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Consulting Civil Engineers, A Corporation

KLW 1  
22318  
23710  
17913

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A023710

December 28, 2006

2006 DEC 28 PM 1:51  
SACRAMENTO  
SACRAMENTO

Ms. Victoria Whitney, Chief  
State Water Resources Control Board  
Division of Water Rights  
P.O. Box 2000  
Sacramento, CA 95812-2000

**Re: City of Santa Cruz**  
***Petitions for Extension of Time for Permits 16123 and 16601 (Applications 22318 and 23710, respectively)***  
***Petitions for Change in Method of Diversion for License 9847 (Application 17913) and Permits 16123 and 16601 (Applications 22318 and 23710, respectively)***

Dear Ms. Whitney:

On behalf of the City of Santa Cruz, we are submitting Petitions for Extension of Time and Petitions for Change in Method of Diversion for the referenced License and Permits. The City is seeking an Extension of Time for its Permits 16123 and 16601 in order to have additional time to put all of the water under Permit to beneficial use. The City's water service area is not built-out and more water than that perfected will be required to meet municipal demands in the future.

The City is also filing Petitions to add direct diversion as a method of diversion for its License 9847, and Permits 16123 and 16601. The License and Permits currently allow for diversion to storage only. The City seeks this change in order to conform its rights to match historical and current operations of its diversion facilities on the San Lorenzo River and Newell Creek. The lack of direct diversion for these rights was an oversight at the time the original applications were filed and these Petitions seek to correct that oversight. There will be no change in the amount of water allowed to be diverted, the rate or season of diversion, or points of diversion. No new facilities or any other construction activities are associated with the project named in the Petitions.

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The City is preparing a Mitigated Negative Declaration in support of these Petitions. When completed, a copy will be provided to the Division of Water Rights. In accordance with Water Code Section 1701.2, the environmental document will address potential impacts to fish and wildlife and set forth appropriate mitigation measures. Preliminary analysis indicates that the changes proposed will result in little impact to existing streamflows or the annual runoff amounts in the subject watercourses. Mitigation measures proposed are expected to mitigate any potential impacts to a less than significant level.

Enclosed are the executed Petitions, the Environmental Information forms, site photographs and the required filing fees which are set forth below:

**State Water Resources Control Board**

Permit 16123 – Petition for Extension of Time: \$1,000  
Petition for Change: \$1,897

Permit 16601 – Petition for Extension of Time: \$1,000  
Petition for Change: \$1,897

License 9847 – Petition for Change: \$2,677

**Department of Fish & Game**

Environmental Fee: \$850

Please contact me if you have any questions regarding the enclosed Petitions.

Very truly yours,

WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS

  
Paula J. Whealen

Encl.

cc:

Bill Kocher, City of Santa Cruz (w/ encl)  
Terry Tompkins, City of Santa Cruz (w/o encl)  
Martha Lennihan (w/ encl)  
Robert Floerke, Department of Fish & Game, Region III (w/ encl)

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State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

2006 DEC 28 PM 1:50  
STATE WATER RIGHTS  
DIVISION

**PETITION FOR EXTENSION OF TIME**

WATER USERS:  
Application 23710 Permit 16601

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (SWRCB), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the SWRCB may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water

**The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.**

Please check below the action you wish taken on this permit.

- The project has been abandoned and I request revocation of the permit.  
\_\_\_\_\_  
Signature
- Full use of water has been made, both as to amount and season, and I request license be issued.  
\_\_\_\_\_  
Signature
- The project is not yet complete. I request the SWRCB's consideration of the following petition for an extension of time.

**PETITION FOR EXTENSION OF TIME**  
**If START of construction has been delayed**

Complete items 1, 2, and 3. N/A

1. What has been done since permit was issued toward commencing construction?
2. Estimate date construction work will begin.
3. Reasons why construction work was not begun within the time allowed by the permit.

*"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our web-site at: <http://waterrights.ca.gov>."  
Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).*

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**PETITION FOR EXTENSION OF TIME**  
**If construction work is proceeding**

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

4. A 25 - year extension of time is requested to complete construction work and/or beneficial use of water (Indicate a period of time less than or equal to 10 years. Must be consistent with the time frame allowed in (California Code of Regulations sections 840 through 844).
5. How much water has been used? 1709\* acre-feet/year \_\_\_\_\_ cfs  
\* Amount represents that used under this Permit and Permit No. 16601 (Application 23710) which operate as a single unit.
6. How many acres have been irrigated? N/A
7. How many houses or people have been served water? 90,000± people
8. Extent of past use of water for any other purpose. N/A
9. What construction work has been completed during the last extension? N/A
10. Approximate amount spent on project during last extension period. \$ \_\_\_\_\_
11. Estimate date construction work will be completed. N/A
12. Estimated year in which water will be fully used. 2031.
13. Reasons why construction and/or use of water were not completed within time previously allowed. The City of Santa Cruz' water service area is still not built-out and additional water will be needed in the future to meet municipal demands.

**If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.**

14. What water conservation measures are in effect or feasible within the place of use? See attached.
15. How much water is being conserved or is it feasible to conserve using these conservation measures? 865 acre-feet in 2010
16. How much water per capita is used during the maximum 30-day period? Approximately 160 gpd (includes all municipal demands)

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: DEC. 21, 2006, at Santa Cruz, California



Signature(s)

831-420-5200

Telephone No.

**NOTE: A \$1,000 filing fee, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time.**

## **Attachment to Petitions for Extension of Time**

**City of Santa Cruz**  
**Permit 16123 (Application 22318)**  
**Permit 16601 (Application 23710)**

### **Response to Question No. 14:**

The City of Santa Cruz is actively implementing a variety of water conservation measures as described in its 2005 Urban Water Management Plan. In 2000, the City adopted a comprehensive Water Conservation Plan that identified a series of ongoing and planned water conservation programs intended to reduce customer demand for water. The City has since directed the City's Water Department to move forward with implementation of all of the programs recommended in the Water Conservation Plan.

The City completed an Integrated Water Plan (IWP) (June 2003) that addresses the current and future drought-related crises as well as long-term water supply needs through 2020. The purpose of the IWP is to help the City to reduce near-term drought year shortages and provide a reliable supply that meets long-term needs while ensuring protection of public health and safety. Water conservation programs are an integral part of the IWP. They include:

- Ultra-low flush toilet rebates
- High-efficiency clothes washer rebates
- Conservation kit distribution
- Plumbing fixture retrofit ordinance
- Water surveys and recommendations for water conservation actions by residential, commercial, industrial and institutional customers
- Apartment building submeters
- New construction regulations to minimize the quantity of water needed to serve new development within the City's water service area
- Large landscape water use review
- Parks water use review
- Large landscape budget-based rates

Some of these programs are under way, others are scheduled to begin in the future. Annual conservation program savings are expected to reach approximately 282 million gallons by the year 2010.

# State Water Resources Control Board

Division of Water Rights

901 P Street · Sacramento, California 95814 · (916) 657-0765

Mailing Address: P.O. Box 2000 · Sacramento, California · 95812-2000

FAX (916) 657-1485 · Web Site Address: <http://www.swrcb.ca.gov>

Division of Water Rights: <http://www.waterrights.ca.gov>

## PETITION FOR CHANGE

(WATER CODE 1700)

Change in Method of Diversion

Point of Diversion,  Point of Rediversion,  Place of Use,  Purpose of Use  
Application No. 23710 Permit No. 16601 License No.      Statement or Other No.     

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows:

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by Cal CR 715, and the 40-acre subdivision in which the present & proposed points lie.)

Present: Diversion to Offstream Storage from San Lorenzo River at a point located S 30° E 3,200' from NW corner of Section 22, being within the NE¼ of SW¼ of Section 22, T10S, R2W, MDB&M for storage in Loch Lomond Reservoir.

Proposed: 1) Direct Diversion from San Lorenzo River at a point located S 30° E 3,200' from NW corner of Section 22, being within the NE¼ of SW¼ of Section 22, T10S, R2W, MDB&M

2) Diversion to Offstream Storage from San Lorenzo River at a point located S 30° E 3,200' from the NW Corner of Section 22, being within the NE¼ of SW¼ of Section 22, T10S, R2W, MDB&M for storage in Loch Lomond Reservoir.

**Place of Use** (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present

Proposed unchanged

**Purpose of Use**

Present

Proposed unchanged

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? No

◆ GIVE REASON FOR PROPOSED CHANGE: Increase operational flexibility and conform water rights to actual conditions.

◆ WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No

◆ WATER WILL BE USED FOR municipal PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of ? Ownership

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Not applicable. Points of return flow will remain the same.

If by lease or agreement, state the name and address of party(s) from whom access has been obtained.

N/A

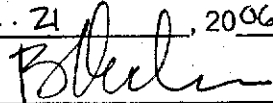
Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

See SWRCB files for those parties located downstream from Point of Diversion.

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated DEC. 21, 2006, at Santa Cruz, California



Signature(s)

Telephone No.

NOTE: A \$1,000 filing fee made payable to the State Water Resources Control Board and a \$850 fee made payable to the Department of Fish and Game must accompany a petition for change.

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400, Web: http://www.waterrights.ca.gov

ENVIRONMENTAL INFORMATION FOR PETITIONS

Permit 16601 (Application 23710)

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Multiple horizontal lines for providing a description of proposed changes or work remaining to be completed.

See Attachment No. 1



ENVIRONMENTAL INFORMATION FOR PETITIONS

**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: \_\_\_\_\_

Department: Public Works Telephone: ( 831 ) 454-2160

County Zoning Designation: N/A

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning

General plan change  Other (explain): \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. \_\_\_\_\_

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management

Soil Conservation Service  Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board

Coastal Commission  State Lands Commission  Other (specify) \_\_\_\_\_

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_\_

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?  YES  NO

If YES, explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

See Attachment No. \_\_\_\_\_

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Linda Hanson, Region III

**4. ENVIRONMENTAL DOCUMENTS**

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: \_\_\_\_\_
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.\*
  - I expect that the SWRCB will be preparing the environmental document.\*\*
  - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

See Attachment No. 2

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
 YES  NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):  
\_\_\_\_\_

See Attachment No. \_\_\_\_\_

- b. Will a waste discharge permit be required for your project?  YES  NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See Attachment No. \_\_\_\_\_

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project?  YES  NO \*
- b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO \*
- c. Do you know of any archeological or historic sites located within the general project area?  YES  NO \*

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: \*The Mitigated Negative Declaration being prepared for this  
project addresses the issues associated with cultural resources.

See Attachment No. \_\_\_\_

**7. ENVIRONMENTAL SETTING**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: DEC. 21, 2006

Signature: 