

2009 APR -3 AM 8:31
DIVISION OF WATER RIGHTS
SACRAMENTO, CALIFORNIA

PETITION FOR CHANGE
(WATER CODE 1700)

Application 1614 Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use
Permit 1481 License _____ Statement or Other _____

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 See Attachment.

Proposed See Attachment.

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

Present See Attachment.

Proposed See Attachment.

Purpose of Use

Present See Attachment.

Proposed See Attachment.

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

(yes/no)

• GIVE REASON FOR PROPOSED CHANGE: See Attachment.

• WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? See Attachment

(yes/no)

• WATER WILL BE USED FOR Irrigation, Municipal, Industrial, Domestic, Recreation, Incidental Power PURPOSES.

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

(ownership, lease verbal or written agreement)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow?

N/A. See Attachment.

(yes/no)

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

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

See files at Division of Water Rights, State Water Resources Control Board.

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 April 3, 2009 at Grass Valley, California

Ron Selser

Signature(s)

530-273-6185

Telephone No.

NOTE: A \$1000 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.

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: .

Additional copies of this form and water rights information can be obtained at www.waterrights.ca.gov

**Attachment to Petition for Change
Permit 1481 (Application 1614)
held by Nevada Irrigation District**

GENERAL

Permit 1481 is for storage of water from Deer Creek for consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID Permit 1481 is to identify NID's existing facilities where water is used, diverted and rediverted, and to conform places of use and purposes of use with NID's other water rights. For Permit 1481, this involves (1) adding Municipal, Industrial, Recreation, and Incidental Power uses, (2) modifying the place of use, (3) adding points of rediversion, and (4) deleting points of diversion, as identified further below. In addition, NID is also filing a Petition for Extension of Time for Permit 1481 to cover the year of maximum beneficial use.

NID has been working cooperatively with the Division of Water Rights (Division) since July 2002 to analyze the use of water and inspect the facilities associated with the following Permits for determining whether licenses should be issued.

<u>Permit</u>	<u>Application</u>
1481	1614
11626	2652B
13770	5193
5815	8180
13772	20017

All of the above five (5) Permits are for consumptive uses. There are also five (5) associated Permits for power purposes, which are currently being reviewed and analyzed for potential licensing. Collectively, these Permits and 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. Permits 13770 and 5815 cover sources and facilities upstream of Spaulding Reservoir, but the storage and use of water is downstream of Spaulding Reservoir, so they 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 downstream of Spaulding Reservoir are authorized facilities pursuant to the Upper Division water rights.

As a result of the extensive and detailed analysis undertaken for the Lower Division, changes or corrections to the Lower Division Permits are required and/or recommended to conform with NID's current facilities and operations. In addition, NID has identified additional changes to the aforementioned Permits, including Permit 1481, over and above those changes

Nevada Irrigation District Permit 1481
Attachment to Petition for Change

recommended by Division staff in order to more accurately describe historic and current facilities and operations.

POINT OF DIVERSION OR REDIVERSION

Present and Proposed Points of Diversion

No change in the present point of diversion for Scotts Flat Dam, which is currently identified in Permit 1481, is proposed; and no additional points of diversion are proposed to be added. Several points of diversion identified in Permit 1481 are no longer utilized as points of diversion pursuant to NID operations. Therefore, NID is proposing to delete Manzanita Ditch, Rough and Ready Ditch, Newtown Ditch, Pleasant Valley Ditch, Tunnel Ditch, and China Ditch, which are currently identified in Permit 1481 as points of diversion. NID is proposing to add the Newtown Ditch, Tunnel Ditch, and China/Union Canal as points of rediversion in order to clarify NID operations as further described below. The following are descriptions of the present points of diversion using the California Coordinate System in place of the descriptions originally used in Permit 1481. The descriptions for these points of diversion were obtained by NID staff using GPS equipment and referenced by index # to NID's Map No. 4365, dated May 22, 1987, on file with the Division and shown on Map No. 5305, accompanying this Petition. No change in the location has occurred, simply a different system for describing the location, as requested by Division staff.

Point of Diversion	Map No. 4365 & Map No. 5305 Index #	Present POD or Proposed POD	Description ¹
Scotts Flat Dam	17	Present	N 2,227,087 E 6,864,660 NE¼ of NE¼ of Sec. 11, T16N, R9E
Manzanita Ditch	-	Delete ²	SE¼ of SE¼ of Sec. 2, T16N, R9E
Rough and Ready Ditch	-	Delete ²	SE¼ of NE¼ of Sec. 7, T16N, R9E
Newtown Ditch	20	Delete ³	N 2,222,399 E 6,837,478 NW¼ of SE¼ of Sec. 12, T16N, R8E
Pleasant Valley Ditch	-	Delete ²	SE¼ of SW¼ of Sec. 18, T16N, R8E
Tunnel Ditch	21	Delete ³	N 2,216,350 E 6,808,313 NW¼ of SW¼ of Sec. 18, T16N, R8E
China Ditch	-	Delete ²	SW¼ of NW¼ of Sec. 20, T16N, R7E

¹ All coordinates are CCS, Zone 2, NAD 83 Datum. All section descriptions are MDB&M.

² NID proposes to delete Manzanita Ditch, Rough and Ready Ditch, Pleasant Valley Ditch, and China Ditch as points of diversion in order to clarify NID operations and facilities.

³ Newtown Canal (Newtown Ditch), Tunnel Canal (Tunnel Ditch), and China/Union Canal (China Ditch) are proposed to be deleted as points of diversion under Permit 1481 and added as points of rediversion in order to clarify existing NID operations and facilities.

Present and Proposed Points of Rediversion

The proposed points of rediversion, which are existing facilities, are identified in the table below and described using the California Coordinate System in place of the descriptions originally used in Permit 1481. These points reflect existing facilities, where the permitted supplies have been rediverted, but which are not set forth in the Permit. This list contains all of the proposed points of rediversion and no facilities are proposed to be constructed. The descriptions for these points of rediversion were obtained by NID staff using GPS equipment and are referenced by index # to NID's Map No. 4365, dated May 22, 1987, on file with the Division and shown on NID's Map No. 5305, accompanying this Petition.

Point of Rediversion	Map No. 4365 & Map No. 5305 Index #	Present PORD or Proposed PORD	Description ¹
Deer Creek System			
Lower Scotts Flat Diversion Dam (D-S Canal)	18	Proposed ²	N 2,225,708 E 6,857,784 NW¼ of NE¼ of Sec. 10, T16N, R9E
Tarr Canal	19	Proposed ²	N 2,185,964 E 6,826,440 SE¼ of SE¼ of Sec. 10, T15N, R8E
Newtown Canal	20	Proposed ³	N 2,222,399 E 6,837,478 NW¼ of SE¼ of Sec. 12, T16N, R8E
Tunnel Canal	21	Proposed ³	N 2,216,350 E 6,808,313 NW¼ of SW¼ of Sec. 18, T16N, R8E
China/Union Canal	22	Proposed ³	N 2,206,453 E 6,782,949 SW¼ of NW¼ of Sec. 29, T16N, R7E
Rattlesnake Diversion Dam	23	Proposed ²	N 2,189,825 E 6,835,383 NW¼ of NE¼ of Sec. 12, T15N, R8E

As identified in the Environmental Information Form accompanying this Petition, the proposed addition of Lower Scotts Flat Diversion Dam, Tarr Canal, Newtown Canal, Tunnel Canal, China/Union Canal, and Rattlesnake Diversion Dam clarify and reflect existing NID facilities and correctly identify the actual points of rediversion under Permit 1481. In addition, Newtown Canal (Newtown Ditch), Tunnel Canal (Tunnel Ditch), and China Ditch are identified as points of diversion under Permit 1481. In the late 1960s, the point of diversion for the China Ditch was abandoned and the lower portion of the China Ditch was consolidated with the Union Canal to form the present China/Union Canal. NID is proposing to delete the China Ditch currently identified as a point of diversion under Permit 1481 and add the China/Union Canal as a point of rediversion. In order to clarify existing NID operations, NID proposes to add Newtown Canal, Tunnel Canal, and China/Union Canal as points of rediversion under Permit 1481. The diversion facilities at the aforementioned points of rediversion were constructed many years ago, prior to the enactment of CEQA. The proposed addition of the six aforementioned

¹ Coordinates are CCS, Zone 2, NAD 83 Datum. Township/Range descriptions are MDB&M.

² Proposed to be added by Petition.

³ Newtown Ditch, Tunnel Ditch, and China Ditch are identified as points of diversion under Permit 1481. In order to clarify existing NID operations, NID proposes to add Newtown Canal (Newtown Ditch), Tunnel Canal (Tunnel Ditch), and China/Union Canal (China Ditch) as points of rediversion under Permit 1481.

Nevada Irrigation District Permit 1481
Attachment to Petition for Change

points of redirection will not change NID's current operations and no construction is proposed. In addition, the above points of redirection identified as proposed are authorized under one or more of NID's existing water rights.

PLACE OF USE

Present and Proposed Places of Use

The present place of use covered by Permit 1481 includes Irrigation 167,789 acres and Domestic and Mining uses within the boundaries of NID as shown on NID Map No. 1020, dated December 24, 1940, on file with the Division.

The proposed place of use conforms the place of use shown on NID Map No. 1020 to include lands that have historically been served by NID within the Deer Creek Service Area, and to include lands entitled to service pursuant to the Excelsior Railroad Commission Order No. 15926, dated 1926. As identified in the Division's Lower Division Licensing Inspection Reports, those areas not currently authorized in the place of use for Permit 1481 could be served by other water rights held by NID. However, as requested by Division staff, NID proposed to conform the existing place of use currently identified in Permit 1481 to conform to other water rights held by NID. No increase in the net acreage identified in Permit 1481 is proposed. The proposed change involves conforming the gross place of use to the current NID Deer Creek Service Area. A portion of the Excelsior Railroad Commission lands are covered under other water rights held by NID; however, NID proposes to conform the place of use under Permit 1481 to include the Excelsior Railroad Commission lands and other boundary modifications, which are covered under other water rights held by NID, as recommended by Division staff. In addition, NID proposed to add Scotts Flat Powerhouse to the authorized place of use for Permit 1481 in order to describe the location where water, otherwise being used for consumptive use, passes through the powerhouse as an Incidental Power use. This powerhouse is an existing facility and is authorized under other water rights held by NID. With the addition of Scotts Flat Powerhouse to NID's place of use for Permit 1481, and with the addition of Incidental Power as a purpose of use to Permit 1481, NID will continue to use its water and to operate its facilities consistent with historic practices. NID Map No. 5305, accompanying this Petition, illustrates the proposed places of use.

Specifically, the proposed place of use for Permit 1481 is described as follows:

Irrigation uses on 11,739 acres within the NID Deer Creek Service Area;

Municipal*, Industrial*, and Domestic uses within the NID Deer Creek Service Area;

Recreation* uses at Scotts Flat Reservoir within Sections 1, 2, 11, and 12, T16N, R9E; Section 6, T16N, R10E; and Section 31, T17N, R10E, MDB&M;

* Proposed to be added by Petition.

Nevada Irrigation District Permit 1481
Attachment to Petition for Change

Incidental Power* uses at the following powerhouse referenced by index # to NID's Map No. 4365, dated May 22, 1987, on file with the Division, shown on NID's Map No. 5305, accompanying this Petition, together with the place of use description:

Powerhouse Name	Map No. 4365 & Map No. 5305 Index #	Description ¹
Scotts Flat Powerhouse	41	NE ¹ / ₄ of NE ¹ / ₄ Sec. 11, T16N, R9E

¹The above description is based on the Mount Diablo Base and Meridian (MDB&M) and is shown on NID Map No. 5305, accompanying this Petition.

PURPOSE OF USE

The purposes of use presently authorized by Permit 1481 includes Irrigation, Domestic and Mining. Consistent with NID's efforts to conform the purposes and places of use covered by its water rights to the Division's current definition of use and its historic and continuing uses, NID proposes that the purposes of use under Permit 1481 include the following:

Irrigation, Municipal*, Industrial*, Domestic, Recreation*, and Incidental Power*.

NID proposes to eliminate Mining and add Industrial as a purpose of use in order to conform to the current definition of use, as recommended by Division staff.

GIVE REASON FOR PROPOSED CHANGE

These changes primarily reflect the need to conform Permit 1481 to the current purposes and places of use, and to make changes consistent with current definitions. During the Lower Division licensing process, changes or corrections to five (5) consumptive use Permits and five (5) non-consumptive use or power Permits were recommended/required by Division staff in order to conform these Permits with NID's current facilities and operations and to reflect the Division's currently used definitions and terminology. During the past seven years, NID staff and Division staff have identified the amounts and terms for licensing Permit 1481. NID is filing this Petition to (1) facilitate licensing of the Lower Division Permits, (2) accurately identify facilities where the permitted quantities are currently used, (3) conform the places of use and purposes of use with NID's other water rights, and (4) to include in the place of use lands that have historically been served pursuant to the Excelsior Railroad Commission Order No. 15926, dated 1926.

The points of redirection that are proposed to be added to Permit 1481 by this Petition, and further identified in the attached Environmental Information Form, were constructed and in use prior to the enactment of CEQA. No construction is required as a result of this Petition; and no changes to NID operations will occur. The addition of these proposed facilities will clarify NID's current facilities and allow NID to continue to operate consistently with historic practices.

Nevada Irrigation District Permit 1481
Attachment to Petition for Change

Municipal and Industrial are proposed to be added as purposes of use to Permit 1481. In addition, Incidental Power is proposed to be added as a purpose of use; an existing powerhouse is proposed to be added to the place of use under NID's consumptive use Permit 1481 to accommodate the dual use of water as it is conveyed through NID's facilities - consumptive use with power generation incidental thereto. The primary objective of NID is to provide a water supply for consumptive use. NID also holds water rights for power production, for those times when water used for power generation is in excess of its consumptive requirements. NID will also file Petitions to add Incidental Power and existing powerhouses to its consumptive water rights Permits 13772, 11626, 13770, and 5815. In addition, NID is proposing to add lands served pursuant to the Excelsior Railroad Commission Order No. 15926, dated 1926, to the place of use under Permit 1481; and to conform to the Deer Creek Service Area of NID Map No. 1020, to other water rights held by NID, as recommended by Division staff.

ABANDONMENT OF POINTS OF DIVERSION

As previously identified in this Petition, the proposed deletion of the points of diversion for the Manzanita Ditch, Rough and Ready Ditch, Newtown Ditch, Pleasant Valley Ditch, Tunnel Ditch, and China Ditch would clarify existing NID operations. The Manzanita Ditch diversion was abandoned in the late 1920s, the Rough and Ready Ditch diversion in 1978, the Pleasant Valley Ditch diversion in the late 1920s, and China Ditch diversion in the late 1960s. Therefore, NID is proposing to delete these four points of diversion currently identified in Permit 1481, change the Newtown Canal (Newtown Ditch) and Tunnel Canal (Tunnel Ditch) to points of rediversion, and add the consolidated China/Union Canal (China Ditch) as a point of rediversion in order to clarify NID operations and existing facilities. The proposed deletion of the four aforementioned points of diversion and addition of the Newtown Canal, Tunnel Canal, and China/Union Canal as points of rediversion will not change NID's current operations.

OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to Permit 1481. Access to the place of use for the delivery of water for consumptive use is by virtue of ownership of the conveyance system or as a condition of service to NID's customers in accordance with its rules and regulations. Access to the place of use of water for hydroelectric generation is obtained through NID's Federal Energy Regulatory Commission (FERC) License and by virtue of ownership.

RETURN FLOW

The addition of Incidental Power to the purpose of use and Scotts Flat Powerhouse to the place of use for Permit 1481 will not change NID's current operations and no construction is proposed. Therefore, there will be no change in the point of return flow as a result of this Petition.

2009 APR -3 AM 8:31
DIVISION OF WATER RIGHTS
SACRAMENTO

PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 1614 Permit 1481

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 (State Water Board), 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 State Water Board 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 State Water Board'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. **NOT APPLICABLE. SEE ATTACHMENT.**

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.

**Attachment
to Petition for Extension of Time for
Permit 1481 (Application 1614)
held by Nevada Irrigation District**

The purpose of this Petition for Extension of Time (Petition) is to facilitate the licensing process for Permit 1481. The time to complete full and beneficial use under Permit 1481 expired on December 1, 1980. Through the licensing process, 1992 was found to be the year of maximum beneficial use (collection to storage). Thus, this Petition is required to cover the use of water during the interim period, when analysis and other required licensing work was being performed by the Division of Water Rights (Division) and Nevada Irrigation District (NID) staff. In addition, NID is filing a Petition for Change to NID's Permit 1481 to identify existing facilities where water is used and to conform the places of use and purposes of use with NID's other water rights.

NID has been working cooperatively with the Division since July 2002 to analyze the use of water and inspect the facilities associated with the following five (5) Permits for determining whether licenses should be issued.

<u>Permit</u>	<u>Application</u>
1481	1614
11626	2652B
13770	5193
5815	8180
13772	20017

There are also five (5) associated Permits for power purposes, which are currently being reviewed and analyzed for potential licensing. Collectively, these ten (10) Permits and most of the associated facilities are referred to as the Lower Division. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. Permits 13770 and 5815 cover sources and facilities upstream of Spaulding Reservoir, but the storage and use of water is downstream of Spaulding Reservoir, so they were included with the Lower Division.

The purpose of this Petition is to facilitate the licensing process. All construction work is complete and no construction is proposed in connection with this Petition. Full and beneficial use has been made of the water appropriated under Permit 1481. NID has ongoing water conservation and water use efficiency programs to improve urban and agricultural water use. NID has adopted an Urban Water Management Plan and an Agriculture Water Management Plan which identifies currently implemented and planned water conservation projects and programs. Current water conservation measures within NID include, but are not limited to an on-going maintenance program to gunite or pipe canal sections, volumetric flow metering of all service connections, and performing periodic leak detection audits on the treated water systems. In addition, NID provides water conservation materials to urban and agriculture customers and promotes urban and agricultural water conservation management

Nevada Irrigation District Permit 1481
Attachment to Petition for Extension of Time

at the customer level. NID continues to engage in processes to proactively improve urban and agricultural water management and water conservation. In most cases, the quantity of water conserved for each project listed above is not known and would be difficult or impossible to estimate due to the complexity of the projects involved and the complexity of the water delivery system. Following the processing of this and other related Petitions, NID requests that a License be issued for Permit 1481.