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State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 20 ACRE-FEET OF WATER TO GEOTHERMAL, INC. LANDFILL UNDER PACIFIC GAS AND ELECTRIC COMPANY'S LICENSE 7297 (APPLICATION 13771)

Dated: March 12, 2004

Notice is hereby given that on February 3, 2004

Pacific Gas and Electric Company
P.O. Box 770000 N11
San Francisco, CA 94177

filed with the State Water Resources Control Board (SWRCB), a Petition for Temporary Change under Water Code section 1725 through 1732. If approved, Pacific Gas and Electric Company (PG&E) would transfer up to 20 acre-feet of water to the Geothermal, Inc. landfill facility in Lake County. The water would be diverted from PG&E's Freeman Lake, which is located on the Freeman Ranch property adjacent to the Geothermal, Inc. property, during closure operations at the landfill.

If approved, the temporary change would be effective during closure operations at the facility.

PETITIONER'S WATER RIGHTS

Water Right License 7297 authorizes PG&E to divert water from an unnamed stream tributary to Bucksnot Creek thence thence Putah Creek thence the Yolo Bypass for storage of 47 acre-feet on an annual basis. The licensed annual season of collection is from October 1 through April 1 of the succeeding year. The water is stored in Freeman Lake and is used for domestic purposes, stockwatering and irrigation of 26 acres of property on Freeman Ranch. Freeman Ranch is the authorized place of use for License 7297.

DESCRIPTION OF THE TEMPORARY CHANGE

The Geothermal, Inc. landfill at 19020 Butts Canyon Road in Lake County is in the process of facility closure. PG&E and 16 other corporations and government agencies who previously sent wastes to the site are responsible for closing the facility pursuant to Cleanup and Abatement Order No. R5-2002-0204 issued by the Central Valley Regional Water Quality Control Board (CVRWQCB). A Final Closure Plan has been developed for the site and the lowering of the water level in Freeman Lake and the use of the water on the landfill facility property are essential elements of the closure plan.

California Environmental Protection Agency

The closure plan proposes lowering the water level in Freeman Lake to facilitate lowering the water table in the adjacent landfill facility in order to comply with regulatory requirements for the separation of wastes from underlying groundwater. The closure plan also calls for the establishment of a 33-acre plantation of eucalyptus and poplar trees over and surrounding the closed facility to control groundwater levels and surface water infiltration on the site. These newly planted trees will require irrigation until they are sufficiently established. The water will also be used for construction purposes including soil compaction and dust control, and if necessary for fire suppression.

The proposed transfer will add the Geothermal, Inc. landfill site to the place of use covered by PG&E's License 7297. The petition will also add fire suppression and industrial use (construction use) as beneficial uses of the water.

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Temporary changes under Water Code sections 1725 through 1732 are exempt from the requirements of the California Environmental Quality Act. (Water Code section 1729) However, the CVRWQCB adopted a Mitigated Negative Declaration (SCN 2002082046) for the closure of the landfill in December 2002. The use of water from Freeman Lake during closure operations and the associated impacts are covered by the document.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1725 through 1732, the SWRCB is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation sufficient to determine that the proposed temporary change(s):

1. Involve a water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any other legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

If the SWRCB cannot satisfy, in a timely manner, the provisions of Water Code section 1725 through 1732, then the SWRCB may deny the petition or schedule and notice a hearing regarding the proposed transfer or exchange of water.

OPPORTUNITY FOR COMMENTS

Pursuant to the requirements outlined above, the SWRCB is seeking information to assist in the evaluation of the proposed transfer. Any person may file comments concerning the petition for temporary change. The materials must address the issues that the SWRCB must evaluate, as set

forth above. Although, the petitioner has the initial burden of establishing that the proposed transfer will not injure any legal user of water, or unreasonably affect fish, wildlife, or instream beneficial uses, the commentor must file, or be prepared to file, sufficient evidence to prove that the proposed transfer would not comply with Water Code 1727.

Materials filed in response to this notice must be received in the office of the SWRCB's Division of Water Rights, at the address listed below by **4:00 p.m. on March 29, 2004**. Materials filed in response to this notice **shall also be provided to the petitioner at the address listed below**. Interested parties are encouraged to file comments, etc., by fax and to notify the following contact persons by telephone of any materials that will be submitted. However, an original copy of all materials must be received in order for the SWRCB to consider your concerns.

Division of Water Rights
c/o Kate Gaffney
P.O. Box 2000
Sacramento, CA 95812-2000
Fax: (916) 341-5400

Pacific Gas and Electric Company
c/o Paul M. Minault
Law Offices of Paul M. Minault
120 Montgomery St., Suite 2290
San Francisco, CA 94104
Fax: (415) 788-5768

Please address questions about this notice to Kate Gaffney at (916) 341-5360. Questions regarding the petitioner or transferee should be addressed to Paul Minault at (415) 397-6152.

ORIGINAL SIGNED BY
STEVE HERRERA FOR

Victoria A. Whitney
Division Chief

Dated: 3-12-04