

---

---

**UTICA PROJECT  
FERC PROJECT NO. P-2019**

**Utica Water and Power Authority**



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

**December 2023**

---

---

---

---

This page intentionally left blank.

---

---

**TABLE OF CONTENTS**

1.0	INTRODUCTORY STATEMENT .....	1-1
1.1	Introduction .....	1-1
1.2	Location of the Project .....	1-3
1.3	Name, Business Address and Telephone Number .....	1-3
1.4	Authorized Agent .....	1-4
1.5	Organizational Status.....	1-4

**EXHIBITS**

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

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

AF	acre-feet
Applicant	Utica Water and Power Authority
CCWD	Calaveras County Water District
Conduit Exemption	Small Conduit Exemption
CFR	Code of Federal Regulations
COA	City of Angels Camp
existing FERC Project	Utica Hydroelectric Project (Federal Energy Regulatory Commission Project Number 2019)
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
JPA	Joint Powers Authority
License Surrender	Application for Surrender of License
MW	megawatt
No.	Number
Murphys Powerhouse Project	Utica Water and Power Authority Application for Conduit Exemption for Murphys Powerhouse and Application for Administrative Surrender of License
State	State of California
UPUD	Union Public Utility District
UWPA	Utica Water and Power Authority
WY	water year

## 1.0 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 Murphys Powerhouse Project, part of the existing Utica Hydroelectric Project (FERC Project Number [No.] 2019). UWPA’s Conduit Exemption Application also serves as UWPA’s Application for Surrender of License (License Surrender) for the Utica 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 Utica water conveyance system and transmission facilities). UWPA is filing its License Surrender Application together with its Conduit Exemption Application to convert its license for the Murphys Powerhouse to a Conduit Exemption as an integrated package. Should FERC decide to decline to issue a Conduit Exemption for the Murphys Powerhouse, then FERC should deem UWPA’s Surrender Application withdrawn.

For the purposes of this Introductory Statement, the Utica Hydroelectric Project (FERC Project No. 2019) is the “existing FERC Project,” while the Conduit Exemption for Murphys Powerhouse is the “Murphys Powerhouse Project.”

The existing FERC Project is located on Mill Creek and Angels Creek in the North Fork Stanislaus 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 water to facilities owned and operated by the members of the Union Public Utility District (UPUD) and City of Angels Camp (COA), which are both members of the UWPA JPA, for their municipal and domestic uses. These facilities also supply UWPA’s irrigation customers located along the California Highway 4 Corridor and may be utilized by Calaveras County Water District (CCWD) for its downstream service area uses. Consumptive demands downstream of the Murphys Powerhouse total up to 11,392 acre-feet per year, with several agencies and customers reliant on UWPA as their sole or primary water supplier. The existing FERC Project generates important hydroelectric revenues to supplement the ongoing operations and maintenance costs associated with UWPA’s system.

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 facts:

- The existing FERC Project uses the hydroelectric potential of the Utica Conduit for electric power generation.
- The existing FERC Project has 3.6 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 UPUD, COA, UWPA’s irrigation water contractors, and CCWD for agricultural, municipal and industrial consumption.

- The existing FERC Project does not rely on construction of a dam to create hydraulic head that the facility uses for power generation – impact from UWPA’s regulating reservoir, Murphys Forebay, is de minimis. The existing FERC Project operates under a head of 684 feet gained over the length of the penstock line.

Water from Murphys Powerhouse discharges directly into the Murphys Afterbay, which subsequently releases water into a natural body of water, 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 located in Calaveras County, 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.*

The amount of water that UWPA diverts under its water rights varies significantly with hydrologic conditions in the Stanislaus River Watershed. There are six water year (WY) types that determine how much water UWPA can divert, per contract arrangements with CCWD and Northern California Power Agency (NCPA) owing to coordinated operations and conditions related to North Fork Stanislaus River Hydroelectric Development Project (FERC Project No. 2409) diversions located upstream of UWPA facilities. Due to the variable quantities of water available to UWPA each year, the percentage of water used consumptively downstream of the existing FERC Project also varies depending on WY and demand.

- In normal-to-wet hydrologic conditions (WY 1), up to 33,514 acre-feet (AF) could be diverted.
- As conditions become drier and less water is available in the watershed, the volume of acre-feet (“AF”) UWPA could divert decreases per these contractual agreements as follows: WY 2 - 30,151 AF; WY 3 - 26,830 AF; WY 4 - 22,716 AF; WY 5 - 19,605 AF; WY 6 - 16,107 AF.

UWPA is contractually committed to providing water for consumptive use to its Joint Powers Authority (JPA) members (i.e., UPUD and COA) and 22 agricultural water contractors, and also provides minimum in-stream flows in two natural creeks, Mill Creek and Angels Creek, for fish and wildlife enhancement purposes, as well as local recreational benefits (e.g., fishing, water contact sport). UWPA has a water supply agreement with COA to provide 3,600 AF per year, and with UPUD to provide 8,470 AF per year, which is used consumptively for municipal and agricultural purposes. In total,

UWPA is contractually committed to providing more than 12,000 AF annually to JPA member agencies – including deliveries upstream of Murphys Powerhouse. UWPA’s agreements with its customers also provide up to 1,350 AF per year for irrigation use. 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, but outside UWPA’s extent of use, within its Copper Cove Service Area for municipal and domestic demands; potentially up to another 1,400 AF per year claimed.

In addition to these consumptive uses, UWPA also provides a secondary water supply from Hunter Reservoir to CCWD’s water treatment plant for the “Ebbetts Pass Service Area”, which serves about 6,000 customers between Dorrington, Arnold, and Forest Meadows.

In total, UWPA is contractually committed to providing more than 12,000 AF of water for consumptive uses and 4,400 AF to meet minimum in-stream flows.

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, in addition to CCWD’s municipal water customers in the town of Copperopolis.

## **1.2 LOCATION OF THE PROJECT**

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

State: California

County: Calaveras

Township or nearby Towns: Avery, Hathaway Pines, Forest Meadows, Murphys

## **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 COA.

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.