

Project Description for Petitions filed by Nevada Irrigation District

In 2002, Division of Water Rights (Division) staff conducted a licensing inspection for ten (10) of Nevada Irrigation District's (NID) permitted water rights. During the past seven years, NID has been working cooperatively with the Division to analyze the use of water associated with the Permits, both consumptive and non-consumptive water rights further identified in the Petitions in anticipation of licensing these rights.

During the licensing process, NID staff and Division staff have discussed and reviewed the historical development of NID's existing conveyance system relative to its water rights. The development of NID's existing conveyance system began during the mid-1800s, which coincides with the establishment and refinement of California water law. Over the past one-hundred years, changes in California and Division policies, including a heightened level of attention to water use and accounting within California, together with the development of water measurement and accounting tools, have dramatically changed water use analysis and reporting. Simultaneously, NID has developed and modernized its conveyance system, including refining the purposes of use and places for using water, while diligently pursuing to place water for beneficial use under its water rights. Continuous improvement in the available technology relative to measurement, calculating water use, identifying facilities using GPS, and other factors have allowed NID to better describe current water use and existing facilities. These converging topics directly affect the licensing process; and have resulted in the need for NID to file twenty-one (21) Petitions to nine (9) of the Permits listed above and an additional five (5) Petitions to another five of NID's existing water right licenses, pursuant to the request of Division staff. Petitions on the remaining Permit, Permit 18757, may be filed following the processing of the aforementioned Petitions, consistent with Division staff's request. NID is filing Petitions to its water rights for: (1) extensions of time to complete beneficial use, (2) changes in a point of diversion, points of rediversion, places of use, and purposes of use, and (3) redistribution of storage. Approval of the Petitions will provide NID with the authorization to operate its system consistent with historical practices. Approval of the Petitions will also (1) facilitate licensing of these Permits, (2) identify current facilities accurately, and (3) conform the places of use and purposes of use with NID's other water rights. There will be no change from the historical or current operations of NID as a result of these Petitions being approved by the Division, with the exception of the proposed addition of Combie North Powerhouse. As further described in the Petitions and attachment to the Environmental Information Form accompanying the Petitions, NID is currently in the process of replacing its existing Combie North Powerhouse with a more efficient unit. This upgrade includes the addition of a new spillway from the powerhouse to the Bear River, approximately 150 feet downstream of Combie Dam, to generate electricity under NID's water rights for non-consumptive power use, during periods when water is, or would have otherwise spilled at Combie Dam. No additional modifications to other powerhouses identified in this Petition are proposed. This operation of the Combie North Powerhouse will only occur when Combie Dam is spilling, or would be spilling absent the powerhouse; and thus, there will be no change in the flow of water in the Bear River downstream of the discharge from the powerhouse. NID, as the lead agency, filed the appropriate environmental documentation with the State Clearinghouse

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(SC #2008052045) and received approval from the Federal Energy Regulatory Commission (FERC) for the addition of the spillway and the replacement of the Combie North Powerhouse for the Combie North Aqueduct Hydroelectric Project #7731.

Collectively, the ten (10) Permits listed above, including most of the associated facilities, are referred to as NID's Lower Division. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. NID's consumptive use Permits 13770 and 5815 (Applications 5193 and 8180, respectively) cover sources of water and facilities upstream of Spaulding Reservoir; however, storage of water also includes reservoirs located downstream of Spaulding Reservoir and thus, these two Permits were included with the Lower Division. In 1991, Licenses were issued on many Permits held by NID for sources of water upstream of Spaulding Reservoir, referred to as the Upper Division. The water rights for the sources of water in the Upper Division include facilities throughout NID, including the Lower Division. This is an important point because all of the facilities upstream and downstream of Spaulding Reservoir are authorized facilities pursuant to NID's Upper Division water rights. For the past seven years, NID staff and Division staff have worked together in order to accurately identify the use of water under each of the Lower Division water right Permits held by NID. As a result of the extensive and detailed analysis undertaken for the Lower Division licensing process, changes or corrections to the Lower Division Permits are required and/or recommended by Division staff to conform with NID's current facilities and operations. In addition, NID has identified changes to the aforementioned Permits, over and above those changes recommended by Division staff, in order to more accurately describe historic and current facilities and operations.

The purpose of filing Petitions for Extensions of Time to NID's Lower Division Permits is to include the date at which historical, maximum beneficial use occurred, based on the results of the licensing analysis. Full and beneficial use of water diverted under the aforementioned nine (9) water rights Permits has been made and following the processing of these Petitions, NID requests that Licenses be issued.

The objective in filing Petitions for change to NID's Lower Division Permits is to add, correct, or provide clarification to: (1) an existing point of diversion and points of redirection, (2) places of use, (3) distribution of storage in existing reservoirs, and (4) purposes of use. As described in the Petitions, the proposed point of diversion and proposed points of redirection are existing facilities authorized under other NID water rights. These facilities were constructed prior to CEQA and were exempt from additional environmental documentation. Relative to places of use, the proposed changes include conforming NID's existing places of use to include lands and/or powerhouses that are authorized under other water rights held by NID. The addition of the proposed places of use clarifies and correctly identifies the actual uses and facilities. For Permits 1481, 13770, 5815, and 13772, the proposed additional place of use also includes lands that have historically been served pursuant to the Excelsior Railroad Commission Order No. 15926, dated 1926. The change in purpose of use is simply to conform NID's current uses of water with the Division's current definitions of use identified in the Water Code. Incidental Power is proposed to be added as a purpose of use to NID's consumptive use Permits and existing powerhouses are proposed to be added to the places of use for incidental hydroelectric generation. The addition of these powerhouses and Incidental Power to these Permits are

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proposed to accommodate the dual use of water for power purposes as it is currently conveyed through NID's facilities for consumptive purposes. The primary objective of NID is to provide a water supply for consumptive needs. There are occasions when water is used for power production and not needed for consumptive uses.

As previously identified, there will be no change from the historical or current operations of NID as a result of these Petitions being approved by the Division, with the exception of Combie North Powerhouse. No other change to NID's historic and current operations is proposed as a result of these Petitions. Approval of the Petitions will facilitate the licensing of NID's Lower Division Permits.