

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Treated Wastewater ) ORDER: WR 94-7  
Change Petition WW-20 of )  
 ) COUNTY: El Dorado  
EL DORADO IRRIGATION DISTRICT )  
 )

*ORDER GRANTING PETITIONS FOR RECONSIDERATION*

BY THE BOARD:

On October 5, 1994, the Division of Water Rights issued an order approving a change in point of discharge, place of use and purpose of use of treated wastewater from the Deer Creek Wastewater Treatment Plant located south of Cameron Park within Section 15, T9N, R9E, MDB&M. The Chief of the Division of Water Rights is delegated authority to act for the State Water Resources Control Board (SWRCB) under Resolution No. 93-87, paragraph 3.2.10, and this delegation has been redelegated to the Assistant Division Chief, who signed the order. The SWRCB has received 30 separate petitions for reconsideration. Several of the separate petitioners also signed a petition submitted by Defenders of Deer Creek.

The petitions were filed by (1) Defenders of Deer Creek, Wayne Varozza, Sandra Varozza, Louis Joseph Payen, et al.; (2) Kathryn Motz; (3) Edmund F. Brennan and Vickie O. Brennan; (4) Shirley Mrizek; (5) John P. Costello; (6) Robert A. Kern; (7) Timothy N. Leahy; (8) Shane R. Scott and Kathie T. Scott; (9) Lloyd and Sandi Neves; (10) A.L. Brown; (11) Deborah L. McKenna and Curtis O. McKenna; (12) Gail Barat; (13) John J. Haverty, Jr. and Connie E. Haverty; (14) Philip J. Calef and Julie A. Calef; (15) Thomas Van Horne; (16) William and Karyn Regitz; (17) E. Wayne Pearce; (18) Terry Trent and Carol Adams; (19) Tudesko Ranches; (20) Chris Anaya; (21) George and Marion Rader; (22) Robert Johnston; (23) Camille Armento; (24) Bruce R., Elizabeth, Elizabeth Athayde, Scott K., and Kathryn L. Drummond (separate

letters); (25) Tom Stinson; (26) Al Littlejohn; (27) Jerry Ann and Tom Campbell, (28) Denise Mc Adam and Bruce Mc Adam; (29) Phyllis B. Simpson; (30) Louis Joseph Payen.

The SWRCB's regulation at Title 23, California Code of Regulations, section 768, authorizes reconsideration based upon any of the following causes:

- a. Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;
- b. The decision or order is not supported by the evidence;
- c. There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced;
- d. Error in law.

The petitioners allege injury to legal users of the water and impairment of senior water rights, failure to provide an opportunity for hearing, inadequate notice of the proposed change, lack of substantial evidence to support the findings, unreasonable adverse effects on existing riparian habitat and wetlands, loss of water for fire protection, concerns about odors from wastewater reservoirs, and the existence of evidence that could not have been produced because of lack of notice. The various petitions can reasonably be construed as having alleged all four of the above causes for reconsideration.

As relief, the Defenders of Deer Creek request that the SWRCB either set aside Order WW-20 or forego responding until 45 days after the petitions were filed (this delay would allow an opportunity to resolve the dispute with El Dorado Irrigation District), hold a hearing to receive evidence and oral argument,

and temporarily enjoin El Dorado Irrigation District from acting in furtherance of the proposed change. Due to scheduling problems, this order cannot be delayed to accommodate the request for time to negotiate, but time is available for negotiation before the SWRCB conducts further proceedings.

The SWRCB concludes that adequate cause has been alleged to reconsider Order WW-20, but makes no judgment at this time on the merits of the project or the alleged reasons to change the order.

**ORDER**

NOW, THEREFORE, IT IS ORDERED that the petitions for reconsideration of Order WW-20 issued on October 5, 1994 are granted.

**CERTIFICATION**

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full and correct copy of a decision duly and regularly adopted at a meeting of the State Water Resources Control Board held on December 13, 1994.

AYE:       John Caffrey  
              Marc Del Piero  
              Mary Jane Forster  
              John W. Brown

NO:         None

ABSENT:    James M. Stubchaer

ABSTAIN:   None

  
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Maureen Marché  
Administrative Assistant to the Board