

Hearings Program

South Fork American River – Reconsideration Hearing Decision D-1635 and Order WR 96-06

Division of Water Rights
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In reply refer to:
340:EM:5645

December 23, 1999

Mr. J. Mark Nielsen, Chairman
El Dorado County Board of Supervisors and
El Dorado County Water Agency Board of Directors
330 Fair Lane
Placerville, CA 95667

Ray Larsen, President
El Dorado Irrigation District Board of Directors
2890 Mosquito Road
Placerville, CA 95667

Amador County Counsel
c/o Mr. John F. Hahn
County Administration Center
500 Argonaut Lane
Jackson, CA 95642-9534

Gentlemen:

STATE WATER RESOURCES CONTROL BOARD DECISION 1635

The purpose of this letters to respond to your letters dated November 3, 1999 regarding the settlement agreement reached by El Dorado County Water Agency (EDCWA), El Dorado Irrigation District (EID), and Amador County. In your letters, you advised the SWRCB that the settlement agreement, among other things, prescribes a regime of storage and releases for Silver Lake in Amador County. You

requested that any order by the SWRCB concerning the water rights of EDCWA or EID, which would include the pending order on the petitions for reconsideration of Decision 1635, comply with the provisions of the settlement agreement as to lake levels and releases.

The SWRCB cannot take the settlement agreement into consideration because it is not part of the record in this proceeding. (Gov. Code, § 11425.10, subd. (a)(6).) If EID and EDCWA want the settlement agreement entered into the hearing record, they must request the SWRCB to enter the settlement agreement into the hearing record. Before considering such a request, the SWRCB would provide all interested parties the opportunity to object to the request, as the SWRCB did with regard to EDCWA's request to allow introduction of EID's final certified EIR into the record. Alternatively, EID and EDCWA can have the terms of the settlement agreement incorporated into the appropriate water right permits by filing a change petition with the SWRCB, after the SWRCB's order addressing the petitions for reconsideration of Decision 1635 is adopted. Please advise the SWRCB if you wish to include at this time the settlement agreement into the record.

If you have any questions or wish to discuss this matter further, please telephone Dana Differding of the Office of Chief Counsel at (916) 657-2086, or Ernest Mona of the Hearing Unit at (916) 657-1947.

Sincerely,

SIGNED BY:

Harry M. Schuller, Chief
Division of Water Rights

cc: (attached mailing list)

- El Dorado County Water Agency, c/o Mr. Merv de Haas, General Manager, 330 Fair Lane, Placerville, CA 95667
- EL Dorado Irrigation District, c/o Mr. William T. Hetland, District Manager, 2890 Mosquito Road, Placerville, CA 95667

(updated December 13, 1999)

Parties to the Hearing

- Alpine County Public Works, c/o Mr. Leonard Turnbeaugh, Director, 50 Diamond Valley Road, Markleeville, CA 96120
- Alpine County Counsel, Neumiller & Beardslee, c/o Mr. Thomas Jeffrey, 509 W. Weber Avenue, 5th Floor, Stockton, CA 95201-3020
- Amador County, c/o Mr. Roderick Schuler, Director, 500 Argonaut Lane, Jackson, CA 95642

- Amador County, c/o Mr. John F. Hahn, Attorney at Law, 108 Court Street, Jackson, CA 95640
- Amador County Chamber of Commerce, c/o Ms. Judy Allen, Corporate Secretary, 125 Peek Street, Suite B, Jackson, CA 95642
- Amador County Water Resources, c/o Mr. Daniel F. Gallery, Attorney at Law, 926 "J" Street, Suite 505, Sacramento, CA 95814
- Bartkiewicz, Kronick & Shanahan, c/o Mr. Paul Bartkiewicz, 1011 22nd Street, Suite 100, Sacramento, CA 95816-4907
- Mr. Bryant M. Bennett, 1951 Webster Street, Oakland, CA 94912
- EID Waterusers Association, c/o Mr. Bill Bergmeister, 4611 Sierra Springs Drive, Pollock Pines, CA 95726
- Mr. Edwin Brennan, 7060 Morningside Drive , Granite Bay, CA 95746
- Boys Scouts of America, c/o Mr. James Eskridge, Director, 49er Council, P.O. Box 30686, Stockton, CA 95213-0686
- California Native Plant Society, El Dorado Chapter, c/o Ms. Susan Britting, P.O. Box 377, Coloma, CA 95613
- California Sportfishing Protection Alliance, c/o Mr. Bob Baiocchi, P.O. Box 357, Quincy, CA 95971
- City of Stockton, Municipal Utilities, c/o Mr. Morris Allen, Director, 2500 Navy Drive, Stockton, CA 95206
- Mr. Paul J. Cregar, 501 Magnolia Lane, Santa Clara, CA 95051
- Decuir & Somach, c/o Mr. Stuart L. Somach, Wells Fargo Center, 400 Capitol Mall, Suite 1900, Sacramento, CA 95814-4407
- California Department of Fish & Game, Attorney General Office, c/o Ms. Ellen M. Peter, P.O. Box 944255, Sacramento, CA 94244-2550
- California Department of Fish & Game, Environmental Services, c/o Ms. Cindy Chadwick, 1701 Nimbus Road, Suite A, Rancho Cordova, CA 95670
- California Department of Fish & Game, Mr. Paul Forsberg, 1416 9th Street, Room 1341, Sacramento, CA 95814
- California Department of Water Resources, c/o Mr. Richard Soehren, P.O. Box 942836, Sacramento, CA 94236-0001
- California Department of Water Resources, c/o Mr. David A. Sandino, Staff Counsel, 1416 9th Street, Room 1138-2, P.O. Box 942836, Sacramento, CA 94236-0001
- Downey, Brand, Seymour & Rohwer, c/o Mr. Kevin O'Brien, 555 Capitol Mall, 10th Floor, Sacramento, CA 95814-4686, , , El Dorado County Citizens, Concerned for Water, c/o Mr. Harry Dunlop, 4284 Missouri Flat Road, Placerville, CA 95667
- El Dorado County Water Agency, c/o Mr. Merv de Haas, General Manager, 330 Fair Lane, Placerville, CA 95667
- El Dorado Irrigation District, c/o Mr. William T. Hetland, District Manager, 2890 Mosquito Road, Placerville, CA 95667
- El Dorado National Forest, c/o Mr. John Phipps, Forest Supervisor, 100 Forni Road, Placerville, CA 95667
- El Dorado Taxpayers , For Quality Growth, c/o Mr. Keith Johnson, et al, P.O. Box 2458, Placerville, CA 95667

- El Dorado Taxpayers , For Quality Growth , Mr. Thomas P. Infusino, Attorney at Law, P.O. Box 4, Garden Valley, CA 95633-0004
- Friends of the River &, California Sportfishing Protection , Alliance, c/o Mr. Michael Jackson, Attorney at Law, P.O. Box 207, Quincy, CA 95971, , Friends of the River, c/o Mr. Steven L. Evans, Conservation Director, 915 20th Street , Sacramento, CA 95814-3115
- Kirkwood Meadows Public Utilities, c/o Mr. Tom Henie, District Manager, P.O. Box 247, Kirkwood, CA 95646
- Law Office of Martha H. Lennihan, c/o Ms Martha H. Lennihan, 455 Capitol Mall, Suite 300, Sacramento, CA 95814-4406
- Mr. Curtis Manning, 2107 5th Street, Berkeley, CA 94710
- Pacific, Gas & Electric Company, c/o Mr. Richard H. Moss, P.O. Box 7442, San Francisco, CA 94120-7442
- Plasse's Resort, c/o Mr. Maurice J. Plasse, President, P.O. Box 518, Jackson, CA 95642
- Sacramento Municipal Utility District, c/o Ms. Leslie A. Dunsworth, Attorney at Law, 6201 "S" Street, MS-42, Sacramento, CA 95817-1899
- San Joaquin County, Department of Public Works, c/o Mr. Henry Hirata, Director, P.O. Box 20, Stockton, CA 95201-3020
- , Save the American River Association, c/o Mr. Felix Smith, 4720 Talus Way, Carmichael, CA 95608
- League to Save Sierra Lakes, et al., c/o Mr. Stephan C. Volker, Brecher and Volker, 436 14th Street. Suite 1300, Oakland, CA 94612
- Mr. Noble Sprunger, Attorney at Law, P.O. Box 2213, Placerville, CA 95667
- U.S. Department of the Interior, Bureau of Reclamation, c/o Mr. James E. Turner, Assistant Regional Solicitor, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825
- U.S. Department of the Interior, Fish & Wildlife Service, c/o Mr. Peter M. Lickwar, 2800 Cottage Way, Room E-1803, Sacramento, CA 95825
- Kronick, Moskovitz, Teidemann & Girard, c/o Mr. Thomas W. Birmingham, 400 Capitol Mall, 27th Floor, Sacramento, CA 95814-3363
- Mivok Indian Tribe, Buena Vista Rancheria, c/o Ms. Joan Villa, Administrator, 2919 Jackson Valley Road, Ione, CA 95640-9737
- MBK Engineers, 2450 Alhambra Blvd., 2nd Floor, Sacramento, CA 95817
- Westlands Water District, c/o Mr. Stephen Ottemoeller, Chief of Operations, 3130 N. Fresno Street, Fresno, CA 93703
- State Water Contractors, Best, Best & Krieger, c/o Mr. Eric L. Garner, 3750 University Avenue, Suite 400 Mission Square, Riverside, CA 92506
- State Water Contractors, c/o Mr. Steven C. Macaulay , General Manager, 455 Capitol Mall, Suite 220, Sacramento, CA 95814

Interested Parties

- Alpine County, Office of District Attorney, c/o Mr. Timothy W. Pemberton, P.O. Box 248, Markleeville, CA 96120

- Planning & Conservation League, c/o Ms. Alisa Shen, 926 "J" Street, Suite 612, Sacramento, CA 95814
- California Environmental Protection , Agency, c/o Mr. Winston Hickox, Secretary for Environmental Protection, 555 Capitol Mall, Suite 525, Sacramento, CA 95814
- California Farm Bureau Federation, c/o Mr. William DuBois, Director, 1127 11th Street, Room 531, Sacramento, CA 95814
- California Outdoors, c/o Nat Rangel, President, P.O. Box 475, Coloma, CA 95613
- Caples Lake Homeowners Association, 444 Oak Place, San Andreas, CA 95249
- Caples Lake Lodge, P.O. Box 8, Kirkwood, CA 95646
- Contra Costa County, c/o John Clausen, P.O. Box 69 Martinez, CA 94553
- Cpley News Service, c/o Mr. Joseph Brooks, 925 "L" Street, Suite 1190, Sacramento, CA 95814
- Department of Boating and Waterways, c/o Mr. Jim Testa, 1629 "S" Street, Sacramento, CA 95814
- California Department of Water Resources, c/o Director, 1416 9th Street, P.O. Box 942836, Sacramento, CA 94236-0001
- California Department of Water Resources, c/o Ms. Maureen Sargent, 1416 9th Street, P.O. Box 942836, Sacramento, CA 94236-0001
- East Silver Lake Improvement Association, 875 Bollen Circle, Gardenville, NV 89410
- El Dorado LAFCO, c/o Ms. Roseanne Chamberlain, Executive Officer, 2850 Fairlane Court, Placerville, CA 95667
- Lake Kirkwood Homeowners Association, 3499 Mount Blanc Court, Carson City, NV 89705
- League to Save Sierra Lakes, c/o Mr. Norman Rupp, 2608 Newlands Avenue, Belmont, CA 94002
- Legislative Council Bureau, c/o Ms. Ellen Sward, 925 "L" Street, Suite 400, Sacramento, CA 95814
- Ms. Cressey Nakagawa, Hearst Building, Suite 1200, 3rd and Market Streets, San Francisco, CA 94103
- Northern California Council of Fly Fisherman, c/o Mr. Martin Sheldon, 1146 Pulora Court, Sunnyvale, CA 94086
- Northern Sierra & South Silver Lake Homeowners Association, 19909 East Constock Road, Linden, CA 95236
- Plasse Homestead Homeowners Association, c/o Mr. Kirby Robinson, 5818 Turtle Valley Drive, Stockton, CA 95207
- Sacramento Municipal Utility District, c/o Mr. George Rummel, 6201 "S" Street, Sacramento, CA 95817
- Sherwin, Zuckerman & Sargent, c/o Mr. Thomas Zuckerman, 146-148 West Weber Avenue, Stockton, CA 95202
- Southern California Edison Co., c/o Mr. Anthony Landler, P.O. Box 800, Rosemead, CA 91770
- Stetson Engineering, c/o Mr. Ali Shahrody, 2171 E. Francisco Blvd. Suite K, San Rafael, CA 94901
- U.S. Fish & Wildlife Service, Ecological Division, 2800 Cottage Way, Room E-1803, Sacramento, CA 95825
- U.S. Forest Service, c/o Ms. Sally Gregory, 630 Sansome Street, San Francisco, CA 94111

- Yuba-Sutter Appeal Democrat, P.O. Box 431, Marysville, CA 95901
- U.S. Department of Agriculture, Office of Attorney General, c/o Mr. Jack Gipsman, 33 New Montgomery Street, 17th Floor, San Francisco, CA 94105
- City of San Francisco, City Attorney's Office, c/o Mr. Thomas M. Berliner, 1390 Market Street, Suite 250, San Francisco, CA 94105
- Charles M. Bertollette, P.O. Box 782, Placerville, CA 95667
- U.S. Bureau of Reclamation, c/o Mr. John Renning, MP 440, 2800 Cottage Way, Sacramento, CA 95825-1898
- Herum, Crabtree, Dyer, Zolezzi & Terpstra, c/o Ms. Jeanne M. Zolezzi, 291 West March Lane, Suite B100, Stockton, CA 95207
- Wagner & Bonsignore, c/o Mr. Bob Wagner, 444 North Third Street, Suite 401, Sacramento, CA 95814-0228
- Ms. Diane Korbel, Beveridge & Diamond, One Sansome Street, Suite 3400, San Francisco, CA 94104