial Grassland
 Wet Meadow
 Fresh Emergent Wetland
 Saline Emergent Wetland
 Pasture

Aquatic Communities

Riverine
 Lacustrine
 Estuarine
 Marine

Developed Communities

Cropland
 Orchard-Vineyard
 Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

None.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

N/A - petition does not seek to change the point of diversion.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

No construction nor change in land use is contemplated in connection with the proposed place of use.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No.

If so, explain: N/A

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date

5/12/03

Signature

Keith Lewington

Attachment A to Environmental Information for Petitions Form

**Petition to Change (add) Place of Use
Permit 11356/Application 12178
Fallbrook Public Utility District
Lake Skinner Exchange**

Lake Skinner has historically been and is presently used to store water imported by Metropolitan District of Southern California (MWD), which water is delivered to users within the San Diego County Water Authority (SDCWA) including Fallbrook PUD. Fallbrook is now authorized to divert and store water in Lake Skinner, and deliver that water via existing MWD and SDCWA facilities to Fallbrook. This local source of supply will reduce Fallbrook's reliance on imported water supplies. In reviewing the delivery schedules it became apparent that due to the flashy nature of the Lake Skinner watershed, resulting in long periods of no or little precipitation and inflow and short periods of high precipitation and inflow, Fallbrook does not have the demand or internal storage to accept delivery of the full permitted amount within a short period. Fallbrook would therefore either need to store that water for a longer period of time (in some circumstances many months) in Lake Skinner or allow it to be delivered to other users in SDCWA and receive a like amount of imported water via exchange on Fallbrook's normal delivery schedule. In order to avoid the additional displacement of imported water that would result from longer storage, and associated cost, Fallbrook proposes to add the remaining place of use of SDCWA to the Lake Skinner water permit, allowing the above described exchange. The natural water diverted pursuant to the permit will remain in storage in Lake Skinner for more than 30 days, and then be delivered to Fallbrook to the extent of Fallbrook's capability to accept delivery, with the remainder going via the same facilities past Fallbrook's turnouts and south to SDCWA. SDCWA will continue imported water deliveries to Fallbrook in accordance with Fallbrook's normal schedule. A portion of those deliveries will be in exchange for the Lake Skinner water earlier received by SDCWA.

There will be no difference in the volume of water delivered to and used by either Fallbrook or other SDCWA users; no new or changed facilities are needed or proposed, and no direct or indirect effect on the environment will occur. The downstream flows and protections for other water users as described in the Mitigated Negative Declaration for the original project will remain unchanged. This exchange effects an economic and operational efficiency only.

Attachment B to Environmental Information for Petitions Form

**Petition to Change (add) Place of Use
Permit 11356/Application 12178
Fallbrook Public Utility District
Lake Skinner Exchange**

Number 4:

The permittee is the lead agency and has completed CEQA compliance as such. This is not a "project" under CEQA, however, in an abundance of caution, the District has adopted an NOE, and has prepared and adopted an explanatory Addendum to the Mitigated Negative Declaration for the original project. That Mitigated Negative Declaration is on file with the SWRCB in connection with the change petition approved by SWRCB Order dated November 20, 2001. Copies of the NOE, Addendum and NOD are attached.

Number 7:

Given the foregoing, this section is not applicable. However, reference may be made to the photos of Fallbrook's service area submitted in connection with the prior petition for change, and photos of the diverse service area of the SDCWA presumably are on file in connection with the numerous State Water Project permits. If any additional information is needed, please contact Ms. Lennihan at (916) 321-4460.

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Fallbrook Public Utility District
P.O. Box 2290
Fallbrook, CA 92088-2290

To: County Clerk
County of San Diego
1600 Pacific Highway, Room 103
Mail Stop A-4
San Diego, CA 92101

To: County Clerk
County of Riverside
4080 Lemon St, 1st Floor
Riverside, CA 92502-2204

Project Title: Lake Skinner Water Exchange

Project Location - Specific: San Diego County Water Agency service area; Lake Skinner in Riverside County.

Project Location - City: Cities in San Diego
County Water Agency Service Area

Project Location - County: San Diego and
Riverside Counties

Description of Nature, Purpose, and Beneficiaries of Project: See Attachment A.

Name of Public Agency Approving Project: Fallbrook Public Utility District, Metropolitan Water District of Southern California, San Diego County Water Authority, and State Water Resources Control Board.

Name of Person or Agency Carrying Out Project: Fallbrook Public Utility District

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
 Declared Emergency (Sec. 21080(b)(3); 15269(a));
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
 Categorical Exemption. State type and section number: Existing Facilities - Guidelines § 15301
 Statutory Exemptions. State code number:
 Other: Common sense exemption - Guidelines § 15061(b)(3)

Reasons why project is exempt: There is no possibility that the activity in question may have a significant effect on the environment since there would be no change in the delivery schedule or total volume of water delivered to FPUD and SDCWA, respectively.

Lead Agency

Contact Person: Keith Lewinger

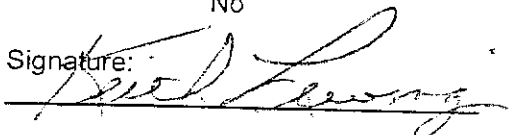
Area Code/

Telephone/Ext: (760) 728-1125

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:



Mar 12
Date: March __, 2003 **Title:** General Manager

- Signed by Lead Agency
 Signed by Applicant

Date received for filing by OPR:

Attachment A to Notice of Exemption

Fallbrook Public Utility District Lake Skinner Exchange

Lake Skinner has historically been and is presently used to store water imported by Metropolitan District of Southern California (MWD), which water is delivered to users within the San Diego County Water Authority (SDCWA) including Fallbrook Public Utility District (Fallbrook). Fallbrook is now authorized to divert and store water in Lake Skinner, and deliver that water via existing MWD and SDCWA facilities to Fallbrook. This local source of supply will reduce Fallbrook's reliance on imported water supplies, making additional supplies available to the many other users of those supplies and decreasing demands on Northern California and Colorado River supplies.

In reviewing the water delivery schedules it became apparent that due to the flashy nature of the Lake Skinner watershed, resulting in long periods of little precipitation and inflow and short periods of high precipitation and inflow, Fallbrook does not have the demand or internal storage to accept immediate delivery of the full amount of water it is presently entitled to divert and store. Fallbrook would therefore either need to store that water for a longer period of time (in some circumstances many months) in Lake Skinner or allow it to be delivered to other users in SDCWA and receive a like amount of imported water via exchange on Fallbrook's normal delivery schedule. In order to avoid the additional displacement of imported water that would result from longer storage, and associated cost, Fallbrook proposes to add the remaining place of use of SDCWA to the Lake Skinner water permit, allowing the above described exchange. The natural water diverted pursuant to the permit will remain in storage in Lake Skinner as required by law, and then be delivered to Fallbrook to the extent of Fallbrook's capability to accept delivery, with any remainder going via the same existing facilities past Fallbrook's turnouts and south to SDCWA. SDCWA will continue imported water deliveries to Fallbrook in accordance with Fallbrook's normal schedule. A portion of those deliveries will be in exchange for the Lake Skinner water earlier received by SDCWA.

There will be no difference in the volume of water delivered to and used by either Fallbrook or other SDCWA users. Only existing facilities will be used. No new or changed facilities are needed or proposed, and no direct or indirect effect on the environment will occur. The downstream flows and protections for other water users as described in the Mitigated Negative Declaration for the original project will remain unchanged. This exchange effects an economic and operational efficiency only.

JUN 11 2003

NOTICE OF DETERMINATION

GARY L. ORSO

By

*Jean Hyton*J. Hyton
Deputy

To: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: Fallbrook Public Utility District
P.O. Box 2290
Fallbrook, CA 92088-2290

To: County Clerk
Attn: Alejandra Lopez
County of San Diego
1600 Pacific Highway, Room 260
Mail Stop A-33
San Diego, CA 92101

To: County Clerk
County of Riverside
P.O. Box 751
Riverside, CA 92502-0751

Subject: Filing of Notice of Determination in Compliance with Section 21152
of the Public Resources Code

Project Title: Lake Skinner Water Exchange

Date Certified: April 28, 2003

SCH# 99061086

Contact Person: Keith Lewinger

Telephone No.: (760) 728-1125

Project Location(s): The service areas of Fallbrook Public Utility District and the San Diego County Water Authority, Counties of Riverside and San Diego, California.

Project Description: See Attachment A hereto.

This is to advise that the Fallbrook Public Utility District as Lead Agency for the above described activity has made the following determinations regarding the proposed Lake Skinner Water Exchange:

1. The Addendum to the Mitigated Negative Declaration was prepared and adopted for this activity by FPU D on April 28, 2003 pursuant to the provisions of CEQA.
2. The Addendum to the Mitigated Negative Declaration concluded that the proposed activity would not have any direct or indirect physical impact on the environment, and would not have a significant effect on the environment.

COUNTY CLERK
Neg. Declaration/Ntc Determination
Filed per P.R.C. 21152
POSTED

Notice of Determination for Lake Skinner Water Exchange
Page 1

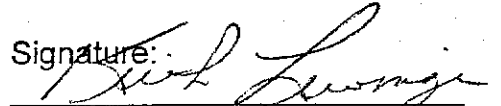
JUN 11 2003

Removed: _____
By: _____ Dept.
County of Riverside, State of California

3. The proposed activity is exempt from CEQA under the existing facilities categorical exemption (CEQA Guidelines §15301) and the common sense exemption (CEQA Guidelines §15061 (b)(3)).
4. Pursuant to Public Resources Code section 21152, FPUD as Lead Agency is filing this Notice of Determination. Simultaneously herewith, FPUD is also filing a Notice of Exemption.
5. Mitigation measures were not made a condition of approval of this activity because no mitigation measures were required. A monitoring program under Public Resources Code section 21081.6 was not needed and was not adopted.
6. A Statement of Findings and a Statement of Overriding Considerations were neither needed nor adopted for this activity.

The Addendum to the Mitigated Negative Declaration, supporting documentation, and record of activity approval may be examined at: FPUD, 990 E. Mission Road, Fallbrook, California 92028.

Signature:


Keith Lewinger, General Manager
Fallbrook Public Utility District

Date Received for Filing

**Attachment A to Notice of Determination
Fallbrook Public Utility District
Lake Skinner Exchange**

Lake Skinner has historically been and is presently used to store water imported by Metropolitan District of Southern California (MWD), which water is delivered to users within the San Diego County Water Authority (SDCWA) including Fallbrook Public Utility District (Fallbrook). Fallbrook is now authorized to divert and store water in Lake Skinner, and deliver that water via existing MWD and SDCWA facilities to Fallbrook. This local source of supply will reduce Fallbrook's reliance on imported water supplies, making additional supplies available to the many other users of those supplies and decreasing demands on Northern California and Colorado River supplies.

In reviewing the water delivery schedules it became apparent that due to the flashy nature of the Lake Skinner watershed, resulting in long periods of little precipitation and inflow and short periods of high precipitation and inflow, Fallbrook does not have the demand or internal storage to accept immediate delivery of the full amount of water it is presently entitled to divert and store. Fallbrook would therefore either need to store that water for a longer period of time (in some circumstances many months) in Lake Skinner or allow it to be delivered to other users in SDCWA and receive a like amount of imported water via exchange on Fallbrook's normal delivery schedule. In order to avoid the additional displacement of imported water that would result from longer storage, and associated cost, Fallbrook proposes to add the remaining place of use of SDCWA to the Lake Skinner water permit, allowing the above described exchange. The natural water diverted pursuant to the permit will remain in storage in Lake Skinner as required by law, and then be delivered to Fallbrook to the extent of Fallbrook's capability to accept delivery, with any remainder going via the same existing facilities past Fallbrook's turnouts and south to SDCWA. SDCWA will continue imported water deliveries to Fallbrook in accordance with Fallbrook's normal schedule. A portion of those deliveries will be in exchange for the Lake Skinner water earlier received by SDCWA.

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990654

Notice of Determination

To: Office of Planning and Research
1440 Tenth Street, Room 121
Sacramento, CA 95814

From: Fallbrook Public Utility District
P.O. Box 2290
Fallbrook, California 92088-2290

FILED
Gregory J. Smith, Recorder/County Clerk

DEC 02 1999

BY WC DEPUTY

County Clerk
County of San Diego
P.O. Box 121750
San Diego, CA 92122-1750

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21151 of the Public Resources Code.

Project Title

Fallbrook Public Utility District Change to Point of Diversion and Storage of Local Water

State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension
SCH# 99061086	Mr. Keith Lewinger, General Manager	(760) 728-1125

Project Location (include county)

The proposed point of diversion and storage area will be located at Lake Skinner, a Metropolitan Water District reservoir approximately 6 miles northeast of the City of Temecula, in the County of Riverside.

Project Description

The Fallbrook Public Utility District proposes to: (1) Change the point of diversion for a maximum of 10,000 acre feet (AF) of water per year, from the Santa Margarita River to Tocalota Creek at Lake Skinner; and (2) Modify the operation of Lake Skinner to allow for storage of said water and subsequent delivery to the Fallbrook Public Utility District. The purpose of this proposed project is to develop an existing local water supply for domestic, irrigation, and municipal use in the community of Fallbrook. The Fallbrook Public Utility District was granted water rights permit no.11,356 which included the subject 10,000 AF. The proposed project is intended to periodically capture and store local runoff water at Lake Skinner then deliver it to the District using existing Metropolitan Water District (MWD) facilities. Amendment of the existing Lake Skinner Memorandum of Understanding will be necessary to accommodate this project. No new improvements or construction will be needed to implement this project.

This is to advise that the Fallbrook Public Utility District has approved the above described project on October 25, 1999 and has made the following determinations regarding the above described project:

Lead Agency Responsible Agency
(Date)

- The project will will not have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation measures were were not made a condition of the approval of the project.
- A Statement of Overriding Considerations was was not adopted for this project.

This is to certify that the final Mitigated Negative Declaration with comments and responses and record of project approval is available to the General Public at: Fallbrook Public Utility District,
990 East Mission Road
Fallbrook, California 92088-2290

[Signature]
Signature (Public Agency)

10-26-99

BOARD PRESIDENT

Date received for filing at OPR:

FILED IN THE OFFICE OF THE COUNTY CLERK
SAN DIEGO COUNTY ON DEC 02 1999
POSTED DEC 02 1999 REMOVED JAN 08 2000
RETURNED TO AGENCY ON JAN 5 2000



STATE OF CALIFORNIA-THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT
DFG 753.5a (6-91)

88454

Lead Agency: Fallbrook Public Utility Dist Date: 12-2-99
County/State Agency of Filing: SD Document No.: 990654
Project Title: FPUD Change to Pt of diversion & Storage of local water
Project Applicant Name: _____
Project Applicant Address: _____ Phone Number: _____

Project Applicant (check appropriate box): Local Public Agency School District Other Special District
State Agency Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report \$850.00 \$ _____
- Negative Declaration \$1,250.00 \$ 1250
- Application Fee Water Diversion (State Water Resources Control Board Only) \$850.00 \$ _____
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ADDENDUM TO LAKE SKINNER PROJECT
MITIGATED NEGATIVE DECLARATION
Fallbrook Public Utility District
April 28, 2003

ADDENDUM TO LAKE SKINNER PROJECT
MITIGATED NEGATIVE DECLARATION

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1.0 Introduction

This document is Fallbrook Public Utility District's ("FPUD") Addendum to the Lake Skinner Project Mitigated Negative Declaration and Environmental Initial Study ("Mitigated Negative Declaration"). The Mitigated Negative Declaration was adopted by the FPUD Board of Directors on October 25, 1999 for the Lake Skinner Project. The Lake Skinner Project involved (1) relocation of FPUD's point of diversion under water rights permit no. 11356 to Lake Skinner and (2) modification of the operation of Lake Skinner Reservoir to store up to a maximum of 10,000 acre-feet of water and subsequent delivery of that quantity of water to FPUD. No new improvements or construction was required in connection with the original Lake Skinner Project, and none is needed for the proposed exchange.

In order to transport water to FPUD, FPUD intends to use Metropolitan Water District of Southern California ("MWD") and San Diego County Water Authority ("SDCWA") facilities. As indicated in the Mitigated Negative Declaration, FPUD will enter into agreements with both MWD and SDCWA for the use of those facilities. The proposed exchange is in furtherance of those agreements.

FPUD has prepared this Addendum to the Lake Skinner Project Mitigated Negative Declaration to disclose the facts regarding the proposed exchange. The Addendum evaluates whether the proposed exchange would result in any new significant environmental impacts or substantially more severe impacts than were analyzed in the mitigated negative declaration. If that were the case, FPUD would be required to prepare a supplemental EIR. The environmental analysis of the proposed exchange is discussed in Section 5, and the conclusions are presented in Section 6.

2.0 Activity Description

Lake Skinner has historically been and is presently used to store water imported by Metropolitan District of Southern California (MWD), which water is delivered to users within the San Diego County Water Authority (SDCWA) including Fallbrook Public Utility District (Fallbrook). Fallbrook is now authorized to divert and store water in Lake Skinner, and deliver that water via existing MWD and SDCWA facilities to Fallbrook. This local source of supply will reduce Fallbrook's reliance on imported water supplies, making additional supplies available to the many other users of those supplies and decreasing demands on Northern California and Colorado River supplies.

In reviewing the water delivery schedules it became apparent that due to the flashy nature of the Lake Skinner watershed, resulting in long periods of little precipitation and inflow and short periods of high precipitation and inflow, Fallbrook does not have the demand or internal storage to accept immediate delivery of the full amount of water it is presently entitled to divert and store. Fallbrook would therefore either need to store that water for a longer period of time (in some circumstances many months) in Lake Skinner or allow it to be delivered to other users in SDCWA and

receive a like amount of imported water via exchange on Fallbrook's normal delivery schedule. In order to avoid the additional displacement of imported water that would result from longer storage, and associated cost, Fallbrook proposes to add the place of use of SDCWA to the Lake Skinner water permit, allowing the above described exchange. The natural water diverted pursuant to the permit will remain in storage in Lake Skinner as required by law, and then be delivered to Fallbrook to the extent of Fallbrook's capability to accept delivery, with any remainder going via the same existing facilities past Fallbrook's turnouts and south to SDCWA. SDCWA will continue imported water deliveries to Fallbrook in accordance with Fallbrook's normal schedule. A portion of those deliveries will be in exchange for the Lake Skinner water earlier received by SDCWA.

There will be no difference in the volume of water delivered to and used by either Fallbrook or other SDCWA users. Only existing facilities will be used. No new or changed facilities are needed or proposed, and no direct or indirect effect on the environment will occur. The downstream flows and protections for other water users as described in the Mitigated Negative Declaration for the original project will remain unchanged. This exchange effects an economic and operational efficiency only.

3.0 FPUD's Role as Lead Agency

FPUD, the lead agency under CEQA for the Lake Skinner Project, prepared a Mitigated Negative Declaration and adopted the Mitigated Negative Declaration on October 25, 1999. For the reasons described in Section 2.0 above, FPUD proposes to expand the place of use of water diverted pursuant to its water right permit no. 11356 to include the SDCWA service area in its entirety.

Guidelines § 15162, subd. (c) provides in relevant part:

"Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in [Guidelines section 15162(a)] occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any."

FPUD therefore needs to determine whether and what further CEQA review is required, if any.

Guidelines section 15162(a) explains the circumstances under which a lead agency may prepare a subsequent EIR after the adoption of a mitigated negative declaration. As discussed below in Section 5.0, none of the circumstances in CEQA Guidelines Section 15162(a) exist for the Lake Skinner water exchange. The exchange will not result in any new significant environmental effects, nor will it increase

the severity of significant environmental effects previously identified in the Mitigated Negative Declaration. There is no new information that the Lake Skinner Project or the exchange will cause new significant environmental effects. The Mitigated Negative Declaration did not reject any potential mitigation measures. For the foregoing reasons, FPUD need not prepare a subsequent EIR on the proposed Lake Skinner water exchange. Its options are to prepare a subsequent negative declaration, an addendum, or no further documentation. (Guidelines § 15162(b).)

A subsequent negative declaration would be appropriate for the Lake Skinner water exchange if new mitigation measures are necessary to avoid potentially significant impacts that might result from the changes in the Lake Skinner project. As discussed below, no mitigation measures are necessary because no adverse environmental impacts will result from the Lake Skinner water exchange. A subsequent negative declaration therefore is not required.

A lead agency may, but is not required to, prepare an addendum to a prior mitigated negative declaration "if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred." (Guidelines § 15164(b).) The Lake Skinner water exchange involves only a minor change to the Lake Skinner Project - the expansion of the place of use of water under FPUD's Permit No. 11356 to include the rest of the service area of SDCWA. Such an expansion in place of use in practice will not result in any change in the timing of water delivery or the volume of water diverted, stored and delivered to either FPUD or SDCWA. Only existing facilities will be used. Because the activity will not cause any physical change or environmental impact, it is not "project" pursuant to CEQA, and /or is exempt from CEQA review pursuant to Guidelines Sections 15061(b)(3) and 15301. A notice of exemption has been prepared for this exchange. In an abundance of caution and in the interest of full disclosure, FPUD is also preparing this Addendum.

An addendum need not be circulated for public review. It can be included or attached to the adopted mitigated negative declaration. (Guidelines § 15164(c).) The decision-making body is required to consider the addendum with the adopted negative declaration prior to making a decision on the project. (Guidelines § 15164(d).)

4.0 Existing Environmental Setting

In order to effect the exchange, FPUD needs to add the rest of the SDCWA service area to the place of use under FPUD's water rights permit no. 11356. SDCWA's service area consists of approximately 908,974 acres. It includes the following cities: Carlsbad, Chula Vista, Del Mar, El Cajon, Encinitas, Escondido, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach and Vista. In addition, SDCWA services the following unincorporated areas: Alpine, Bonsall, Bonita, Camp Pendleton, Casa De Oro, Fallbrook, Lakeside, Mount Helix, Pauma Valley, Rainbow, Ramona, Rancho Santa Fe, Spring Valley and Valley Center.

SDCWA's service area includes many land uses, the principal ones being urban and agricultural. This exchange does not change or otherwise affect those uses.

5.0 Environmental Impacts and Mitigation Measures

The proposed activity would not result in any change to the permit's natural flow release and bypass obligations. There will be no impact to downstream water right users or instream flow beneficiaries. The same volume of water would be diverted and stored in Lake Skinner as is currently authorized. There will be no change in the total volume of water delivered to SDCWA and FPUD respectively. Imported water will be replaced in a volume equal to the volume of Lake Skinner water diverted to storage pursuant to FPUD's permit. The proposed activity only alters the method of accounting for the water delivered. Lake Skinner water that FPUD cannot use at a given time would be sent to SDCWA for use in its service area. SDCWA would then credit FPUD for such water. When FPUD next takes delivery of water, it will be pursuant to SDCWA credit to the extent available. Deliveries to FPUD and SDCWA would be a combination of Lake Skinner and imported Colorado River and SWP water.

For the foregoing reasons, there is no possibility that the exchange may have a significant effect on the environment. Since the exchange will have no environmental impact, no mitigation measures are required for this activity.

6.0 Conclusions

None of the circumstances described in CEQA Guidelines section 15162(a), which requires the preparation of a subsequent EIR, exists. The Lake Skinner Project has not changed so as to cause new significant environmental effects or a substantial increase in the severity of previously identified environmental effects. Substantial evidence in light of the whole record does not support a determination that substantial changes have occurred in the circumstances under which the Lake Skinner Project was undertaken. There is also no new information of substantial importance that shows that the Lake Skinner Project will have new significant effects, or that new mitigation measures or alternatives are now available to substantially reduce one or more significant effects of the Lake Skinner Project.

There is no possibility that the Lake Skinner water exchange may have a significant effect on the environment, therefore no mitigation measures are required.

7.0 References

Fallbrook Public Utility District water right permit No. 11356

Lake Skinner Project Mitigated Negative Declaration and Environmental Initial Study (September 22, 1999).

Metropolitan Water District of Southern California Member Agency Profile on San Diego County Water Authority, as posted at: www.mdh2o.com/mwdh2o/pages/memberag/agencies/sandiego.htm as of February 25, 2003.

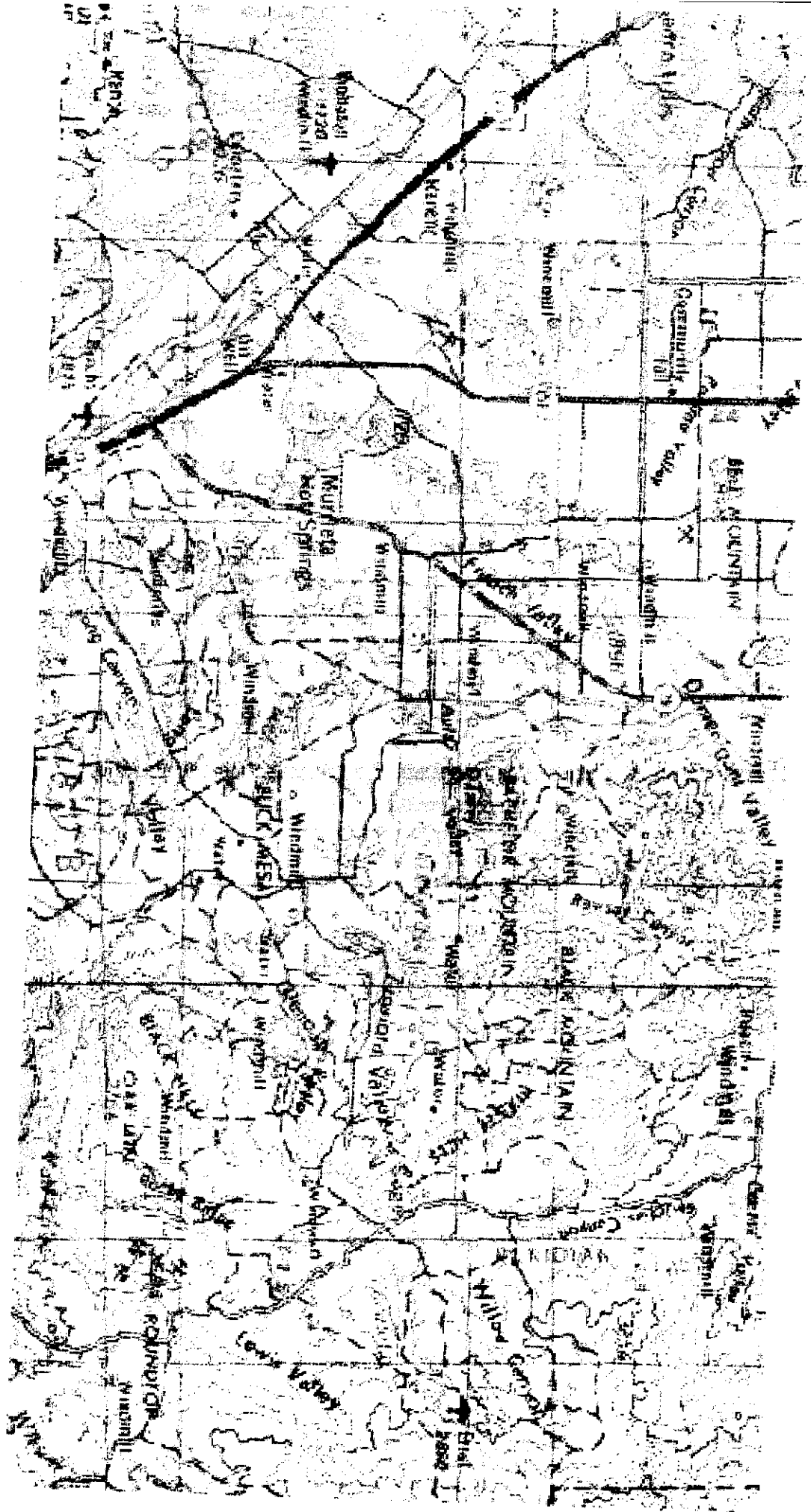
San Diego County Water Authority: An Overview Fact Sheet (July 2002).

San Diego County Water Authority Draft Regional Water Facilities Master Plan (2002)

San Diego County Water Authority Urban Water Management Plan (2000)

Fallbrook Public Utility District Urban Water Management Plan (2000)

Fallbrook Public Utility District's Water Conservation Plan (Article 25 of the FPUD Administrative Code)



To: SWRCB Division of Water Rights
Attn: Whalen Toy
Re: Application 12178/Permit 11356
Fallbrook Public Utility District
Date: March 17, 2005
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Permit Terms 13-18

The following permit terms were applied to the permit at the time that it was part of the original "Two Dam" project, and no longer make sense in the context of the permit's use at Lake Skinner.

1. Term 13: This condition was originally drafted to protect prior rights including groundwater recharge downstream of the substantial new reservoir proposed as part of the Two Dam project. It is no longer appropriate. Water stored under the permit is held in Lake Skinner, a reservoir under the control of MWD. Permit term 13 should be deleted and if necessary, replaced by the following:

For the protection of downstream percolation and prior rights holders, this permit does not authorize diversions of:

- (1) the initial 40 acre-feet per month of natural inflow to Lake Skinner.
- (2) when natural inflow is greater than 40 acre-feet per month, the percentage of such inflow which is equal to $109.3 \times e^{-0.002318Q}$ where Q is the monthly inflow.

Natural inflow in excess of foregoing amounts may be diverted pursuant to this permit where consistent with the other terms of this permit.

The foregoing is based on the mitigation measures for the bypass of natural flows as described in the Mitigated Negative Declaration for the Lake Skinner project. (Mitigated Negative Declaration, pp. 8-9 (attached).) The pending change petition for purposes of the exchange with San Diego County Water Authority does not alter this protection for downstream interests.

2. Term 14: Term 14 reserves SWRCB jurisdiction to respond to changes in congressional authorization and funding for the Two Dam project. It is no longer relevant and should be deleted.

3. Term 15: Term 15 as contained in the 1985 amended permit required development and implementation of a water conservation program. The condition was prepared at a time when this permit interrelated with Camp Pendleton water use. That is no longer the case. Term 15 was modified by standard permit term 12, which was

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included in the November 20, 2001 Order Approving Changes in Source, Point of Diversion, Place of Use and Amending the Permit. Term 15 itself should therefore be deleted.

4. Term 16: This term requires installation and maintenance of an outlet pipe for the then-proposed Two Dam reservoir. It is no longer relevant and should be deleted.

5. Term 17: This term addresses clearing the site of the proposed new reservoir. It is no longer relevant and should be deleted.

6. Term 18: Term 18 addresses water quality issues associated with reservoir construction. It is no longer relevant and should be deleted.

7. Term 19: This term is a savings clause for riparian rights and decreed rights. It can be deleted or remain as is.

If you have questions or would like to discuss the foregoing, please call. We request to see the public notice in advance if its publication to avoid any misunderstandings, and that this petition be processed as soon as possible. If there is anything we can do to assist in making this happen, please let me know right away.

Thank you.

Sincerely,

LENNIHAN LAW
A Professional Corporation

By: 
Martha H. Lennihan

Enclosure(s) as Indicated

cc: Keith Lewinger
Joe Jackson

The existing riparian vegetation within the low-flow channel will qualify as wetland but will not be affected by the project. Only the wetlands along the margins of the riparian areas are considered potential areas of effect, and the actual effect within these areas would be better assessed after a careful delineation. It is possible that a delineation would reveal that the floodplain area mentioned above is not a wetland, and that no such marginal wetlands occur on Tusalota Creek.

Assuming that marginal areas along Tusalota Creek are found to be wetlands, they could be mitigated within areas held by the Fallbrook Public Utility District. This mitigation would typically take the form of a habitat creation or enhancement plan for the establishment of southern willow scrub habitat. The mitigation ratio would be determined based on the quality of impacted wetlands and the extent to which they are impacted by the project. If eliminated, a mitigation ratio of 3:1 would be appropriate for low-quality riparian habitat.

Hydrology Impact Analysis

The reduction of up to a maximum of 10,000 AF of water bypassed at the Lake Skinner dam will not significantly impact downstream ground water levels in the first 1.4 miles of Reach 1A, along Tusalota Creek. This is due to an existing condition of the Memorandum of Understanding (MOU) between the Metropolitan Water District, Fallbrook Public Utility District and the Rancho California Water District for the Operation of Lake Skinner that requires release of water from Lake Skinner to maintain the groundwater level. This condition is monitored at a key well located in the vicinity of Lake Skinner, within Reach 1A.

According to the hydrological analysis prepared by Bookman-Edmonston, the proposed reduction in water bypassed at Lake Skinner dam will have virtually no effect on groundwater levels south of Santa Gertrudis Creek (Reaches 2 and 3), because there is little recharge from surface flow in these systems and the reduction represents a low percentage of the systems' total water volumes.

Potentially significant impacts to groundwater recharge in the lower portion of Reaches 1A and 1B have been identified. These impacts represent a change in groundwater recharge and can be mitigated with additional releases.

Mitigation Measures

As a condition of approval, and in accordance with the Black and Veatch formula identified in footnote 3 to Table 1, bypass of natural inflow will be required. Examples of volumes to be bypassed correlated to inflow to the reservoir are shown in column 3 of Table 1.

TABLE 1

NATURAL MONTHLY INFLOW TO LAKE SKINNER AND ESTIMATED TRANSMISSION LOSSES ⁽¹⁾ (VALUES IN AC-FT PER MONTH)		
Natural Monthly Flow to Skinner AF/Month ⁽²⁾	Transmission Losses as a Percentage of Monthly Inflow ⁽³⁾	Estimated Transmission Losses AF/Month
1	100	1
40	100	40
100	87	87
200	69	138
300	55	164
400	43	173
500	34	171
600	27	163
700	22	151
800	17	137
900	14	122
1,000	11	108
1,500	3	51
2,000	1	21
2,500	0.33	8
3,000	0.10	3

(1) "Transmission Losses" is percolation to groundwater downstream of Lake Skinner Dam which would have occurred but for the MPUD storage of local water.

(2) Determined by Metropolitan Water District pursuant to the Skinner Operating MOU.

(3) Percentage of Skinner inflow, which is lost, is calculated from the "Black & Veatch" formula. That formula is that the percentage of Skinner inflow equals 100 percent of inflow when inflow is equal to or less than 40 AF/month. When inflow is greater than 40 AF/month the percentage of inflow lost in transmission is equal to $109.3 \times e^{-0.002318Q}$ where Q is the monthly inflow. Values shown have been rounded.

Calculation of releases on a monthly schedule will likely result in greater releases than necessary, because in many instances the water table will have been maintained or restored and the ground saturated by the prior months' rainfall and releases. In lieu of pursuing alternative approaches which would more closely tailor releases to actual transmission losses, the District has determined that the provision of additional downstream flows with associated benefits would further the District's interest in assuring that concerns are fully addressed.

This mitigation measure will replace conditions for release or bypass of water within the existing water right permit.

California Environmental Quality Act Negative Declaration Findings

Changes in the project plans or mitigation measures have been incorporated into the project design which would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur and there is no substantial evidence before the Board of Directors that the project as revised may have a significant effect on the environment.