

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Before Commissioners: Laura V. Swett, Chairman
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte

Pacific Gas and Electric Company
Association, Inc.

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Project No. 77-332

**MOTION TO INTERVENE LATE
ELSINORE VALLEY MUNICIPAL WATER DISTRICT**

This Motion to Intervene Late is filed by Elsinore Valley Municipal Water District.
(EVMWD), pursuant to 214 of the Rules of Practice and Procedure of the Federal Energy
Regulatory Commission (FERC), 18 C.F.R. Sections 385.214.

COMMUNICATIONS

Communications and correspondence regarding these pleadings should be directed to:

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DESCRIPTION OF MOVANT

EVMWD is a municipal water district whose headquarters is located in Lake Elsinore, CA.
EVMWD, a public non-profit agency, was created on December 23, 1950 under the Municipal
Water District Act of 1911. As a special district, EVMWD's powers include provision of public

water service, water supply development and planning, wastewater treatment and disposal, and recycling. Currently, the district has over 49,000 water, wastewater, and agricultural service connections. A Board of Directors sets governing policy and is the final authority for related appeals. The Board is authorized to set rates and fees for district services, operations, and debt financing of capital improvements. EVMWD is a sub-agency of the Western Municipal Water District, a member agency of the Metropolitan Water District of Southern California.

Water Districts in California were established to secure, manage, and deliver reliable water supplies for agriculture and expanding communities. They were created to fund vital infrastructure, finance aqueducts, and prevent over-pumping of groundwater basins during droughts.

The official service boundaries of the EVMWD encompass 97 square miles (approximately 61,949 acres) primarily located within southwestern Riverside County, with a small portion extending along the Ortega Highway into Orange County, and well/water right assets in San Bernadino County.

BACKGROUND

The greater American West is experiencing a critical water crisis driven by a 22-year megadrought, rising temperatures, and the chronic overuse of the Colorado River, among others. With annual state allocations falling short of actual supply, major reservoirs have dropped to record lows, forcing urgent negotiations among the basin states to drastically reduce demand and avoid severe supply cuts within the region.

California, in particular, faces a complex water landscape, balancing temporary relief from irregular heavy winter storms against systemic, long-term supply shortages. Despite surface reservoirs temporarily rebounding, the State is aggressively reshaping its policy to address a rapidly vanishing mountain snowpack, depleting groundwater tables, and heavy downstream cuts

from the Colorado River. The Governor's Water Action Plan calls for the creation of 9 million acre-feet of new supply by 2050, which has been reinforced by the passage of Senate Bill SB72 (Caballero) in 2025 to establish water supply objectives.

On July 25, 2025, Pacific Gas and Electric Company (PG&E) filed an application to surrender and decommission the Potter Valley Hydroelectric Project No. 77. The project is located on the Eel River and East Branch of the Russian River in Lake and Mendocino counties, California. This project occupies federal lands managed by the U.S. Forest Service.

The uppermost project work is Scott Dam, which impounds Lake Pillsbury on the Eel River. Below Scott Dam, the Eel River flows approximately 12 miles into Van Arsdale Reservoir, impounded by Cape Horn Dam, also a project work. At the Van Arsdale Reservoir, water is either released from or spilled over Cape Horn Dam, from which it then flows northwest in the Eel River, or is conveyed south by tunnel and penstock to the Potter Valley Powerhouse. Water discharged from the powerhouse is released into the East Branch Russian River, which flows into the mainstem Russian River. The project's releases from the Potter Valley Powerhouse are the source of most of the water in the East Branch Russian River. The U.S. Army Corps of Engineers' Coyote Dam and its impoundment, Lake Mendocino, which provides water for municipal, irrigation, and recreational uses, are approximately 15 miles downstream of the Potter Valley Powerhouse on the Russian River. Both the Eel River and Russian River ultimately flow to the Pacific Ocean.

PG&E, in its surrender application, proposes to remove the two project dams. Irrigated agriculture, including orchard crops and vineyards, has been an important component of the East Branch Russian River's upper basin economy since water diversions began in 1912. Surface and subsurface water sources are used extensively for domestic water supply and irrigation, and some

of the water discharged from the Potter Valley Powerhouse into the East Russian River satisfies a contract between PG&E and the Potter Valley Irrigation District.

EVMWD believes that PG&E's proposal will affect water security throughout the State. Specifically, EVMWD, like other water districts in California, is concerned about how the removal of Potter Valley's two existing dams will impact the agricultural and residential communities within its District, as well as across the State. Following the recent FERC National Environmental Policy Act (NEPA) scoping sessions on June 23 and 24, 2026, in Ukiah, California, in which representatives of EVMWD participated, its concerns were heightened upon meeting with other stakeholders in the instant proceeding.

MOTION TO INTERVENE LATE

Good cause exists for granting this motion for the following reasons:

1. EVMWD's responsibility as a municipal water district within the State of California is to ensure reliable water service, protect public health, and development planning.
2. It has direct and significant interests in the outcome of this proceeding and may directly affect EVMWD's financial interests, operational responsibilities, property interests or statutory obligations, and such interests are not likely to be adequately represented by any other party hereto. Although certain parties may have interests generally aligned with those of EVMWD, none represents EVMWD's particular interests or responsibilities. Intervention is therefore necessary to protect EVMWD's distinct concerns.
3. Granting intervention will not disrupt the procedural schedule, delay the proceeding, or prejudice any existing party. The proceeding remains ongoing, and no party will be disadvantaged by allowing EVMWD to participate.

4. EVMWD possesses unique expertise, information, or perspectives that are not fully represented by existing parties and can provide information that will assist the Commission in developing a complete administrative record and reaching an informed decision.

5. EVMWD seeks intervention to protect significant Native American and Tribal interests that may be affected by the Commission's decision in this proceeding. The lands, waters, natural resources, cultural resources, and historic properties implicated by this proceeding have substantial significance to Tribal communities and may implicate rights, interests, and responsibilities recognized under federal law.

6. The issues presented in this proceeding have significant implications for the public interest, including impacts on reliability, safety, environmental considerations, utility customers, local governmental interests, or regional economic effects. Participation by EVMWD will aid the Commission in ensuring that all relevant considerations are fully addressed.

7. The Commission has repeatedly recognized that late intervention should be granted where the EVMWD demonstrates good cause, where no disruption or prejudice will result, and where intervention will contribute to a more complete record and better serve the public interest.

For all of the foregoing reasons, good cause exists to grant EVMWD leave to intervene late in this proceeding.

CONCLUSION

WHEREFORE, EVMWD respectfully requests that the Commission grant it late intervention in this proceeding.

Respectfully submitted,

/s/ Curtis L. Hebert, Jr.
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ATTORNEYS FOR EVMWD

CERTIFICATE OF SERVICE

I hereby certify that the foregoing EVMWD Motion to Intervene Late has been filed this day in the above-captioned proceeding, with the Federal Energy Regulatory Commission and served upon each person designated on the Commission's service list in Project No. 77-332.

Dated at Washington, D.C. this 9th day of July, 2026.

/s/ Curtis L. Hebert, Jr.

Curtis L. Hebert, Jr., Esq.