Please indicate County where your project is located here:

El Dorado

MAIL FORM AND ATTACHMENTS TO:
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
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

☐ **Point of Diversion** Wat. Code, § 1701
☒ **Point of Rediversion** Wat. Code, § 1701
☒ **Place of Use** Wat. Code, § 1701
☐ **Purpose of Use** Wat. Code, § 1701

☐ **Temporary Urgency** Wat. Code, § 1435
☒ **Temporary Change** Wat. Code, § 1725
☐ **Long-term Transfer** Wat. Code, §§ 382, 1735
☐ **Instream Flow Dedication** Wat. Code, § 1707

Application 001692 Permit _____ License 2184 Statement _____

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present: See Attachment A

Proposed: See Attachment A

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present: See Attachment A

Proposed: See Attachment A

Purpose of Use

Present: See Attachment A

Proposed: See Attachment A

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location: Not applicable.

Downstream Location: Not applicable.

List the quantities dedicated to instream flow in either: ☐ cubic feet per second or ☐ gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? ◯ Yes ◯ No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

Proposed New User(s)

Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right.

See Attachment A

Amount of Water to be Transferred

Up to 750 acre-feet will be transferred. If the basis of right is direct diversion, the average rate of diversion for the maximum 30-day period of use is n/a cubic feet per second or million gallons per day.

General Information – Provide the following information, if applicable to your proposed change(s).

Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer? (●) Yes ( ) No

Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer? (●) Yes ( ) No

Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses? (●) Yes ( ) No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
☐ ownership ☐ lease ☐ verbal agreement ☒ written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Give name and address of any person(s) taking water from the stream between the present point of diversion or rediversion and the proposed point of diversion or rediversion, as well as any other person(s) known to you who may be affected by the proposed change.

See Attachment A

All Right Holders Must Sign Below: I (we) declare under penalty of perjury that this involves only the amount of water which would have been consumptively used or stored in the absence of the proposed temporary change, and that the above is true and correct to the best of my (our) knowledge and belief.

Dated June 7, 2024 at Placerville, CA.

Brian Mueller Digitally signed by Brian Mueller Date: 2024.06.07 12:50:07 -07'00'

Right Holder or Authorized Agent Signature

Elizabeth Leeper Digitally signed by Elizabeth Leeper Date: 2024.06.07 10:57:28 -07'00'

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, available at:
http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of $850 (Pub. Resources Code, § 10005)

State of California
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
http://www.waterboards.ca.gov/waterrights

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment A - Water Transfer Description and Environmental Information, Attachment B - Maps, and Attachment C - Environmental Effects of Release from Weber Reservoir

Insert the attachment number here, if applicable: A,B,C

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

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

Will a waste discharge permit be required for the project? ○ Yes ◉ No

If necessary, provide additional information below:

See Attachment A - Water Transfer Description and Environmental Information

Insert the attachment number here, if applicable: A

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact: June 7, 2024

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted: Not applicable Date of Contact:

Department: Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below. ○ Yes ◉ No

☐ Grading Permit ☐ Use Permit ☐ Watercourse ☐ Obstruction Permit

☐ Change of Zoning ☐ General Plan Change ☐ Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies. ○ Yes ◉ No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

☐ Regional Water Quality Control Board ☐ Department of Fish and Game

☐ Dept of Water Resources, Division of Safety of Dams ☐ California Coastal Commission

☐ State Reclamation Board ☐ U.S. Army Corps of Engineers ☐ U.S. Forest Service

☐ Bureau of Land Management ☐ Federal Energy Regulatory Commission

☐ Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. ○ Yes ◉ No

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

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
Not applicable				

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Construction or Grading Activity

Does the 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 necessary, provide additional information below:

Not applicable

Insert the attachment number here, if applicable: ☐

Archeology

Has an archeological report been prepared for this project? If yes, provide a copy. ◯ Yes ◉ No

Will another public agency be preparing an archeological report? ◯ Yes ◉ No

Do you know of any archeological or historic sites in the area? If yes, explain below. ◯ Yes ◉ No

If necessary, provide additional information below:

Insert the attachment number here, if applicable: ☐

Photographs

For all petitions other than time extensions, attach 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 each point of diversion

☐ Along the stream channel immediately upstream from each point of diversion

☐ At the place where water subject to this water right will be used

Maps

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:
I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated June 7, 2024 at Placerville, CA .

Brian Mueller Digitally signed by Brian Mueller Date: 2024.06.07 12:50:49 -07'00'

Water Right Holder or Authorized Agent Signature

Elizabeth Leeper Digitally signed by Elizabeth Leeper Date: 2024.06.07 11:00:43 -07'00'

Water Right Holder or Authorized Agent Signature

NOTE:

- **Petitions for Change may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)**
- **Petitions for Temporary Transfer may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)**

Attachment A

Water Transfer Description and Environmental Information for 2024 EID to Central Valley Project Contractors and State Water Project Contractors Temporary Water Transfer Project

Attachment A

Introduction

This document ("Attachment A") provides details, analyses, maps, figures and graphics in support of a proposed 2024 water transfer for up to 4,300 acre-feet (AF) from El Dorado Irrigation District ("EID") to federal and/or state water contractors south of the Sacramento-San Joaquin Delta (Delta), collectively the Buyers. The proposed project seeks to transfer water to the Buyers during summer and fall of 2024 as part of the Buyers' efforts to purchase supplemental water supplies when allocations of other water supplies are constrained.

The proposed transfer for up to a maximum of 4,300 AF of water is made available through re-operation of three EID reservoirs (i.e., Weber Reservoir, Caples Lake, and Silver Lake). Up to 750 AF would be released from EID's Weber Reservoir, which stores water pursuant to Water Right License 2184 (Application 1692) and up to a combined total of 3,550 AF would be released from EID's Caples and Silver lakes, both of which store water pursuant to pre-1914 water rights (Statement 015941 and Statement 004708, respectively).

The Weber Reservoir portion of the transfer requires approval of a Temporary Change pursuant to California Water Code Section 1725 et seq from the State Water Resources Control Board (SWRCB). The transfer of the stored pre-1914 water in Caples and Silver lakes does not require a petition to the SWRCB. However, this document describes all three sources of the transfer water (i.e., Weber Reservoir, Caples Lake, and Silver Lake) together to provide a complete description of the proposed water transfer. **Attachment C** contains a focused analysis of effects from EID's proposed water transfer of up to 750 AF from Weber Reservoir under Water Right License 2184, and therefore focuses on potential effects to fish and aquatic wildlife in Weber Reservoir, Weber Creek, and downstream water courses.

The information provided herein is intended to facilitate review and approval of the transfer by the State Water Resources Control Board ("SWRCB"), as required for the Weber Reservoir portion of the proposed transfer.

Organization

The remainder of this Attachment is organized as follows:

1. Overview of Transfer Parties –a brief introduction to both EID and the Buyers, with relevant information regarding the basis for the transfer
2. Summary of the Proposed Transfer – a summary of the proposed transfer, including sources of water, method to make water available, and requested changes to a water right license for a portion of the transfer
3. Requested Changes to the Point of Diversion and Place of Use for Water Right License 2184 (A001692)

4. Transfer Operational Details –information regarding the proposed timing of releases, flow rates and other relevant details, including graphs, maps and tables and proposed measurement/compliance metrics
5. Demonstrating Compliance with Water Code Statutes - information regarding no injury to other legal users or to fish and wildlife, as required under Water Code Section 1727
6. Other relevant information

1. Overview of Transfer Parties

The proposed transfer is between EID and yet to be determined Central Valley Project Contractors and State Water Project Contractors, collectively the Buyers, for delivery of the water during summer and fall of 2024. The following provides a brief overview of each public water supplier.

El Dorado Irrigation District

EID was organized in 1925 under the Irrigation District Law (Water Code Section 20500, et seq.). EID provides water to a population of approximately 113,255 people within its service area for municipal and industrial (M&I) and irrigation uses, as well as wastewater treatment and recycled water services, to meet the growing needs of its customers. It also operates recreational facilities as a condition of its Federal Energy Regulatory Commission (FERC) license. As such, EID is one of the few California districts that provides a full complement of water services.

EID is located in El Dorado County on the western slope of the Sierra Nevada Mountains. The service area is bounded by Sacramento County to the west and the community of Strawberry to the east. The area north of the communities of Coloma and Lotus establishes the northern-most part of the service area, while the communities of Pleasant Valley and South Shingle Springs establish the southern boundary. EID's contiguous service area spans 220 square miles and ranges from 400 feet in elevation, at the Sacramento County line, to more than 4,000 feet in elevation in the eastern portion of the service area. Two hundred pressure-regulating zones are required for reliable operation. The water system contains more than 1,245 miles of pipeline, 27 miles of ditches, five treatment plants, 36 storage tanks and reservoirs, and 37 pumping stations.

EID owns and operates a FERC-licensed hydroelectric power generation system consisting of a powerhouse, five reservoirs (Echo Lake, Lake Aloha, Caples Lake, Silver Lake, and El Dorado Forebay), and more than 22 miles of flumes, canals, siphons, and tunnels. Project facilities are located east of Placerville in El Dorado, Alpine, and Amador counties. EID also owns and operates several other water facilities including Jenkinson Lake and numerous other water rights and reservoirs acquired in the 1900s, including Weber Reservoir, and many pre-1914 water rights.

Central Valley Project Contractors

The Central Valley Project (CVP) has long-term agreements to supply water to more than 270 contractors in 29 of California's 58 counties (CVP Contractors). Deliveries by the CVP include an annual average of 5 million acre-feet of water for agriculture, 600,000 acre-feet of water for M&I uses (enough water to supply about 2.5 million people for a year), and water for wildlife refuges and maintaining water quality in the Delta. Most CVP Contractors do not rely solely on their CVP water supply as they have other sources of water available, such as their own water rights, groundwater, State Water Project (SWP) supplies and other sources.

U.S. Bureau of Reclamation (USBR) operates the CVP in coordination with the SWP under the Coordinated Operation Agreement between the federal government and the State of California (authorized by Public Law 99–546). The CVP and SWP operate pursuant to water rights permits and licenses that are issued by the SWRCB. The proposed project could transfer water to any CVP Contractors south of the Delta (Buyers), which include the following:

- City of Avenal
- City of Coalinga
- City of Fresno
- City of Huron
- City of Lindsay
- City of Orange Cove
- City of Tracy
- Fresno County Water Works District No. 18
- San Benito County Water District
- Arvin-Edison Water Storage District
- Banta Carbona Irrigation District
- Broadview Water District
- Byron-Bethany Irrigation District
- Coelho Family Trust
- Del Puerto Water District
- Delano-Earlimart Irrigation District
- Eagle Field Water District
- Exeter Irrigation District
- Fresno Irrigation District
- Fresno Slough Water District
- Garfield Water District
- Grasslands Water District
- International Water District
- Ivanhoe Irrigation District
- James Irrigation District
- Laguna Water District
- Lewis Creek Water District
- Lindmore Irrigation District
- Lindsay-Strathmore Irrigation District
- Lower Tule River Irrigation District
- M.L. Dudley Company
- Mercy Springs Water District
- Orange Cove Irrigation District
- Oro Loma Water District
- Panoche Water District
- Patterson Water District
- Porterville Irrigation District
- Reclamation District 1606
- San Benito County Water District
- San Luis Water District
- Saucelito Irrigation District
- Shafter-Wasco Irrigation District
- Southern San Joaquin Municipal Utilities District
- Stone Corral Irrigation District
- Tea Pot Dome Water District
- Terra Bella Irrigation District
- Tranquility Public Utility District
- Tulare Irrigation District
- West Stanislaus Water district
- Westlands Water District

State Water Project Contractors

California Department of Water Resources (DWR) has long-term contracts with 29 water agencies (i.e., SWP Contractors) statewide to deliver water supplies developed from the SWP system. These contracts are with both M&I and agricultural water users and provide more than 3 million acre-feet for East Bay, San Joaquin Valley and southern California water users (DWR 2019). Approximately 30 percent of SWP water is used to irrigate 750,000 acres of agricultural land, located mostly within the San Joaquin Valley. The proposed project could transfer water to any of the twenty-four SWP Contractors south of the Delta (Buyers), which include the following:

- Alameda County Water District
- Zone 7 Water Agency
- Santa Clara Valley Water District
- Oak Flat Water District
- Empire West Side Irrigation District
- County of Kings
- Tulare Lake Basin Water Storage District
- Dudley Ridge Water District
- San Luis Obispo County Flood Control and Water Conservation District
- Kern County Water Agency
- Antelope Valley – East Kern Water Agency
- Mojave Water Agency
- Santa Barbara County Flood Control and Water Conservation District
- Ventura County Flood Control District
- Castaic Lake Water Agency
- Palmdale Water District
- Littlerock Creek Irrigation District
- Crestline – Lake Arrowhead Water Agency
- San Bernardino Valley Municipal Water District
- San Gabriel Valley Municipal Water District
- San Gorgonio Pass Water Agency
- Desert Water Agency
- The Metropolitan Water District of Southern California
- Coachella Valley Water District

2. Summary of the Proposed Transfer

EID proposes to transfer up to 4,300 AF of water to the Buyers during summer and fall 2024. EID would make the water available through re-operation of EID reservoirs to release water otherwise planned to be consumed by EID customers and/or stored within the EID network of reservoirs. Specifically, the transfer quantity would be derived from the following re-operations:

1. Up to 750 AF would be released from Weber Reservoir that would otherwise be maintained in storage.
2. Up to a total of 3,550 AF would be released from Caples and Silver lakes and re-diverted at the El Dorado Diversion Dam for non-consumptive hydropower generation and discharged back into the SFAR through the El Dorado Powerhouse just upstream from Slab Creek Reservoir or in the event that the El Dorado Powerhouse is not operating the water released from Caples and Silver lakes would not be diverted at the El Dorado Diversion Dam and would remain instream in the SFAR, and then travel downstream to Folsom Reservoir.

Without the proposed transfer, water that has been stored in Weber Reservoir is typically maintained or conveyed to Folsom Reservoir and re-diverted at EID's raw water pump station for treatment and delivery to EID's western service area, while summer and early fall water that has been stored in Caples and Silver lakes is either delivered directly to EID's Reservoir 1 Water Treatment Plant (WTP) or delivered through the Hazel Creek Tunnel (via EID's El Dorado Diversion Dam and El Dorado Canal) into Jenkinson Lake. Under the proposed transfer, EID would instead use water already stored in Jenkinson Lake to meet these demands during this time period in lieu of water from Caples and Silver lakes, and Jenkinson Lake would not be replenished with water from Caples and Silver lakes during this time period. This would allow water stored in Caples and Silver lakes to instead be released to Folsom Reservoir between July and November 30, 2024 for transfer to the Buyers. EID would draw on Jenkinson Lake storage for meeting its own customer demands.

The proposed transfer would result in the temporary decreased storage of up to 750 AF in Weber Reservoir and up to 3,550 AF in Jenkinson Lake, and increased inflow of up to 4,300 AF into Folsom Reservoir.

The transfers would not require construction of any new facilities.

The actual transfer quantity from each reservoir and total transfer volume of up to 4,300 AF would be subject to hydrologic conditions leading up to and during the transfer period as well as compliance with all other water right, FERC license, and related requirements. Maps illustrating the proposed flow paths for the re-operation of Weber Reservoir, Caples Lake, and Silver Lake are provided in **Attachment B**.

Releases from Weber Reservoir and Caples and Silver lakes would be conducted in accordance with all applicable rules and requirements governing operations, and would be coordinated with the Buyers as well as Reclamation and DWR, as appropriate, for CVP and SWP water system operations, respectively.

To accomplish the Weber Reservoir portion of the transfer, the following temporary (1 year or less) changes in POU and PORD are being sought by Petition to SWRCB pursuant to EID Water Right License 2184 (Application 1692) and consistent with CWC Sections 1725-1732:

1. Proposed Point of Rediversion: The Banks pumping plant would be added as a PORD to allow DWR to pump and remanage delivery of the transfer water to the Buyers' service areas (see **Attachment B**).
2. Proposed Point of Rediversion: The Jones pumping plant would be added as a PORD to allow Reclamation to pump and remanage delivery of the transfer water to the Buyers' service areas (see **Attachment B**).
3. Proposed Point of Rediversion: The San Luis Reservoir ("SLR") would be added as a PORD to allow DWR to pump and re-manage delivery of the transfer water to the Buyers (see **Attachment B**). SLR is identified on maps filed with the SWRCB Division of Water Rights under Application 5630 (SWP).
4. Proposed Additional Places of Use: The transfer water would be used within the Buyers' specific service areas contained within the CVP and SWP service areas (see **Attachment B**).

Maps demonstrating the locations of EID's water sources, existing POD and POU under Water Right License 2184, the proposed flow paths to Folsom Reservoir and from Folsom Reservoir to the Buyers' service areas, and the requested PORDs and POU are provided in **Attachment B**.

In the proposed transfer, EID will also release up to 3,550 AF from Caples and Silver lakes. Caples Lake stores water under a pre-1914 water right (Statement 015941), and Silver Lake stores water pursuant to a pre-1914 water right (Statement 004708). Transfer of these stored pre-1914 waters are subject to CEQA review, but do not require a petition to the SWRCB. EID has prepared an Initial Study/Negative Declaration (IS/ND) to comply with CEQA requirements for transfer of the pre-1914 water rights.

The IS/ND is available on the EID website at http://www.eid.org/ceqa.

Weber Reservoir Re-Operation

As needed to meet consumptive demands, EID makes discretionary releases from Weber Reservoir to provide non-federal supplies for its own use through a Warren Act Contract at Folsom Reservoir. Because of the availability of other supplies in 2024 and strategic management of reservoir operations, EID does not anticipate releasing stored water currently available in this reservoir during 2024. Therefore, absent the transfer or any unforeseen

system constraints, EID would only make minimum releases from Weber Reservoir as required by law in 2024. For the transfer, EID would re-operate Weber Reservoir to draw it down under a schedule coordinated with the Buyers, Reclamation, and DWR and deliver this water to the Buyers.

It is anticipated that with the proposed transfer, EID releases from Weber Reservoir between July and November 30 would be consistent with the historic release patterns for Weber Reservoir when it is used to meet consumptive demands in the EID service area. A maximum of up to approximately 750 AF for transfer (above minimum releases) could be released during this transfer window.

This proposed re-operation of Weber Reservoir for the water transfer is detailed in Section 4.

Silver Lake/Caples Lake/Jenkinson Lake Re-Operation

The transfer also includes up to 3,550 AF that EID would make available through the re-operation of pre-1914 water rights captured in EID's Caples and Silver lakes, respectively, and managed during the year between Caples and Silver lakes and Jenkinson Lake. EID operates Jenkinson Lake and upstream Project 184 reservoirs, including Caples and Silver lakes, cooperatively to optimize available water supplies and provide desired carry-over for subsequent years.

EID's 2024 existing operation plan is to release water from Caples and Silver lakes previously diverted and stored under these lakes' pre-1914 water rights for immediate consumptive use and/or conveyance into Jenkinson Lake (in the Cosumnes River watershed). This planned without-transfer action would re-divert releases of water previously stored in Caples and Silver lakes via EID's El Dorado Diversion Dam and El Dorado Canal, for immediate consumptive uses or to replenish Jenkinson Lake after it has been drawn down during summer. Because EID would utilize the water from Caples and Silver lakes without the transfer as described, storage levels at Caples and Silver lakes would be the same in 2024 with or without the transfer.

Under the proposed transfer, EID would rely on water stored in Jenkinson Lake to meet consumptive demands during the transfer period in lieu of using water from Caples and Silver lakes. This re-operation would allow water previously stored in Caples and Silver lakes (up to a combined 3,550 AF) to instead be released and re-diverted at Banks or Jones pumping plant between July and November 30, 2024 for transfer to the Buyers. The decrease in Jenkinson Lake storage would be equivalent to the water released from Caples and Silver lakes for transfer. With the proposed transfer, the release patterns and corresponding changes in storage levels would be within the historic range of operations for the facilities involved.

This proposed re-operation is detailed in Section 4.

Temporary Storage in San Luis Reservoir

Transfer water would flow to Folsom Reservoir for transfer to the Buyers, be released through Folsom Dam under a schedule coordinated with USBR, and then be re-operated via Lake Natoma into the Lower American River ("LAR"). From the LAR, water would flow to the Sacramento River, then the San Joaquin River, then to the PORD at the Banks Pumping Plant or Jones Pumping Plant. Water would be rediverted and conveyed south via the California Aqueduct or the Delta Mendota Canal to Buyers or to the San Luis Reservoir. Transfer water may be temporarily stored in SLR and then delivered to the Buyers.

3. Requested Changes to POD and POU for Weber Reservoir

As previously discussed, the transfer water includes water released from Weber Reservoir under License 2184 (Application 1692) and from Silver and Caples Lakes under pre-1914 rights S004708 and SO15491, respectively. This petition only seeks approval from the SWRCB under CWC §1725-§1732 for the Weber Reservoir portion of the transfer water quantity.

Current Point of Diversion for License 2184 (Application 1692)

Current points of diversion and rediversion of Weber Reservoir include:

- Point of Diversion: Weber Reservoir Dam – North 27° 32' East 1,595 feet from the S1/4 corner of Section 18, T10N, R12E, MDB&M, being within the NW1/4 of SE1/4 of Section 18.
- Point of Rediversion: Folsom Reservoir Pump Station – North 25° 06' East, 2,358 feet from the SW corner of Section 1, T10N, R8E, MDB&M, being within the NW1/4 of SW1/4 of Section 1.

Proposed Point(s) of Rediversion for License 2184 (Application 1692)

EID proposes to temporarily add the following points of rediversion to Water Right License 2184:

1. Proposed Point of Rediversion:
   a. The SWP's Harvey O. Banks Pumping Plant ("Banks") will be added as a point of rediversion to allow DWR to deliver the water to Buyers' service areas. The proposed point of rediversion is identified on maps filed with the Division of Water Rights under Application 5630 (SWP) and shown in **Attachment B**. Specifically, the point of rediversion is described as: *Banks Pumping Plant via Clifton Court Forebay*: N 2,126,440 ft., E 6,256,425 ft., California Coordinate System Zone 3, NAD 83, being within the NW 1/4 of SE 1/4 of Projected Section 20, T1S, R4E, MDB&M.
   b. CW "Bill" Jones Pumping Plant will be added as a point of rediversion to allow the USBR to deliver the water to Buyers' service areas. The proposed point of rediversion is identified on maps filed with the Division of Water Rights under Map 214-202-84 (CVP) and shown in **Attachment B**. The point of rediversion is

further described located at: N 2,121,505 ft., E 6,255,368 ft., California Coordinate System Zone 3, NAD 83, being within the NE ¼ of S W ¼ of Projected Section 29, T1S, R4E, MDB&M.

c. San Luis Reservoir - This SWP Point of Rediversion is located 37° 4'27.36"N/121° 0'54.55"W California Coordinate System, Zone 3, NAD 83, being within the SE 1⁄4 of Section 7, T10S, R9E, MDB&M. This proposed point of temporary storage and rediversion is identified on maps filed with the Division under Application 5630 (SWP) and Map 214-202-84 (CVP) for the use of San Luis Reservoir, and shown in **Attachment B**.

Current Place of Use of License 2184 (Application 1692)

The current POU for water in Weber Reservoir under License 2184 (Application 1692) includes:

1. Fish and Wildlife Preservation and Enhancement and Fire Protection uses at Weber Reservoir within SW1/4 of Section 17 and SE1/4 of Section 18, T10N, R12E, MDB&M, and Fish and Wildlife Preservation and Enhancement and Recreation uses within North Fork Weber Creek, Weber Creek and South Fork American River from Weber Reservoir Dam to Folsom Reservoir.
2. Municipal, Industrial, Irrigation and Fire Protection uses within the boundaries of EID comprising 30,702 acres as shown on map dated April 8, 1927 filed with the SWRCB and El Dorado Hills area as shown on map dated January 26, 2006, filed with the SWRCB.

Proposed Place of Use of License 2184 (Application 1692)

The transferred water will be used within the Buyer's specific service areas contained within the CVP and SWP service areas. The service areas are shown on the SWP service area map, Map 1878-1, 2, and 3 and on the CVP Authorized Place of Use, Map 214-202-84 on file with the Division of Water Rights, as shown in **Attachment B**.

Current Purpose of Use of License 2184 (Application 1692)

Water rights associated with Weber Reservoir under License 2184 (Application 1692) are granted for the following purposes of use as described under the POU: 1) Fish and Wildlife Preservation and Enhancement, 2) Fire Protection, 3) Recreation, 4) Municipal and Industrial, and 5) Irrigation.

Proposed Purpose of Use of License 2184 (Application 1692)

The petition requests no change to the existing purposes of use; the Buyers would use the transfer water for irrigation or municipal and industrial uses in their respective service areas as a temporary source to mitigate shortages in their respective CVP and/or SWP water supplies.

4. Transfer Operational Details

The section provides important details regarding the planned reservoir operations with and without the proposed transfer.

Weber Reservoir Re-Operation

Because of the availability of other supplies in 2024 and strategic management of reservoir operations, EID does not anticipate releasing stored water currently available in Weber Reservoir during 2024. Therefore, absent the transfer or any unforeseen system constraints, EID would only make minimum releases from Weber Reservoir as required by law in 2024. Therefore, the proposed water transfer would likely have temporary beneficial effects to aquatic resources in Weber Creek because of an increase in magnitude of the low flows currently released from Weber Reservoir; minimum reservoir release to Weber Creek is 1 cfs throughout the year, depending on the previous month's inflow and reservoir storage conditions. For the transfer, EID would re-operate Weber Reservoir by making releases above minimum flow requirements to draw down the reservoir to deliver water to the Buyers during the 2024 transfer period (see Figure 1).

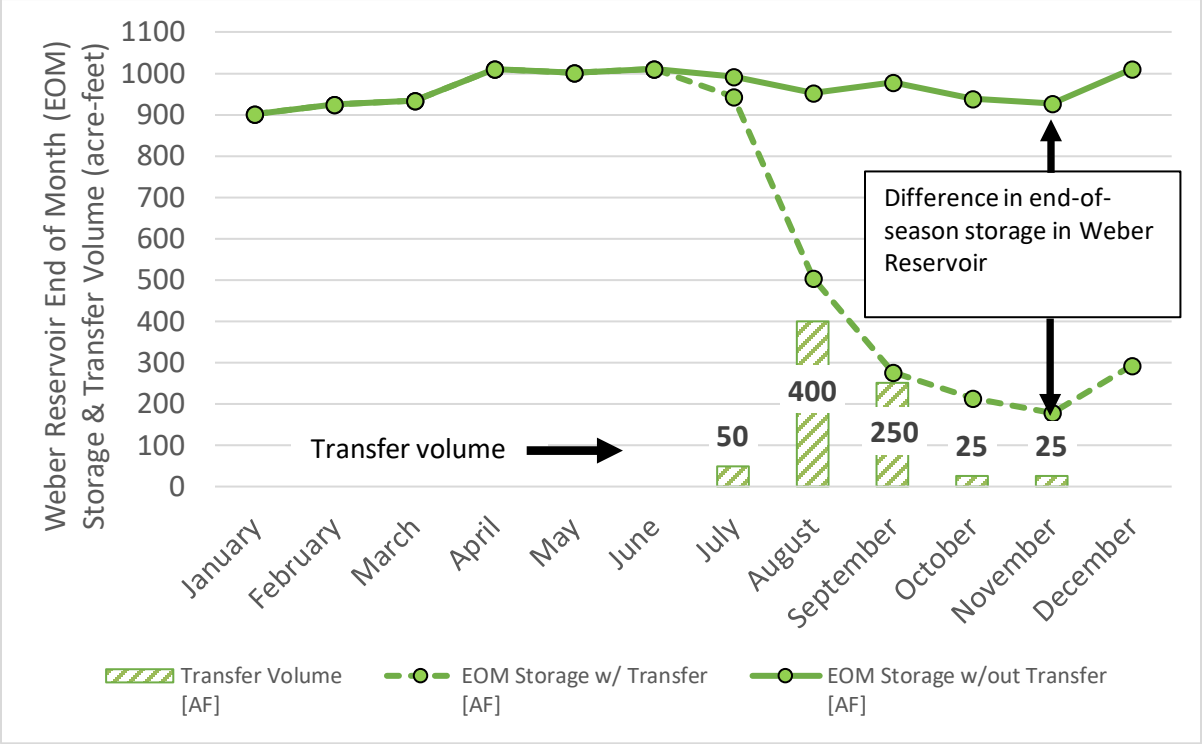


Figure 1: 2024 Weber Reservoir Storage Conditions with and without the proposed transfer

The water transfer from Weber Reservoir would be made in compliance with all water rights requirements including measures for the protection of fish and wildlife. One such storage-related requirement is to maintain a minimum of 200 AF in Weber Reservoir as of September 1 in order to ensure minimum releases can be provided in September, October, and November. As depicted in Figure 1, with the transfer Weber Reservoir storage is forecasted to be 503 AF on August 31, 2024 and 278 AF on September 30, 2024, well above the minimum level of 200 AF on September 1. No long-term impacts to Weber Reservoir storage are anticipated with implementation of the proposed transfer. Traditionally, Weber Reservoir easily refills as evident even during the historically dry periods of 2014 and 2015 when the reservoir refilled. Actual refill during 2025 would be subject to a refill/conveyance agreement to be entered into with Reclamation and/or DWR as appropriate. EID would be able to meet applicable obligations under these agreements and also meet all applicable water right requirements. Because storage levels at Weber Reservoir would be within the range of normal operations and in compliance with the operational requirements specified in the water right license for the protection of fish and wildlife, the potential impacts, direct or indirect, to aquatic species that may be present at or in proximity to Weber Reservoir are expected to be negligible.

Table 1 shows one potential release pattern for Weber Reservoir with and without the transfer based on modeling of current and forecasted hydrology for 2024. However, the actual flow schedule could vary from what is presented in Table 1 and would depend on hydrologic conditions at the time of the transfer, date when all agreements and authorizations are received, amount of and timing for water requested by the Buyer(s), and operational and flow requirements. With the example provided in Table 1, up to a maximum of 750 AF of water would be released from Weber Reservoir into Weber Creek beginning in late July and continuing through approximately November 30.

Table 1. Weber Reservoir Releases 2009 through 2023 Historical Data and Planned Reservoir Operations with and without the Transfer (All Values in CFS)

	Jan	Feb	Mar	Apr	May	Jun	Transfer Period					Dec
							Jul	Aug	Sep	Oct	Nov	
Maximum	49	32	50	35	15	6	12	14	15	13	5	49
Minimum	1	1	1	1	1	1	1	1	1	1	1	1
Average	6	6	9	7	4	3	3	3	4	2	2	3
2024 Planned without Transfer Condition												
Released from Weber Reservoir							1	1	1	1	1	3
2024 Planned with Transfer Condition												
Released from Weber Reservoir (target)							2	8	5	1	1	3

The proposed water transfer would likely have minor temporary beneficial effects to aquatic resources in Weber Creek during the transfer period because there would be an increase of flows than would otherwise be released from Weber Reservoir in 2024; minimum reservoir release to Weber Creek is approximately 1 cfs throughout the year, depending on the previous month's inflow and reservoir storage conditions. With the proposed transfer, releases from Weber Reservoir would not exceed 15 cfs and would be within the range of minimum and maximum releases provided during the transfer period over the past 14 years (Table 1). Additionally, the ramping rates specified in the water rights license to protect fish and wildlife from adverse impacts caused by sudden change in Weber Creek hydrology would be implemented. Differences in stream habitat characteristics (e.g., wetted channel width, stream depth, water velocities) between the proposed water transfer and historic (over the past 14 years) conditions would be negligible, as average water depth at the maximum flow (15 cfs) would increase by less than 5 inches over depths observed at minimum flow (1 cfs). Likewise, there would be negligible or minor beneficial temporary impacts to aquatic species that may be present in the Weber Creek.

The authorized capacity of Weber Reservoir is 1,125 AF and EID's water right authorizes diversion of up to 1,000 AF per year. The reservoir storage rating table for Weber Reservoir was updated in 2022 based on new bathymetric data and the maximum current capacity is 1,006 AF. The water right requires measures for the protection of fish and wildlife including 1) maintaining a minimum storage of 200 AF on September 1 annually in order to ensure minimum releases can be provided in September, October, and November, 2) providing minimum releases not less than 1 cfs to protect and enhance fish, wildlife, and recreation in Weber Creek downstream of Weber Reservoir when active reservoir storage is available and 3) implementing a ramping rate for changes in releases from Weber Reservoir to protect fish and wildlife from adverse impacts caused by sudden change in Weber Creek hydrology. All requirements specified in the water right would be met with the proposed transfer.

Weber Reservoir is projected to be at or near capacity at the onset of the transfer period and the maximum transfer amount would not exceed 750 AF. Figure 1 provides an overview of Weber Reservoir operations with and without the proposed transfer based on modeling of current and forecasted hydrology for 2024. Figure 1 includes an example of a potential release pattern of transfer water from Weber Reservoir and the corresponding changes in storage at Weber Reservoir with and without the transfer. While Figure 1 shows an example transfer scenario, actual releases and transfer volumes could vary and would depend on the following factors:

- hydrologic conditions at the time of the transfer
- timing of when all agreements and authorizations for the transfer are finalized
- when Buyers request delivery of water
- authorized transfer period (e.g., if the transfer period is extended into October and November)

- flexible management of Silver Lake, Caples Lake, and Weber Reservoir during the transfer period as EID decides how best to meet its consumptive demands and transfer objectives while still meeting all operational and flow requirements

Caples Lake/Jenkinson Lake and Silver Lake/Jenkinson Lake Re-Operation

The transfer also includes up to 3,550 AF that EID would make available through the re-operation of pre-1914 water rights captured in EID's Caples and Silver lakes, respectively, and managed during the year between Caples and Silver lakes and Jenkinson Lake. EID operates Jenkinson Lake and upstream Project 184 reservoirs, including Caples and Silver lakes, cooperatively to optimize available water supplies and provide desired carry-over for subsequent years.

EID's 2024 existing operation plan is to release water from Caples and Silver lakes previously diverted and stored under these lakes' pre-1914 water rights for immediate consumptive use and/or conveyance into Jenkinson Lake (in the Cosumnes River watershed). This planned without-transfer action would re-divert releases of water previously stored in Caples and Silver lakes via EID's El Dorado Diversion Dam and El Dorado Canal, for immediate consumptive uses or to replenish Jenkinson Lake after it has been drawn down during summer (see Figure 2). Because EID would utilize the water from Caples and Silver lakes without the transfer as described, storage levels at Caples and Silver lakes would be the same in 2024 with or without the transfer.

Under the proposed transfer, EID would rely on water stored in Jenkinson Lake to meet consumptive demands during the transfer period in lieu of using water from Caples and Silver lakes (see Figure 3). This re-operation would allow water previously stored in Caples and Silver lakes (up to a combined 3,550 AF) to instead be released and re-diverted at Banks or Jones pumping plant between July and November 30, 2024 for transfer to the Buyers. The decrease in Jenkinson Lake storage would be equivalent to the water released from Caples and Silver lakes for transfer. With the proposed transfer, the release patterns and corresponding changes in storage levels would be within the historic range of operations for the facilities involved.

Figure 2: Schematic of Silver Lake, Caples Lake and Jenkinson Lake interactions without the Proposed Transfer

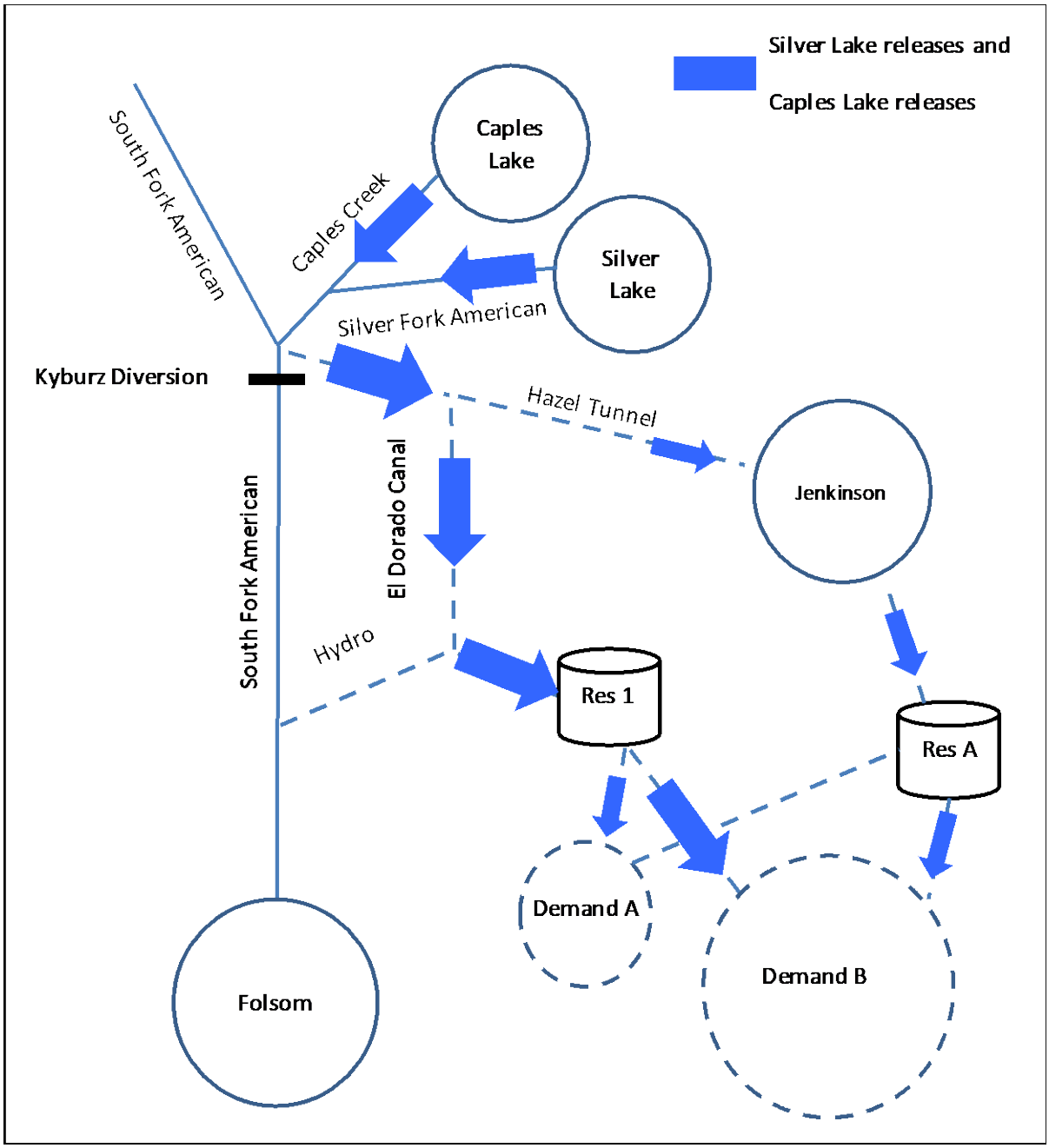


Figure 3: Schematic of Silver Lake, Caples Lake and Jenkinson Lake interactions with the Proposed Transfer

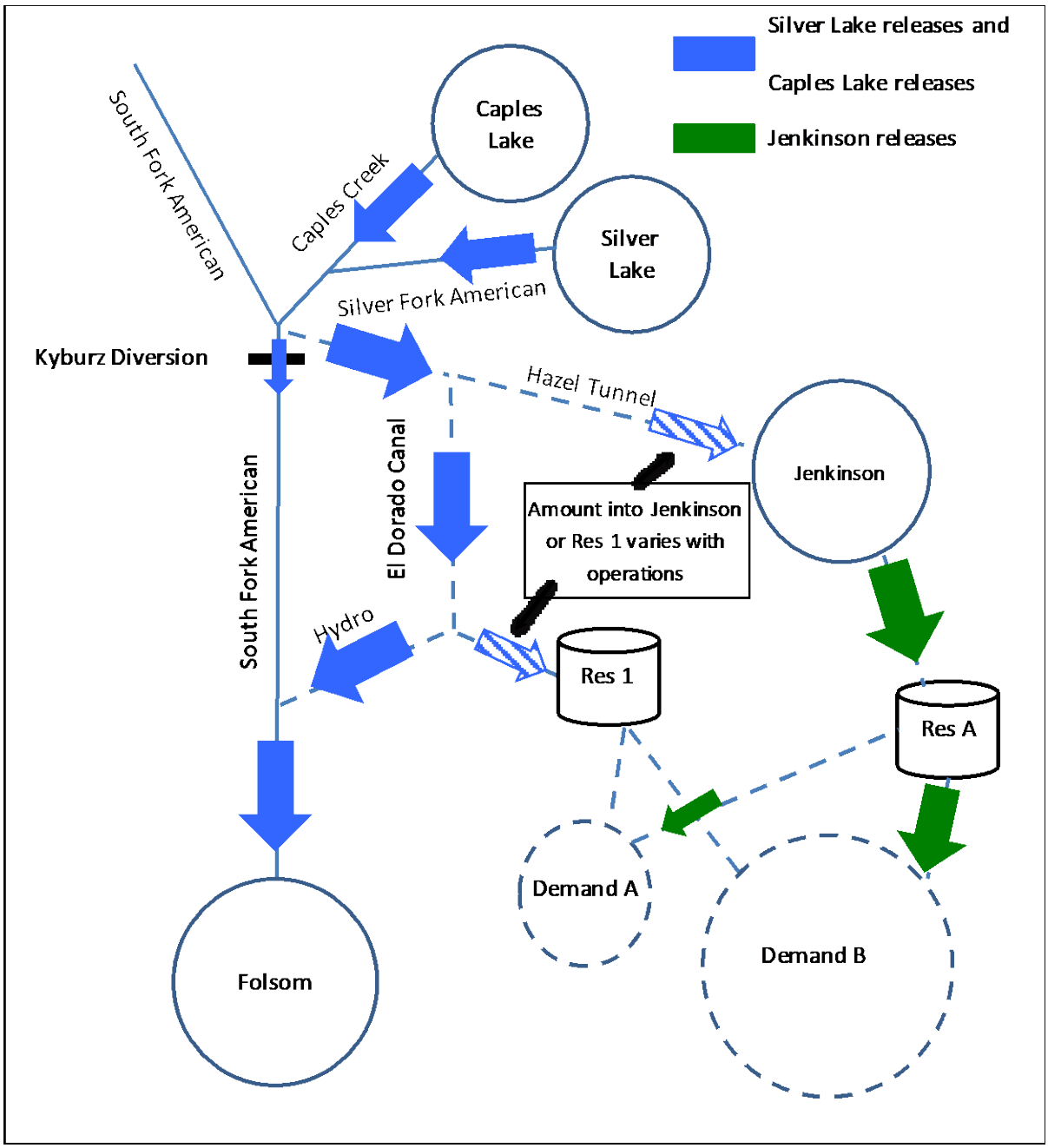


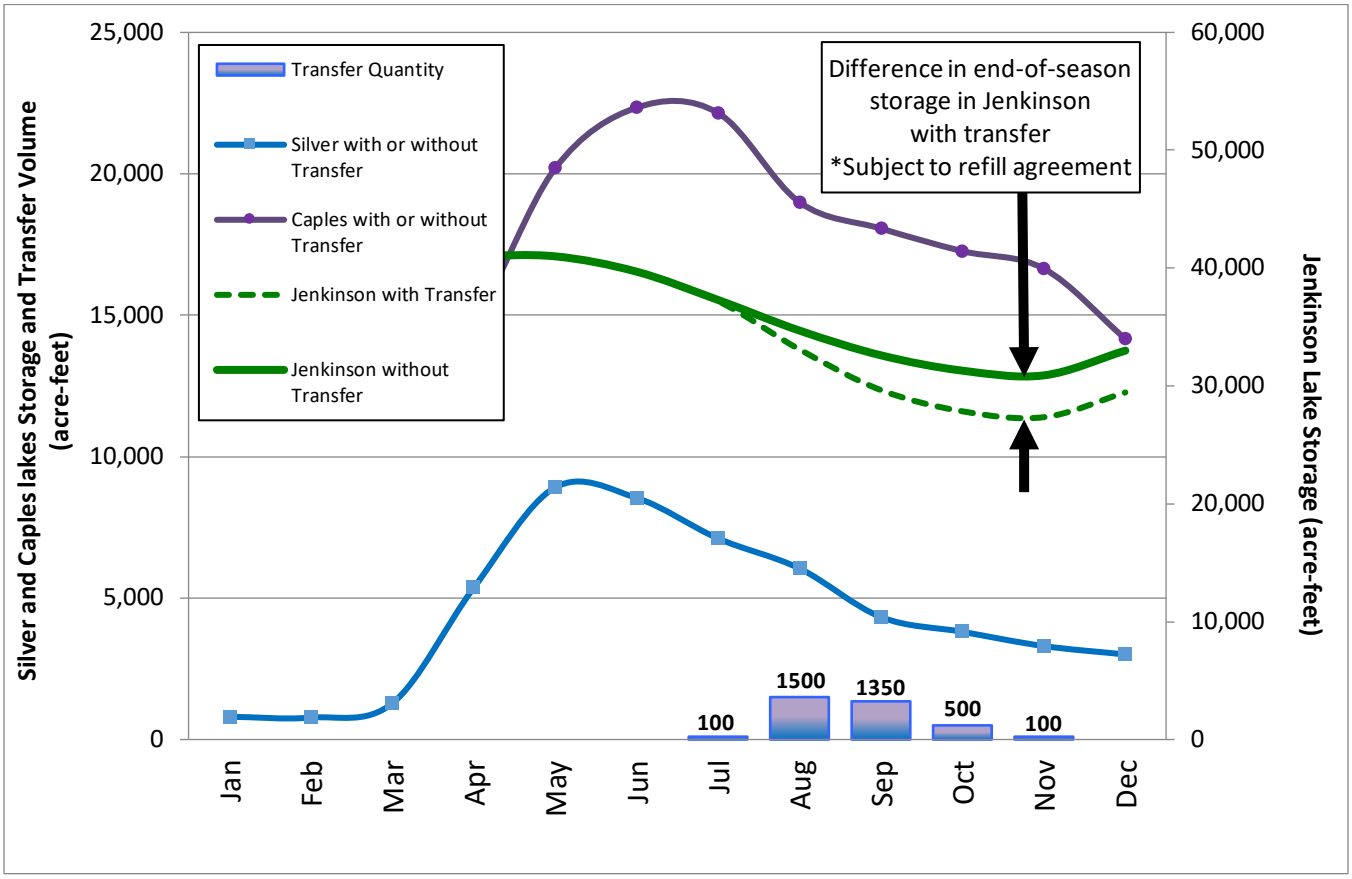
Figure 4 provides an overview of operations with and without the proposed transfer based on modeling of current and forecasted hydrology for 2024. Figure 4 includes an example of a potential release pattern of transfer water from Caples and Silver lakes and the corresponding changes in storage levels at Caples Lake, Silver Lake, and Jenkinson Lake with and without the transfer. Please note that only Jenkinson Lake storage would change as a result of the transfer because operation of Caples and Silver lakes would be the same with or without the transfer. While Figure 4 shows an example transfer scenario, actual releases and transfer volumes could vary and would depend on the following factors:

- hydrologic conditions at the time of the transfer
- timing of when all agreements and authorizations for the transfer are finalized
- when Buyers request delivery of water
- authorized transfer period (e.g., if the transfer period is extended into October and November)
- flexible management of Silver Lake, Caples Lake, and Weber Reservoir during the transfer period as EID decides how best to meet its consumptive demands and transfer objectives while still meeting all operational and flow requirements

Releases from Caples and Silver lakes would be conducted in accordance with all applicable requirements and operating criteria, including the Project No. 184 FERC license and associated agreements (e.g., League to Save Sierra Lakes 2004 Settlement Agreement), and would be coordinated with the Buyers.

Because EID would draw on Jenkinson Lake and Weber Reservoir storage for meeting transfer objectives, resulting in a lower than planned end-of-season storage absent the transfer, a refill/conveyance agreement with DWR in coordination with Reclamation for the water transferred from these two reservoirs would be required. Conversely, carryover storage in Caples and Silver lakes would be consistent with past operations and would be the same with or without the proposed transfer, so no refill/conveyance agreement would be applicable to Caples or Silver lakes.

Figure 4 Caples, Silver, and Jenkinson Lakes End-of Month Storage and Transfer Volume Release Pattern Example



Flow Path of Transfer Water

Transfer water released from EID facilities would flow to Folsom Reservoir. Specifically, the combined release flows of transfer water from Caples and Silver lakes would re-diverted at the El Dorado Diversion Dam and conveyed to the El Dorado Powerhouse before being discharged back into the SFAR or in the event the El Dorado Powerhouse is offline, transfer water would be bypassed at the El Dorado Diversion Dam and then travel downstream to Folsom Reservoir. Releases from Weber Reservoir would follow their normal flow path down Weber Creek to the SFAR and into Folsom Reservoir (see **Attachment B** for maps of the flow paths). Once in Folsom Reservoir, the transfer water would be released through Folsom Dam, and then re-operated via Lake Natoma into the LAR. The transfer water released from Folsom Reservoir would be coordinated with the systemwide operation of the CVP and SWP. Coordinated operations of the CVP and SWP are subject to compliance with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) 2019 Biological Opinions for the Long-Term Operation of the CVP and SWP (2019 BiOps), SWRCB Water Rights Decision 1641 (D-1641), as well as any temporary or modified regulatory requirements that may be in effect. Reclamation would provide the transfer water in such a manner that would not disrupt normal CVP and SWP operations, while complying

with all current flow standards for the LAR from Lake Natoma to the confluence with the Sacramento River, 2019 BiOps, as well as the most up-to-date regulatory requirements for the Delta. From the LAR, transfer water would flow for an additional approximately 22 miles to the confluence with the Sacramento River. The transfer water would then continue down the Sacramento River approximately 55 miles where it meets the San Joaquin River at the head of the Delta. From this location, transfer water would enter the tidal portion of the San Joaquin River and would be diverted 45 miles away at the SWP's intake facility, Banks pumping plant, or the CVP's intake facility, Jones pumping plant, both of which are located near the City of Tracy. Use of the Delta Cross Channel, when available, would decrease the total distance to the PORDs by approximately 18 miles.

From the Banks pumping plant PORD, the transfer water could be conveyed south via the California Aqueduct to a Buyer's service area; conveyed south approximately 70 miles to the San Luis Reservoir PORD for temporary storage in the SLR prior to delivery to a Buyer's service area; or conveyed southwest in the South Bay Aqueduct to a Buyer's services area in the East Bay. Alternatively, the transfer water could be diverted at the Jones pumping plant PORD; conveyed south approximately 70 miles to the SLR PORD for temporary storage in the SLR prior to delivery to a Buyer's service area, or conveyed south for up to 117 miles in the Delta-Mendota Canal and thence to a Buyer's service area. The service areas of potential Buyers of the transfer water are shown in **Attachment B**.

The transfer water may also be subject to the terms and conditions specified in the Warren Act Contract between Reclamation and the Buyer and/or a Conveyance Agreement with DWR, which would include terms to apply carriage losses to the transfer water to protect water quality in the Delta and account for conveyance losses during delivery (e.g., up to an estimated 30% carriage loss through the Delta and additional 5% percent for conveyance losses for the use of the canal system).

5. Demonstrating Compliance with Water Code Statutes

The following provides the SWRCB with necessary information to answer the key questions articulated in Water Code §1727, namely:

- §1727(b)(1) The proposed temporary change would not injure any legal user of the water, during any potential hydrologic condition that the board determines is likely to occur during the proposed change, through significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, or reduction in return flows.
- §1727(b)(2) The proposed temporary change would not unreasonably affect fish, wildlife, or other instream beneficial uses.

Information to Support Finding of No-Injury from Proposed Changes to Weber Reservoir Re-operation

No legal user of water would be injured with the proposed transfer because EID's transfer of water would only slightly increase, not decrease, streamflow in Weber Creek. Any such increase would be minor and would not cause any water releases or storage levels exceeding those levels experienced over the past 14 years.

Transfer water released from Weber Reservoir would flow to Folsom Reservoir, be released through Folsom Dam, and then be re-operated via Lake Natoma into the LAR. From the LAR, water would flow to the Sacramento River, then the San Joaquin River, then to the PORD at the Banks and Jones pumping plants. Water would be rediverted at the Banks and/or Jones pumping plants and conveyed south via the California Aqueduct or the Delta Mendota Canal to SLR. Transfer water may be temporarily stored in SLR and then delivered to the Buyers' service areas.

The diversion of Transfer Water at the Banks and Jones pumping plants would also comply with current standards and all state and federal regulations and permits that apply to the proposed PORDs. The proposed transfer of 750 AF from Weber Reservoir, as well as the supply available from Silver Lake and Caples Lake for a total proposed transfer of up to 4,300 AF, is currently in storage in accordance with EID's water rights and, with or without this proposed transfer, would not be available to any other legal user of water. The Water Transfer would not affect EID's ability to meet future obligations.

In addition, as part of the proposed project, EID, USBR and DWR would enter into a refill and/or conveyance agreements as appropriate for Weber Reservoir and Jenkinson Lake with conditions acceptable to all parties. One such condition is that CVP and SWP water system operations would not be adversely affected during the 2025 refill period by the transfer of previously stored water in 2024.

Information to Support Finding of No Unreasonable Effects on the Environment from Weber Reservoir Re-operation

An analysis of effects from EID's proposed Weber Reservoir water transfer on fish and aquatic wildlife in Weber Reservoir, Weber Creek, and downstream watercourses indicates that less-than-significant effects (*no unreasonable effects*) on those resources would likely occur.

Attachment C details this finding.

6. Other Relevant Information

As the lead agency, EID has the principal responsibility for approving and carrying out the proposed project and for complying with the requirements of CEQA, State CEQA Guidelines, and all other applicable regulations. The following agencies may also have permitting approval or review authority over portions of the proposed project:

- SWRCB: Temporary Change Petition, requested through a Petition for Change Involving Water Transfers, for License 2184 (Application 1692) approval consistent with CWC Sections 1725-1732
- CDFW: Concurrence that the proposed transfer would not result in unreasonable effects on fish and wildlife
- Central Valley Regional Water Quality Control Board: Concurrence that the proposed transfer would not have potential effects on water quality and other instream beneficial uses. (California Code of Regulations Title 23, Section 794.)
- DWR/USBR: Refill/conveyance agreements, as appropriate with EID and Buyers in coordination with USBR and/or DWR depending on which SWP and CVP facilities are utilized to facilitate the transfer.

Attachment B

Maps

Attachment B

Introduction

This attachment provides the following maps to support Attachment A:

1. Proposed Weber Reservoir Re-operation Transfer – this map indicates the location of Weber Reservoir, the existing PODs and POU, along with the proposed flow path to Folsom Reservoir (see Figure B-1).

2. Proposed Silver Lake and Caples Lake Re-operation Transfer – this map indicates the location of Silver Lake and Caples Lake, existing PODs and POU, along with the proposed flow path to Folsom Reservoir (see Figure B-1).

3. Transfer Overview – this map indicates the requested additional PORDs, the Central Valley Project and State Water Project POUs south of the Delta, as well as the flow path from Folsom Reservoir to Banks and Jones pumping plants (see Figure B-2).

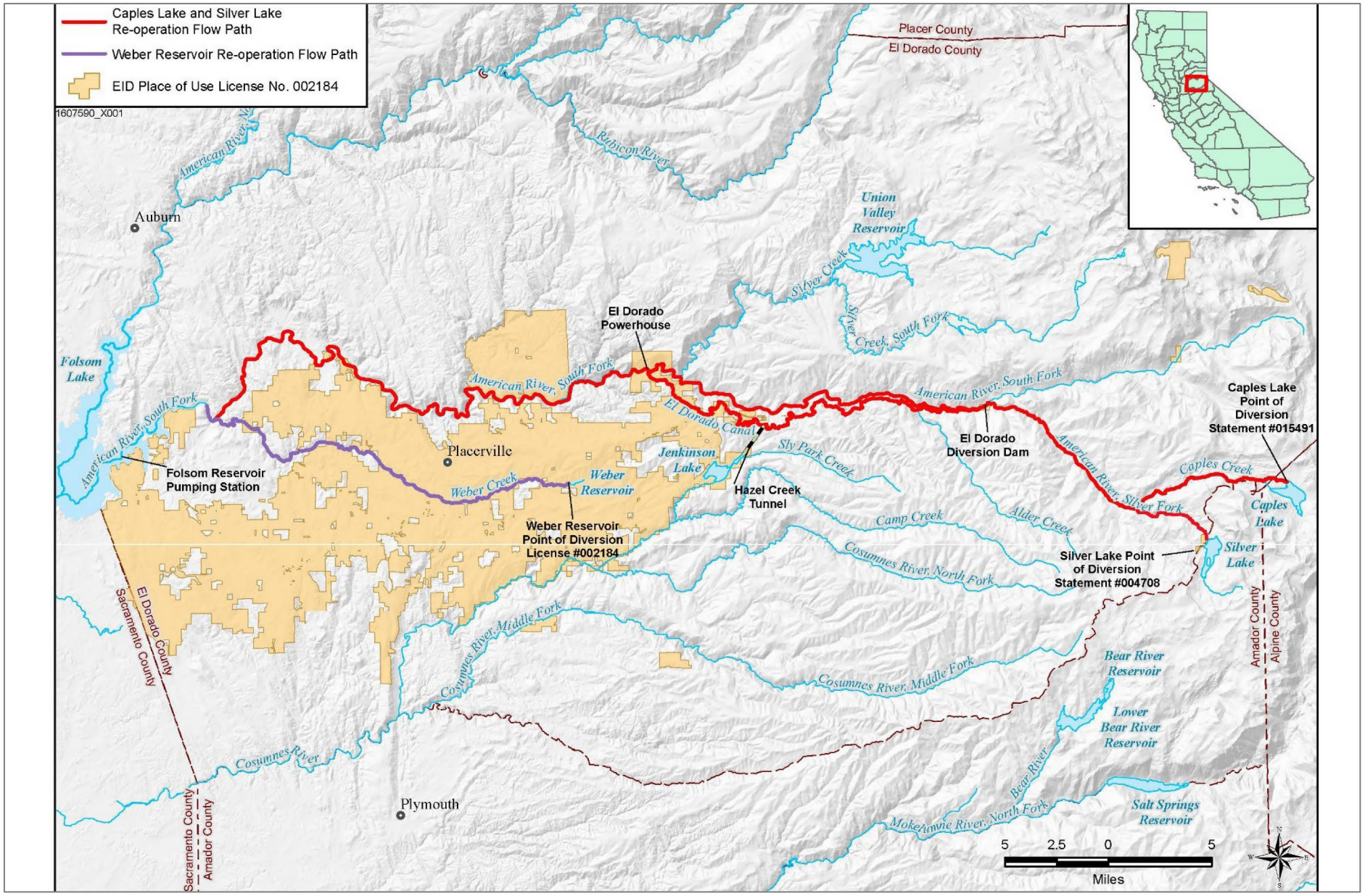


Figure B-1: Flow path for Weber Reservoir, Caples Lake and Sliver Lake to Folsom Reservoir

Figure B-2: Proposed PORDs and CVP and SWP South of Delta POUs

Attachment C

Environmental Effects of Release from Weber Reservoir

Attachment C

As detailed in Attachment A, El Dorado Irrigation District (EID) proposes to transfer up to 4,300 acre-feet (AF) of water that would otherwise be used to meet EID customer demands or maintained in storage during summer and fall 2024 to Federal and/or State water contractors, collectively the Buyers, through re-operations of EID reservoirs. The total 4,300 AF of water to be transferred consists of sources in EID's Weber Reservoir, Caples Lake, and Silver Lake. Up to 750 AF of the total transferrable water would be released from EID's Weber Reservoir, which stores water pursuant to Water Right License 2184 (Application 1692). Absent the proposed transfer, the 750 AF would remain in Weber Reservoir and not be released to Weber Creek during 2024. EID has previously conducted similar transfer and reservoir release operations from Weber Reservoir in 2015, 2018, 2020, and 2022.

Under California Water Code (CWC) Section 1725, the Weber Reservoir portion of the transfer requires a California Department of Fish and Wildlife (CDFW) determination that the proposed release of water from Weber Reservoir into Weber Creek, thence Folsom Reservoir and the Lower American River (LAR) for eventual delivery to the Buyers would not unreasonably affect fish, wildlife, or other instream beneficial uses. Although the Caples Lake and Silver Lake portions of the transfer utilize pre-1914 water rights and are not subject to this CDFW determination, the Weber Reservoir and Caples and Silver lakes portions of the transfer were jointly analyzed in an Initial Study/Proposed Negative Declaration released for public and agency review on June 7, 2024 in compliance with the California Environmental Quality Act (CEQA), which is available on EID's website at: http://www.eid.org/ceqa. The analysis provided herein focuses on effects from EID's proposed water transfer of up to 750 AF from Weber Reservoir under Water Right License 2184 (proposed transfer) and therefore focuses on fish and aquatic wildlife in Weber Reservoir, Weber Creek, and downstream water courses.

CWC Section 1725 states that a permittee or licensee may temporarily change the point of diversion, place of use, or purpose of use due to a transfer or exchange of water or water rights if the transfer would only involve the amount of water that would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change, would not injure any legal user of the water, and would not unreasonably affect fish, wildlife, or other instream beneficial uses. CEQA requires the evaluation of significant impacts. For this analysis, it was assumed that any less-than-significant effect under CEQA would likewise not be considered an unreasonable effect under CWC Section 1725.

The analysis provided herein indicates the effects from EID's proposed transfer on fish and aquatic wildlife in Weber Reservoir, Weber Creek, and downstream water courses would be less-than-significant, and therefore, not unreasonable.

ENVIRONMENTAL SETTING - Weber Reservoir and Weber Creek

The fish fauna of Weber Reservoir predominantly consists of rainbow trout and several non-native centrarchid (bass and sunfish) species. Other native fish species that may potentially be present in Weber Reservoir include Sacramento sucker, California roach, and prickly sculpin. Non-native fish species may include brown trout, largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*), bluegill (*Lepomis macrochirus*), green sunfish (*Lepomis cyanellus*), and common carp (*Cyprinus carpio*).

No special-status fish or amphibian species are present in Weber Reservoir. California red-legged frog (*Rana draytonii*) were historically (but not currently) sighted in lower Weber Creek below Weber Reservoir. The only current population of California red-legged frog in El Dorado County is present in the upper Weber Creek watershed in a 63-acre area known as Spivey Pond, owned by the U.S. Department of the Interior, Bureau of Land Management. Bullfrogs and non-native predatory fish are abundant in Weber Reservoir, which

precludes the presence of California red-legged frog in the reservoir. California red-legged frog breeding occurs from mid-December through early April along the margins and shallow parts of natural or manmade ponds, or wide slow sections of streams without predatory, non-native fish species. Breeding sites require inundation into summer for tadpoles to reach a size for metamorphosis.

No special-status fish or amphibian species are currently known to be present in lower Weber Creek. California red-legged frog is present in the American River basin and have been historically (but not currently) sighted in lower Weber Creek (see discussion of Weber Reservoir). Potentially suitable aquatic habitat for western pond turtle (*Actinemys marmorata*) is present within Weber Reservoir and lower Weber Creek. The closest documented occurrences are along North Fork Weber Creek in Spivey Pond, which is approximately 5 miles east of Weber Reservoir. Western pond turtles have also been observed in the El Dorado Forebay located approximately 7 miles from Weber Reservoir (Stantec 2024). The stream habitat present within in lower Weber Creek may only provide marginal suitable habitat for western pond turtles due to a lack of pools and exposed banks for basking.

Rainbow trout, a spring spawner, is the only native trout species in Weber Creek, with non-native brown trout, a fall spawner, potentially present. Other fish species that may occur in Weber Creek are as described above for Weber Reservoir; however, Sacramento sucker, California roach, and prickly sculpin are likely the more abundant species, along with the numerically dominant rainbow trout.

ENVIRONMENTAL SETTING – Folsom Reservoir to Buyers' Service Area

Folsom Reservoir is the principal reservoir on the American River, with a maximum storage capacity of 977,000 AF. Reclamation operates Folsom Dam and Reservoir for many reasons including water supply, water quality in the Delta (primarily to prevent salinity intrusion from the Pacific Ocean), and for endangered and threatened species. Reclamation has contracts with the following agencies for water supply from Folsom Reservoir: EID, City of Roseville, Sacramento County Water Agency, Sacramento County (assignment from Sacramento Municipal Utility District), San Juan Water District, East Bay Municipal Utility District, Sacramento Municipal Utility District, Placer County Water Agency, and City of Folsom.

Folsom Reservoir supports a "two-story" fishery during the stratified portion of the year (April through November), with warmwater species using the upper, warmwater layer and coldwater species using the deeper, colder portion of the reservoir. Native species that occur in the reservoir include hardhead and Sacramento pikeminnow. However, introduced largemouth bass, smallmouth bass, spotted bass, bluegill, black and white crappie (Pomoxis nigromaculatus and P. annularis), and catfish (*Ictalurus spp. and Ameiurus spp.*) constitute the primary warmwater sport fisheries of Folsom Reservoir. The coldwater sport species present in the reservoir include rainbow and brown trout, kokanee salmon (*Oncorhynchus nerka*), and Chinook salmon (*Oncorhynchus tshawytscha*), all of which are currently or have been stocked by CDFW. Although brown trout are no longer stocked, a population still remains in the reservoir. Because these coldwater salmonid species are stream spawners, they do not reproduce within Folsom Reservoir. However some spawning by one or more of these species may occur in the tributaries upstream of Folsom Reservoir.

Folsom Reservoir's coldwater pool is important not only to the reservoir's coldwater fish species identified above, but also is important to LAR fall-run Chinook salmon and Central Valley steelhead (Oncorhynchus mykiss). Seasonal releases from the reservoir's coldwater pool provide thermal conditions in the LAR that support annual in-river production of these salmonid species. However, Folsom Reservoir's coldwater pool must be managed to facilitate coldwater releases during the warmest months (July through September) to provide maximum thermal benefits to over-summering juvenile steelhead rearing in the LAR, and coldwater releases during October and November to maximally benefit fall-run Chinook salmon immigration, spawning, and embryo incubation. Consequently, management of the reservoir's coldwater pool on an

annual basis is essential to providing thermal benefits to both fall-run Chinook salmon and steelhead, within the constraints of coldwater pool availability.

Releases from Folsom Dam are conveyed to Lake Natoma, which serves as the Folsom Dam afterbay. Lake Natoma is operated as a re-regulating reservoir that accommodates the diurnal flow fluctuations caused by the power peaking operations at Folsom power plant. Nimbus Dam, along with Folsom Dam, regulate water releases to the LAR. The LAR flows approximately 23-mile from Nimbus Dam to the confluence of the Sacramento River. The Sacramento River flows approximately 55 miles where it meets the San Joaquin River at the head of the Delta. Federal- and/or State- listed species within the project area include (winter- and spring-run Chinook salmon, steelhead, delta smelt [*Hypomesus transpacificus*], and green sturgeon [*Acipenser medirostris*]); and State species of special concern (late fall-run Chinook salmon, green sturgeon, hardhead, longfin smelt [*Spirinchus thaleichthys*], river lamprey [Lamptera ayresi], Sacramento perch [*Archoplites interruptu*], Sacramento splittail [*Pogonichthys macrolepidotus*], and California roach).

The Delta estuary and tributaries also support a diverse community of resident fish which includes, but is not limited to, Sacramento sucker, prickly and riffle sculpin, California roach, hardhead, hitch, Sacramento blackfish, Sacramento pikeminnow, speckled dace, Sacramento splittail, tule perch, inland silverside, black crappie, bluegill, green sunfish, largemouth bass, smallmouth bass, white crappie, threadfin shad, carp, golden shiner, black and brown bullhead, channel catfish, white catfish, and a variety of other species which inhabit the more estuarine and freshwater portions of the Bay-Delta system (Moyle 2002).

From the Delta, transfer water would be re-diverted at the Banks pumping plant or Jones pumping plant and conveyed through the system of canals for delivery to a Buyer's service area.

Proposed Transfer Effects on Weber Reservoir and Weber Creek

Because of the availability of other supplies in 2024 and strategic management of reservoir operations, EID does not anticipate releasing stored water currently available in Weber Reservoir during 2024. Therefore, absent the transfer or any unforeseen system constraints, EID would only make minimum releases from Weber Reservoir as required by law in 2024. For the transfer, EID would re-operate Weber Reservoir by making releases above minimum flow requirements to draw down the reservoir to deliver water to the Buyers during the 2024 transfer period (see Figure 1).

The proposed transfer from Weber Reservoir would be made in compliance with all water rights requirements including measures for the protection of fish and wildlife. One such storage-related requirement is to maintain a minimum of 200 AF in Weber Reservoir as of September 1 in order to ensure minimum releases can be provided in September, October, and November. As depicted in Figure 1, with the transfer Weber Reservoir storage is forecasted to be 503 AF on August 31, 2024 and 278 AF on September 30, 2024, well above the minimum level of 200 AF on September 1. No long-term impacts to Weber Reservoir storage are anticipated with implementation of the proposed transfer. Traditionally, Weber Reservoir easily refills as evident even during the historically dry periods of 2014 and 2015 when the reservoir refilled. Actual refill during 2025 would be subject to a refill/conveyance agreement to be entered into with Reclamation and/or DWR as appropriate. EID would be able to meet applicable obligations under these agreements and also meet all applicable water right requirements. Because storage levels at Weber Reservoir would be within the range of normal operations and in compliance with the operational requirements specified in the water right license for the protection of fish and wildlife, the potential impacts, direct or indirect, to aquatic species that may be present at or in proximity to Weber Reservoir are expected to be negligible.

Table 1 shows one potential release pattern for Weber Reservoir with and without the transfer based on modeling of current and forecasted hydrology for 2024. However, the actual flow schedule could vary from

what is presented in Table 1 and would depend on hydrologic conditions at the time of the transfer, date when all agreements and authorizations are received, amount of and timing for water requested by the Buyer(s), and operational and flow requirements. With the example provided in Table 1, up to a maximum of 750 AF of water would be released from Weber Reservoir into Weber Creek beginning in late July and continuing through approximately November 30.

The proposed water transfer would likely have minor temporary beneficial effects to aquatic resources in Weber Creek during the transfer period because there would be an increase of flows than would otherwise be released from Weber Reservoir in 2024; minimum reservoir release to Weber Creek is approximately 1 cfs throughout the year, depending on the previous month's inflow and reservoir storage conditions. With the proposed transfer, releases from Weber Reservoir would not exceed 15 cfs and would be within the range of minimum and maximum releases provided during the transfer period over the past 14 years (Table 3-4). Additionally, the ramping rates specified in the water rights license to protect fish and wildlife from adverse impacts caused by sudden change in Weber Creek hydrology would be implemented. Differences in stream habitat characteristics (e.g., wetted channel width, stream depth, water velocities) between the proposed proposed transfer and historic (over the past 14 years) conditions would be negligible, as average water depth at the maximum flow (15 cfs) would increase by less than 5 inches over depths observed at minimum flow (1 cfs). Likewise, there would be negligible or minor beneficial temporary impacts to aquatic species that may be present in the Weber Creek.

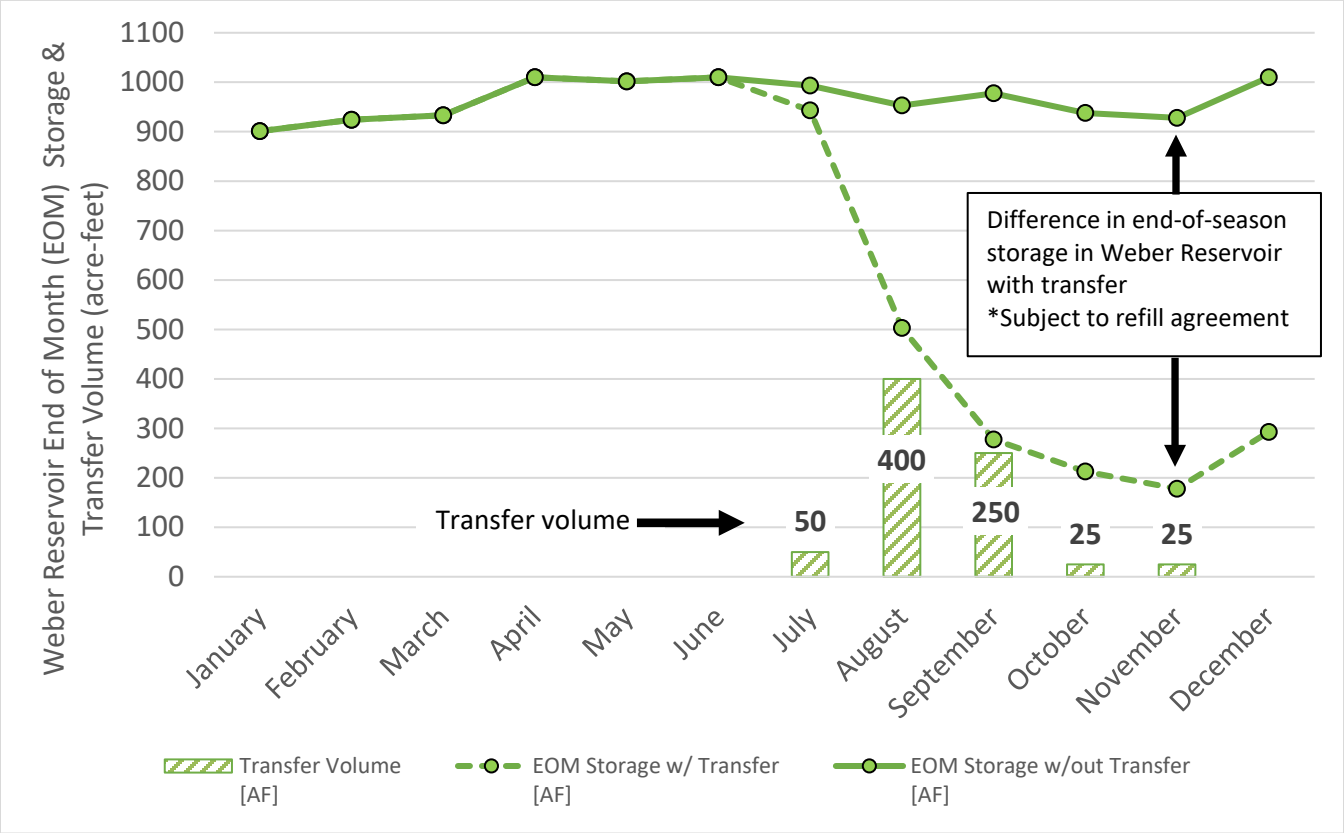


Figure 1. Weber Reservoir End-of Month Storage and Transfer Volume Release Pattern Example

Table 1. Weber Reservoir Releases 2009 through 2023 Historical Data and Planned Reservoir Operations with and without the Transfer (All Values in CFS)

	Jan	Feb	Mar	Apr	May	Jun	Transfer Period					Dec
							Jul	Aug	Sep	Oct	Nov	
Maximum	49	32	50	35	15	6	12	14	15	13	5	49
Minimum	1	1	1	1	1	1	1	1	1	1	1	1
Average	6	6	9	7	4	3	3	3	4	2	2	3
2024 Planned without Transfer Condition												
Released from Weber Reservoir							1	1	1	1	1	3
2024 Planned with Transfer Condition												
Released from Weber Reservoir (target)							2	8	5	1	1	3

Proposed Transfer Effects on Folsom Reservoir to Buyers' Service Area

The proposed transfer would not substantially influence the volume or temperature of the water entering Folsom Reservoir. The proposed transfer amount of up to 750 AF is an exceedingly small volume when compared to total SFAR inflow. For comparison, the computed inflow to Folsom Reservoir in September 2022, a dry water year type, was approximately 79,000 AF (Folsom Lake Daily Operations, 10/1/2022, https://www.usbr.gov/mp/cvo/vungvari/foldop0922.pdf). The proposed transfer amount of up to 750 AF represents only approximately 0.9% of September 2022 computed inflow. This small change in instream flows in the SFAR with implementation of the proposed transfer would have minimal to negligible effects. Additionally, because hydrologic conditions in 2024 are closer to normal and not dry, it is anticipated that the flows in the SFAR during the transfer period in 2024 will be higher than the flows provided in 2022 and therefore the releases needed to facilitate the proposed transfer would make up an even smaller percentage of the total flows in the SFAR. Given these factors, there would not be a substantial change to inflow to Folsom Reservoir.

The proposed transfer is not anticipated to have a detectable effect to Folsom's coldwater pool. Water temperature measured in the SFAR near Pilot Hill (USGS gage 11446030 SF AMERICAN R NR PILOT HILL CA) during a previous water transfer from Weber Reservoir in 2022 is provided in Figure 2. USGS gage 11446030 is located downstream of the confluence of Weber Creek and upstream of the ordinary high water mark of Folsom Reservoir and transfer water from Weber Reservoir passes this location before entering Folsom Reservoir. This data indicates there is not a distinguishable effect on water temperature in the SFAR during previous transfer deliveries from Weber Reservoir. A key factor to the lack of distinguishable effect during previous transfer deliveries is likely due to the small rate and volume of water being delivered from Weber Reservoir relative to the total flow in the SFAR. For the proposed transfer, water would be released from Weber Reservoir at rates similar to the 2022 water transfer. As such, implementation of the proposed transfer is not expected to adversely affect water temperature or coldwater pool storage in Folsom Reservoir.

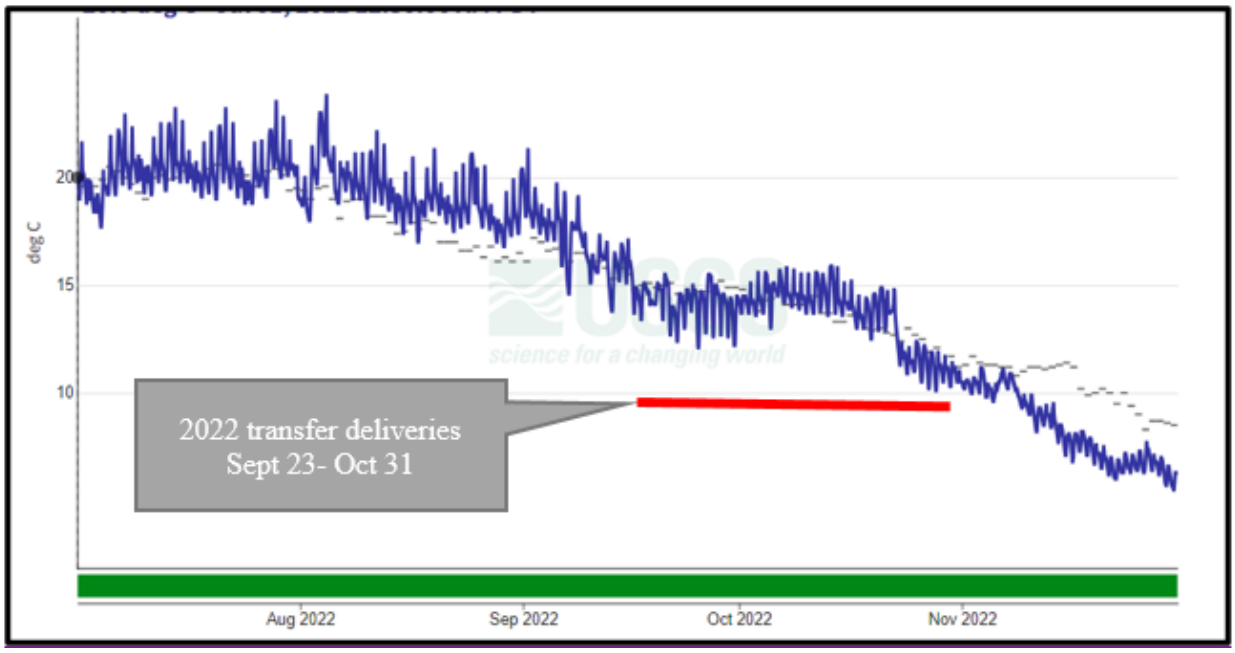


Figure 2. SFAR water temperature measured at USGS gage 11446030 July 1 to November 30 2022

Water temperature is also a primary parameter of concern for the LAR. Reclamation has indicated that the temperature target for the LAR in 2024 will be 66°F – 67°F (American River Group Notes, Draft May 16, 2024). Given the small volume of the total transfer (up to 750 AF) and because the proposed transfer is not anticipated to have a detectable effect on Folsom Reservoir's coldwater pool (see discussion above), implementation of the proposed transfer would not affect Reclamation's ability to implement meet temperature goals in the LAR in 2024.

Reclamation would be responsible for coordination and scheduling the volume and timing of releases of transfer water from Folsom Reservoir for delivery to the Buyers. For previous EID reservoir re-operation transfers, Reclamation has made releases of approximately 9 cfs (18 acre-feet per day) from Folsom Reservoir to facilitate delivery for the transfer of similar quantities of water to Buyers (Reclamation 2022). The total transfer volume of up to 750 AF is exceeding small quantity compared to flows within the waterways downstream of Folsom. For comparison, instream flows in the LAR in 2022, a dry water year, ranged from approximately 1,254 cfs to 5,268 cfs from July through November. In 2021, a critically dry water year, instream flows in the LAR ranged from approximately 552 cfs to 2,850 cfs from July through November. Even under the lowest flow condition during this period (i.e., 552 cfs) releases of 9 cfs would only represent 1.6% of the total flow in the LAR. This small change in instream flows in the LAR with implementation of the proposed transfer would have minimal to negligible effects. Additionally, because hydrologic conditions in 2024 are closer to normal and not critically dry, it is anticipated that the flows in the LAR during the transfer period in 2024 will be higher than the flows provided in 2021 and therefore the releases needed to facilitate the proposed transfer would make up an even smaller percentage of the total flows in the LAR. Given these factors, there would be minimal to negligible potential impacts, direct or indirect, to aquatic resources in the LAR.

Additionally, release of the transfer water would be coordinated with Reclamation and the regulatory agencies in compliance with all applicable requirements for flow and temperature in the LAR to protect aquatic resources. The transfer water released from Folsom Reservoir would be coordinated with the

systemwide operation of the CVP and SWP. Coordinated operations of the CVP and SWP are subject to compliance with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) 2019 Biological Opinions for the Long-Term Operation of the CVP and SWP (2019 BiOps) (USFWS 2019; NMFS 2019), SWRCB Water Rights Decision 1641, as well as any temporary or modified regulatory requirements that may be in effect. Reclamation would provide the transfer water in such a manner that would not disrupt normal CVP and SWP operations, while complying with all current flow standards for the LAR from Lake Natoma to the confluence with the Sacramento River, 2019 BiOps, as well as the most up-to-date regulatory requirements for the Delta.

From the LAR, transfer water would flow to the Sacramento River and then to the Delta. The relative proportion of transfer water would be further reduced when introduced to the flows in the Sacramento River and Delta. As such, discernable effects to aquatic resources would be unlikely in the Sacramento River or Delta with implementation of the proposed transfer.

From the Delta, transfer water would be re-diverted at the Jones pumping plant or Banks pumping plant. From the Banks pumping plant, the transfer water could be conveyed south via the California Aqueduct to a Buyer's service area; conveyed south approximately 70 miles to the San Luis Reservoir for temporary storage prior to delivery to a Buyer's service area; or conveyed southwest in the South Bay Aqueduct to a Buyer's services area in the East Bay. Alternatively, the transfer water could be diverted at the Jones pumping plant; conveyed south approximately 70 miles to the San Luis Reservoir prior to delivery to a Buyer's service area, or conveyed south for up to 117 miles in the Delta-Mendota Canal and thence to a Buyer's service area. Once re-diverted at the Jones pumping plant or Banks pumping plant, the transfer water would be conveyed in existing canals and facilities that do not provide suitable habitat for special status aquatic species. As such, there would be no impact to aquatic resources from the Jones pumping plant or Banks pumping plant to the Buyer's service area with implementation of the proposed transfer.

Conclusion

The proposed transfer would temporarily provide slightly more water (up to 750 AF) in Weber Creek and into SFAR, Folsom Lake, LAR, lower Sacramento River, and into the Delta that would otherwise occur absent the transfer. This slight flow increase, spread over the months of July through November, would have negligible effects on river flows, aquatic habitats, water temperatures, and resulting movements or migrations of any fish or wildlife species. Therefore, the proposed transfer would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede fish spawning, fish rearing, and the use of native wildlife nursery sites. This impact would not be an unreasonable effect on fish and wildlife.

Other instream beneficial uses include water quality, which would not be significantly affected by the proposed transfer. All water quality standards would be met with the proposed transfer.

The high refill capacity of Weber Reservoir, as indicated by review of past reservoir operations even during drought years, would ensure that sufficient carryover storage is available in future years to provide required minimum flows. The actual refilling of Weber Reservoir following the proposed transfer would be subject to a refill and/or conveyance agreements with Reclamation and/or DWR, as appropriate. Given the small volume of water being transferred from Weber Reservoir as compared to LAR releases, effects to the aquatic environment downstream of Folsom Reservoir as a result of the proposed transfer are anticipated to be nominal.

References

Moyle, P. B. 2002. Inland Fishes of California. University of California Press, Berkeley and Los Angeles, CA.

Reclamation 2022. Draft Environmental Assessment for 2022 Temporary Warren Act Contract with Westlands Water District for Conveyance and Storage of Up-to 750 Acre-Feet. Folsom, California. CGB-EA-2022-039

U.S. Fish and Wildlife Service (USFWS). 2019. Biological Opinion for the Reinitiation of Consultation on the Coordinated Operations of the Central Valley Project and State Water Project. 10-19-2019. Service File No. 08FBTD00-2019-F-0164. Available: https://www.fws.gov/project/central-valley-project-and-california-state-water-project-consultation

U.S. National Marine Fisheries Service. 2019. Biological Opinion on Long-term Operation of the Central Valley Project and the State Water Project. 10-21-2019. Consultation Tracking Number: WCRO-2016-00069. Available: https://www.fisheries.noaa.gov/resource/document/biological-opinion-reinitiation-consultation-long-term-operation-central-valley