

MEETING REPORT
WATER COMMITTEE
WEDNESDAY, OCTOBER 15, 2008
2:15 P.M.

Directors: Ralph Retherford
 Delbert Rotelli

Public: John Payne
 Denise and Terrill Deatsch
 John Buckley

Staff: Pete Kampa
 Tom Scesa
 Kelly Klyn
 Casey Prunchak

Review Request for a Variance from Water Rules and Regulations 6.02 Regarding Service to a Parcel on Northridge Road through a Non-adjacent Water Meter - Deatsch

Kelly Klyn reported that the Deatsches are requesting water service to their parcel on Northridge Road in the Big Hill water system, noting that they wish to have their meter installed on an existing T.U.D. water main located approximately 770 feet from their property. The existing main is only 4" in diameter and has low pressure. There are parcels surrounding and beyond the Deatsch parcel that are not adjacent to a public water main and therefore could benefit from an extension of a main. One parcel beyond the Deatsch parcel is already receiving water service through a private water line. Approval of this request would require a variance from Section 6.02 of the Water Rules which states that a water main must be fronting the property and opposite the proposed location of the meter.

Terrill and Denise Deatsch were in the audience to respond to questions from the Committee and District staff.

Committee consensus was to approve the request on the condition that the Deasch's enter into an agreement with the District specifying that they would participate in a possible future main extension and relocate their meter, and that they agree to grant an easement through their property along the existing road.

Review Request for a Variance from Water Rules and Regulations 6.02 Regarding Service to a Parcel on Brandon Court through a Non-adjacent Water Meter – Payne

Kelly Klyn reported that the Paynes are requesting water service to their parcel on Brandon Court in the Big Hill water system, noting that they wish to have their meter installed on an existing T.U.D. water main on North Bald Mt. Road, located approximately 420 feet from their property. There are three other parcels on Brandon Court that are not adjacent to a water main. The developer of these four parcels installed separate private water lines in Brandon Court for each of the parcels prior to T.U.D.'s acquisition of the Big Hill water system, but did not connect the lines to the main. An extension of a public main to these four parcels would not benefit any other parcels. Approval of this request would require a variance from Section 6.02 of the Water Rules which states that a water main must be fronting the property and opposite the proposed location of the meter.

John Payne was in the audience to respond to questions from the Committee and District staff.

Committee consensus was to approve the request on the condition that the Paynes enter into an agreement with the District specifying that they would participate in a possible future main extension and relocate their meter.

Discussion of an Agreement Regarding the Testing and Possible Acquisition of a Well in Apple Valley – Watson

Tom Scesa reported that the owners of the Cedar Ridge Apple Ranch have drilled a well that has the potential to produce a large amount of water. The District is in need of additional well production for the Apple Valley system. Staff has discussed with the ranch representative the possibility of TUD taking over the well. If the Committee concurs, District staff will prepare an agreement allows District staff to spend time and money on well testing and assures the District of a fair chance of owning the well.

Committee consensus is for District staff to prepare an agreement for Board review and consideration during the Board meeting of October 28, 2008

Review Petition for Reconsideration Submitted to the SWRCB Regarding the 401 Water Quality Certification Issued by the SWRCB

Pete Kampa summarized the following issues/defects regarding the State Water Resources Control Board (SWRCB) 401 Water Quality Certification for the PG&E Spring Gap Hydroelectric Relicensing:

- The SWRCB acted without, or in excess of, its jurisdiction
 - SWRCB exceeded its authority when it issued the Certification not based on Water Quality Impairment
 - The Certification impairs TUD's contract with PG&E by not allowing it to call for water
- The SWRCB did not call for a fair hearing
 - The relevant conditions of the Certification were developed based on input from everyone but TUD
 - No notice provided or filed
- The SWRCB did not proceed in the manner required by law
 - Stanislaus Planning Action Team (SPLAT) evidence was wrongly excluded and ignored
 - The SWRCB wrongly elevated recreation, instream flows and power production over domestic uses
 - The SWRCB mitigated negative declaration wrongly concluded that the proposed project would not result in environmentally significant effects
 - i. No provisions for emergencies or additional water supply in dry years
 - ii. Established an arbitrary lake elevation not based on fact
 - iii. Did not analyze impacts on TUD customers
 - iv. Based flow conditions on flawed model and old data
 - The SWRCB wrongly approved recreational use of Pinecrest Reservoir when recreation is not one of the purpose and use of PG&E's water rights
 - The SWRCB should have prepare an EIR
- The SWRCB wrongly excluded known future water demand data from its analysis

Pete Kampa reviewed the requested remedy:

- The SWRCB hold the petition in abeyance until TUD can provide an accurate model
- The SWRCB stay the effect of the Certification until after the SWRCB considers the Petition for Reconsideration
- The Certification must be rescinded and rewritten to be consistent with the SPLAT resource measures and if not approved
- The matter should be heard at a hearing of the SWRCB

John Buckley, representing CSERC, summarized his different perspective on the SWRCB 401 Certification condition language. Mr. Buckley explained that he believes that the perceived threat to TUD's domestic water needs is not as extreme as has been claimed and that negotiated discussions between TUD, PG&E and SWRCB appear to have good potential to resolve the matter to the satisfaction of both sides. Mr. Buckley indicated that he submitted a letter to FERC, dated October 15, 2008, urging that FERC issue the new license for the PG&E Spring Gap-Stanislaus hydroelectric process as quickly as possible and to end the extensive delay that has already held back implementation of new management conditions for so long.

Committee consensus was to continue to support District staff in the 401 Water Quality Certification process.