

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 29243)	
EL DORADO IRRIGATION DISTRICT,)	ORDER: WR 88- 13
Applicant,)	SOURCES: South Fork American
CALIFORNIA DEPARTMENT OF FISH AND)	River; and Alder
GAME, et al.,)	Creek, tributary to
)	South Fork American
Objectors.)	River
)	COUNTY: El Dorado

ORDER VALIDATING DECISION APPROVING
APPLICATION FOR TEMPORARY PERMIT

BY THE BOARD:

El Dorado Irrigation District (applicant) having filed Application 29243 for a temporary urgency permit to divert and use water pursuant to Chapter 6.5 (commencing with Section 1425), Part 2, Division 2 of the Water Code; Board Member Samaniego having concluded from available information that the applicant is entitled to a temporary permit to divert and use water, subject to review and validation by the Board as provided by Water Code Section 1425(c); the Board finds as follows:

1. Application 29243 was filed for a temporary permit to divert up to 5,000 acre-feet of water to offstream storage in Jenkinson Lake or by direct diversion at a maximum rate of 50 cubic feet per second from October 1, 1988 to March 31, 1989 for irrigation and domestic uses from South Fork American River and Alder Creek in El Dorado County. The point of diversion from the South Fork American River is at an existing dam within the

SE1/4 of SE1/4, Section 29, T11N, R15E, MDB&M. The point of diversion from Alder Creek is at an existing dam within the NW1/4 of SW1/4, Section 36, T11N, R14E, MDB&M. From these diversions, water will be diverted into the El Dorado Canal and conveyed to PG&E's forebay near Pollock Pines. The applicant will convey the water from the forebay directly into its distribution system or to Jenkinson Lake via existing facilities.

2. The Notice of Application was mailed on June 1, 1988 to persons who, in the judgment of the Board, could be adversely affected by the temporary diversion and use and on June 8 and 15, 1988 the Notice of Application was published in The Mountain Democrat. Nine objections were received.
3. A hearing was held by Board Member Samaniego on June 22, 1988. To resolve objections, the applicant stipulated to numerous conditions. The stipulated conditions effectively removed the objections made by the California Department of Fish and Game, the U. S. Bureau of Reclamation, PG&E, the Delta Water Users Association, and Mr. Robert T. Johnson.
4. Other objections raised by the California Sportfishing Protection Alliance (CSPA), Mr. Greg Rose and Mr. Bennett A. Parks were not entirely resolved by stipulation. Mr. Baiocchi, a representative for CSPA, made a policy statement that the applicant should be required to install a fish screen. Factual testimony was not offered in support of this proposition.
5. We have reviewed Board Member Samaniego's decision and concur with the findings that: (a) the water sought by Application 29243 may be diverted and used without injury to any lawful user of water, and (b) the water may

be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

6. Mr. Parks and Mr. Rose did not appear at the hearing to offer evidence in support of their objections. Among other matters, both gentlemen expressed the view that the applicant had failed to undertake a meaningful water conservation program. We concur with the findings that the applicant has implemented a conservation program, that some persons being served water are experiencing hardships, that water savings from conservation programs is uncertain and that the applicant has an urgent need for water.
7. Notwithstanding the foregoing, we admonish the applicant for its apparent failure to develop a plan of action for providing an adequate supply of water to its customers during a period of years when customer growth has been truly explosive. In addition, the applicant's willingness to promise water service to any and all comers without a plan of action and during consecutive dry years must, to a certain degree, exacerbate the water supply problem. The applicant's water supply problems should be addressed by adequate planning and an application for the appropriation of water for a long-term secure water supply before this Board.
8. The project meets the criteria for an emergency exemption pursuant to Section 15269, Title 14, California Code of Regulations. The Chief, Division of Water Rights is directed to prepare and file a notice of

exemption with the Office of Planning and Research pursuant to
Section 21.108 of the Public Resources Code.

9. The proposed diversion and use are in the public interest.

ORDER

IT IS HEREBY ORDERED THAT:

Approval of Application 29243 and authorization to issue a temporary permit is
validated.

CERTIFICATION

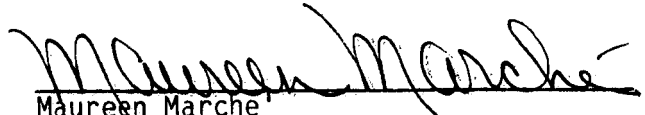
The undersigned, Administrative Assistant to the Board, does hereby certify
that the foregoing is a full, true, and correct copy of an order duly and
regularly adopted at a meeting of the State Water Resources Control Board held
on July 6, 1988.

AYE: W. Don Maughan
Edwin H. Finster
Eliseo M. Samaniego
Danny Walsh

NO: None

ABSENT: Darlene E. Ruiz

ABSTAIN: None


Maureen Marche
Administrative Assistant to the Board