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Gray Davis
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**SUPPLEMENT
To
NOTICE OF PUBLIC WATER RIGHT HEARING**

**Regarding Applications 30257, 30258, and 30415 of
Pacific Gas and Electric Company and
Application 28468 of Plumas County**

North Fork Feather River in Plumas County

A Prehearing Status Conference Will Commence at 10:00 a.m. on Tuesday, October 23, 2001.
The Hearing Will Commence at 9:00 a.m. on Wednesday, October 24, if necessary, and will
Continue on
Tuesday, October 30 at 10:00 a.m., if necessary

State Water Resources Control Board
Joe Serna, Jr./Cal-EPA Building
Sierra Hearing Room, Second Floor
1001 I Street
Sacramento, CA

This notice supplements the previous notice, dated August 30, 2001, regarding the above hearing. The hearing is continued until 9:00 a.m. on Wednesday, October 24, 2001. On Tuesday, October 23, 2001, the hearing officer will conduct a pre-hearing status conference to discuss the following topics pertaining to the hearing issues and to the relationship of the hearing issues to the proceeding before the Federal Energy Regulatory Commission (FERC) on FERC Project 2105. This notice responds to a request from the Plumas County Counsel to continue the hearing for an indefinite period. Unless the hearing officer grants the request of the Plumas County Counsel, the hearing will commence on October 24, 2001. The parties are requested to address the following topics at the pre-hearing status conference on October 23, 2001.

1. What are the reasons for and against a continuance of the hearing for an indefinite or other period? Will a continuance help resolve the competition between the water right applications of Plumas County and Pacific Gas and Electric Co. (PG&E)? Will a continuance leave unresolved issues that must be resolved before the FERC acts upon PG&E's application to re-license PG&E's hydroelectric generating facilities?
2. If the State Water Resources Control Board (SWRCB) continues the hearing, should it require Plumas County to pay annual fees under Water Code section 1535 to maintain its

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application until the hearing is resumed? Considering that the SWRCB cannot at this time consider approving Plumas County's application because Plumas County has not yet completed its environmental documentation, should the SWRCB require Plumas County to pay annual fees until it completes its environmental documentation and a hearing is scheduled?

3. What is the likelihood that the parties will enter into a settlement if the hearing is continued? Do the parties have any reports on settlement discussions that they can share with the SWRCB?
4. What evidence does each of the parties intend to present during the hearing? What points do the parties intend to support by the evidence they intend to present?
5. Assume that the SWRCB either issues a permit to PG&E for less storage than the full 500,000 acre-feet requested under Application 30257, or that the SWRCB subjects any permit issued to PG&E to the priority of Plumas County's Application 28468. Also, assume that in the future the SWRCB determines that Application 28468 should be approved. Does Water Code section 1775 authorize the SWRCB to grant Plumas County access to PG&E's facilities for the purpose of operating the facilities to effectuate its appropriation and use of water under Application 28468? Would such access be subject to the payment by Plumas County of a sum of money to PG&E? If Water Code section 1775 does not authorize such access, does Plumas County have other means, such as the power of eminent domain, to obtain such access?

This notice supplements the notice issued on August 30, 2001, and corrected on September 13, 2001. A further correction to the August 30, 2001, notice is that Plumas County's application is Application 28468. This notice schedules a pre-hearing status conference on October 23, 2001, and changes the start of the hearing to October 24, 2001. Except for the scheduling of the pre-hearing status conference, the change in the start of the hearing, and the correction of the application number, this notice does not change the August 30, 2001, notice as amended. All submission deadlines specified in the August 30, 2001 hearing notice are still in effect, including the deadlines for submitting evidence to the SWRCB and other parties.

Questions regarding this notice may be directed to Barbara Leidigh, Senior Staff Counsel, at (916) 341-5190 or to Katherine Mrowka, Senior Engineer, at 341-5363.

ORIGINAL SIGNED BY
EDWARD C. ANTON FOR

Maureen Marché
Clerk to the Board

Date: October 1, 2001