



Alan C. Lloyd, Ph.D.  
Agency Secretary

# State Water Resources Control Board



Arnold Schwarzenegger  
Governor

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

## NOTICE OF PETITION TO CHANGE POINT OF DIVERSION, PLACE OF USE AND PURPOSE OF USE

**LICENSE:** 2184 (Application 1692)

**DATE ISSUED:** March 15, 1941

Notice is hereby given that the El Dorado Irrigation District (“Petitioner” or “EID”) has filed a Petition to add a point of diversion and to change the place and purpose of use under License 2184 (Application 1692, Permit 1053). Petitioner currently diverts water from Weber Creek tributary to the South Fork of the American River and Folsom Lake for storage at Weber Reservoir in El Dorado County. Petitioner uses the water for irrigation purpose within Petitioner’s service area, as it existed in 1927. The State Water Resources Control Board (SWRCB) will determine whether the license should be amended to add a new point of diversion and to include additional places and purposes of use. This Notice provides a description of the existing project and the proposed changes, and describes the procedures, and timeframe for filing protests against the Petition. The Division of Water Rights (Division) will not accept protests that are directed at the existing water rights, rather than the changes proposed by the Petition. Any correspondence directed to the Petition should be mailed to:

El Dorado Irrigation District  
c/o Robert E. Donlan, Esq.  
Ellison, Schneider & Harris  
2015 H Street  
Sacramento, CA 95814

Public notices of the SWRCB, Division may be viewed and printed at the Division’s website at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

### Description of Project and Proposed Changes

License 2184 presently authorizes Petitioner to divert up to 1,125 acre-feet per annum (afa) to storage at Weber Reservoir from October 15 of each year through May 15 of the succeeding year. The authorized purposes of use are irrigation, and incidental power generation, and the authorized place of use is 30,702 acres within the EID as depicted on a map filed with the SWRCB in 1927.

Petitioner proposes to change Weber Reservoir License 2184 as follows:

- (a) Add EID’s existing pump station at Folsom Lake as an authorized point of diversion;
- (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 and recreation uses within Weber Creek as authorized purposes of use; and
- (d) Add municipal, industrial, and fire protection as authorized purposes of use within EID’s El Dorado Hills service area.

*California Environmental Protection Agency*



If these changes are approved by the SWRCB, EID will operate Weber Reservoir as described in the October 2002 “Weber Reservoir Flow Regime and Restoration Plan,” which was developed by EID and the California Department of Fish and Game pursuant to a Memorandum of Understanding. Among other things, the Weber Reservoir Flow Regime and Restoration Plan requires EID to:

- (a) Maintain a minimum of 200 acre-feet (af) of available water in storage at Weber Reservoir as of September 1 of each year to allow EID to maintain a minimum release of 1 cubic feet per second (cfs) during the months of September, October and November;
- (b) Maintain a year-round minimum release schedule from Weber Reservoir to protect and enhance fish, wildlife and recreation conditions in Weber Creek downstream of Weber Reservoir;
- (c) 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 changes in Weber Creek hydrology; and
- (d) Develop and maintain a “Weber Reservoir Operations Manual” to direct operations of Weber Reservoir.

Petitioner has requested that the Weber Reservoir Flow Regime and Restoration Plan be incorporated into the SWRCB’s approval of the Petition.

The Petition for Change contemplates that EID will release water from Weber Reservoir for instream uses in Weber Creek as described above. After the released water is used for fish and wildlife benefits in Weber Creek, EID will divert the water at EID’s existing Folsom Lake pump station. Water diverted at Folsom Lake will be delivered for municipal, industrial and related uses in the El Dorado Hills area, consistent with governing El Dorado County land use planning policies and vested development approvals.

The Petition proposes use of existing facilities only, and does not involve or require construction activities, grading or excavation. The Petition does not propose or contemplate changes in land use beyond the land uses authorized in governing El Dorado County land use planning policies and vested development approvals. Water diverted at Folsom Reservoir pursuant to this Petition for Change will be used to augment existing water deliveries under EID’s other appropriative water rights and water supply contracts with the United States Bureau of Reclamation.

### **Environmental Information**

Under the provisions of the California Environmental Quality Act (“CEQA”), EID is the lead agency for this project and is responsible for preparation of the appropriate environmental documents. EID will prepare an Initial Study to determine if the Petition will cause, or has the potential to cause, a significant effect on the environment. The SWRCB is a responsible agency and will review EID’s CEQA documents prior to making any final decision on the Petition. If you are not filing a protest, but wish to submit information concerning the potential environmental effects of the Petition, please send this information to the lead agency and also send a copy to Mr. Steven Herrera, State Water Resources Control Board, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

## **PROTEST SUBMITTAL INFORMATION**

### **Protest Requirements**

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the petition and the factual basis for those objections. There must be a clear link between the proposed change and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the petition is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use.

If the protest is based on an allegation that the proposed change would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the proposed change will adversely affect the public; environmental protests should identify specific adverse environmental impacts and provide supporting information demonstrating the adverse impacts of the proposed change on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed change and how the change will adversely impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the petitioner a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

### **Procedure for Submitting Protests**

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/) or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. A copy of the completed protest form must also be mailed to the Petitioner.

**Protest Submittal Deadline**

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the 30th day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000, Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. Emailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. Protests not submitted by the close of the protest period will be subject to rejection. For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

**Resolution of Protests**

The Petitioner will have 30 days to respond to any protests accepted by the Division. The protestant and the Petitioner are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period. Unresolved protests may be decided by the Board or Chief of the Division following a hearing.

**CONTACT PERSON**

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Katherine Mrowka by phone at (916) 341-5363 or by electronic mail at [kmrowka@waterrights.swrcb.ca.gov](mailto:kmrowka@waterrights.swrcb.ca.gov). Information and protest forms are also available at the Division's website: [www.waterrights.ca.gov/forms/](http://www.waterrights.ca.gov/forms/).

Date of Notice: **January 28, 2005**

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