

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

WESTERN PLACER CITIZENS FOR AN
AGRICULTURAL AND RURAL ENVIRONMENT,

Plaintiff and Respondent,

v.

COUNTY OF PLACER et al.,

Defendants and Appellants;

TEICHERT, INC.,

Real Party in Interest and
Appellant.

C049364

(Super. Ct. No.
SCV15349)

ORDER MODIFYING
OPINION AND DENYING
REHEARING
[NO CHANGE IN
JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on November 9,
2006, be modified as follows:

On page 27, the last paragraph on the page that continues on page 28 shall be deleted and replaced with the following paragraph:

(4) There is groundwater beneath the surface of the property. Teichert has the right to use groundwater from beneath the property. It intends to use one well to provide 1.5 acre-feet of potable water per year for its mining and processing operations. The mining operation will require that the mining site be dewatered, that is, groundwater will be pumped from the mining site to enable dry mining to be performed. Dewatering will extract 515 acre-feet of groundwater per year during the first 25 years, and then 700 acre-feet annually for the next 15 years. In addition to the 1.5 acre-feet per year of potable water, the mining and processing operations will require only 209 acre-feet of water. Accordingly, the dewatering activities will produce substantially more acre-feet of water per year than the mining and processing operations require. That water would be available for mitigation, agricultural and reclamation activities, but it is anticipated that most of it will be discharged into Coon Creek or Doty Ravine.

This modification does not change the judgment.

The petition for rehearing is denied. (*CERTIFIED FOR PUBLICATION.*)

THE COURT:

_____ SCOTLAND _____, P.J.

_____ NICHOLSON _____, J.

_____ BUTZ _____, J.