

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

MEMORANDUM

TO All Members
California Water Commission

FROM William M. Carah
Executive Secretary
California Water Commission

18084

DATE January 4, 1962

SUBJECT Proposed recommendation
regarding Placer County
Water Agency

This recommended decision on the request of Placer County Water Agency for release from priority of State Applications 7936 and 7937 is being written for the consideration of the subcommittee designated to hear this matter.

In accordance with the responsibility vested in it by Commission Resolution 110, the subcommittee conducted a hearing on this matter on September 15, 1961, in Sacramento. A second request for release from priority of these same applications was withdrawn by the U. S. Bureau of Reclamation.

Two findings are required to be made by the Commission as a condition precedent to granting either a release from priority or assignment of state applications.

It must determine that the project for which the release or assignment is sought does not conflict with a general and coordinated plan of development, and that it will not deprive the county of origin of water required for the development of the county.

The subcommittee finds that the Placer proposal will not deprive the counties of origin of any such water required for the development of the counties, provided that a general reservation be made for that portion of the watershed in El Dorado County. By far the largest amount of water in question originates in Placer County, and the place of use is wholly within Placer County.

The subcommittee also finds that the proposed project is not in conflict with a general and coordinated plan of development in view of Placer's stipulation of December 13, 1961, concerning the American Bar Power Plant in relation to the water surface elevation of the proposed Auburn Reservoir.

Although there has been some question concerning the amount of water to be diverted from the American River watershed, this matter falls within the scope of availability of unappropriated water and hence is within the jurisdiction and responsibility of the State Water Rights Board.

The State Department of Fish and Game already has stipulated that it will abide by the findings of the State Water Rights Board regarding any conditions pertaining to fisheries.

The subcommittee therefore recommends that the full Commission grant a release of priority subject to a general reservation for El Dorado County, and to incorporation of the Placer stipulation of December 13, 1961, within the instrument of release from priority.

EDMUND G. BROWN
GOVERNOR OF
CALIFORNIA



WILLIAM E. WARNE
ADMINISTRATOR
RESOURCES AGENCY

THE RESOURCES AGENCY OF CALIFORNIA
State Water Rights Board

KENT SILVERTHORNE, CHAIRMAN
RALPH J. MCGILL, MEMBER
W. A. ALEXANDER, MEMBER

1401 21ST STREET
P. O. BOX 1592
SACRAMENTO 7, CALIFORNIA

LELAND K. HILL
EXECUTIVE OFFICER

FILE COPY

March 30, 1962

Applicants and Protestants

Subject: Proposed hearing on Applications 18084 through 18087
of Placer County Water Agency and
Applications 18721, 18722 and 18723 of United States
Bureau of Reclamation

To appropriate from the North and Middle Forks of
American River and their tributaries in El Dorado
and Placer Counties

Gentlemen:

The State Water Rights Board has tentatively scheduled a hearing
on the subject matter for May 22-25, 1962, in Sacramento Cali-
fornia.

Formal notice of the exact time and place of hearing will be given
at least 20 days prior to that date.

Because of the large number of applications and matters related
thereto awaiting action by the Board, it is necessary that hear-
ings be scheduled several weeks in advance. Therefore any request
for change in the date of the hearing will be considered only for
very compelling reasons and provided such request is received
within 10 days of the date of this letter.

Very truly yours,

L. K. Hill

L. K. Hill
Executive Officer

SLA:lpb

(See reverse side for names and addresses.)

FILE COPY

PCWA-034

Placer County Water Agency
c/o Kronick, Moskovitz and Vanderlaan
Attorneys at Law
926 J Street Building
Sacramento, California

San Jose Suburban Water District
P. O. Box 85
Orangevale, California
Attn: Mr. L. K. Jordan, Manager

Mark V. Holthouse and W. E. Holthouse
1935 Arroyo Seco
San Jose, California

Carmichael Irrigation District
3501 Fair Oaks Boulevard
Carmichael, California

Sacramento Municipal Utility District
P. O. Box 2391
Sacramento 11, California

Regional Director, Region 2
U. S. Bureau of Reclamation
P. O. Box 2511
Sacramento, California

City of Sacramento
City Hall
Sacramento, California
Attention: Mr. E. A. Fairbairn
City Engineer

Marie Sproule
c/o Heller, Ehrman, White and McAuliffe
Attorneys at Law
14 Montgomery Street
San Francisco 4, California
Attention: Mr. Albert M. Monaco

Santa Clara Valley Water Conservation District
c/o Jones, Griswold and Henley
325 Porter Building
San Jose 13, California
Attn: Mr. Albert T. Henley

Santa Clara - Alameda - San Benito
Water Authority
c/o Jones, Griswold and Henley
325 Porter Building
San Jose 13, California
Attn: Mr. Albert T. Henley

El Dorado County Water Agency and
Georgetown Divide Public Utility District
c/o Landis and Martin, Attorneys at Law
926 J Street Building
Sacramento, California
Attn: Mr. Alvin Landis

McDonough, Holland, Schwartz, Allen
and Wahrhaftig, Attorneys at Law
926 J Street Building
Sacramento, California
Attn: Mr. Martin McDonough

California Department of Fish and Game
722 Capitol Avenue
Sacramento, California

*W. R. Gianelli
Room 820, Forum Bldg.
Sacramento, Calif.*

*not included on
March 30, 1962
mailing list but
should be included
on future mailing
lists.*

*S.L.G.
4/14/62*

PLACER COUNTY WATER AGENCY

COPY

Court House, Auburn, California

December 13, 1961

Mr. Ralph M. Brody, Chairman
California Water Commission
P. O. Box 388
Sacramento, California

Re: Placer County Water Agency Request for Release from
Priority of State Applications 7936 and 7937.

Dear Mr. Brody:

This is in reply to your letter of November 14, 1961, in which you stated that testimony presented before the California Water Commission at hearings on the above subject indicated that there is a physical conflict between the plans of the Placer County Water Agency for the construction of the American Bar Power Plant and the published plans of the U. S. Bureau of Reclamation for the Auburn Reservoir. Your letter further stated that pending removal of this potential conflict, the Commission would defer further action on the Agency's request for release from priority of State Applications 7936 and 7937.

As we previously stated to you at the top of page 6 of our letter dated September 12, 1961, there will be no interference between the American Bar Power Plant and the published plans of the U. S. Bureau of Reclamation for Auburn Reservoir because the powerhouse will be so designed as to function satisfactorily within the limits as to maximum water surface elevations and operating schedules furnished us by the Bureau of Reclamation. In a letter to the Bureau of Reclamation dated November 28, 1961, we reiterated this assurance, as follows:

"We are willing to state at this time that our American Bar Power Plant is being designed to accommodate the water surface elevations shown in the operation tables given to the Agency's consulting engineers for the Bureau's proposed one million acre-foot Auburn Reservoir (normal water surface elevation of 934.5 feet)."

We believe this assurance completely removes any cause for concern of possible physical conflict. We would have no objection to inclusion in the release from priority of a condition containing this assurance.

We trust that this information will clear the way for the Commission's taking favorable action on our request for release from priority. Please let us know if anything further is necessary.

Very truly yours,

PLACER COUNTY WATER AGENCY
/s/ Frank J. Paoli
FRANK J. PAOLI, Chairman

FJP:bk
cc: H. P. Dugan

PCWA-034

RESOLUTION NO. 127

RELEASE FROM PRIORITY OF APPLICATIONS
NOS. 7936 AND 7937
IN FAVOR OF APPLICATIONS
NOS. 18084, 18085, 18086, AND 18087

WHEREAS, by letter dated March 31, 1961, the Placer County Water Agency requested a release from priority of Applications Nos. 7936 and 7937 in favor of the agency's Applications Nos. 18084, 18085, 18086, and 18087; and

WHEREAS, after giving notice in accordance with Section 10504.1 of the Water Code, hearings were held concerning the release from priority requested as aforesaid on July 6, 1961, and September 15, 1961, with opportunity having been afforded for all interested parties to present evidence and their views concerning the matter; and

WHEREAS, it is in the public interest that a release from priority of Applications Nos. 7936 and 7937 be granted in favor of Applications Nos. 18084, 18085, 18086, and 18087; now, therefore, be it

RESOLVED, that the California Water Commission approves the request for release from priority of Applications Nos. 7936 and 7937 in favor of Applications Nos. 18084, 18085, 18086, and 18087, which release is attached to this resolution as Exhibit "A", makes the findings contained in the release, and authorizes the chairman of the California Water Commission to execute the release as set forth in such Exhibit "A" on behalf of the commission.

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The foregoing resolution was adopted by the California Water Commission, State of California, at Sacramento on March 16, 1962.

/s/ Ralph M. Brody

Ralph M. Brody
Chairman

/s/ William M. Carah

William M. Carah
Executive Secretary

lg

Exhibit "A"

RELEASE FROM PRIORITY

By the California Water Commission
To the Placer County Water Agency of Applications
Nos. 7936 and 7937 in Favor of Applications Nos.
18084, 18085, 18086, and 18087

WHEREAS, Under Division 6, Part 2, of the Water Code of the State of California, the State is directed and authorized to make and file applications for any water which in its judgment is required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State of California, and the authority and the powers of the State under this part are now in the Department of Water Resources; and

WHEREAS, Pursuant to such authorization the State filed on May 21, 1934, applications to appropriate unappropriated water of the North Fork of American River in the aggregate amount of 2,500 cubic-feet per second by direct diversion and 831,000 acre-feet per annum by storage, designated in the records of the State Water Rights Board as Applications Nos. 7936 and 7937; and

WHEREAS, Section 10504 of the Water Code authorizes the California Water Commission to release from priority any portion of any application filed under Division 6, Part 2, of the Water Code, when such release is for the purpose of development not in conflict with such general or coordinated plan, and Section 10505 of the Water Code prohibits any release from priority that will in the judgment of the commission deprive the county in which the water covered by the application originates of any such water necessary for the development of the county; and

WHEREAS, The Placer County Water Agency now holds Applications Nos. 18084, 18085, 18086, and 18087 for the appropriation of unappropriated water from various sources within the American River Stream System for the operation of the agency's proposed Middle Fork American River Project; and

WHEREAS, On March 31, 1961, the Placer County Water Agency requested that the commission grant a release from priority of Applications Nos. 7936 and 7937 in favor of Applications Nos. 18084, 18085, 18086, and 18087; and

WHEREAS, As a part of the agency's proposed Middle Fork American River Project the agency proposes to construct and operate the American Bar Power Plant on the Middle Fork American River; and

WHEREAS, As a unit of the federal Central Valley Project the United States Bureau of Reclamation proposes to construct and operate the Auburn Unit consisting of Auburn Dam, Reservoir and Powerplant on the North Fork American River immediately downstream from its confluence with the Middle Fork American River; and

WHEREAS, By letter dated December 13, 1961, a copy of which is attached hereto and incorporated herein by reference, the Placer County Water Agency has stipulated that its American Bar Power Plant is being designed to accommodate the water surface elevations shown in the operation tables for the Auburn Reservoir given to the agency's consulting engineers by the United States Bureau of Reclamation; and

WHEREAS, By letter dated January 19, 1962, counsel for the Placer County Water Agency in connection with the agency's application for the release from priority of Applications Nos. 7936

and 7937 further stipulated that the agency's American Bar Power Plant is being engineered to conform completely to the proposed Auburn Reservoir water surface elevations and operating schedules; and

WHEREAS, After following the procedure prescribed by Section 10504.1 of the Water Code, on March 16, 1962, the California Water Commission adopted Resolution No. 127 authorizing the execution of the release from priority herein contained and making the findings contained in it;

NOW, THEREFORE, It is determined by the California Water Commission, in exercise of the discretion and judgment vested in the commission by Division 6, Part 2, of the Water Code, that:

(a) The release from priority of Applications Nos. 7936 and 7937 in favor of Applications Nos. 18084, 18085, 18086, and 18087 is for the purpose of development not in conflict with a general or coordinated plan looking toward the development, utilization, or conservation of the water resources of the State in view of the Placer County Water Agency's stipulation of December 13, 1961, concerning the American Bar Power Plant in relation to the water surface elevation of the proposed Auburn Reservoir, and its further stipulation of January 19, 1962, regarding operation of such power plant;

(b) The release from priority herein contained will not in the judgment of the California Water

Commission deprive any county in which the water covered by Applications Nos. 7936 and 7937 originates of any such water necessary for the development of the county; and

(c) The release from priority herein contained is in the best interest of the people of the State of California.

WITNESSETH, THAT: The California Water Commission under the authority of Section 10504 of the Water Code and in consideration of the general benefits to accrue to the people of the State of California from the operation of the Middle Fork American River Project of the Placer County Water Agency does hereby release from priority Applications Nos. 7936 and 7937 in favor of Applications Nos. 18084, 18085, 18086, and 18087; SUBJECT, HOWEVER, TO the following reservations and conditions:

(1) The prior rights of any county in which the water sought to be appropriated originates to the use of such water as may be necessary for the development of such county as provided for in Section 10505 of the Water Code.

(2) The Placer County Water Agency shall provide such streamflow maintenance releases and protective devices in the construction and operation of the agency's Middle Fork American River Project as may be necessary to protect and maintain the fish and wildlife resources involved, provided however, that

this condition shall be deemed satisfied either by agreement between the California Department of Fish and Game and the agency or by a final order of the State Water Rights Board in that regard.

(3) In accordance with Section 10504.5(a) of the Water Code, the recipient of the release from priority made herein shall, before making any changes determined by the California Water Commission to be substantial in the project in furtherance of which the release from priority is made, submit such changes to the California Water Commission for its approval.

(4) In accordance with Section 10504.5(b) of the Water Code, the holder of Applications Nos. 18084, 18085, 18086, and 18087, in favor of which the release from priority is made herein, shall submit any proposed amendments to such applications or permits to the California Water Commission for its approval.

IN WITNESS WHEREOF, The California Water Commission, State of California, has caused this release from priority to be executed in triplicate this _____ day of _____, 1962.

STATE OF CALIFORNIA
CALIFORNIA WATER COMMISSION

By _____
Ralph M. Brody
Chairman