



PGC
A13156

RICHARD G. SYKES
DIRECTOR OF WATER AND NATURAL RESOURCES
(510) 287-1629
rsykes@ebmud.com

March 2, 2012

Via Messenger

Mr. Phillip Crader, Manager of Permitting & Licensing
Division of Water Rights
State Water Resources Control Board
Joe Serna, CalEPA Building
1001 I Street
Sacramento, CA 95812-2000

STATE WATER RESOURCES
CONTROL BOARD
2012 MAR -5 PM 3:22
DIV OF WATER RIGHTS
SACRAMENTO

Re: Change Petition – EBMUD Mokelumne Project
(Application 13156, Permit 10478)

Dear Mr. Crader:

Enclosed please find a Petition from the East Bay Municipal Utility District (EBMUD) to add a clarifying term to Permit 10478 (Application 13156). The water that is the focus of this Petition is water that is diverted from storage at the authorized points of diversion pursuant to Permit 10478, and the Petition is intended only to clarify EBMUD's existing rights and does not initiate a new water right or expand EBMUD's existing rights. With this proposed term, EBMUD will continue to meet service area needs and continue its longstanding practices in meeting various state and federal environmental objectives and operational requirements, including, but not limited to (a) fishery flows; (b) temperature management; (c) flood control; and (d) downstream water rights. The proposed term makes a technical clarification to conform to the principles and procedures that the State Water Resources Control Board (State Water Board) currently uses to analyze diversions and EBMUD's current operations under Permit 10478 at Pardee and Camanche Reservoirs.

EBMUD's operations of the Mokelumne Project have been periodically reviewed by and explained to the State Water Board over the decades since Permit 10478 was issued and EBMUD is not now proposing to change its operations. As noted above, it plans to continue its operations to meet various objectives and requirements. These operations are supported by and consistent with its water rights.

The reason that EBMUD is requesting this clarification is that the State Water Board has requested a disaggregation of diversions and use under individual rights, and this has resulted in a need to better articulate the manner in which the use of stored water will be recorded and reported. The enclosed Petition proposes the addition of a term to Permit 10478 to more explicitly set forth the manner in which authorized diversions are occurring and to account for diversions consistent with existing water rights and limitations, particularly relative to withdrawals under Permit 10478.

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . FAX (510) 287-0541
P.O. BOX 24055 . OAKLAND . CA 94623-1055

Chk 2388250
\$850.00
Chk 2388746
\$5,782.00
3/5/12
MS

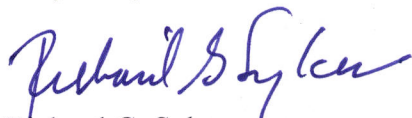
March 2, 2012
Phillip Crader
Change Petition – EBMUD Mokelumne Project
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The proposed term does not affect the release and bypass requirements for the lower Mokelumne River or EBMUD's operations and the quantities of water that EBMUD is authorized to divert. Because the Petition proposes to simply add a water right term, and does not have the potential to impair the water supply of other legal users or impact instream beneficial uses, the Petition falls within 23 CCR § 795 (exempting public notice of a petition). EBMUD is not seeking to make any changes in its diversion points relative to the diversion points of others, and the proposed term will not impact or impede EBMUD's obligation and ability to meet all water right and fishery flow requirements.

The need for this clarification is also due to the unique nature of the Mokelumne Project, in that the Project's two reservoirs, Pardee and Camanche, are immediately adjacent to one another such that when Camanche Reservoir is full the waters of Camanche Reservoir touch the toe of Pardee Dam, creating, in effect, a single reservoir, with no intervening water users, riparian or appropriative, in the reach between Pardee and Camanche Dams, and with EBMUD holding title to all land contiguous to the River between the two dams. EBMUD presently provides required releases from the Mokelumne Project consistent with D-1641, which imposed flow requirements, and measures to ensure adequate temperatures, in order to protect the lower Mokelumne River fishery.

Consistent with § 795, we have mailed a copy of the enclosed Petition to the California Department of Fish and Game (DF&G) and have contacted them regarding the Petition. The Petition together with (a) the State Water Board's Environmental Information form; (b) a check for the State Water Board's filing fee in the amount of \$5,782; and (c) a check for the DF&G fee in the amount of \$850, are enclosed. Please let me know if you have any questions about this transmittal or would like additional information.

Very Truly Yours,



Richard G. Sykes

RGS:FSE:smc

Enclosures

cc: Barbara Evoy, State Water Resources Control Board (without enclosures)
Kent Smith, California Department of Fish & Game

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.waterboards.ca.gov/waterrights>

PETITION FOR CHANGE

(WATER CODE 1700)

Petition to Add A New Permit Term

___ Point of Diversion, ___ Point of Rediversion, ___ Place of Use, ___ Purpose of Use, ___ Split
Application 13156 Permit 10478 License _____

If the change petition is being submitted for the purpose of requesting to split the water right between two or more owners, see page 2.

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 in California Coordinates, NAD 83, or other ties as allowed by CCR, tit. 23, section 715. Also provide the 40-acre subdivision in which the present and proposed points of diversion lie.)

Present: No Change Requested

Proposed: No Change Requested

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

Present: No Change Requested

Proposed: No Change Requested

Purpose of Use

Present: No Change Requested

Proposed: No Change Requested

GIVE REASON FOR PROPOSED CHANGE:

See Attachment

WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED: (yes or no) No

WATER WILL BE USED FOR Municipal PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of?
Ownership XX, lease _____, verbal or written agreement _____. If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

Not Applicable

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

See Files at State Water Resources Control Board

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: Petition mailed to DFG on March 2, 2012. Transmittal letter attached.

All petitioners must sign at the bottom of page 2.

Fill out this section only if you are requesting to split a water right among multiple owners.

STATE WATER RESOURCES CONTROL BOARD
2012 MAR -5 PM 3:23
DIV OF WATER RIGHTS
SACRAMENTO

chk. 2388250
\$850.00
chk. 2388746
\$5,782.00
3/5/12 MS

REQUEST FOR DIVISION OF LICENSE/PERMIT

Request to divide License/Permit _____ issued on Application _____ into _____ licenses/permits. Fill out and attach a separate sheet of paper if the water right will be divided among more than two owners, or you need additional space.

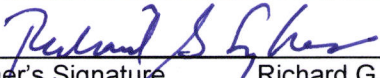
ITEM:	First Owner	Second Owners
Name:		
Address:		
Phone Number:		
Source:		
Storage Quantity Assigned (in Acre-Feet):		
Maximum Rate of Diversion to Offstream Storage (cfs)		
Maximum Amount (afa)		
Diversion Season:		
Point(s) of Diversion in CA Coordinates (NAD 83)		
Place of Use (APN Number)		
Purpose(s) of Use		
Note: A map showing the place of use boundaries must be submitted.		

All Petitioners Must Sign Below:

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 March 2, 2012 at Oakland, California

 _____ First Owner's Signature and Telephone Number	Richard G. Sykes Director of Water & Natural Resources (510)287-1629	_____ Second Owner's Signature and Telephone Number
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NOTE: All petitions must be accompanied by the **filing fee (see fee schedule at www.waterrights.ca.gov)** made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany a change petition. Separate petitions are required for each water right.

March 2, 2012

**Attachment to Petition for Change
Permit 10478 (Application 13156)**

This Attachment is provided to more fully address the "Give Reason for Proposed Change" line on the Petition form.

REASON FOR PETITION:

East Bay Municipal Utility District (EBMUD) holds Permit 10478 (Application 13156), which was obtained to supplement EBMUD's pre-existing municipal water right at Pardee Reservoir (License 11109), and authorizes direct diversion and storage at both Pardee Reservoir and the adjacent Camanche Reservoir (collectively the Mokelumne Project) during December 1 through July 1 for municipal purposes. Withdrawals from storage under the Permit can occur year-round. The Permit also authorizes Camanche Dam as a point of rediversion for waters previously stored upstream in Pardee Reservoir. The Permit and authorized Project operations were modified by the State Water Resources Control Board's (State Water Board) 1960 approval of a Changed Plan of Development. The purpose of this Petition for Change (Petition) to EBMUD's Permit 10478 is to request the addition of a term to Permit 10478 to more explicitly describe the manner in which EBMUD utilizes the water stored in Camanche Reservoir. The term makes a technical clarification to conform to the principles and procedures that the State Water Board currently uses to analyze diversions, as described further below. This Petition proposes no other changes to Permit 10478.

Over the course of the past several years, EBMUD and Division of Water Rights (Division) staff have analyzed diversion and use of water under Permit 10478. As indicated above, Permit 10478 and the approved Plan of Development authorize diversions and storage at both Pardee and Camanche Reservoirs, and, together with requirements such as flood control, fishery protections and downstream obligations, result in the need to operate the system as a single, unified Mokelumne Project. Under this unified system, EBMUD diverts its municipal supply from Pardee Reservoir while operating Camanche Reservoir to support those diversions while concurrently making releases from Camanche to satisfy downstream senior rights and regulatory and environmental obligations. In this way the Project as a whole can provide the municipal water supplies authorized to be diverted and stored under Permit 10478 while meeting all other regulatory requirements with releases from the reservoirs. The analysis of these quantities for the combined reservoirs, or effectively a single reservoir, confirms beneficial use of water under Permit 10478 by direct diversion, and also by withdrawal from storage, with the withdrawals occurring only when there is a corresponding net depletion in the combined storage of Pardee and Camanche Reservoirs.

Accordingly, this Petition proposes to include the term identified below in Permit 10478 in order to clarify the manner in which the authorized diversions are occurring and to account for diversions consistent with existing water right limitations, particularly relative to withdrawals from storage under Permit 10478. Specifically, the proposed term would be a technical clarification to ensure that withdrawals from storage into the Aqueducts at Pardee Reservoir under Permit 10478 occur only when there is a net depletion of a corresponding quantity of water in the combined storage at Pardee and Camanche Reservoirs.

Diversions into the Mokelumne Aqueducts under Pardee License 11109 are allowed year round at a maximum rate of 310 cfs (615 AF/day) whether by direct diversion or withdrawal from storage. Permit 10478 allows additional direct diversion into the Aqueducts at Pardee Reservoir at a maximum rate of 194 cfs (385 AF/day) during the season of December 1 through July 1. During the July 2 to November 30 period, withdrawals can be made under Permit 10478 from storage in Pardee and/or Camanche Reservoirs.

To address withdrawals from storage that occur under Permit 10478, the proposed term is as follows:

“For purposes of accounting for withdrawal from storage under Permit 10478, water diverted at Pardee Reservoir into the Aqueducts in excess of 310 cfs will be accounted for as withdrawal from storage under Permit 10478 when there is an equivalent corresponding net depletion in the combined storage of Pardee and Camanche Reservoirs.”

The term requires a reduction in the combined storage of Pardee and Camanche Reservoirs when diversions into the Aqueducts are accounted for as withdrawals from storage under Permit 10478. This term ensures consistency with water right limitations and assures no injury to downstream legal water users and instream beneficial uses. This proposed term does not alter the release and bypass requirements for the lower Mokelumne River and is consistent with EBMUD's existing operations and with the Permit 10478 authorizations.

This Petition is intended only to clarify EBMUD's existing rights and does not initiate a new water right or expand EBMUD's existing rights to divert from the Mokelumne River, as the water withdrawn from storage at the authorized points of diversion is water that is currently authorized under Permit 10478. In addition, no construction is required as a result of this Petition. With this proposed term, EBMUD will continue to meet its water supply needs and will continue its longstanding practices in meeting various state and federal environmental objectives and operational requirements, including, but not limited to (a) fishery flows; (b) temperature management; (c) flood control; and (d) downstream water rights.