

STATE WATER RESOURCES CONTROL BOARD  
MAR 20 AM 11:40  
DIV OF WATER RIGHTS  
SACRAMENTO

**PETITION FOR CHANGE**  
(WATER CODE 1700)

Application 2372 Point of Diversion,  Point of Rediversion,  Place of Use,          Purpose of Use  
Permit          License 12798 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 No Change Requested.  
Proposed No Change Requested.

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? No

(yes/no)

• WATER WILL BE USED FOR 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.

See Attachment

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 March 20, 2009 at Grass Valley, California

Bruce Schwan Signature(s) 530 271 6024 Telephone No.

**NOTE: A \$100 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.**

*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 rights information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

**Attachment to Petition for Change  
License 12798 (Application 2372)  
held by Nevada Irrigation District**

GENERAL

License 12798 is for storage and direct diversion of water from Jackson Creek, Canyon Creek, Texas Creek, Fall Creek, and Trap Creek for non-consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID's License 12798 is to identify NID's existing facilities where water is used, diverted and rediverted, and to conform the places of use with NID's other water rights. For License 12798, this involves (1) adding a powerhouse to the place of use, and (2) adding points of rediversion, as identified further below.

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. License 12798 was one of the licenses issued to NID during the Upper Division Licensing process for power generation, storage, and direct diversion from existing NID facilities. NID has been working cooperatively with the Division of Water Rights (Division) since July 2002 to analyze the use of water for NID's Lower Division water rights permits in anticipation of licensing those rights as well. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. There are a total of five (5) consumptive use permits and five (5) associated permits for power purposes, which are currently being reviewed and analyzed for potential licensing of NID's Lower Division. As a result of the extensive and detailed analysis undertaken for the Lower Division licensing process, changes or corrections to three consumptive use Licenses 12795, 8808, and 8809 (Applications 1270, 1615, and 6229, respectively) and two non-consumptive use Licenses 12796 and 12798 (Applications 2275 and 2372, respectively) are required and/or recommended by Division staff to conform with NID's current facilities and operation. In addition, NID has identified changes to the aforementioned Licenses, over and above those changes 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 changes in the present points of diversion identified in License 12798 are proposed and no additional points of diversion are proposed. The following table describes the present points of diversion using the California Coordinate System in place of the descriptions currently identified in License 12798. 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. 5302, accompanying this Petition. No change in the location has occurred, simply a different system for describing the location, as requested by Division staff.

Nevada Irrigation District License 12798  
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Point of Diversion	Map No. 4365 & Map No. 5302 Index #	Description <sup>1</sup>
Jackson Lake Dam	4	N 2,298,389 E 6,967,162 SW¼ of SW¼ of Sec. 31, T19N, R13E
Faucherie Lake Dam	5	N 2,285,389 E 6,965,962 SE¼ of NE¼ of Sec. 13, T18N, R12E
Sawmill Dam	6	N 2,291,189 E 6,956,412 NW¼ of NW¼ of Sec. 11, T18N, R12E
Bowman Dam	7	N 2,292,689 E 6,941,661 SE¼ of SW¼ of Sec. 5, T18N, R12E
Bowman-Spaulding Conduit (BSC) Diversion Dam	8	N 2,291,789 E 6,941,661 NE¼ of NW¼ of Sec. 8, T18N, R12E
Texas Creek BSC	9	N 2,276,389 E 6,935,711 SW¼ of SW¼ of Sec. 19, T18N, R12E
Fall Creek BSC	11	N 2,264,689 E 6,935,561 NW¼ of NW¼ of Sec. 6, T17N, R12E
Trap Creek BSC	12	N 2,262,489 E 6,935,411 NW¼ of SW¼ of Sec. 6, T17N, R12E

**Present and Proposed Points of Rediversion**

The present points of rediversion are identified in the following table and described using the California Coordinate System in place of the descriptions currently identified in License 12798. Also identified are proposed points of rediversion. These points reflect existing facilities, where the licensed supplies have been rediverted, but which are not set forth in the License. This list contains all of the present and proposed points of rediversion. All points represent existing facilities 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. 5302, accompanying this Petition.

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

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Point of Rediversion	Map No. 4365 & Map No. 5302 Index #	Present PORD or Proposed PORD	Description <sup>1</sup>
Sawmill Dam	6	Proposed <sup>2</sup>	N 2,291,189 E 6,956,412 NW¼ of NW¼ of Sec. 11, T18N, R12E
Bowman Dam	7	Present	N 2,292,689 E 6,941,661 SE¼ of SW¼ of Sec. 5, T18N, R12E
Bowman-Spaulding Conduit (BSC) Diversion Dam	8	Present	N 2,291,789 E 6,941,661 NE¼ of NW¼ of Sec. 8, T18N, R12E
Fuller Dam	14	Present	N 2,254,499 E 6,943,344 NW¼ of NE¼ of Sec. 17, T17N, R12E
<del>Spaulding Dam</del>	<del>15</del>	<del>Proposed<sup>3</sup></del>	<del>N 2,247,689 E 6,945,562 SE¼ of NE¼ of Sec. 20, T17N, R12E</del>

*Per NID 5/4/09 L2000 KMG*

As identified in the Environmental Information Form accompanying this Petition, the proposed addition of Sawmill Dam and Spaulding Dam clarify and reflect existing NID operations and represent actual points of rediversion under License 12798. License 12798 currently identifies Sawmill Dam as a point of diversion. NID proposes to add Sawmill Dam as a point of rediversion under License 12798 to clarify existing NID facilities. The facilities that provide for rediversion have long been in existence, and the addition of the two aforementioned points of rediversion will not change NID's current operations and no construction is proposed. In addition, the proposed points of rediversion 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 identified in License 12798 will be retained. The following table identifies the present and proposed places of use, which are existing NID hydroelectric power plants. This list constitutes all of the present and proposed places of use and no new facilities are proposed to be constructed. The proposed place of use is described using quarter, quarter sections as required for this Petition and 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. 5302, accompanying this Petition.

<sup>1</sup> All coordinates are CCS, Zone 2, NAD 83 Datum. All section descriptions are MDB&M.  
<sup>2</sup> Sawmill Dam is identified as a point of diversion under License 12798. In order to clarify existing NID operations, NID proposes to add Sawmill Dam by correction as a point of rediversion under License 12798.  
<sup>3</sup> Proposed to be added by Petition.

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Powerhouse Name	Map No. 4365 & Map No. 5302 Index #	Present Place of Use or Proposed Place of Use	Description <sup>1</sup>
Bowman Powerhouse	36	Proposed <sup>2</sup>	NE 1/4 of NW 1/4 Sec. 8 T18N, R12E
Spaulding # 3 (RIM) Powerhouse	37	Present	NE 1/4 of SW 1/4 Sec. 16 T17N, R12E

GIVE REASON FOR PROPOSED CHANGE

The proposed changes primarily reflect the need to conform License 12798 to the actual, current purposes and places of use, and to make changes consistent with current definitions. During the Lower Division licensing process, changes or corrections to two non-consumptive use, or power licenses and three consumptive use licenses were recommended by Division staff in order to conform these licenses with NID's current facilities and operations and to reflect the Division staff's currently used definitions and terminology. NID is filing this Petition to (1) facilitate licensing of the Lower Division Permits, and (2) accurately identify existing facilities where the licensed quantities are currently used.

The proposed points of rediversion and the proposed place of use identified in this Petition, and further identified in the attached Environmental Information Form, were constructed and operating prior to the enactment of CEQA or the appropriate environmental documentation was filed with the State Clearinghouse. No construction is proposed, or required as a result of this Petition, and no ground disturbing activities or operational changes will occur. The addition of these proposed facilities will clarify NID's current facilities and will allow NID to continue to operate consistently with historic practices.

Bowman Powerhouse is proposed to be added to the place of use under NID's non-consumptive use License 12798 to accommodate the dual use, consumption, and power generation of water as it is conveyed through NID's facilities. The primary objective of NID is to provide a water supply for consumptive use; however, NID also holds water rights for power production, for those times when water used for power generation is in excess of its consumptive needs.

<sup>1</sup> All of the above descriptions are based on the Mount Diablo Base and Meridian (MDB&M) and are shown on NID Map No. 5302 accompanying this Petition.

<sup>2</sup> License 12798 currently authorizes Bowman Dam as a point of diversion, point of rediversion and as a place of storage; however, Bowman Powerhouse was not identified as a place of use under License 12798. Bowman Powerhouse was constructed and operated prior to the issuance of License 12798. Therefore, the addition of Bowman Powerhouse as a place of use will clarify existing NID facilities.

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OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to License 12798. Access to the place of use of water for hydroelectric generation is obtained through NID's FERC license, or by virtue of ownership, or by virtue of a Special Use Permit issued by the United States Forest Service, or in the cases of access to PG&E powerhouses, by virtue of a written agreement between NID and PG&E.

RETURN FLOW

There is no change in the point of return flow as a result of this Petition.