



State Water Resources Control Board



Winston H. Hickox
*Secretary for
Environmental
Protection*

Division of Water Rights
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Gray Davis
Governor

May 19, 2000

In Reply Refer
To: 340:EM:5645

To Enclosed Mailing List

REQUEST FOR ACTION BY EL DORADO COUNTY WATER AGENCY RELATING TO DECISION 1635

The purpose of this letter is to advise the parties that El Dorado County Water Agency (EDCWA), El Dorado Irrigation District (EID), El Dorado County, and Amador County have jointly requested the State Water Resources Control Board (SWRCB) to enter into the SWRCB's Decision 1635 hearing record a settlement agreement reached among the four parties on April 6, 1999. The agreement, among other things, prescribes a regime of water storage and releases for Silver Lake in Amador County. The parties have asked that any SWRCB order concerning the water rights of EDCWA or EID, including the pending order on the petitions for reconsideration of Decision 1635, be consistent with the terms of the agreement. A copy of the agreement is attached for the parties' information.

On October 2, 1996, the SWRCB adopted Decision 1635. Among other matters, the decision approves the petition for assignment of state filed Application 5645 to EID and EDCWA. The decision grants EID and EDCWA the right to directly divert water from the South Fork American River and to divert water to storage at Lake Aloha and at Silver and Caples lakes, and to redivert water released from these lakes at Folsom Reservoir (17,000 acre-feet per annum). The decision also denies all other applications and petitions for assignment, except the application by Kirkwood, Inc., which had already been approved. The State Water Contractors, Westlands Water District, U.S. Bureau of Reclamation, Pacific Gas & Electric Company, League to Save Sierra Lakes and Department of Water Resources filed petitions for reconsideration. On November 21, 1996, the SWRCB issued Order WR 96-06 ordering that Decision 1635 be reconsidered.¹ The SWRCB has not yet reconsidered Decision 1635.

Before the SWRCB can consider the settlement agreement as part of its reconsideration of Decision 1635, the agreement must be made part of the record in this proceeding. In response to EDCWA, EID, El Dorado County, and Amador County's joint request, the SWRCB proposes to augment the administrative hearing record by including the settlement agreement in the record. Any objection to including the agreement in the record must be received by the SWRCB within 30 days from the date of this letter. Objections should include a detailed explanation of the

¹ Order WR 96-06 did not reflect a judgement, at the time of its adoption, on the merits of the issues raised by the petitioners. The issues raised in the petitions for reconsideration must still be resolved based on the existing administrative record, points and authorities in the petitions and the joint response filed by EID and EDCWA.

reason for the objection. If there are no objections, the SWRCB will consider appropriate amendments to Decision 1635 based on the augmented hearing record.

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

Sincerely,

ORIGINAL SIGNED BY:

Harry M. Schueller, Chief
Division of Water Rights

Enclosure

cc: El Dorado County Water Agency
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MAILING LIST
SOUTH FORK AMERICAN RIVER
SWRCB DECISION D-1635 and ORDER WR 96-06
(updated May 18, 2000)

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