

DEPARTMENT OF WATER RESOURCES

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6/13/2024

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Subject: The El Dorado Irrigation District Five-Year Conserved Water Transfer Project for 2024-2028 Initial Study/Negative Declaration State Clearinghouse #2024050686

Dear Mr. Deason,

The California Department of Water Resources (DWR) has reviewed the Initial Study/Negative Declaration (IS/ND) for El Dorado Irrigation District's (District) proposed Five-Year Conserved Water Transfer Project for 2024–2028. DWR has the following comments.

Project Description

The proposed Five-Year Conserved Water Transfer Project for 2024–2028 (Proposed Project) is the transfer of newly conserved water to Westland's Water District. The water conservation was created by the District's recent pipeline project completed in the spring of 2022 which converted the Upper Main Ditch from an open unlined ditch to a piped conveyance (Main Pipeline). The District estimates that the pipeline project resulted in a conservation of up to 740 acre-feet (AF) of water annually that would have been lost through seepage and evaporation from the Upper Main Ditch. Under the Proposed Project, the conserved water would either remain instream in the South Fork of American River or be used for non-consumptive hydropower production and then returned into the South Fork of American River, both routes of water would flow into Folsom Reservoir and would be conveyed to Westland's Water District. The Proposed Project would transfer no more than 740 AF of the District's pre-1914 water right annually from 2024–2028 during the months of July through September.

Comments**General Comment**

The IS/ND needs to provide adequate data and analysis to support the conclusion that the water conserved and available for transfer is projected to be up to 740 AF

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per year since the impact analyses in this environmental document are based on the projected transferable amount.

Water Code Section 1011 defines “water conservation” as “the use of less water to accomplish the same purpose or purposes of use allowed under the existing appropriative right.” Furthermore, Water Code Section 1011(b) establishes that a water rights holder who reduces water use as a result of conserving water is authorized to use, sell, exchange or otherwise transfer such water. However, Water Code Section 1706 allows the Proposed Project to move forward only if others are not injured by the change. Since Water Code Section 1706 requires the Proposed Project to have no injury to others, and CEQA requires the analysis of potential impacts, it is imperative that the IS/ND provides the information which forms the basis of the conclusion that the 740 AF amount of transferable water is based on a *reduction in use*. IS/ND reviewers need to be able to verify that 740 AF is the accurate amount of conserved water available for transfer pursuant to Water Code Section 1011(b).

The IS/ND potentially overestimates the amount of transfer water made available through conservation, which may result in inaccurate impact conclusions in this IS/ND and in injury to others, including downstream legal water users and biological resources, and may not comply with Water Code Section 1706.

The amount of transferable water should be calculated as the consumptive use of the Upper Main Ditch minus consumptive use of the Main Pipeline. This IS/ND does not provide any data, measurements, or analysis to quantify consumptive use for the Main Pipeline. The Upper Main Ditch total conveyance loss is estimated based on a look-up table that depends on season and the flow being conveyed. The look-up table was derived from a correlation that is based only on 2016 and 2017 data (Tully & Young Technical Memo, page 4). When the correlation is plotted and compared to other years of data, the flow measurements show significant deviation from the curve (Tully & Young Technical Memo, page 7). Furthermore, the IS/ND estimates that the surface water evaporation loss of the Upper Main Ditch is eight percent of the total conveyance loss, but it does not provide any supporting analysis based on surface area estimates of the Upper Main Ditch.

Specific Comments

4.4 Biological Resources

The lack of data to support the projected water conserved in the IS/ND may result in over-accounting of the water available for transfer and the transfer of water which is intended for downstream users, including biological resources. Without the necessary data, an impact analysis for these potential impacts cannot be accurately assessed. Biological resources downstream of the El Dorado Forebay entering Folsom Reservoir

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and into the Lower American River that may be impacted include riparian habitat, sensitive natural communities, and habitat conservation plan areas. Without data to support the accuracy of the conserved water eligible for transfer, the Proposed Project has the potential to impact these downstream biological resources by transferring water that would have otherwise been available to benefited downstream biological resources. Therefore, the IS/ND needs to provide the data to support the projected water conserved to conclude the less than significant impact on Biological Resources.

Please provide the data and analysis to confirm the amount of water available for transfer necessary to undertake the impact evaluation and re-evaluate these potential impacts. To accurately analyze the Biological Resources impacts resulting from this proposed transfer, the District needs to provide the following: (1) an analysis to quantify and compare the consumptive use from the Upper Main Ditch and the consumptive use from the Main Pipeline based on the transfer year hydrology and diversion from the South Fork of American River, (2) all the reports, data, and measurements with acceptable accuracy used in the analysis, (3) flow measurements prior to and after the completion of the Main Pipeline project at key locations, including the outflow of forebay into the Main Pipeline and the inflow to the Reservoir 1 Water Treatment Plant inlet. Such information is critical to quantify the reduction in consumptive use from the Proposed Project and the amount of transferable water both of which are needed to correctly determine the Biological Resources impacts.

4.10 Hydrology and Water Quality

The IS/ND states that the Proposed Project will have less than significant impact on Hydrology and Water Quality. Such potential impacts cannot be evaluated without first confirming the methodology used in determining the amount of water available for transfer is accurate which needs to be supported by data. The conclusion that the Proposed Project does not change the baseline condition above Folsom and that the change in instream flows in the Lower American River would have no discernable effects needs to be supported by the accurate amount of conserved water. Therefore, the IS/ND needs to provide the data to support the projected water conserved to conclude the less than significant impact on Hydrology and Water Quality.

As with the Biological Resources impact analysis, please provide the data and analysis to confirm the amount of water available for transfer necessary to undertake the impact evaluation and re-evaluate these potential impacts. To accurately analyze the Hydrology and Water Quality impacts resulting from this proposed transfer, the District needs to provide the following: (1) an analysis to quantify and compare the consumptive use from the Upper Main Ditch and the consumptive use from the Main Pipeline based on the transfer year hydrology and diversion from the South Fork of American River, (2) all the reports, data, and measurements with acceptable accuracy used in the analysis, (3) flow measurements prior to and after the completion of the Main Pipeline project at

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key locations, including the outflow of forebay into the Main Pipeline and the inflow to the Reservoir 1 Water Treatment Plant inlet. Such information is critical to quantify the reduction in consumptive use from the Proposed Project and the amount of transferable water both of which are needed to correctly determine the Hydrology and Water Quality impacts.

Thank you for this opportunity to comment on the Proposed Project.

Sincerely,

nancy finch

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