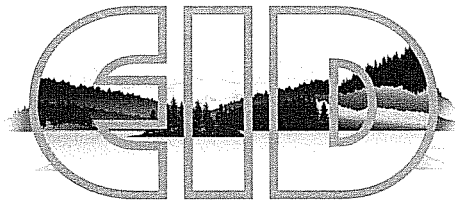


George W. Osborne - President  
Division 1

George A. Wheeldon - Vice - President  
Division 4



## El Dorado Irrigation District

KDM/PB  
A005645B

John P. Fraser - Director  
Division 2

Bill George - Director  
Division 3

Harry J. Norris - Director  
Division 5

In reply refer to: L2008-066

July 31, 2008

**VIA HAND DELIVERY AND EMAIL TO [kmrowka@waterboards.ca.gov](mailto:kmrowka@waterboards.ca.gov)**

Kathy Mrowka  
Chief, Watershed Unit 3  
Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

2008 AUG - 1 AM 11:47  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

Re: Petition for Temporary Urgency Change, Permit 21112  
(Application 5645B), Held by El Dorado Irrigation District

Dear Ms. Mrowka:

Enclosed please find the following:

1. Petition for Temporary Urgency Change (TUC) regarding the above-named permit, with:
  - a. One nine-page Attachment and two one-page Figures to the Attachment.
2. Environmental Information form for the Petition, with:
  - a. A four-page Attachment No. 1 and one one-page Figure to this Attachment;
  - b. Three Attachments No. 2, consisting of an index of photographs and nine photographs;
  - c. A three-page Attachment No. 3.
3. Proof of Service of the foregoing documents by personal delivery and email to Stafford Lehr, Supervisory Fisheries Biologist for the California Department of Fish & Game (CDF&G), North Central Region. As stated on page 2 of the Petition and page 3, item 3.d. of the Environmental Information form, the



Kathy Mrowka  
July 31, 2008  
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District has consulted with Mr. Lehr and CDF&G regarding the TUC and its potential effect on fish and wildlife. The District expects Mr. Lehr to provide a written opinion after reviewing the entire submittal package. We will forward his response when it is received.

4. District Warrant No. 0596065, payable to the State Water Resources Control Board in the amount \$5,150.00. Water Code section 1436 requires the fee, and based upon our review of the State Water Board's current fee schedule, we believe that the TUC requires this, the maximum fee amount. If the State Water Board believes the fee amount is lower, we respectfully request refund of any overage.
5. District Warrant No. 0596370, payable to CDF&G in the amount of \$886.25. The instructions at the bottom of page 2 of the TUC Petition form require this payment. We believe, however, that no fee is due pursuant to Fish & Game Code section 711.4, subdivision (d)(1), because this project is proceeding under a statutory exemption to the California Environmental Quality Act. If the State Water Board and CDF&G concur, we respectfully request refund of this fee.
6. Duplicates of items 1 and 2. The District requests that these items be file-endorsed and returned for our records.

As you have previously instructed, the District will be sending shortly, under separate cover, a demonstration of compliance with terms of Permit 21112 that impose certain preconditions to the diversion of water under the permit. We do, however, wish to address Permit Condition 29 at this time.

Condition 29 states, "Permittee shall enter into a contract with the USBR for the use of Folsom Reservoir. No water shall be diverted under this permit until the contract is executed and a copy is delivered to the Chief of the Division of Water Rights." The District believes that the changes sought by the TUC Petition render this condition inapplicable while the TUC, if approved, is in effect. Specifically, a contract for the use of Folsom Reservoir would be necessary *only if the District was going to take water at Folsom Reservoir* as contemplated by Permit 21112. If the TUC is approved, however, the District will take the water far upstream of Folsom Reservoir; thus, no contract for the use of Folsom Reservoir is necessary.



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We appreciate the State Water Board's earliest attention to this TUC Petition, and thank you for the coordination you have already furnished in the process of developing the TUC Petition. Please notify me immediately if the State Water Board requires any additional information, or if there is any way the District can assist in expediting the State Water Board's review and action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas D. Cumpston', written in a cursive style.

Thomas D. Cumpston  
General Counsel

TDC/bp

Enclosures

cc: Dana Heinrich, SWRCB Senior Staff Counsel (w/ encls.) (via hand delivery)  
Robert Donlan, Esq., Ellison Schneider & Harris (w/ encls.) (via hand delivery)  
Darren Cordova, P.E., MBK Engineers (w/ encls.) (via hand delivery)  
W. Thomas Gallier, EID General Manager (w/o encls.)  
Steve Setoodeh, Ph.D., EID Facilities Management Department Head (w/o encls.)  
Dan Corcoran, EID Environmental Review Division Manager (w/ encls.)  
Brian Deason, EID Senior Hydroelectric Compliance Specialist (w/ encls.)