

TYPE OR PRINT  
IN BLACK INK  
(For instructions, see  
booklet: "How to File an  
Application to Appropriate  
Water in California")

**California Environmental Protection Agency**

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000, Sacramento, CA 95812-2000  
Tel: (916) 341-5300 Fax: (916) 341-5400  
www.waterrights.ca.gov

T031613

APPLICATION NO. \_\_\_\_\_  
(leave blank)

**APPLICATION TO APPROPRIATE WATER**

**SECTION A: NOTICE INFORMATION**

**1. APPLICANT/AGENT**

a.

	APPLICANT	ASSIGNED AGENT (if any)
Name	Sacramento Municipal Utility District	Joseph Schofield Downey Brand LLP
Mailing Address	P.O. Box 15830	555 Capitol Mall, 10th Flr.
City, State & Zip	Sacramento, CA 95852-1830	Sacramento, CA 95814
Telephone		(916) 444-1000
Fax		(916) 444-2100
E-mail		jschofield@downeybrand.com

**2. OWNERSHIP INFORMATION (Please check type of ownership.)**

- Sole Owner                       Limited Liability Company (LLC)                       General Partnership\*  
 Limited Partnership\*                       Business Trust                       Husband/Wife Co-Ownership  
 Corporation                       Joint Venture                       Other Municipal Utility District

\*Please provide a copy of your partnership agreement.

**3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.)**

See attached

See Attachment No. 1

**4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON**

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)
See attached							

See Attachment No. 1

\*If rate is less than 0.025 cubic feet per second (cfs), use gallons per day (gpd).

- b. Total combined amount taken by direct diversion and storage during any one year will be 50,000 acre-feet.  
 c. Reservoir storage is:  onstream  offstream  underground (If underground storage, attach Form APP-UGSTOR.)  
 d. County in which diversion is located: El Dorado County in which water will be used: El Dorado  
 e. Assessor's Parcel Number(s): unknown

4/21/07  
# 850.00  
DL

**5. SOURCES AND POINTS OF DIVERSION/REDIVERSION**

a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):

- POD /  PORD # \_\_\_ : See attached tributary to \_\_\_\_\_  
thence \_\_\_\_\_
- POD /  PORD # \_\_\_ : \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_
- POD /  PORD # \_\_\_ : \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_
- POD /  PORD # \_\_\_ : \_\_\_\_\_ tributary to \_\_\_\_\_  
thence \_\_\_\_\_

See Attachment No. 1

b. State Planar and Public Land Survey Coordinate Description:

POD/ PORD #	CALIFORNIA COORDINATES (NAD 27)	ZONE	POINT IS WITHIN (40-acre Subdivision)	SECTION	TOWN- SHIP	RANGE	BASE AND MERIDIAN
	See attached		¼ of ¼				
			¼ of ¼				
			¼ of ¼				
			¼ of ¼				

See Attachment No. 1

c. Name of the post office most often used by those living near the proposed point(s) of diversion:

U.S. Post Office in Kyburz

**6. WATER AVAILABILITY**

a. Have you attached a water availability analysis for this project?  YES  NO

If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. 2

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board during your proposed season of diversion?  YES  NO

The project is located within the American River system, the entirety of which is listed as a fully appropriated stream from July 1 through October 31. Since this application is limited to diversions between April and June, it does not implicate the American River system's season of unavailability.

c. In an average year, does the stream dry up at any point downstream of your project?  YES  NO If YES, during which months?  Jan  Feb  Mar  Apr  May  Jun  Jul  Aug  Sep  Oct  Nov  Dec

d. What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.)

None

See Attachment No. \_\_\_\_

**7. PLACE OF USE**

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
¼ of ¼	See attached					<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
¼ of ¼						<input type="checkbox"/> YES <input type="checkbox"/> NO
Total:						

\*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. 1

**8. PROJECT SCHEDULE**

a. Project is:

- proposed. Year construction will begin: \_\_\_\_\_
- partially complete. Extent of completion: \_\_\_\_\_

complete. Year completed: 1985

b. Year of first use: 1959 Year water will be used to the full extent intended: 2057

**SECTION B: MISCELLANEOUS DIVERSION INFORMATION**

**1. JUSTIFICATION OF AMOUNTS REQUESTED**

a.  IRRIGATION: Maximum area to be irrigated in any one year: \_\_\_\_\_ acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-feet/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)

See Attachment No. \_\_\_\_\_

b.  DOMESTIC: Number of residences to be served: \_\_\_\_\_ Separately owned?  YES  NO

Number of people to be served: \_\_\_\_\_ Estimated daily use per person is: \_\_\_\_\_ gallons per day

Area of domestic lawns and gardens: \_\_\_\_\_ square feet

Incidental domestic uses: \_\_\_\_\_  
(dust control area, number and kind of domestic animals, etc.)

c.  STOCKWATERING: Kind of stock: \_\_\_\_\_ Maximum number: \_\_\_\_\_

Describe type of operation: \_\_\_\_\_  
(feedlot, dairy, range, etc.)

d.  RECREATIONAL: Type of recreation:  Fishing  Swimming  Boating  Other \_\_\_\_\_

e.  MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

See Attachment No. \_\_\_\_\_

Month of maximum use during year: \_\_\_\_\_ Month of minimum use during year: \_\_\_\_\_

f.  HEAT CONTROL: Area to be heat controlled: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 Heat protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

g.  FROST PROTECTION: Area to be frost protected: \_\_\_\_\_ net acres  
 Type of crops protected: \_\_\_\_\_  
 Rate at which water is applied to use: \_\_\_\_\_ gpm per acre  
 The frost protection season will begin \_\_\_\_\_ and end \_\_\_\_\_  
 (month & day) (month & day)

h.  INDUSTRIAL: Type of industry: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

i.  MINING: Name of the claim: \_\_\_\_\_  Patented  Unpatented  
 Nature of the mine: \_\_\_\_\_ Mineral(s) to be mined: \_\_\_\_\_  
 Type of milling or processing: \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_ (watercourse)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, B. & M.

j.  POWER: Total head to be utilized: 61 to 1,530 feet, depending on the facility  
 Maximum flow through the penstock: 1120 to 3,950 cfs, depending on the facility  
 Maximum theoretical horsepower capable of being generated by the works (cfs x fall ÷ 8.8): 13,170 to 339,060  
 Electrical capacity (hp x 0.746 x efficiency): 688 megawatts kilowatts at: varies by unit, head, and flow rate % efficiency  
 After use, the water will be discharged into South Fork American River (watercourse)  
 in NE 1/4 of SE 1/4 of Section 25, T 11, R 10,  MDB&M. FERC No.: 2101

k.  FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and habitat type that will be preserved or enhanced in Item 7a of Section C.

l.  OTHER: Describe use: \_\_\_\_\_  
 Basis for determination of amount of water needed: \_\_\_\_\_

**2. DIVERSION AND DISTRIBUTION METHOD**

a. Diversion will be by gravity by means of: dams and tunnels  
 (dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: \_\_\_\_\_  
 (sump, offset well, channel, reservoir, etc.)

Pump discharge rate: \_\_\_\_\_  cfs or  gpd Horsepower: \_\_\_\_\_ Pump Efficiency: \_\_\_\_\_

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
	See attached					

See Attachment No. 1

d. Storage reservoirs: (For underground storage, complete and attach form APP-UGSTOR)

RESERVOIR NAME OR NUMBER	DAM					RESERVOIR	
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
	See attached						

See Attachment No. 1

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter (inches)	Length (feet)	Fall: vertical distance between entrance and exit of outlet pipe (feet)	Head: vertical distance from spillway to entrance, outlet pipe (feet)	Dead Storage storage below entrance of outlet pipe (acre-feet)
See attached					

See Attachment No. 1

f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by:  Pumping  Gravity

**3. CONSERVATION AND MONITORING**

a. What methods will you use to conserve water? Explain. The water will be put to a nonconsumptive use.

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water?  Weir  Meter  Periodic sampling  Other (describe) stream gages, floats, stilling wells, and acoustic velocity meters

**4. RIGHT OF ACCESS**

a. Does the applicant own all the land where the water will be diverted, transported and used?  YES  NO If NO, I  do  do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access: See attached

See Attachment No. 1

**5. EXISTING WATER RIGHTS AND RELATED FILINGS**

a. Do you claim an existing right for the use of all or part of the water sought by this application?  YES  NO If YES, please specify:  Riparian  Pre-1914  Registration  Permit  License  Percolating groundwater  Adjudicated  Other (specify) \_\_\_\_\_

b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.

c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion? See attached.

See Attachment No. 1

**6. OTHER SOURCES OF WATER**

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project?  Yes  No If yes, please explain: \_\_\_\_\_

**7. MAP REQUIREMENTS**

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cfs by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1000 acre-feet per annum by underground storage. See the instruction booklet for more information.

See Attachment No. 5

**SECTION C: ENVIRONMENTAL INFORMATION**

Note: Before a water right permit may be issued for your project, the State Water Resources Control Board (SWRCB) must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the SWRCB is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

**1. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: \_\_\_\_\_

Department: \_\_\_\_\_ Telephone: (\_\_\_\_\_) \_\_\_\_\_

County Zoning Designation: \_\_\_\_\_

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

- Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning  
 General plan change  Other (explain): \_\_\_\_\_

The UARP is an existing project and already has all necessary permits.

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. \_\_\_\_\_

**2. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission  U.S. Forest Service  U.S. Bureau of Land Management  
 U.S. Corps of Engineers  U.S. Natural Res. Conservation Service  Calif. Dept. of Fish and Game  
 State Lands Commission  Calif. Dept. of Water Resources (Div. of Safety of Dams)  
 Calif. Coastal Commission  State Reclamation Board  Other (specify) \_\_\_\_\_

SMUD is in the process of obtaining a new FERC license, which will be in effect from approximately 2007 to 2057.

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_\_

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank, or riparian habitat of any stream or lake?  YES  NO

If YES, explain: The UARP is a completed project.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. \_\_\_\_\_

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: \_\_\_\_\_

### 3. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
c. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_  
d. If NO, check the appropriate box and explain below, if necessary:  
 The applicant is a California public agency and will be preparing the environmental document.\*  
 I expect that the SWRCB will be preparing the environmental document.\*\*  
 I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_  
 See Attachment No. \_\_\_\_  
\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your application cannot proceed until these documents are submitted.  
\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the SWRCB, Division of Water Rights.

Given that the water sought by this application will be used for a single-purpose hydroelectric project licensed by the Federal Energy Regulatory Commission (FERC), environmental review by the SWRCB under CEQA is federally preempted. A thorough environmental review of the environmental effects of the UARP is currently being undertaken by FERC, and SWRCB staff is participating in that review.

### 4. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
 YES  NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):  
UARP is an existing project, and SMUD already uses NPDES "General Permit CAG 990002."

See Attachment No. \_\_\_\_

- b. Will a waste discharge permit be required for your project?  YES  NO operates under existing permit  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
c. What method of treatment and disposal will be used? \_\_\_\_\_

See Attachment No. \_\_\_\_

### 5. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project?  YES  NO  
b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO  
c. Do you know of any archeological or historic sites located within the general project area?  YES  NO

See Attachment No. 3

### 6. ENVIRONMENTAL SETTING

Attach three complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from the proposed point(s) of diversion.  
 Along the stream channel immediately upstream from the proposed point(s) of diversion.  
 At the place(s) where the water is to be used.  
 See Attachment No. 4

**SECTION D: SUBMITTAL FEES**

Calculate your application filing fee using the "Water Right Fee Schedule Summary" that was enclosed in the application packet. The "Water Right Fee Schedule Summary" can also be viewed at the Division of Water Rights' website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the "Division of Water Rights" and an \$850 check for the environmental review fee, payable to the "California Department of Fish and Game," must accompany this application. All applicable fees are required at the time of filing. Your application will be returned to you if it is not accompanied by all required fees.

**SECTION E: DECLARATION AND SIGNATURE**

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

*Paul J. ...*      *Mgr. Power Generation*      *4-21-06*  
Signature of Applicant      Title or Relationship      Date

\_\_\_\_\_  
Signature of Co-Applicant (if any)      Title or Relationship      Date

**"APPLICATION TO APPROPRIATE WATER" CHECKLIST**

Before you submit your application, be sure to:

- Answer each question completely in Sections A, B, and C.
- Number and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet (Item B6).
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation (Item A6).
- Include three complete sets of color photographs of the project site (Item C6).
- Enclose a check for the required fee, payable to the Division of Water Rights, as specified in Section D.
- Enclose a \$850 check for the environmental review fee, payable to the Department of Fish and Game, as specified in Section D.
- Sign and date the application in Section E.

*being wired*

Send the original and one copy of the entire application to:

State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000



**Supplemental Information**

**Attachment No. 1 to Sacramento Municipal Utility District's  
Application for a Temporary Permit**

## **SECTION A: NOTICE INFORMATION**

### **3. PROJECT DESCRIPTION**

The Sacramento Municipal Utility District (District) operates the Upper American River Project (UARP), a large hydroelectric development licensed by the Federal Energy Regulatory Commission. Located within the Rubicon River, Silver Creek, and South Fork American River watersheds of the Western Sierra, the UARP consists of eleven dams and eight powerplants that provide electricity to customers within the District's service boundaries. Water diversions into the UARP are made under five water right licenses and one permit, with diversions made at the uppermost facilities being discharged and rediverted at increasingly lower facilities in a stair step fashion until being finally released into the lower South Fork American River. From there, the water flows into Folsom Lake.

At the top of the UARP is the Rubicon River watershed, tributary to the Middle Fork American River. The UARP's Rubicon diversions are made under License 11074, which authorizes, among other things:

- direct diversions of up to 500 cfs at Rubicon Reservoir, 200 cfs at Buck Island Reservoir, 325 cfs at Loon Lake/Gerle Creek Reservoir, and 175 cfs at Robbs Peak Reservoir;
- up to 281,000 acre-feet per water year (afa) to be diverted from all sources; and
- up to 250,000 afa to be put to beneficial use at Robbs Peak Powerhouse.

Robbs Peak operations form a crucial step in the UARP generation process because that site is the juncture where Rubicon River water is moved from the Middle Fork American River watershed into the South Fork American River watershed. Any Rubicon water conveyed into the South Fork watershed through Robbs Peak can be used for generation at five additional downstream powerhouses (Union Valley, Jaybird, Camino, White Rock, Slab Creek) where the bulk of UARP generation takes place, as well as Pacific Gas & Electric Company's Chili Bar Powerhouse. Any water not conveyed through Robbs Peak cannot be used at any of these downstream powerhouses.

In most years, License 11074 enables the District to make maximum beneficial use of the available water sources, with an emphasis on power generation during periods of "peak" consumption, particularly in hot weather. Thus, the District generates electricity by direct diversion throughout the spring, and then stores late spring snowmelt for use during summer hot spells when electricity consumption is at its highest.

But during extremely high water years such as this one, the District could not directly divert the substantial volume of available water throughout the spring without exceeding License 11074's source and throughput limitations later in the diversion season. In fact, were the District to divert available Rubicon flows throughout this spring, the license limits would be exhausted by as early as late spring. Thus, to maximize generation during the period of peak summer consumption, the District would need to forego direct diversion during much of the spring

snowmelt. In addition, given this year's unusually deep snowpack, it is likely that a rapid rise in spring temperatures may cause the snowmelt to arrive in extremely turbulent stream spikes at rates in excess of the License 11074 direct diversion limits. Under such conditions, the District would have to bypass much of this water, unused, to stay in compliance with License 11074.

To maximize reasonable, beneficial use of Rubicon water resources during wet years such as this one, and during flashy spring stream surges, SMUD filed a water rights application on May 24, 2005 (Application No. 31595). Because Application No. 31595 is still pending, the District requests approval to divert, from time of approval until June 30, 2006, up to 100,000 acre-feet of water that will not apply toward the source and throughput limits in License 11074. The District also requests approval to directly divert water in excess of the current direct diversion limits at Rubicon, Buck Island, Loon Lake, Gerle Creek, and Robbs Peak Reservoirs until June 30, 2006.

In filing Application No. 31595, the District included a water availability analysis showing that the diversion of unappropriated water under the conditions cited above would pose, at most, a *de minimis* interference with downstream water users. Placer County Water Agency's (PCWA's) Middle Fork Project (MFP) is the only significant downstream water user between Folsom Lake and the points of diversion proposed in this temporary permit application. The District has been working with PCWA to develop an agreement for ensuring no UARP diversions under Application No. 31595 will interfere with the MFP. The District has contacted PCWA regarding the temporary permit.

This temporary permit application seeks a onetime opportunity to divert excess water from the Rubicon River system for beneficial use at existing facilities. Cumulative precipitation records already indicate that this is among the wettest four years in 32 years of record for the UARP reservoirs in the Rubicon River watershed. Placing the resulting excess water to beneficial use will not require additional construction, will not change the historical operation of the UARP, will not injure existing water right holders, and will not pose a burden on beneficial instream uses. If this temporary permit application is granted, the District will be able to generate up to 80,000 megawatt hours of electrical energy, eliminating the need to meet energy demands by purchasing electricity generated at conventional facilities operated through the burning of fossil fuels. Likewise, these additional flows would become available to PG&E for increased generation at the Chili Bar Project. If the application is not granted, tens of thousands of acre-feet of water will flow to Folsom Lake without being put to beneficial use because PCWA, as the only downstream water user, would in all likelihood be forced to bypass this water due to limitations in its facilities.

**4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON**

POINT OF DIVERSION	PURPOSE OF USE	DIRECT DIVERSION			
		AMOUNT		SEASON OF DIVERSION	
		Rate (cfs)	Acre-feet per year	Beginning date (month & day)	Ending date (month & day)
(1) Rubicon Reservoir	Power	800 cfs	The total volume to be taken from the source under a temporary permit issued pursuant to this application will not exceed 100,000 acre-feet. The total volume to be put to beneficial use (flow through Robbs Peak Powerhouse) under a temporary permit issued pursuant to this application will not exceed 100,000 acre-feet.	April 2006	June 30, 2006
(2) Buck Island Reservoir	Power	160 cfs		April 2006	June 30, 2006
(3) Loon Lake Reservoir	Power	950 cfs		April 2006	June 30, 2006
(4) Gerle Creek Reservoir	Power				
(5) Robbs Peak Reservoir	Power				

**5. SOURCES AND POINTS OF DIVERSION/REDIVERSION**

**a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):**

POD /  PORD # (1): Rubicon River, tributary to Middle Fork American River (Rubicon Reservoir)

POD /  PORD # (2): Little Rubicon River (aka Rockbound/Highland Creek), tributary to Rubicon River thence Middle Fork American River (Buck Island Reservoir)

POD /  PORD # (3): Gerle Creek, tributary to South Fork Rubicon River thence Rubicon River (Loon Lake)

POD /  PORD # (4): Gerle Creek, tributary to South Fork Rubicon River thence Rubicon River (Gerle Creek Reservoir)

POD /  PORD # (5): South Fork Rubicon, tributary to Rubicon River thence Middle Fork American River (Robbs Peak Reservoir)

POD /  PORD # (6): Silver Creek, tributary to South Fork American River thence American River (Union Valley Reservoir)

POD /  PORD # (7): Silver Creek, tributary to South Fork American River thence American River (Junction Reservoir)

POD /  PORD # (8): Silver Creek, tributary to South Fork American River thence American River (Camino Reservoir)

POD /  PORD # (9): Brush Creek, tributary to South Fork American River thence American River (Brush Creek Reservoir)

POD /  PORD # (10): South Fork American River tributary to American River thence Sacramento River (Slab Creek Reservoir)

POD /  PORD # (11): South Fork American River tributary to American River thence Sacramento River (Chili Bar Reservoir)

## b. State Planar and Public Land Survey Coordinate Description

POD/ PODR #	POINT IS WITHIN (40- acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE AND MERIDIAN
# (1)	NW ¼ of SW ¼	9	13N	16E	MDB&M
# (2)	SW ¼ of NW ¼	6	13N	16E	MDB&M
# (3)	SE ¼ of NE ¼	5	13N	15E	MDB&M
# (4)	SE ¼ of SW ¼	15	13N	14E	MDB&M
# (5)	SW ¼ of NE ¼	27	13N	14E	MDB&M
# (6)	SW ¼ of SW ¼	20	12N	14E	MDB&M
# (7)	SW ¼ of SW ¼	30	12N	14E	MDB&M
# (8)	SW ¼ of NW ¼	4	11N	13E	MDB&M
# (9)	NW ¼ of SE ¼	10	11N	12E	MDB&M
# (10)	SE ¼ of NW ¼	25	11N	11E	MDB&M
# (11)	NE ¼ of SW ¼	25	11N	10E	MDB&M

**7. PLACE OF USE**

POWERPLANT	USE IS WITHIN (40-acre subdivision)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN
Loon Lake Powerhouse	NE ¼ of NE ¼	18	13N	15E	MDB&M
Robbs Peak Powerhouse	NE ¼ of SW ¼	11	12N	14E	MDB&M
Union Valley Powerhouse	NE ¼ of NE ¼	30	12N	14E	MDB&M
Jaybird Powerhouse	NE ¼ of NW ¼	4	11N	13E	MDB&M
Camino Powerhouse	SW ¼ of SE ¼	15	11N	12E	MDB&M
Slab Creek Powerhouse	SE ¼ of NW ¼	25	11N	11E	MDB&M
White Rock Powerhouse	NW ¼ of NE ¼	31	11N	11E	MDB&M
Chili Bar Powerhouse	NE ¼ of SW ¼	25	11N	10E	MDB&M

**SECTION B: MISCELLANEOUS DIVERSION INFORMATION****2. DIVERSION AND DISTRIBUTION INFORMATION****c. Conduits**

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
Rubicon-- Rockbound Tunnel	concrete lined and unlined tunnel	13' diameter	1,170	3.5	-	1300 cfs
Buck-Loon Tunnel	concrete lined and unlined tunnel	13' diameter	8,225	37	-	1,260 cfs
Loon Lake Powerhouse Penstock Shaft	concrete and steel lined tunnel	8.5'-14' diameter	1,454	1046	-	1,120 cfs
Loon Lake Powerhouse Tailrace Tunnel	concrete lined and unlined tunnel	18' diameter	20,212	24	-	1120 cfs
Gerle Creek Canal	partially gunite-lined canal	22' wide at top 19' wide at bottom 19' deep	9,950	2.7	-	1,120 cfs
Robbs Peak Tunnel	steel lined and unlined tunnel	13' diameter	16,917	86	-	1,450 cfs
Robbs Peak Penstock	steel	8.25-9.75' diameter	2,235	288	-	1,250 cfs
Union Valley Tunnel	concrete-lined tunnel with steel pipe	11' diameter	556	1.4	-	1,577 cfs
Union Valley Penstock		9.5-10' diameter	1,435	187	-	1,577 cfs
Jaybird Tunnel	unlined tunnel	11.3-14.25' diameter	23,190	105	-	1,345 cfs
Jaybird Penstock	steel pipe	6.25-10.25' diameter	2,620	1350		1,345 cfs
Camino Tunnel	unlined and concrete- lined tunnel	13-14' diameter	26,589	140	-	2,100 cfs
Brush Creek Tunnel	unlined tunnel	14' diameter	4,447	125	-	1,900 cfs
Camino Penstock	steep pipe	5-12' diameter	1,560	852	-	2,100 cfs
Slab Creek Penstock	steel pipe	2' diameter	40	0	-	45 cfs
White Rock Tunnel	unlined tunnel	20.7-24.0' diameter	25,941	121	-	3,950 cfs
White Rock Penstock	steel pipe	9-15' diameter	1,675	560	-	3,950 cfs
Chili Bar Penstock	steel pipe	15' diameter	75	23	-	1,900 cfs



**d. Storage Reservoirs**

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
Rubicon Reservoir	36	Concrete	644	6.0	108	1,450	25
Buck Island Reservoir	23	Concrete	293	6.0	78	1,070	26
Loon Lake Reservoir	108	Rockfill	2,130	8.0	1,450	76,200	165
Gerle Creek Reservoir	58	Concrete	444	9.5	60	1,260	51
Robbs Peak Reservoir	44	Concrete	320	8.0	2	30	36
Union Valley Reservoir	453	Earthfill	1,835	28.0	2,860	277,290	360
Junction Reservoir	168	Concrete	525	18.0	64	3,250	141
Camino Reservoir	133	Concrete	470	41.5	20	825	76
Brush Creek Reservoir	213	Concrete	780	8.0	20	1,530	140
Slab Creek Reservoir	250	Concrete	817	20.0	280	16,600	186

e. Outlet Pipes

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter (inches)	Length (feet)	Fall: vertical distance between entrance and exit of outlet pipe (feet)	Head: vertical distance from spill-way to entrance outlet pipe (feet)	Dead Storage storage below entrance of outlet pipe (acre-feet)
Rubicon Reservoir	156	1,170	0	22	442
Buck Island Reservoir	156	8,225	0	16	532
Loon Lake Reservoir	102-216	21,666	23	106	1,001
Gerle Creek Reservoir	228 wide	9,950	4.5	45	716
Robbs Peak Reservoir	102-156	19,152	4	34.5	1
Union Valley Reservoir	102-132	1,991	na	na	2,816
Junction Reservoir	75-168	25,810	0	116	184
Camino Reservoir	60-168	28,149	0	76	55
Brush Creek Reservoir	60-168	6,007	0	140	259
Slab Creek Reservoir	108-288	27,616	0	169	1

#### 4. RIGHT OF ACCESS

The UARP FERC Project Boundary occupies approximately 9,150 acres of land, including all land needed for water diversion and storage but excluding land associated with transmission lines. Of this land, 64% is federal land managed by the Eldorado National Forest, 34% is owned by the District, less than 2% is owned by private entities, and less than 1% is federal land managed by the Bureau of Land Management. For the federal land, the District's access for project purposes is granted by FERC License No. 2101 and by special use permits issued by the Eldorado National Forest. For the private land, the District's access for project purposes is granted by easements. (Source: UARP Land Use Technical Report, February 2005). Most of the private land is owned by Sierra Pacific Industries. The remaining private land lies entirely above the project tunnels. For the private property within the UARP FERC Project Boundary, the descriptions below identify the assessor's parcel number, the property owners and the property owner's mailing address for each parcel.

#### Several parcels within the UARP Project Boundary

Sierra Pacific Industries  
Tim Feller  
P.O. Box 1450  
Cedar Ridge CA 95924

#### Parcels above Slab-White Rock Tunnel

085-030-08  
Inger Carleton  
1930 Hidden Valley Lane  
Camino, CA 95709

085-030-51  
Austin and Laurina Chadwell  
3341 Rio Vista Way  
Camino, CA 95709

085-030-04  
Pearl Keeler Trust  
3281 Rio Vista Way  
Camino, CA 95709

085-550-07  
William H & E Anne Johnston Trust  
781 Las Olas Drive  
Aptos, CA 95003

085-450-05  
Francis D & Sharlene M Lewis  
3674 Fairway Drive  
Shingle Springs, CA 95682

085-450-08  
Webster B & Vonda L Brunette  
2850 Hassler Road  
Camino, CA 95709

084-030-21  
Iva Ruth Kurtz Rev Trust  
9020 Mosquito Road  
Placerville, CA 95667

084-210-01  
Byron D & Linda B Sher  
1000 Fruitridge Road  
Placerville, CA 95667

084-220-02

Stephen R & Barbara J Petersen  
6712 Tulip Hill Terrace  
Bethesda, MD 20816

084-220-06

Clinton & Mable Shankel Trust  
2055 Prosperity Lane  
Placerville, CA 95667

084-220-07

Auguste & Natalie Archer  
2030 Prosperity Lane  
Placerville, CA 95667

084-220-10

Dale W & Mary Lou Hall Trust  
8625 Mosquito Road  
Placerville, CA 95667

084-220-11

John P & Nadean J Music  
1992 Prosperity Lane  
Placerville, CA 95667

084-220-09

Steven T & Julie A Bowen  
8661 Mosquito Road  
Placerville, CA 95667

Placerville, CA 95667

084-190-15

George E Jarzombek  
45948 Omega Drive  
Fremont, CA 94539

084-190-07

Joseph M & Mary M Keating Trust  
8680 Mosquito Road  
Placerville, CA 95667

084-190-08

Joseph M & Mary M Keating Trust  
8680 Mosquito Road  
Placerville, CA 95667

084-150-01

Crystal Elzer Trust, 1996  
P O Box 246  
Placerville, CA 95667

Parcels above Robbs Tunnel

010-080-43

Alanda Clementsen & Karen Freeman Trust  
3918 Hancock Drive  
Sacramento, CA 95821

1390 Broadway B166  
Placerville, CA 95667

010-080-25

Frank J & Anne-Marie Ohalloran

010-080-42

The Last Resort At Robbs Valley LLC  
1390 Broadway B166  
Placerville, CA 95667

Parcel above Loon Powerhouse Tailrace Tunnel

010-060-35

Archie D & Ellen L Lawyer  
P O Box 661  
Lotus, CA 95651

Parcel above Buck-Loon Tunnel

010-120-04  
Rubicon Trail Partnership  
P O Box 1601  
Rubicon, CA 95634

**5. EXISTING WATER RIGHTS AND RELATED FILINGS**

**c. Related Applications, Permit and Licenses**

Application/Permit/License

12323 / 10703 / 11073

12624 / 10704 / 11074

14963 / 10705 / 10495

20522 / 13746 / 10496

22110 / 15088 / 10513

26768 / 19025 / n/a

31595 / n/a / n/a

31956 / n/a / n/a

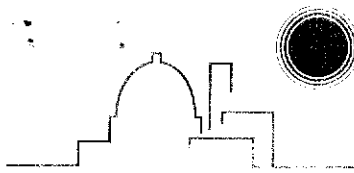
Licenses 10495, 11073 and 11074 impose the condition: "No diversion or use of water shall be made under this license which will in any way interfere with diversion or use of water for irrigation or domestic purposes, whether such higher uses are made under either prior or subsequent rights." The condition is based on a 1957 Facilities Use Agreement between the District and El Dorado County interests (EDC), as amended in 1961. That agreement states that EDC will not protest any application for additional water rights that the District may file for the UARP as long as the application (and resulting permit and license) are subject to the above condition. Accordingly, the District hereby requests that the temporary permit resulting from this application include the same condition.

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**Statement of Water Availability**

**Attachment No. 2 to Sacramento Municipal Utility District's  
Application for a Temporary Permit**

**SMUD**SACRAMENTO MUNICIPAL UTILITY DISTRICT  
The Power To Do More.™*P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)***STATEMENT OF UPPER AMERICAN RIVER WATER AVAILABILITY DURING  
APRIL THROUGH JUNE 2006**

Water will be available in excess of the diversion limits contained in State Water Resources Control Board (SWRCB) License 11074 during spring 2006. The 2006 water year will be among the wettest four water years in the last 65 years. As described below, the water availability analysis (Availability of Water for Appropriation in the Rubicon River Basin, May 23, 2005) provided to the SWRCB with Application No. 31595 concluded that unappropriated water has been available for diversion in the wettest third of the water years since 1976 (Figure B.3). Furthermore, that analysis found the Upper American River Project's (UARP's) diversion of the unappropriated water of the Rubicon River system caused no significant impact on any downstream users. Based on a comparison to past years and current forecasts of spring snowmelt, excess water will be available in 2006.

The following data and forecasts from the California Department of Water Resources (CDWR, URL: <http://cdec.water.ca.gov>) support the conclusion that 2005–06 will be among the wettest years on record. Precipitation since October 1, 2005 is far above average at all sites in the UARP watershed. The water year precipitation through April 16, 2006 at Pacific House, a site operated by the National Weather Service (NWS), totals 77 inches. This is already the 4th highest water year total in 65 years of record, trailing only the extremely wet water years of 1982, 1983, and 1995. Nearly constant precipitation since February 27 dramatically increased the water year total. March plus April precipitation at this site already exceeds 29 inches, making this the 2nd wettest March plus April period in the 65 years of record, trailing only 1995.

The snowpack doubled at many sites in the UARP between late February and mid-April 2006. The April snow survey at Lake Lucille at 8200 feet elevation in the Desolation Wilderness found 96 inches of water content, the 4th highest amount in 90 years of record, and an increase of 42 inches from the 54 inches measured during the March survey. For an overview of statewide water conditions, please refer to this CDWR report: (URL: <http://cdec.water.ca.gov/cgi-progs/current/EXECSUM> ).

The CDWR water year forecast of unimpaired American River inflow to Folsom Lake, assuming median future conditions, increased to 152% of historical average as of April 1, which does not include over triple average precipitation measured in April. The median April to July forecast for this location increased from 1630 thousand-acre feet (TAF) on April 1 to 2120 TAF on April 11, or 165% of historical average.

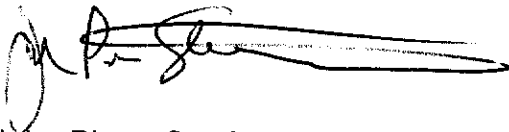


The forecast 2006 water year inflow to UARP reservoirs in the Rubicon River watershed, as of April 17 and assuming median future conditions, is the 4th highest in 32 years of record. The 14-day average of water available for direct diversions is extremely likely to exceed the License 11074 direct diversion limits in the South Rubicon River watershed during the coming snowmelt period.

Indeed, generation at Robbs Powerhouse has already been curtailed during December 2005, January 2006 and April 2006, causing additional spills from Robbs Peak Reservoir on 12 days this water year in order to comply with this direct diversion limit.

All of these spills down the South Fork of the Rubicon River occurred during periods of high runoff when high side flows made it impossible for downstream right holders to make any beneficial use of the spilled water. Hourly flows during the high water event of December 31, 2005 peaked at over 4700 cubic feet per second (cfs) in the Rubicon River below Rubicon and Buck Island Reservoirs and at over 8700 cfs in the South Rubicon River below Gerle Creek and Robbs Peak Reservoirs. These are the seventh and third highest peak annual flows of record for these sites, respectively.

In addition, the above forecast shows that enough inflow will be available this water year to allow the Robbs Powerhouse throughput to reach at least 300 TAF, or 50 TAF more than the existing limit. If wet weather continues, the available additional throughput could approach 100 TAF. Nearly 80 TAF will be available during May alone, when the snowmelt usually peaks. Additional throughput between April and June allowed under a temporary permit would occur when downstream right holders could not make use of the flow because so much additional water will be available due to high snowmelt runoff throughout the American River watershed. The forecasted inflow would also allow the total UARP diversions from Rubicon River sources to approach 100 TAF more than the existing limit this water year.



John Pierre Stephens, PE  
SMUD Power Generation Department