



# CALIFORNIA FARM BUREAU FEDERATION

## OFFICE OF THE GENERAL COUNSEL

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June 6, 2013

STATE WATER RESOURCES CONTROL BOARD  
2013 JUN 11 AM 11:13  
DIV OF WATER RIGHTS SACRAMENTO

Jeff Parks, WQ Cert. WRCE  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

**Re: Tuolumne Utilities District – Request for Variance  
Spring Gap-Stanislaus Hydroelectric Project – FERC Project No. 2130**

Dear Mr. Parks:

This letter is written in support of the request of the Tuolumne Utilities District (“TUD”) for a permanent modification of an elevation condition written into a Water Quality Certification Condition issued by the State Water Resources Control Board (“Board”) for the operation of PG&E’s Spring Gap-Stanislaus Hydroelectric Project.

The California Farm Bureau Federation (“Farm Bureau”) is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to the problems of the farm, the farm home and the rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 74,000 agricultural, associate and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. As part of this advocacy, Farm Bureau works to secure and maintain affordable and reliable water supplies for California’s farmers and ranchers throughout the state.

Farm Bureau has previously written to you in support of a variance and/or modification on this issue, via my letter dated June 25, 2012. As we discussed in that letter, it is our understanding that TUD’s primary source of water to serve its customer base is through a contract entered into with PG&E, which provides for the delivery of water from Pinecrest Lake. TUD, which serves a diversified population of agriculturalists, residences, and wholesale customers through a common system, has no significant alternative supply of water. Through the Water Quality Certification Condition referenced above, PG&E is required to maintain the surface elevation of Pinecrest Lake at no lower than 5,608 feet above mean sea level, primarily for the benefit of recreational and discretionary tourism interests. In this dry year and others, TUD and its customers will suffer significant hardship if this condition is enforced.

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN • KAREN NORENE MILLS • CHRISTIAN C. SCHEURING • KARI E. FISHER • JACK L. RICE

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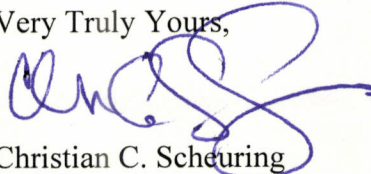
It is also our understanding that the Board has acted affirmatively to approve a one-year modification of the condition respecting the surface elevation of Pinecrest Lake, during the time in which the Board considers a broader and more permanent request by PG&E for a modification of the target elevation of Pinecrest Lake. Farm Bureau appreciates the Board's action in that regard, and requests that the Board now make permanent that modification of the target elevation.

Farm Bureau also notes the call from certain stakeholders for conservation measures as a means of forestalling the need for a target elevation modification at Pinecrest Lake. Conservation is an important tool to reduce water demand, and TUD has demonstrated a commitment to the wise use of its water resources. However, conservation is an incremental path, and by itself will not suffice to solve acute water resources constraints within TUD's service area.

Farm Bureau also underscores comments that have been made elsewhere about the priority of use of water, made manifest as state policy in Water Code Section 106. That section makes domestic and irrigation uses of water the highest uses within California, and Farm Bureau respectfully submits that the Board's consideration of a modification request with respect to the target elevation of Pinecrest Lake should be mindful that the recreational use of water is subordinate to these uses.

Thank you for your consideration of the foregoing, and we hope the Deputy Director is able to approve a permanent modification of the target elevation at Pinecrest Lake. Please do not hesitate to contact me directly in regard to this letter.

Very Truly Yours,



Christian C. Scheuring  
Managing Counsel

CCS/dkc

cc: Pete Kampa, General Manager, Tuolumne Utilities District  
Richard J. Doble, Sr. License Coordinator – Hydro Licensing, Pacific Gas & Electric Co.