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**BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**PLACER COUNTY WATER  
AGENCY**

**DOCKET NO. P-2079-0000**

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**EL DORADO WATER & POWER AUTHORITY'S  
MOTION TO INTERVENE**

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El Dorado Water & Power Authority (EDWPA) hereby respectfully moves the Commission pursuant to 18 C.F.R. §385.214 to grant intervention in the above-captioned matter. EDWPA is filing this motion for intervention in response to the Commission's June 7, 2011 Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions for Project No. 2079-069. The basis on which EDWPA seeks intervention is as follows.

1. EDWPA is a public agency formed pursuant to the California Joint Exercise of Power Act in 2004 by the County of El Dorado, El Dorado County Water Agency, El Dorado Irrigation District and the Georgetown Divide Public Utility District.<sup>1</sup> The purpose of the EDWPA is to provide for the joint exercise of powers common to each agency related to water supply, socioeconomic, and power issues and thereby achieve the mission of protecting, preserving, and enhancing the water and power interests of El Dorado County's residents, businesses and environment. EDWPA does not itself provide water service but instead seeks to ensure that retail water suppliers within El Dorado County have the water supplies and infrastructure necessary to serve the needs of the County's residents, businesses and environment now and in the future.

2. In 2007, El Dorado County Water Agency prepared a Water Resources Development

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<sup>1</sup> Georgetown Divide Public Utility District has subsequently withdrawn from EDWPA.

1 and Management Plan (Plan) for El Dorado County that is intended to serve as a blueprint for future  
2 water resources use and development. The Plan identifies the need for diversions from the American  
3 River Pump Station, which is owned and operated by Placer County Water Agency (PCWA), which  
4 operations could be affected by the Commission's decision in the instant proceedings.

5 3. The concept that El Dorado County interests might use PCWA's American River  
6 Pump Station is not new. PCWA built the American River Pump Station, which was completed in  
7 2007, expressly anticipating such use. Specifically, PCWA left an empty bay for an additional pump  
8 station that could be used by El Dorado County interests and built an under-river caisson stubbed at  
9 the eastern bank of the North Fork American River, which is where an El Dorado County water  
10 purveyor would connect a new pipeline. The Commission should recognize the substantial  
11 expenditure of public monies on such infrastructure and any decision in the instant proceedings  
12 should not result in those expenditures being wasted.

13 4. El Dorado County interests intend to divert two different types of water from the  
14 American River Pump Station. First, El Dorado County interests are entitled to take water made  
15 available under Public Law 101-514 ("Fazio Water"), which is to be taken at or above Folsom  
16 Lake. Such water could be exchanged with PCWA and diverted to serve El Dorado County  
17 interests at the American River Pump Station. Second, EDWPA has filed an application with the  
18 California State Water Resources Control Board to divert up to 40,000 acre-feet/year to serve  
19 future growth. Up to 10,000 acre-feet/year of that water could be taken at the American River  
20 Pump Station.

21 5. The terms and conditions on which the Commission relicenses Project No. 2079  
22 may prevent or interfere with El Dorado County interests' ability to divert water at the American  
23 River Pump Station and so would interfere with EDWPA's ability to secure sufficient water  
24 supplies to serve El Dorado County's future needs. For this reason, it is in the public interest for  
25 the Commission to permit EDWPA to intervene to protect the interests of the residents,  
26 businesses and environment of El Dorado County to utilize the American River Pump Station to  
27 meet the future needs of El Dorado County interests.

1           6.       EDWPA has a direct and substantial interest in, and may be affected by the instant  
2 proceedings. No other party to those proceedings can adequately represent the interests of the  
3 residents, businesses and environment of El Dorado County.

4           7.       Accordingly, EDWPA respectfully requests, pursuant to the Commission's rules  
5 and regulations, that it be granted intervention in the above-captioned proceedings and be made a  
6 party thereto, including but not limited to the right to have notice of and appear at any and all  
7 hearings or proceedings, to produce evidence and cross-examine witnesses, to be heard through  
8 counsel and through written and oral argument, henceforth to be served with copies of all  
9 pleadings, applications and notices, and for such other participation and relief as may be allowed  
10 under the Commissions rules, regulations and precedents. EDWPA requests that the following  
11 individuals be added to the service list to receive filings and notice on behalf of EDWPA for this  
12 proceeding and consents to receiving such service electronically.

13 Dave Eggerton  
14 General Manager  
15 El Dorado Water & Power Authority  
16 3932 Ponderosa Road, Suite 200  
17 Shingle Springs, CA 95682  
18 [dave.eggerton@edcgov.us](mailto:dave.eggerton@edcgov.us)

17 Frederic L. Schaefer  
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21 Kevin M. O'Brien  
22 David R.E. Aladjem  
23 Special Counsel  
24 El Dorado Water & Power Authority  
25 621 Capitol Mall, 18<sup>th</sup> Floor  
26 Sacramento, CA 95814  
27 (916) 520-5235  
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[daladjem@downeybrand.com](mailto:daladjem@downeybrand.com)

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1 Respectfully submitted:

2 DOWNEY BRAND LLP

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5 \_\_\_\_\_/s/\_\_\_\_\_

6

7 Kevin M. O'Brien  
8 Special Counsel  
9 El Dorado Water & Power Authority  
10 621 Capitol Mall, 18th Floor  
11 Sacramento, California 95814  
12 (916) 520-5235

Dated: August 5, 2011

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I have this day served the foregoing document upon each person  
3 designated on the official service list compiled by the Secretary in this proceeding.

4 Dated this 5th day of August, 2011.

5  
6 \_\_\_\_\_/s/\_\_\_\_\_

7 Kevin O'Brien

8 Special Counsel  
9 El Dorado Water and Power Authority  
621 Capitol Mall, 18th Floor  
10 Sacramento, California  
(916) 520-5235

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**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Downey Brand LLP, 621 Capitol Mall, 18th Floor, Sacramento, California, 95814 On August 5, 2011, I served the within document(s):

**EL DORADO WATER & POWER AUTHORITY’S MOTION TO INTERVENE**

**BY E-MAIL:** by transmitting via e-mail or electronic transmission the document(s) listed above to the person(s) who have agreed to service by electronic mail, at the e-mail address(es) set forth in the attached service list.

**BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Sacramento, California addressed as per the attached service list.

**BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) specified per the attached service list, on the next business day.

**BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

**BY PERSONAL DELIVERY:** by causing personal delivery by \_\_\_\_\_ of the document(s) listed above to the person(s) at the address(es) set forth below.

***SEE ATTACHED SERVICE LIST***

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 5, 2011 at Sacramento, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Wendy Jones

**Service List**

<b>Party</b>	<b>Primary Person or Counsel of Record to be Served</b>	<b>Other Contact to be Served</b>
American Whitewater	Dave Steindorf California Stewardship Dir. American Whitewater 4 Baroni Drive Chico, CALIFORNIA 95928-4314 UNITED STATES dave@amwhitewater.org	
California Department of Fish and Game	Nancee Murray Senior Staff Counsel California Department of Fish and Game Office of General Counsel 1416 Ninth St., 12th Floor Sacramento, CALIFORNIA 95814 UNITED STATES nmurray@dfg.ca.gov	Sharon J. Stohrer Staff Environmental Scientist California Department of Fish and Game 1701 Nimbus Road Rancho Cordova, CALIFORNIA 95670 sstohrer@dfg.ca.gov
California Department of Fish and Game		**Mary Lisa Lynch Manager, Region 2 California Department of Fish and Game CA Dept. of Fish and Game 1701 Nimbus Road, Suite A Rancho Cordova, CALIFORNIA
Department of the Interior, Office of the Solicitor	Kerry O'Hara Assistant Regional Solicitor 2800 Cottage Way, Rm. E-1712 Sacramento, CALIFORNIA 95825 UNITED STATES kerry.o'hara@sol.doi.gov	
Department of the Interior, Office of the Solicitor	**Kevin Tanaka Attorney Department of the Interior, Office of the Solicitor 2800 Cottage Way Ste E1712 Department of The Interior - Solicitor's Office Sacramento, CALIFORNIA 95825	Luke Miller Assistant Regional Solicitor Department of the Interior, Office of the Solicitor 2800 Cottage Way Suite E-1712 Sacramento, CALIFORNIA 95825 luke.miller@sol.doi.gov
Department of the Interior, Office of the Solicitor		Stephen M. Bowes Planner National Park Service 1111 Jackson Street oakland, CALIFORNIA 94607 stephen_bowes@nps.gov
Department of the Interior,		**Regional Environmental Officer US Department of the Interior

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5	Pacific Gas and Electric Company	Mark Patrizio Attorney Pacific Gas and Electric Company PO Box 7442 San Francisco, CALIFORNIA 94120 mdp5@pge.com	PG&E Law Dept FERC Cases Individual 77 Beale Street Room 3120 B30A San Francisco, CALIFORNIA 94120-7442 lawferccases@pge.com
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7	Pacific Gas and Electric Company		
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9	Placer County Water Agency	James Eicher Associate Field Manager Bureau of Land Management 5152 Hillside Circle El Dorado Hills, CALIFORNIA 95762 UNITED STATES jeicher@ca.blm.gov	DAVID A BRENINGER GEN. MANAGER Placer County Water Agency PO Box 6570 Auburn, CALIFORNIA 95604-6570 Placer dbreninger@pcwa.net
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11	Placer County Water Agency	**Jay L'Estrange Dir., Power Gen. Services Placer County Water Agency PO Box 667 Foresthill, CALIFORNIA 95631-0667 UNITED STATES	**Board of Directors Chairman Placer County Water Agency PO Box 6570 Auburn, CALIFORNIA 95604 Placer
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13	Placer County Water Agency	Thomas Bartos Foothills Angler Coalition hbp@surewest.net	Julie Leimbach Coordinator Foothills Water Network PO Box 713 Lotus, 95651-0713 julie@foothillswaternetwork.org
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15	Placer County Water Agency	**NATE RANGEL California Outdoors POST OFFICE 401 COLOMA, CALIFORNIA UNITED STATES	Christopher Robert Shutes FERC Projects Director California Sportfishing Protection Alliance 1608 Francisco St. Berkeley, CALIFORNIA 94703 blancapaloma@msn.com
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17	Placer County Water Agency	Gary Estes Board Member Protect American River Canyons 4135 Eagles Nest Auburn, CALIFORNIA 95603 UNITED STATES garyestes@psyber.com	Dave Steindorf California Stewardship Dir. California Stewardship Director 4 Baroni Drive Chico, CALIFORNIA 95928-4314 dave@amwhitewater.org
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County Water Agency	Upper American River Foundation jmdonovan05@sbcglobal.net	Staff Attorney Trout Unlimited 2239 5th Street Berkeley, CALIFORNIA 94710 bjohnson@tu.org
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