

STANLEY MOSK, Attorney General
of the State of California
J. M. SANDERSON, Deputy Attorney General
Library and Courts Building
Sacramento 14, California
Telephone: HI 5-4711 Ext. 3095

Attorneys for Applicant

BEFORE THE
CALIFORNIA STATE WATER RIGHTS BOARD

In the Matter of Applications)
18084, 18085, 18086 and 18087)
of Placer County Water Agency,))
Applicant,)
San Juan Suburban Water)
District, et al,)
Protestants.)

STIPULATION AND AGREEMENT

This agreement, executed this 30th day of July 1962, between the Placer County Water Agency, hereinafter called "the Agency" and the State of California Department of Fish and Game, hereinafter called "the Department,"

WITNESSETH:

WHEREAS, the Agency is seeking permits from the California State Water Rights Board pursuant to Water Right Applications 18084, 18085, 18086 and 18087 for its proposed Middle Fork American River Project, by which there will be the diversion and use of water from the Middle Fork American, North Fork American and Rubicon River systems for irrigation, municipal, industrial, recreational, and incidental domestic purposes and for the generation of electric power under said applications; and

WHEREAS, as part of said project, the Agency proposes to construct the Duncan Creek Diversion Dam on Duncan Creek, French Meadows Dam on the Middle Fork American River, Hell Hole Dam on the Rubicon River, North and South Long Canyon Diversion Dams on

North and South Long Canyon Creek, Ralston Interbay Dam on the Middle Fork American River, Ralston Afterbay Dam on the Middle Fork American River, and Auburn Diversion Dam on the North Fork American River, well as appurtenant tunnels, ditches, and other works in order to put the diverted or stored water to beneficial use pursuant to said applications; and

WHEREAS, the Middle Fork American River, North Fork American River and the Rubicon River and their tributaries comprise natural river systems frequented by brown trout, rainbow trout, brook trout and certain warm water species of fish; and

WHEREAS, the Department in discharging its responsibility to protect and preserve the fish and wildlife resources of the State, has filed protests to said water right applications, but is willing to withdraw said protests on the basis of an agreement by the Agency that certain conditions will be maintained in relation to each of the proposed project works for the preservation of those resources in and around said river systems; and

WHEREAS, the Agency desires to provide protection and preservation of fish and wildlife resources of the State in a manner consistent with the feasibility of said Middle Fork American River Project and the accomplishment of its purposes, and is willing so to agree;

NOW, THEREFORE, IT IS HEREBY AGREED AND STIPULATED by and between the Agency and the Department as follows:

1. Minimum Reservoir Storage

A. Required minimum reservoir storage shall be based upon the estimated total unimpaired runoff into Folsom Reservoir of the Central Valley Project during each period from the preceding October 1 to September 30 of each calendar year, as estimated by the California Department of Water Resources on or about April 1 of each such calendar year. Such estimated total unimpaired runoff shall govern the minimum required reservoir levels for the period June 1 of each such calendar year through May 31 of the succeeding calendar year, as hereinafter provided.

B. In a year in which such estimated total unimpaired runoff is more than 2 million acre feet, reservoir storage shall be maintained at not less than the following amounts:

<u>Reservoir</u>	<u>June 1 - Sept. 30</u> <u>(acre feet)</u>	<u>Oct. 1 - May 31</u> <u>(acre feet)</u>
French Meadows	60,000	50,000
Hell Hole	70,000	50,000

C. In a year in which such estimated total unimpaired runoff is less than 2 million acre feet and more than 1,200,000 acre feet, reservoir storage shall be maintained at not less than the following amounts:

<u>Reservoir</u>	<u>June 1 - Sept. 30</u> (acre feet)	<u>Oct. 1 - May 31</u> (acre feet)
French Meadows	60,000	25,000
Hell Hole	70,000	25,000

D. In a year in which such estimated total unimpaired runoff is less than 1,200,000 acre feet, reservoir storage shall be maintained at not less than the following amounts:

<u>Reservoir</u>	<u>June 1 - Sept. 30</u> (acre feet)	<u>Oct. 1 - May 31</u> (acre feet)
French Meadows	28,000	8,700
Hell Hole	26,000	5,500

E. The Department and the Agency recognize that future changes in the above minimum reservoir storages amounts may be desirable to improve fishery and recreational values. Such changes may be made by mutual agreement of the parties.

F. In Duncan Creek Diversion Reservoir the Agency shall maintain at all times a minimum pool with water surface elevation at 5,259 feet.

2. Minimum Stream Flows

A. Minimum releases for stream flow maintenance shall be based on the same estimate by the California Department of Water Resources of the total unimpaired runoff into Folsom Reservoir, and shall govern such minimum releases for the same period, as in the case of minimum reservoir storage under Article 1(A) hereof. Hereinafter in this Article 2, a normal or wet year is a year in which such estimated total unimpaired runoff is 1,000,000 acre feet or more and a dry year is a year in which such estimated total unimpaired runoff is less than 1,000,000 acre feet.

The Agency shall release not less than the following flows for the maintenance of fishlife from the various project dams into the natural streams below such dams.

B. From Duncan Creek Diversion Dam:

(1) Normal or wet years: January 1 through December 31 - 8 c. f. s. or the natural flow, whichever is less.

(2) Dry years: January 1 through December 31 - 4 c. f. s. or the natural flow, whichever is less.

C. From French Meadows Dam:

- (1) Normal or wet years: 8 c. f. s. at all times.
- (2) Dry years: 4 c. f. s. at all times.
- (3) The Department and the Agency agree that in the event changes in the above releases are deemed desirable to improve fishery and recreational values, the flow schedules may be changed, provided both parties agree to the change and the total amount of water released does not exceed 5,800 acre feet in a wet year and 2,900 acre feet in a dry year.

D. From Hell Hole Dam:

- (1) Normal or wet years:
 - (a) June 1 through July 25 - 20 c. f. s.
 - (b) July 26 through August 5 - 15 c. f. s.
 - (c) August 6 through October 31 - 10 c. f. s.
 - (d) November 1 through January 31 - 14 c. f. s.
 - (e) February 1 through May 31 - 20 c. f. s.
- (2) Dry years:
 - (a) June 1 through December 31 - 8 c. f. s.
 - (b) January 1 through March 25 - 6 c. f. s.
 - (c) March 26 through May 31 - 8 c. f. s.

(3) The Department and the Agency agree that in the event changes in the above releases are deemed desirable to improve fishery and recreational values, the flow schedules may be changed provided both parties agree to the change and the total amount of water released does not exceed 11,000 acre feet in a wet year and 5,500 acre feet in a dry year.

E. From South Long Canyon Diversion Dam:

- (1) Normal or wet years: January 1 through December 31 - 5 c. f. s. or the natural flow, whichever is less.
- (2) Dry years: January 1 through December 31 - 2.5 c. f. s. or the natural flow, whichever is less.

F. From North Long Canyon Diversion Dam: 2 c. f. s. or the natural flow, whichever is less, all year around at all times.

G. From Ralston Interbay Dam:

(1) Normal or wet years: January 1 through December 31 - 23 c. f. s. or the natural flow, whichever is less.

(2) Dry years: January 1 through December 31 - 12 c. f. s. or the natural flow, whichever is less.

H. From Ralston Afterbay Dam: Such releases as will result in a flow of not less than 75 c. f. s. at all times measured immediately below the confluence of the North Fork of the Middle Fork and the Middle Fork of the American River. In addition, water releases from Ralston Afterbay shall not cause vertical fluctuations in the elevation of water in the stream greater than one foot in one hour. The parties will cooperate in a study to determine the effect of such vertical fluctuations and will give consideration to the desirability of any modifications thereof.

I. From Auburn Diversion Dam: 75 c. f. s. all year around at all times.

3. In the event an open canal is utilized to convey water between North Long Canyon Diversion Dam and South Long Canyon Diversion Dam, the Agency shall provide and maintain deer-proof fencing isolating the entire length of open canal from the surrounding area.

4. Where the Agency proposes to remove vegetation from a reservoir site, strip earth from dam abutments, remove sand or gravel from a stream, wash gravel near a stream, or carry on any activity in or along the stream which might result in muddying, silting or allowing to enter the stream any substances, such as oil, which might injure fishlife or fish habitat, the Agency shall require all contractors to provide and maintain in effective condition check dams, settling ponds, and such other features as may be required to maintain the fishery values of streams below such operations. The Agency shall notify its contractors of the necessity for compliance with California Fish and Game Code sections 5650, 5948, 12015, 1601 and 1602, and other applicable statutes relating to pollution prevention or abatement, and shall include reference to these items in construction contracts it may issue.

5. The Agency shall allow public access to the project lands and water except in areas where public safety, security to the Agency's property or interference with project operations are the controlling factors.

6. The Department agrees that if the terms and conditions of this agreement are included in any permits or licenses issued by the State Water Rights Rights Board pursuant to the above-numbered applications,

the protests of the Department to said applications may be considered withdrawn and may be dismissed.

7. The Agency agrees that if it assigns, conveys or otherwise disposes of any interest in said project, such disposition shall be specifically made subject to the provisions of this agreement.

WHEREFORE, the parties hereto have executed this agreement on the day and year first above written.

ATTEST

(Signed) Elynor Freeman
Clerk

PLACER COUNTY WATER AGENCY

By (Signed) Frank J. Paoli
Chairman, Board of Directors

CALIFORNIA DEPARTMENT OF FISH
AND GAME

By (Signed) W. T. Shannon
Director