



# State Water Resources Control Board



**Linda S. Adams**  
Secretary for  
Environmental Protection

**Division of Water Rights**  
1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
P.O. Box 2000 ♦ Sacramento, California 95812-2000  
Fax: 916.341.5400 ♦ www.waterrights.ca.gov

**Arnold Schwarzenegger**  
Governor

**AUG 05 2008**

ELECTRONIC MAIL

TO: ENCLOSED SERVICE LIST

WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF AUBURN  
DAM PROJECT PERMITS

Revised Staff Exhibit 4:

Enclosed is a revised State Water Resources Control Board (State Water Board) Staff Exhibit 4 for the water right hearing regarding the proposed revocation of the Auburn Dam Project permits. Staff Exhibit 4 was originally distributed to the hearing participants during the hearing on July 21, 2008 and includes Auburn Dam Project Permits (A018721, A018723, A021636, and A021637) and those applications, permits, and licenses upstream and downstream of the Auburn Dam Project with priority dates junior to Auburn Dam Project Permits. The hearing officer allowed the State Water Board hearing team (hearing team) additional time to review recorded water rights with priority dates junior to the Auburn Dam Project Permits on the Sacramento River downstream of Freeport Bend. The hearing team did not find any additional junior water rights downstream of Freeport Bend. Accordingly, the content of the exhibit remains the same, except for the corrections described below.

Revised Staff Exhibit 4 differs from the July 21, 2008, version of Staff Exhibit 4 as follows: 1) the "Face Value" of State Filed Application 22114 has been corrected; 2) the "Priority Date" for application 29657 has been corrected; 3) the note regarding "Data Sources" at the end of the table has been changed to better describe where the data was obtained; 4) the sixth column heading has been changed from "Owner" to "Primary Owner" because the database query only generated the primary owner and did not search for multiple owners; 5) the heading of the last portion of the table, on page 4, was changed to show that the table includes recorded water rights with priority dates junior to Auburn Dam Project Permits to Suisun Bay, rather than to Freeport Bend; 6) State Filed applications 19792, 19793, and 19796 were re-ordered by application number because they all had the same priority date; and 7) minor typographical errors were corrected and minor formatting changes were made.

**California Environmental Protection Agency**



Please review the enclosed Revised Staff Exhibit 4. If you believe there are any errors or omissions, please submit written comments to:

Division of Water Rights  
State Water Resources Control Board  
Attention: Jean McCue  
P.O. Box 2000

Sacramento, CA 95812-2000

Phone: (916) 341-5351

Fax: (916) 341-5400

Email: [wrhearing@waterboards.ca.gov](mailto:wrhearing@waterboards.ca.gov)

With Subject of "Auburn Dam Proposed Revocation Hearing"

You must serve a copy of your comments on the enclosed service list and provide a proof of service to the above address. Comments are due by **noon on Monday, August 11, 2008**. The State Water Board has already received a comment letter from El Dorado County Water Agency (EDCWA) on the July 21, 2008 version of Staff Exhibit 4. The State Water Board will respond to EDCWA's comments and any other comments on the Revised Staff Exhibit 4 at a later date.

Availability of Transcript:

The transcript of the Auburn Dam Proposed Revocation Hearing is now available. If you would like a copy of the transcript, you must make separate arrangements with **Peters Shorthand Reporting at (916) 362-2345, 3336 Bradshaw Road, Suite 240, Sacramento, CA 95827.**

Closing Briefs:

Closing briefs are due at the above address by **noon on Wednesday, September 3, 2008**. As stated in section 6(d) of the enclosure to the April 28, 2008 hearing notice, titled "Information Concerning Appearance At Water Right Hearings," **five copies** of each brief shall be submitted to the State Water Board, and **one copy** shall be served on each of the other participants on the service list. A participant shall not attach a document of an evidentiary nature to a brief unless the document is at the time in the evidentiary hearing record or is the subject of an offer of the document in evidence. Every participant filing a brief shall file a statement of service with the brief, indicating the manner of service.

AUG 05 2008

If you have any non-controversial, procedural questions, please contact Dana Heinrich at 916-341-5188 or [dheinrich@waterboards.ca.gov](mailto:dheinrich@waterboards.ca.gov) or me at 916-341-5351 or [jmccue@waterboards.ca.gov](mailto:jmccue@waterboards.ca.gov).

Sincerely,



Jean McCue  
Water Resource Control Engineer

Enclosures

cc: Gary Wolff, Ph.D.  
Hearing Officer and Board Vice Chair  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

El Dorado County Water Agency (electronic mail)  
c/o Bradley J. Herrema  
Brownstein Hyatt Farber Schreck  
21 E. Carrillo Street  
Santa Barbara, CA 93101  
[BHerrema@bhfs.com](mailto:BHerrema@bhfs.com)

**WATER RIGHT HEARING REGARDING PROPOSED REVOCATION OF  
AUBURN DAM PROJECT PERMITS,  
SCHEDULED TO COMMENCE ON JULY 21, 2008**

**REVISED SERVICE LIST  
(June 18, 2008)**

**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.** (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

Bureau of Reclamation, U.S. Dept of the Interior  
James E. Turner, Assistant Regional Solicitor  
2800 Cottage Way, Rm. E-1712  
Sacramento, CA 95825  
[rsahlberg@mp.usbr.gov](mailto:rsahlberg@mp.usbr.gov)

SWRCB/DWR Prosecution  
c/o David Rose  
State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100  
Sacramento, CA 95812  
[DRose@waterboards.ca.gov](mailto:DRose@waterboards.ca.gov)

Auburn Dam Council  
c/o Michael R. Schaefer  
7050 Walnut Avenue  
Orangevale, CA 95662  
[Mikeret\\_99@yahoo.com](mailto:Mikeret_99@yahoo.com)

American River Authority  
c/o Christopher D. Williams, Esq.  
P.O. Box 667  
San Andreas, CA 95249  
[cwilliam@goldrush.com](mailto:cwilliam@goldrush.com)

California Sportfishing Protection Alliance  
c/o Michael B. Jackson  
P.O. Box 207  
Quincy, CA 95971  
[mjatty@sbcglobal.net](mailto:mjatty@sbcglobal.net)

Friends of the North Fork  
c/o Michael Garabedian  
7143 Gardenvine Avenue  
Citrus Heights, CA 95621  
[mikeg@gvn.net](mailto:mikeg@gvn.net)

Sacramento County/Sacramento County Water Agency  
c/o Sandra K. Dunn  
Somach, Simmons & Dunn  
813 Sixth Street, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
[sdunn@somachlaw.com](mailto:sdunn@somachlaw.com)

**[Address through July 13, 2008]**  
Friends of the River, Save the American River Association, and Defenders of Wildlife  
c/o Ronald M. Stork  
915 20<sup>th</sup> Street  
Sacramento, CA 95811  
[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)

San Luis & Delta-Mendota Water Authority  
c/o Jon D. Rubin  
Diepenbrock Harrison  
400 Capitol Mall, Suite 1800  
Sacramento, CA 95814  
[JRubin@Diepenbrock.com](mailto:JRubin@Diepenbrock.com)

**[Address effective July 14, 2008]**  
Friends of the River, Save the American River Association, and Defenders of Wildlife  
c/o Ronald M. Stork  
1418 20<sup>th</sup> Street, Suite 100  
Sacramento, CA 95811  
[rstork@friendsoftheriver.org](mailto:rstork@friendsoftheriver.org)

**PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.** (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.) (*Continued*)

South Delta Water Agency  
c/o John Herrick  
4255 Pacific Avenue, Suite 2  
Stockton, CA 95207  
[Jherrlaw@aol.com](mailto:Jherrlaw@aol.com)

Westlands Water District  
c/o Jon D. Rubin  
Diepenbrock Harrison  
400 Capitol Mall, Suite 1800  
Sacramento, CA 95814  
[JRubin@Diepenbrock.com](mailto:JRubin@Diepenbrock.com)

Stockton East Water District  
c/o Karna E. Harrigfeld, Esq.  
2291 W. March Lane, Suite B100  
Stockton, CA 95207  
[kharrigfeld@herumcrabtree.com](mailto:kharrigfeld@herumcrabtree.com)

County of San Joaquin and San Joaquin County  
Flood Control and Water Conservation District  
c/o Thomas J. Shephard, Sr.  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201-3020  
[tshephard@neumiller.com](mailto:tshephard@neumiller.com)  
[dgillick@neumiller.com](mailto:dgillick@neumiller.com)

**Auburn Dam Project Permits and Recorded Water Rights with Priority Dates Junior to Auburn Dam Project Permits\*\***

(Auburn Dam Project permit and application numbers are in bold type)

<b>Source: North Fork and Middle Fork American River and tributaries (Upstream of Auburn Dam Project)</b>									
<b>Application</b>	<b>Permit</b>	<b>License</b>	<b>Type</b>	<b>Status</b>	<b>Primary Owner</b>	<b>Priority Date</b>	<b>Face Amount (Ac-Ft/yr)</b>	<b>County</b>	<b>Source</b>
A019328	12673	7810	Appropriative	Licensed	RICK MANICA	3/28/1960	21	El Dorado	OTTER CREEK
A019792			Appropriative	State Filing	STATE WATER RESOURCES CONTROL BOARD	10/4/1960	5,000	El Dorado	PILOT CREEK
A019793			Appropriative	State Filing	STATE WATER RESOURCES CONTROL BOARD	10/4/1960	3,000	El Dorado	MUTTON CANYON
A019796			Appropriative	State Filing	STATE WATER RESOURCES CONTROL BOARD	10/4/1960	43,459	El Dorado	BACON CANYON, CANYON CREEK, DEEP CANYON, MUTTON CANYON, UNNAMED STREAMS, UNNAMED CANYONS
A019880	13228	10465	Appropriative	Licensed	NACO WEST OF CALIFORNIA	12/16/1960	152	Placer	KELLY CREEK
A019977	13093	8229	Appropriative	Licensed	U S BUREAU OF RECLAMATION	2/8/1961	21.7	Placer	CARLTON SPRING, NORTH FORK AMERICAN RIVER
A020011	13161		Appropriative	Permitted	U S BUREAU OF RECLAMATION	2/28/1961	22	El Dorado	KNICKERBOCKER CREEK
A020601	14248		Appropriative	Permitted	SIERRA LAKES COUNTY WATER DISTRICT	2/8/1962	1,177	Placer	ICE LAKES
A021189	14220	8871	Appropriative	Licensed	U S BUREAU OF RECLAMATION	3/13/1963	18	El Dorado	UNNAMED STREAM
A021480	14567	10466	Appropriative	Licensed	NACO WEST OF CALIFORNIA	10/1/1963	44	Placer	KELLY CREEK
A021648	14938	11111	Appropriative	Licensed	CARL LADECK	2/21/1964	34	El Dorado	MAINE BAR CANYON
A021945	15375		Appropriative	Permitted	FORESTHILL PUBLIC UTILITY DISTRICT	10/22/1964	24,075.8	Placer	NORTH SHIRTTAIL CANYON
A022114			Appropriative	State Filing	STATE WATER RESOURCES CONTROL BOARD	4/28/1965	66,199	El Dorado	RUBICON RIVER
A023041	15939	11075	Appropriative	Licensed	JANICE M SUTHERLAND	5/10/1968	45	El Dorado, Placer	CLIPPER CREEK, UNNAMED STREAM
A023438	16059	10241	Appropriative	Licensed	BLUE CANYON PROPERTIES INC	1/16/1970	15	Placer	UNNAMED STREAM
A023556	16296	11112	Appropriative	Licensed	FRED DEAN-TURNER	7/14/1970	20	El Dorado	MAINE BAR CANYON

Revised Staff Exhibit 4

Source: North Fork and Middle Fork American River and tributaries (Upstream of Auburn Dam Project) - Continued									
Application	Permit	License	Type	Status	Primary Owner	Priority Date	Face Amount (Ac-Ft/yr)	County	Source
A024596	16644	13038	Appropriative	Licensed	FORESTHILL PUBLIC UTILITY DISTRICT	4/22/1974	166.8	Placer	MILL CREEK
A026410	18279	12013	Appropriative	Licensed	AUBURN LAKE TRAILS PROPERTY OWNERS ASSOC	6/10/1980	14	El Dorado	MAINE BAR CANYON
A026517	20253		Appropriative	Permitted	PACIFIC GAS AND ELECTRIC COMPANY	9/4/1980	17,744.4	Placer	NORTH FORK OF NORTH FORK AMERICAN RIVER
A026637	18380	12644	Appropriative	Licensed	PLACER COUNTY WATER AGENCY	12/1/1980	11,464.6	Placer	RUBICON RIVER
A027174	18593		Appropriative	Permitted	GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT	1/8/1982	27,174	El Dorado	PILOT CREEK
A027266	18612		Appropriative	Permitted	BRADLEY D REEVES	3/30/1982	2,533.9	Placer	DARDANELLES CREEK, POND CREEK
A027566	19829		Appropriative	Permitted	DE ANZA PLACER GOLD MINING COMPANY	10/28/1982	215.2	Placer	NORTH FORK FORBES CREEK
A027651	19312		Appropriative	Permitted	KENNETH WILSON	2/10/1983	8,398.1	El Dorado	CANYON CREEK
A027752	19827		Appropriative	Permitted	BEAR STATE WATER WORKS	5/10/1983	37	El Dorado	UNNAMED SPRING
A028034	20068	13411	Appropriative	Licensed	WILLIAM P KLEIN JR	3/15/1984	12	Placer	UNNAMED STREAM
A028035	20069	13412	Appropriative	Licensed	WILLIAM P KLEIN JR	3/15/1984	11	Placer	UNNAMED STREAM
A029233	20340		Appropriative	Permitted	TERRIL R LUKENS EXEMPTION TRUST & LUKEN SURVIVOR'S TRUST UDT	4/19/1988	181	Placer	UNNAMED SPRING
A029364	20777		Appropriative	Permitted	DE ANZA PLACER GOLD MINING COMPANY	11/1/1988	21	Placer	PAGGE CREEK
A029721	20754		Appropriative	Permitted	PLACER COUNTY WATER AGENCY	4/18/1990	17,494.5	Placer	RUBICON RIVER
A031595			Appropriative	Pending	SACRAMENTO MUNICIPAL UTILITY DISTRICT	5/24/2005	413,610	El Dorado	GERLE CREEK, LITTLE RUBICON RIVER (AKA ROCKBOUND/HIGHLAND CRK), RUBICON RIVER, SOUTH FORK RUBICON RIVER

Source: North Fork and Middle Fork American River and tributaries (Upstream of Auburn Dam Project) – Continued									
Application	Permit	License	Type	Status	Primary Owner	Priority Date	Face Amount (Ac-Ft/yr)	County	Source
A031596			Appropriative	Pending	SACRAMENTO MUNICIPAL UTILITY DISTRICT	5/24/2005	27,200	El Dorado	BRUSH CREEK, GERLE CREEK, LITTLE RUBICON RIVER (AKA ROCKBOUND/HIGHLAND CRK), RUBICON RIVER, SILVER CREEK, SOUTH FORK AMERICAN RIVER, SOUTH FORK RUBICON RIVER, SOUTH FORK SILVER CREEK

Source: American River (Auburn Dam Project to Confluence of American River and Sacramento River)									
Application	Permit	License	Type	Status	Primary Owner	Priority Date	Face Amount (Ac-Ft/yr)	County	Source
A018721	16209		Appropriative	Permitted	U S BUREAU OF RECLAMATION	5/20/1959	1,748,199.1	El Dorado, Placer	KNICKERBOCKER CREEK, NORTH FORK AMERICAN RIVER
A018723	16210		Appropriative	Permitted	U S BUREAU OF RECLAMATION	5/20/1959	2,500,000	El Dorado, Placer	KNICKERBOCKER CREEK, NORTH FORK AMERICAN RIVER
A021636	16211		Appropriative	Permitted	U S BUREAU OF RECLAMATION	2/06/1964	1,234,387	El Dorado, Placer	KNICKERBOCKER CREEK, NORTH FORK AMERICAN RIVER
A021637	16212		Appropriative	Permitted	U S BUREAU OF RECLAMATION	2/06/1964	1,233,792	El Dorado, Placer	KNICKERBOCKER CREEK, NORTH FORK AMERICAN RIVER
A029657			Appropriative	Pending	COUNTY OF SAN JOAQUIN	2/9/1990	147,000	El Dorado, Sacramento	AMERICAN RIVER, DEER CREEK, LAGUNA CREEK, SOUTH FORK AMERICAN RIVER



Revised Staff Exhibit 4

<b>Source: Sacramento River (Confluence of American River and Sacramento River Downstream to Suisun Bay)</b>									
<b>App</b>	<b>Permit</b>	<b>License</b>	<b>Type</b>	<b>Status</b>	<b>Primary Owner</b>	<b>Priority Date</b>	<b>Face Amount (Ac-Ft/yr)</b>	<b>County</b>	<b>Source</b>
A025331	17806		Appropriative	Permitted	CALIF DEPT OF GENERAL SERVICES	4/15/1977	10,860	Sacramento	SACRAMENTO RIVER UNDERFLOW
A030454	21209		Appropriative	Permitted	SACRAMENTO COUNTY WATER AGENCY	6/13/1995	71,000	Sacramento	SACRAMENTO RIVER

\*\*Includes only Auburn Dam Project Permits (A018721, A018723, A021636, and A021637) and those applications, permits, and licenses upstream and downstream (to Suisun Bay) of the Auburn Dam Project with priority dates junior to Auburn Dam Project Permits. Does not include tributaries below Auburn Dam Project. This table only includes water rights with a face value of 10 acre-feet per year or greater. Does not include State Filed Applications 7936 and 7937.

Data Sources: State Water Resources Control Board Electronic Water Rights Information Management System (eWRIMS) and Division of Water Rights application files for State Filed applications 19792, 19793, 19796, and 22114.