

STATE WATER RESOURCES CONTROL BOARD
2005 JUN 22 PM 3:51

PETITION FOR EXTENSION OF TIME

WATER USERS: Kirkwood Mountain Resort, LLC and U.S. El Dorado National Forest
Application 30453 Permit 20852

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

The project has been abandoned and I request revocation of the permit.

Signature

Full use of water has been made, both as to amount and season, and I request license be issued.

Signature

The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

**PETITION FOR EXTENSION OF TIME
If START of construction has been delayed**

Complete items 1, 2, and 3.

1. What has been done since permit was issued toward commencing construction?

2. Estimate date construction work will begin _____

3. Reasons why construction work was not begun within the time allowed by the permit.

Continued on next page

PETITION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A 10-year extension of time is requested to complete construction work and/or beneficial use of water. (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844))

5. How much water has been used? _____ acre-feet/year _____ cfs

Permit Nos. 20851 and 20852 (the "1996 Permits") operate as a single unit to allow 500 acre-feet annually ("afa") to be used for snowmaking in Alpine and Amador counties. Maximum water use has been 59 afa, and the maximum rate of direct diversion has been about 1,250 gpm (about 2.78 cfs).

6. How many acres have been irrigated? *N/A*

7. How many houses or people have been served water? *N/A*

8. Extent of past use water for any other purpose.

None.

9. What construction work has been completed during the last extension?

This is the first petition to extend time.

Since issuance of the 1996 Permits, KMR has constructed and operated snowmaking facilities on 55 of the 200 acres authorized. This construction and operation corresponds to approximately "Phase 1" and "Phase 2" of the phased snowmaking plan that was the basis for the 1996 Permits. Phase 3 of the snowmaking plan remains. More specifically, KMR has completed the following:

- (a) Installation of a pump station at Caples Lake;*
- (b) Installation of pumps delivering a maximum of 1250 gpm;*
- (c) Installation of a 12-inch diameter transmission pipeline from Caples Lake to the place of use;*
- (d) Installation of snowmaking equipment sufficient to cover 55 acres; and*
- (e) Snowmaking on 55 acres.*

10. Approximate amount spent on project during last extension period.

Approximately \$3.1 million has been spent on the installation of the infrastructure described in #9, above. Additional costs have been incurred each season to use the water and produce the snow. Annual operation costs vary depending upon such factors as weather. However, as an example, approximately \$1,282,319 can be attributed to snowmaking from the winter season 1999 through the winter season 2003.

11. Estimated date construction will be completed. 2014

Construction of the infrastructure necessary for the snowmaking on the 200 acres contemplated by the 1996 Permits will be completed by 2014.

12. Estimated year in which water will be fully used. *Approximately 2015*

13. Reasons why construction and/or use of water were not completed within time previously allowed.

Although the primary snow-making activities are in Alpine County, KMR is located in the jurisdictions of Alpine County, Amador County and El Dorado County, as well as the U.S. Forest Service. It is and has been undertaking coordinated land use and water planning and development with those entities.

KMR has implemented Phase 1 and Phase 2 of the three-phase snowmaking plan ("1995 Snowmaking Plan") that was evaluated as Alternative 2 in the 1995 Kirkwood Water Rights and Snowmaking Project Environmental Impact Report and Environmental Assessment (State Clearinghouse No. 94-52-67) ("Snowmaking EIR/EA") upon which the SWRCB relied prior to approving the 1996 Permits. Completion of the final phase (Phase 3) has been delayed to be coordinated with the build-out and management of the Kirkwood Mountain Resort as a whole. In addition, use of water for snowmaking is dependent upon climatic conditions, and worst-case or similar snowmaking seasons have not occurred since issuance of the 1986 Permits.

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

Not Applicable

14. What water conservation measures are in effect or feasible within the place of use? N/A

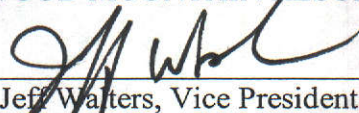
15. How much water is being conserved or is it feasible to conserve using these conservation measures? _____ acre-feet per annum.

16. How much water per capita is used during the maximum 30-day period? ___ gpd.

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

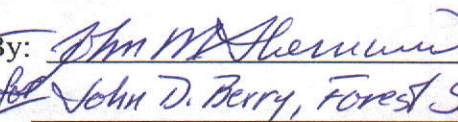
Dated: 6-9, 2005, at Kirkwood, California

KIRKWOOD MOUNTAIN RESORT, LLC

By:  Tel: (209) 258-7299
Jeff Walters, Vice President, Mountain Operations

Dated: 6/7, 2005 at Placerville, California

U.S. EL DORADO NATIONAL FOREST

By:  Tel: (530) 622-5061
John D. Berry, Forest Supervisor

NOTE: A \$1,000 filing fee, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.

- (2) *Installation of another transmission pipeline from Caples Lake to the place of use to supplement the capacity of the existing 12-inch diameter pipeline to the (18") level identified in the Snowmaking EIR/EA at page II-10. Alternatively, the existing 12-inch diameter pipeline may be replaced with an 18-inch diameter pipeline.*
- (3) *Snowmaking distribution equipment in the remainder of the 200 acres authorized under the 1996 Permits.*

Construction of the infrastructure necessary for the snowmaking on the 200 acres contemplated by the 1996 Permits will be completed by 2015. The amount of snowmaking that will occur each year subsequent to the completion of that infrastructure will vary up to the maximum allowed under the 1996 Permits depending upon weather.

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: Brian Peters, Alpine County **(April, 2005)**
Department Alpine County Planning Department Telephone (530) 694-1878
- (b) Assessor's Parcel No. **at diversion point**, 2750 ft north and 500 ft east from SW cor. Sec 23, T10N, R17E, MDB&M
- (c) County Zoning Designation: Planned Development / Specific Plan
- (d) Are any county permits required for your proposed changes? *Yes*. If you answered yes, check appropriate spaces below:

 Grading Permit, Use Permit, Watercourse Obstruction Permit,
 Chang of Zoning, General Plan Change, Other explain:

KMR has applied to Alpine County for an amendment to the existing Alpine County Snowmaking CUP.

Implementation of the 1995 Snowmaking Plan may require other County permits including building permits for specific plumbing and electrical installations and grading permits for site specific construction. However, the extension of time will not affect these permits.

- (e) Have you obtained any of the required permits described above? *No*
If you answered yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? Yes [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 *Streambed Alteration Agreement pursuant to Fish & Game Code § 1600 et seq.*
Person contacted *n/a* Agency *Dept. of Fish & Game, Region 2*
Date of Contact: *n/a* Telephone *(916) 358-2912*

Implementation of the 1995 Snowmaking Plan requires numerous permits and agreements. However, the extension of time requested by this Petition does not affect those permits and agreements, most of which have already been obtained. However, to provide the SWRCB the most comprehensive information possible, the potential permits and agreements are listed below:

- (a) State Water Board Permit to Appropriate Water;*
- (b) State Department of Fish & Game Streambed Alteration Agreement for pipeline crossings of waterways and Caples Lake intake construction (if required);*
- (c) Caltrans Encroachment Permit for pipeline installation within Highway 88 right-of-way;*
- (d) United States Forest Service, Eldorado National Forest Amendment of existing Special Use Permit to permit snowmaking and related improvements, administrative approval of Operating Plans;*
- (e) United States Army Corps of Engineers Section 404 permit for pipeline crossing(s) of jurisdictional wetlands (if any);*
- (f) Federal Energy Regulatory Commission consent to intake and pipeline construction; and*
- (g) SWRCB certification under Section 401 of the Clean Water Act.*
(See Snowmaking EIR/EA at pages I-11 to I-12.)

4. Has any public agency prepared an environmental document for any aspect of your proposed changes?

Alpine County is the CEQA lead agency and is in the process of completing the CEQA document. KMR has applied to amend the Alpine County Snowmaking CUP to make the current CUP conditions of approval consistent with the 2003 Kirkwood Specific Plan Conditions of Approval. The 2003 Kirkwood Specific Plan Conditions of Approval were addressed in the 2002 Kirkwood Recirculated Revised Final Environmental Impact Report ("Specific Plan EIR"). KMR is also seeking to replace existing conditions of approval number 49, pertaining to diesel air compressors, with a new condition of approval authorizing the use of electric air compressors for snowmaking. This would revise the conditions of approval to be consistent with the existing snowmaking system, which uses the higher quality equipment.

Alpine County's role as lead agency is consistent with prior CEQA compliance for the snowmaking project for which Alpine County was also the lead agency. The plan for KMR's snowmaking continues to be the 1995 Snowmaking Plan that was evaluated in the Snowmaking EIR/EA upon which the SWRCB relied prior to approving the 1996 Permits. Alpine County was the lead agency for CEQA purposes and

the United States El Dorado National Forest was the lead agency for National Environmental Policy Act ("NEPA") purposes.

In addition, the Specific Plan EIR also evaluated the impacts of the snowmaking. As with the Snowmaking EIR/EA, Alpine County was the lead agency for the Specific Plan EIR.

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:

Alpine County will be the lead agency. Appropriate documents will be submitted to the SWRCB as a responsible agency.

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:

If you answered 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 archaeological reports been prepared on this project, or will you be preparing an archaeological report to satisfy another public agency?

Yes

Do you know of any archaeological or historical sites located within the general project area?

Yes.

If so, explain:

Pages 4-115 through 4-118 of the Specific Plan EIR summarizes the archaeological and/or historical sites in the vicinity of the 1995 Snowmaking Plan.

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 set of photographs as required above. If less than three sets are submitted, processing of your application 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

Shrub Dominated Communities

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

Joshua Tree

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 places of use due to additional water development.

The change requested by this petition is only for an extension of time to implement the 1995 Snowmaking Plan that was the basis for the SWRCB's issuance of the 1996 Permits. An extension of time will have no substantial affect on the type, number or size of trees and large shrubs to be removed.

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):

The change requested by this petition is only for an extension of time to implement the 1995 Snowmaking Plan that was the basis for SWRCB's issuance of the 1996 Permits. An extension of time will have no substantial affect on the typical species of fish that occur in Caples Lake. These species include stocked rainbow trout, brook trout, brown trout, and Lake trout. Remnant populations of cutthroat trout may also be present. Non-game species include sucker, Lahontan redbside, and tui chub.

11. Identify the typical species of riparian and terrestrial wildlife in the project 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):

The change requested by this petition is only for an extension of time to implement the 1995 Snowmaking Plan that was the basis for the SWRCB's issuance of the 1996 Permits. An extension of time would have no substantial affect on wildlife species.

*Note: The purposes of Questions 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the project 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

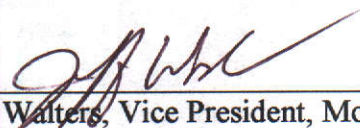
attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or 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.*

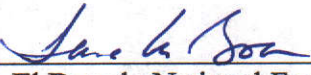
CERTIFICATION

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: June 9, 2005

Signature 
Jeff Walters, Vice President, Mountain Operations
Kirkwood Mountain Resort, LLC

Date: June 7, 2005

Signature 
U.S. El Dorado National Forest
District Ranger