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**ANGELS PROJECT  
FERC PROJECT NO. P-2699**

**Utica Water and Power Authority**



**DRAFT APPLICATION FOR SMALL CONDUIT  
EXEMPTION AND LICENSE SURRENDER FOR  
HYDROELECTRIC FACILITY  
INTRODUCTORY STATEMENT**

**December 2023**

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**EXHIBITS**

- Exhibit A – Project Description
- Exhibit E – Environmental Report
- Exhibit F – General Design Drawings (CEII)
- Exhibit G – Project Maps

## **COMMONLY USED TERMS, ACRONYMS & ABBREVIATIONS**

Applicant	Utica Water and Power Authority
Conduit Exemption	Small Conduit Exemption
CFR	Code of Federal Regulations
existing FERC Project	Angels Hydroelectric Project (Federal Energy Regulatory Commission Project Number 2699)
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
License Surrender	Application for Surrender of License
MW	megawatt
No.	Number
Project	Utica Water and Power Authority Application for Conduit Exemption for Angels Powerhouse and Application for Administrative Surrender of License
State	State of California
UWPA	Utica Water and Power Authority

## INTRODUCTORY STATEMENT

### 1.1 INTRODUCTION

The Utica Water and Power Authority (UWPA, “Applicant”) is applying to the Federal Energy Regulatory Commission (FERC) for a Small Conduit Exemption (Conduit Exemption) for the Angels Powerhouse Project, part of the existing Angels Hydroelectric Project (FERC Project Number [No.] 2699). UWPA’s Conduit Exemption Application also serves as UWPA’s Application for Surrender of License (License Surrender) for the Angels Hydroelectric Project facilities excluded under FERC’s definition of a small conduit hydroelectric facility, as defined under 18 Code of Federal Regulations (CFR) 4.30(b)(30) (i.e., the Angels Conduit and transmission facilities). UWPA is filing its License Surrender Application together with its Conduit Exemption Application to convert its license for the Angels Powerhouse to a Conduit Exemption as an integrated package. Should FERC decide to decline to issue a Conduit Exemption for the Angels Powerhouse, then FERC should deem UWPA’s Surrender Application withdrawn.

For the purposes of this Introductory Statement, the Angels Hydroelectric Project (FERC Project No. 2699) is the “existing FERC Project,” while the Conduit Exemption for the Angels Powerhouse Project and the License Surrender are, together, the “Project.”

The existing FERC Project is located on Angels Creek and French Gulch Creek in the Upper Stanislaus River Watershed and Upper Calaveras River Watershed, in Calaveras County, California. The facilities comprising the existing FERC Project meet FERC’s definition of a conduit under 18 CFR 4.30(b)(2), as they deliver the sole water supply to the City of Angels’ (Angels Camp) water treatment plant, UWPA’s irrigation water contractors located along Murphys Grade Road, and water that may be utilized by the Calaveras County Water District (CCWD) for its downstream service area uses in the town of Copperopolis. Annual consumptive demands downstream of the Angels Powerhouse Project total up to 1,950 acre feet. Additionally, the existing FERC Project generates important hydroelectric revenues to supplement the ongoing operations and maintenance costs associated with the operations and maintenance of the Angels Water Conveyance System.

The license for the existing FERC Project was issued on September 3, 2003, and expires on September 3, 2033. The Applicant believes that the existing FERC Project clearly meets the statutory criteria for a Conduit Exemption, as amended by the Hydropower Regulatory Efficiency Act of 2013, which authorizes the exemption, by rule or order, of any facility (not including any dam or other impoundment) constructed, operated or maintained for the generation of electric power which: “(1) utilizes for such generation only the hydroelectric potential of a conduit; and (2) has an installed capacity that does not exceed 40 megawatts.”

In addition, the existing FERC Project meets the definition of a small conduit hydroelectric facility under the definitions provided in 4.30(b)(30)i-v, given the following:

- The existing FERC Project uses the hydroelectric potential of the Angels Conduit for electric power generation.
- The existing FERC Project has 1.4 megawatt (MW) of installed generating capacity, which is under the 40 MW maximum to qualify for a Conduit Exemption.
- The existing FERC Project is not an integral part of a dam.
- The existing FERC Project discharges directly to Angels Camp for agricultural and municipal consumption.
- The existing FERC Project does not rely on construction of a dam to create any portion of the hydraulic head that the facility uses for power generation. The Project operates under a head of 684 feet gained over the length of the penstock line.

The Applicant's position is that FERC has the statutory authority to exempt the existing FERC Project by order, and approve the Project (i.e., Conduit Exemption and License Surrender), as it clearly meets all the above criteria.

Water passing through Angels Powerhouse discharges directly into Angels Creek. A quantity of water equal to or greater than the quantity discharged is not always withdrawn from Angels Creek downstream as part of the same water supply system. Therefore, this Conduit Exemption Application is accompanied by a petition for waiver of 18 CFR 4.30(b)(30)(iv), as required by 18 CFR 4.92(b).

UWPA exists to provide supplies for the consumptive water demands of nearly 10,000 people and 1,325 acres of irrigated agriculture in Calaveras County served by UWPA's two projects (Utica and Angels), as articulated in UWPA's mission statement:

*We are committed to preserving and protecting local control of our water resources through effective fiscal and operational management and assuring a safe and reliable water supply for municipal and agricultural stakeholders, while ensuring the quality and quantity of this precious resource for generations to come.*

Throughout its entire water supply system (Utica and Angels), UWPA is contractually committed to providing water for consumptive use to its Joint Powers Authority (JPA) members (i.e., Union Public Utility District and Angels Camp) and 22 agricultural water contractors, and provides minimum in-stream flows in two natural creeks. UWPA has a contract with Angels Camp to provide 3,600 acre feet of water annually and a contract with UPUD to provide 8,470 acre feet. Downstream of the Angels Powerhouse, per contractual arrangements between UWPA and CCWD, and reservations to certain uses held by CCWD on UWPA's water rights claims, CCWD may utilize UWPA's water released into Angels Creek, within its Copper Cove Service Area for municipal and domestic demands; potentially up to another 1,500 AF per year claimed.

The percentage of UWPA's water that is used for consumptive use within the service area inside Calaveras County varies based on WY, which determines the amount of water that UWPA can divert (i.e., ranging from 33,514 AF to 16,107 AF), and end water user demand. Water passing through UWPA's system that is not used for consumptive use by UWPA's JPA members or agricultural users flows through Angels Creek into the Bureau

of Reclamation's (Reclamation) New Melones Reservoir, contributing to inflows along with other Stanislaus River Watershed tributaries used to supply Reclamation's Central Valley Project contractors and other downstream consumptive users located in California's San Joaquin Valley.

Given the information provided above, the Applicant has elected to apply for a Conduit Exemption at this time, as provided for under 4.33(d) of FERC's regulations. This Conduit Exemption Application also serves as UWPA's License Surrender. If FERC determines that the existing FERC Project does not qualify for a Conduit Exemption, the Applicant respectfully requests that this application be treated as an application for subsequent license.

## **1.2 LOCATION OF THE PROJECT**

The location of the existing FERC Project and Angels Powerhouse Project is:

State: California  
County: Calaveras  
Township or nearby Towns: City of Angels Camp

## **1.3 NAME, BUSINESS ADDRESS AND TELEPHONE NUMBER**

The exact name, business address, and telephone number of the Applicant are:

Utica Water and Power Authority  
1168 Booster Way  
Angels Camp, CA 95222  
(209) 736-9419

## **1.4 AUTHORIZED AGENT**

The exact name and business address of each person authorized to act as agent for the Applicant in this application are:

Joel Metzger  
General Manager  
Utica Water and Power Authority  
1168 Booster Way  
Angels Camp, CA 95222  
(209) 736-9419  
[joelm@uticawater.com](mailto:joelm@uticawater.com)

## **1.5 ORGANIZATIONAL STATUS**

UWPA is a not-for-profit, JPA, which was formed in 1996 as a partnership between UPUD and Angels Camp.

The provisions of Part I of the Federal Power Act (FPA) for which exemption is requested are:

Exemption from all of Part 1 of the FPA pursuant to FPA Section 30 is hereby requested.