



**Linda S. Adams**  
*Secretary for  
Environmental Protection*

# State Water Resources Control Board

## Executive Office

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**Arnold Schwarzenegger**  
*Governor*

**AUG 14 2008**

ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

**WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF AUBURN  
DAM PROJECT PERMITS – REVISED STAFF EXHIBIT 4**

On August 5, 2008, you received the Revised Staff Exhibit 4, "Auburn Dam Project Permits and Recorded Water Rights with Priority Dates Junior to Auburn Dam Project Permits". Comments on the revised exhibit were due by noon on August 11, 2008. The State Water Resources Control Board (State Water Board) did not receive any comments on the exhibit, except for El Dorado County Water Agency's (EDCWA), comments on the July 21, 2008 version of the exhibit. EDCWA's comments are applicable to both versions of the exhibit.

In EDCWA's comment letter, EDCWA pointed out that EDCWA has filed an application (Application No. 31698) requesting the partial assignment of portions of State Filed Application Nos. 5644 and 5645 and that each of these applications has a 1927 priority date. EDCWA suggests that Application No. 31698 be added to Staff Exhibit 4 and that State Water Board staff additionally consider the inclusion of the remaining unassigned portions of Application Nos. 5644 and 5645. Revised Staff Exhibit 4 includes only applications, permits, and licenses that are junior to the Auburn Dam Project permits. It does not include any applications, permits, or licenses that are senior to the Auburn Dam Project Permits, including State Filed Applications. Accordingly, Application Nos. 31698, 5644, and 5645 should not be added to Staff Exhibit 4.

EDCWA additionally pointed out that Staff Exhibit 4 includes water rights for both consumptive uses and non-consumptive uses and, suggested that non-consumptive uses be excluded from the exhibit if the purpose of the exhibit is to accurately portray consumptive use within the watershed. EDCWA's comment is noted. If after considering the evidence in the record and reading the parties' closing briefs the State Water Board determines that the distinction between consumptive and non-consumptive uses is relevant, the State Water Board may take official notice of the purposes of use listed in the applications, permits, and licenses contained in Staff Exhibit 4. (Cal. Code Regs., tit. 23, § 648.2.) For purposes of this exhibit, however, it is not necessary to distinguish between consumptive and non-consumptive water rights, or to exclude non-consumptive rights from the table.


Revised Staff Exhibit 4, dated August 5, 2008, is admitted into evidence. The hearing record is closed, except for closing briefs, which are due by 12 noon on Wednesday, September 3, 2008.

*California Environmental Protection Agency*

AUG 14 2008

If you have any non-controversial, procedural questions, please contact Dana Heinrich at 916-341-5188 or [dheinrich@waterboards.ca.gov](mailto:dheinrich@waterboards.ca.gov) or Jean McCue at 916-341-5351 or [jmccue@waterboards.ca.gov](mailto:jmccue@waterboards.ca.gov).

Sincerely,



Gary Wolff, Ph.D.  
Hearing Officer and Board Vice Chair

Enclosure

cc: El Dorado County Water Agency (electronic mail)  
c/o Bradley J. Herrema  
Brownstein Hyatt Farber Schreck  
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Santa Barbara, CA 93101  
[BHerrema@bhfs.com](mailto:BHerrema@bhfs.com)

**WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF  
AUBURN DAM PROJECT PERMITS,  
SCHEDULED TO COMMENCE ON JULY 21, 2008**

REVISED SERVICE LIST

(June 18, 2008)

**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.** (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Bureau of Reclamation, U.S. Dept of the Interior  
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SWRCB/DWR Prosecution  
c/o David Rose  
State Water Resources Control Board  
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Auburn Dam Council  
c/o Michael R. Schaefer  
7050 Walnut Avenue  
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American River Authority  
c/o Christopher D. Williams, Esq.  
P.O. Box 667  
San Andreas, CA 95249  
[cwilliam@goldrush.com](mailto:cwilliam@goldrush.com)

California Sportfishing Protection Alliance  
c/o Michael B. Jackson  
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Quincy, CA 95971  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Friends of the North Fork  
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Citrus Heights, CA 95621  
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Sacramento County/Sacramento County Water  
Agency  
c/o Sandra K. Dunn  
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[sdunn@somachlaw.com](mailto:sdunn@somachlaw.com)

**[Address through July 13, 2008]**  
Friends of the River, Save the American River  
Association, and Defenders of Wildlife  
c/o Ronald M. Stork  
915 20<sup>th</sup> Street  
Sacramento, CA 95811  
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San Luis & Delta-Mendota Water Authority  
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400 Capitol Mall, Suite 1800  
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**[Address effective July 14, 2008]**  
Friends of the River, Save the American River  
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**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.** (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.) (*Continued*)

South Delta Water Agency  
c/o John Herrick  
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Stockton East Water District  
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Westlands Water District  
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County of San Joaquin and San Joaquin County  
Flood Control and Water Conservation District  
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