



State Water Resources Control Board



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Agency Secretary

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS FOR EXTENSION OF TIME

PERMIT 1267 (APPLICATION 1651)	PETITION FILED: November 22, 2004
PERMIT 1268 (APPLICATION 2142)	PETITION FILED: November 22, 2004
PERMIT 1271 (APPLICATION 2979)	PETITION FILED: November 22, 2004
PERMIT 2492 (APPLICATION 2778)	PETITION FILED: November 22, 2004
PERMIT 11516 (APPLICATION 13957)	PETITION FILED: November 30, 2004
PERMIT 11518 (APPLICATION 14113)	PETITION FILED: November 30, 2004

STREAM SYSTEM: SOUTH FORK FEATHER RIVER

COUNTIES: BUTTE, PLUMAS AND YUBA

Notice is hereby given that the South Feather Water and Power Agency (SFWPA) (aka Oroville-Wyandotte Irrigation District (OWID) and Yuba County Water District (YCWD)(Petitioner's) filed petitions for extension of time for Permits 1267, 1268, 1271, 2492, 11516 and 11518 (Applications 1651, 2142, 2979, 2778, 13957 and 14113 respectively) for future growth and development of beneficial use. The State Water Resources Control Board (State Water Board) will determine whether an order approving the extension of time should be issued for permitted Applications 1651, 2142, 2778, 2979, 13957 and 14113, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the projects and also describes the procedure and time frame for submittal of protests against the petitions. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterboards.ca.gov. Any correspondence directed to the petitioners should be mailed to:

South Feather Water and Power Agency and
Yuba County Water District
c/o South Feather Water and Power Agency
P.O. Box 581
Oroville, CA 95965-0581

Description of Project: SFWPA holds Permits 1267, 1268, 1271 and 2492. SFWPA and YCWD jointly hold Permits 11516 and 11518. Petitioner SFWPA filed petitions for extension of time for Permits 1267, 1268, 2492, and 1271 for future growth and development of beneficial use. SFWPA requests a 45-year time extension, until 2049. Petitioner YCWD filed petitions for extension of time for Permits 11516 and 11518 for future growth and development of beneficial use. YCWD requests a 36-year time extension, until 2040. SFWPA is the authorized agent for all six filings. SWRCB Order WR 02004-029 limits consumptive water use under any future time

California Environmental Protection Agency



extension, under all rights combined, to 51,250 acre-feet per annum (afa) for SFWPA and 23,700 afa for YCWD.

The time to complete construction under Permits 1651, 1268, 2492 and 1271 ended on December 1, 1990. Petitioner SFWPA states it may need to construct additional water conveyance facilities in the future to put water to full, beneficial use. To do so, SFWPA requires a time extension to complete construction from 1990 to 2049.

In Order WR 02004-029, the SWRCB denied the extension to complete construction under Permits 11516 and 11518. The time to complete construction under Permits 11516 and 11518 ended on December 1, 1964. Order WR 02004-029 held in abeyance the time extension for completing full beneficial use, pending compliance with requirements set forth in the Order. The Permittees subsequently met the requirements for an extension of time to complete full, beneficial use to December 1, 2004. The Division is currently processing amended permits to grant the extension to December 1, 2004.

YCWD states in its petition for time extension that it plans to construct additional water-conveyance and water-treatment facilities as necessary to meet future increases in demands in YCWD's service area. YCWD plans to build the Forbestown Pipeline Project in 2006. Nonetheless, YCWD states that this petition does not seek additional time for construction.

SFWPA's estimated combined water use in 2003 under Permits 1267, 1268, 1271 and 2492 was 19,446 afa. YCWD's estimated combined water use in 2003 under Permits 11516 and 11518 was 3,700 af in YCWD's service area and YCWD provides up to 4,500 afa to Yuba City.

Summary of PERMIT 1267 (APPLICATION 1651):

County: Plumas.

Source: South Fork Feather River tributary to Feather River.

Points of

Diversions: (1) 200 cubic feet per second (cfs), from April 1 to July 1, from the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 30, T21N, R8E, MDB&M.
(2) 109,012 afa, from October 1 to July 1, at Little Grass Valley Dam, within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of section 31, T22N, R9E, MDB&M.

Points of

Rediversions: (1) South Fork Diversion Dam – N 1° 30'W, 1,520 feet from SE corner of section 30, T21N, R8E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 30.
(2) Sly Creek Storage Dam – S8° 30'W, 1,240 feet from NE corner of section 19, T20N, R8E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 19.
(3) Lost Creek Storage Dam – N28° E, 2,200 feet from S $\frac{1}{4}$ corner of section 24, T20N, R7E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 24.
(4) Forbestown Diversion Dam – S45° W, 2,000 feet from NE corner of section 32, T20N, R7E, MDB&M, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 32.
(5) Ponderosa Dam – N41° 30'E, 3,710 feet from SW corner of section 33, T20N, R6E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of section 33.

Amount: 200 cfs by direct diversion.

109,012 afa by storage.
 Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 afa.

Season: April 1 to July 1 – direct diversion.
 October 1 to July 1 – storage.

Purpose of use: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic, irrigation and recreational uses.

Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB. Recreation at Little Grass Valley Reservoir, Sly Creek Reservoir, and Ponderosa Reservoir.
Little Grass Valley Reservoir – section 22, 27, 28, 29, 30, 31, 32, and 33, T22N, R9E, MDB&M and sections 4 and 5, T21N, R9E, MDB&M.
Sly Creek Reservoir – sections 4, 8, 9, 16, 17, and 20, T20N, R8E, MDB&M.
Ponderosa Reservoir – section 33, 34 and W½ of section 35, T20N, R6E, MDB&M.
 As shown on map filed with the SWRCB May 2000.

Permit Issued: January 3, 1923

Summary of PERMIT 1268 (APPLICATION 2142):

County: Butte.

Source: Lost Creek tributary to South Fork Feather River thence Feather River.

Point of Diversion: Lost Creek Storage Dam – N28° E, 2,200 feet from S¼ corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of section 24.

Points of Rediversion (1) Forbestown Diversion Dam – S45° W, 2,000 feet from NE corner of section 32, T20N, R7E, MDB&M, being within SW¼ of NE¼ of section 32.
 (2) Ponderosa Dam – N41° 30'E, 3,710 feet from SW corner of section 33, T20N, R6E, MDB&M, being within NW¼ of SE¼ of section 33.
 (3) New York Flat Reservoir – N85°30'W, 1,900 feet from SE corner of section 26, T19N, R6E, MDB&M, being within SW¼ of SE¼ of section 26.

Amount: 5,000 af storage.
 Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 afa.

Season: October 1 to July 1.

Purpose: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic, irrigation and recreational uses.

Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB. Recreational use at Lost Creek Reservoir.
Lost Creek Reservoir – section 24 and 25, T20N, R7E, MDB&M and sections 19 and 20, T20N, R8E, MDB&M as shown on map filed with the SWRCB May 2000.

Permit Issued: January 3, 1923

Summary of PERMIT 1271 (APPLICATION 2979):

County: Butte.
 Source: Lost Creek tributary to South Fork Feather River thence Feather River.
 Point of
 Diversion: Lost Creek Storage Dam – N31° 45'E, 2,230 feet from SE¼ corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of said section 24.
 Amount: 185 cfs
 Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 afa.
 Season: April 1 to about October 15 of each season for irrigation, and January 1 through December 31 for all other purposes.
 Purpose: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic and irrigation uses.
 Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB May 2000.
 Permit
 Issued: January 5, 1923

Summary of PERMIT 2492 (APPLICATION 2778):

County: Butte.
 Source: Lost Creek tributary to South Fork Feather River thence Feather River.
 Point of
 Diversion: Sly Creek Storage Dam – S8° 30'W, 1,240 feet from NE corner of section 19, T20N, R8E, MDB&M, being within NE¼ of NE¼ of section 19.
 Point of
 Rediversion: Lost Creek Storage Dam – N31° 45'W, 2,230 feet from SE corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of said section 24.
 Amount: 50 cfs by direct diversion.
 25,000 af storage.
 Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 acre-feet per annum.
 Season: April 1 to June 1 – direct diversion.
 October 1 to June 1 – storage.
 Purpose: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic, irrigation and recreational uses.
 Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB May 2000.
 Permit
 Issued: August 18, 1958.

Summary of PERMIT 11516 (APPLICATION 13957):

County: Plumas and Yuba.

Source: Slate Creek tributary to North Fork Yuba River thence Yuba River.

Point of Diversion: (a) Slate Creek Storage Dam – S9° W, 2,910 feet from SE corner of section 36, T21N, R8E, MDB&M, being within SE¼ of NE¼ of section 1, T20N, R8E, MDB&M.
 (b) Slate Creek Diversion Dam – S89° 45'E, 4,800 feet from S¼ corner of section 3, T20N, R8E, MDB&M, being within SE¼ of SW¼ of section 2, T20N, R8E, MDB&M.

Points of Rediversion: (1) Slate Creek Diversion Dam – S89° 45'E, 4,800 feet from S¼ corner of section 3, T20N, R8E, MDB&M, being within SE¼ of SW¼ of section 2, T20N, R8E, MDB&M.
 (2) Sly Creek Storage Dam – S8° 30'W, 1,240 feet from NE corner of section 19, T20N, R8E, MDB&M, being within NE¼ of NE¼ of section 19.
 (3) Lost Creek Storage Dam – N28° E, 2,200 feet from S¼ corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of section 24.
 (4) Forbestown Diversion Dam – S45° W, 2,000 feet from NE corner of section 32, T20N, R7E, MDB&M, being within SW¼ of NE¼ of section 32.
 (5) Ponderosa Dam – N41° 30'E, 3,710 feet from SW corner of section 33, T20N, R6E, MDB&M, being within NW¼ of SE¼ of section 33.
 (6) Swain Hill Dam – S55° E, 1,900 feet from NW corner of section 10, T17N, R5#, MDB&M, being within NE ¼ of NW ¼ of section 10.
 (7) Dry Creek – North 1,500 feet and East 1,400 feet from SW corner of section 2, T18N, R6E, MDB&M, being within NE ¼ of SW ¼ of section 2.

Amount: 300 cfs by direct diversion.
 35,000 af storage.
 Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 afa.

Season: May 1 to November 1 – direct diversion.
 January 1 to July 1 – storage.

Purpose: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic and irrigation uses.

Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB May 2000, and YCWD's service area described as 14,350 acres net within a gross area of 120,000 acres within Townships 16, 17, 18 and 19N, Ranges 5, 6, and 7 E, MDB&M, and being within the boundaries of YCWD as shown on map filed with the SWRCB, and 20,000 acres net within a gross area of 44,200 acres within T16 and 17N, Ranges 4, 5, 6 and 7 E, MDB&M, and being within the Lower Yuba County area as outlined on map filed with the SWRCB.

Summary of PERMIT 11518 (APPLICATION 14113):

County: Butte.

Source: 1. South Fork Feather River tributary to Feather River
2. Lost Creek tributary to South Fork Feather River thence Feather River

Point of
Diversion: (a) Little Grass Valley Storage Dam – S55°W, 4,055 feet from NE corner of section 31, T22N, R9E, MDB&M, being within SE¼ of NE¼ of section 31.
(b) South Fork Diversion Dam – N1° 30'W, 1,520 feet from SE corner of section 30, T21N, R8E, MDB&M, being within NE¼ of SE¼ of section 30.
(c) Sly Creek Storage Dam – S8° 30'W, 1,240 feet from NE corner of section 19, T20N, R8E, MDB&M, being within NE¼ of NE¼ of section 19.
(c) Lost Creek Storage Dam – N28° E, 2,200 feet from S¼ corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of section 24.

Points of
Rediversion: (1) South Fork Diversion Dam – N1° 30'W, 1,520 feet from SE corner of section 30, T21N, R8E, MDB&M, being within NE¼ of SE¼ of section 30.
(2) Sly Creek Storage Dam – S8° 30'W, 1,240 feet from NE corner of section 19, T20N, R8E, MDB&M, being within NE¼ of NE¼ of section 19.
(3) Lost Creek Storage Dam – N28° E, 2,200 feet from S¼ corner of section 24, T20N, R7E, MDB&M, being within NW¼ of SE¼ of section 24.
(4) Forbestown Diversion Dam – S45° W, 2,000 feet from NE corner of section 32, T20N, R7E, MDB&M, being within SW¼ of NE¼ of section 32.
(5) Ponderosa Dam – N41° 30'E, 3,710 feet from SW corner of section 33, T20N, R6E, MDB&M, being within NW¼ of SE¼ of section 33.
(6) Swain Hill Dam – S55° E, 1,900 feet from NW corner of section 10, T17N, R5E, MDB&M, being within NE¼ of NW¼ of section 10.
(7) Dry Creek – North 1,500 feet and East 1,400 feet from SW corner of section 2, T18N, R6E, MDB&M, being within NE¼ of SW¼ of section 2.

Amount: South Fork Feather River: 350 cfs by direct diversion; 77,300 afa by storage.
Lost Creek: 350 cfs by direct diversion, 40,000 afa by storage.
Total annual diversion and use allowed under Permits 1267, 1268, 1271, 2492, 11516 and 11518 shall not exceed 810,000 acre-feet per annum.

Season: January 1 to December 31 – direct diversion.
November 1 to July 1 – storage.

Purpose: Municipal, industrial (upon compliance with condition in Order WR 2004-0029), domestic and irrigation uses.

Place of Use: Within the service area boundaries of SFWPA, as shown on map filed with the SWRCB May 2000, and YCWD's service area described as 14,350 acres net within a gross area of 120,000 acres within Townships 16, 17, 18 and 19N, Ranges 5, 6, and 7 E, MDB&M, and being within the boundaries of YCWD as shown on map filed with the SWRCB, and 20,000 acres net within a gross area of 44,200 acres within T16 and 17N, Ranges 4, 5, 6 and 7 E, MDB&M, and being within the Lower Yuba County area as outlined on map filed with the SWRCB, and Yuba City provided that YCWD complies with the requirements of Order WRO 2004-0029.

Permit
Issued: August 28, 1958.

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the petition, and the factual basis for those objections. For example, if the objection is based on injury to existing water rights, the protest must describe the specific injury to the existing water right that would result from approval of the changes proposed by the petition. In addition, the party claiming injury to prior water rights must provide specific information that describes the basis of the existing right, the date the use began, the quantity of water use, the purpose of use, and the place of use. Protests based on environmental impacts, public interest, legality, or jurisdictional issues must be accompanied by a statement of facts supporting the basis of the protest. If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest. **The Division will not accept protests that are directed against the underlying water right, rather than the change proposed by the petition.**

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterboards.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the petitioner and should include a description of any measures that could be taken to resolve the protest.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **30th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The petitioners will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

CONTACT PERSON

To obtain copies of protest forms, or general information pamphlets, please contact Patricia Miner by phone at (916) 341-5314 or by electronic mail at pminer@waterboards.ca.gov. To obtain additional information regarding this project, contact Katherine Mrowka at (916) 341-5363. Information and protest forms are also available at the Division's website: www.waterboards.ca.gov/forms/.

Date of Notice: **APRIL 22, 2005**