
State Water Resources Control Board

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 21,053 ACRE-FEET OF WATER FROM PLACER COUNTY WATER AGENCY TO EAST BAY MUNICIPAL UTILITY DISTRICT UNDER PERMIT 13856 (APPLICATION 18085)

On May 24, 2022, Placer County Water Agency (PCWA or petitioner), filed a Petition for Temporary Change with the State Water Resources Control Board (State Water Board) to transfer up to 21,053 acre-feet (af) of water pursuant to Water Code section 1725 et seq., under water right Permit 13856 (Application 18085). Temporary changes approved pursuant to Water Code section 1725 may be effective for up to one year.

DESCRIPTION OF THE TRANSFER

PCWA proposes to transfer the water by reservoir release from July 15 through September 30, 2022 to the East Bay Municipal Utility District (EBMUD). The transfer would involve up to 21,053 af of water currently stored in PCWA's Middle Fork Project reservoirs under Permit 13856.

PROPOSED CHANGES

PCWA requests the following temporary changes to their water right Permit 13856 (Application 18085):

1. Add the Freeport Intake as a point of rediversion; and
2. Add the service area of EBMUD as an additional place of use.

The petition submittal for the temporary changes listed above is available on the PCWA website at: <https://docs.pcwa.net/pcwa-2022-temporary-transfer-petition-package>.

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

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

Water Code section 1727, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1727, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of this petition and seeking information to assist in the evaluation of the proposed temporary change. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary change will be considered.

The petitioner has the burden of establishing that the proposed temporary change will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1727). Since, at this time, the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Pursuant to California Water Code section 1726 subdivision (f), any interested person may file a comment regarding the petition. **The 30-day comment period per Water Code section 1726 subdivision (f) has been reduced to 15 days per the Governor's Proclamation of a State of Emergency in the Klamath River, Sacramento-San Joaquin Delta, and Tulare Lake watershed Counties due to drought (Drought Proclamation) dated May 10, 2021. This Drought Proclamation**

will help expedite processing of water transfers. Comments filed in response to this notice should be submitted to the persons listed below and must be received by 4:30 p.m. on June 20, 2022.

Send comments to both:

Patricia Fernandez
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812
Patricia.Fernandez@waterboards.ca.gov

Placer County Water Agency
c/o Benjamin Barker
P.O. Box 6570
Auburn, CA 95604
bbarker@pcwa.net

For more information regarding this matter, please contact Patricia Fernandez by email at Patricia.Fernandez@waterboards.ca.gov.

Date of Notice: **June 3, 2022**