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2003 DEC 31 11:10:02  
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD

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>

**PETITION FOR EXTENSION OF TIME**

**WATER USERS:**

Application 5629, 14444 Permit 16477, 16480

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.

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

Received \$2000  
(part of check 521300)  
- total \$6000  
+ DFG 850

**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 5 (See Supplement) - 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? See Supplement acre-feet/year \_\_\_\_\_ cfs

6. How many acres have been irrigated? N/A

7. How many houses or people have been served water? N/A

8. Extent of past use of water for any other purpose: See Supplement

9. What construction work has been completed during the last extension? \_\_\_\_\_

10. Approximate amount spent on project during last extension period. \$ N/A

11. Estimate date construction work will be completed. Construction Completed

12. Estimated year in which water will be fully used. See Supplement

13. Reasons why construction and/or use of water were not completed within time previously allowed.  
See Supplement

**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.**

**Permits authorize use for Power, Recreation and Fish and Wildlife Enhancement only.**

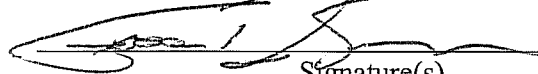
14. What water conservation measures are in effect or feasible within the place of use?

15. How much water is being conserved or is it feasible to conserve using these conservation measures?  
\_\_\_\_\_ acre-feet per annum.

16. How much water per capita is used during the maximum 30-day period? \_\_\_\_\_ gpd.

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

Dated: December 31, 20 09, at Sacramento, California

  
Signature(s)

(916) 653-8826  
Telephone No.

Erick D. Soderlund 1416 Ninth Street Sacramento, CA 95818  
PLEASE PRINT YOUR NAME AND ADDRESS

**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.

## Supplement

### Petitions for Extension of Time Applications 5629 (Permit 16477), 14444 (Permit 16480)

Permits 16477 and 16480 authorize the power operations at the Oroville/Thermalito Complex (Power Permits). The permits also include incidental recreation and fish and wildlife enhancement as authorized purposes of use, all non-consumptive uses. Condition 8 of the above permits requires the completion of construction work by December 31, 2000 and the complete application of the water to the proposed use by December 31, 2009. The water supply operations of the Department of Water Resources' (DWR) are authorized under Amended Permits 16478, 16479, 16481, and 16482 (collectively, Feather River/Delta Permits) DWR filed a separate Petition for Time Extension for the latter permits.

Major construction at Oroville Dam, Thermalito Diversion Dam and the Thermalito Forebay is complete, but water use has not reached the maximum authorized under the permits. Water use under Permit 16477, however, has reached the maximum rate of direct diversion authorized.

The maximum rate of direct diversion at the Oroville/Thermalito Complex for power generation was 17,888 cfs on March 25, 1995, plant capacity. Maximum diversion to storage under the Power Permits and Permits 16478 and 16479 was 2,488,607 acre-feet in the 1977/78 water year. While DWR has at times directly diverted the maximum rate allowed under the Power Permits, because of various factors DWR has not diverted to storage the maximum amounts allowed annually under the Permits and, consequently, maximum annual use has not reached the maximum anticipated levels. Some factors that have limited DWR's diversions and resulted in the total use and storage being below the maximum authorized under the Power Permits include annual hydrologic conditions, SWP operations for water supply purposes, regulatory restrictions on SWP operations, and actions necessary for compliance with the Federal and State Endangered Species Acts (ESAs). Continuation of DWR's ability to make full use of the Power Permits, however, is critical for DWR to maintain operational flexibility in order to meet DWR contractual obligations, and maximize power generation to allow the SWP to reduce its reliance on fossil fuel based power sources to meet the Project's annual power demand.

In light of the above, DWR is filing petitions with the SWRCB to extend and continue the terms of the Power Permits for a five-year period to the year 2015. It is not possible at this time to accurately predict what the ultimate diversions under the Power Permits will be or a date at which the full permitted quantity will be put to beneficial use. The primary purpose of the SWP is to provide critical water supplies to a substantial portion of the state. The factors listed above, including the outcome of the BDCP process, the recent legislation, and current litigation, create tremendous uncertainty in predicting future operations and diversions. It is clear, however, that sufficient demand exists for the power that could be generated by maximum diversions authorized under the Power

Permits. Sufficient water supply demand exists for the water supply authorized under DWR's water rights permits, and will continue to grow as demand continues to increase in the SWP service area.

As such, DWR believes it is in the public interest to extend the Power Permits for five years. At the end of this period, DWR should be in a much better position to explain the time, facilities, and operations that will be necessary to maximize the beneficial use of water. Depending on circumstances in the future, at the conclusion of this five-year period, DWR may need to petition for further extension of said permits.

DWR will continue to divert and redivert water to direct use and storage in accordance with the existing terms and conditions of its permits as well as any additional regulatory restrictions imposed on the Project. The extension, therefore, will not change DWR's operating requirements. It is also important to note that approval of a time extension will not limit the SWRCB's authority to regulate DWR's authorized diversions or alter its responsibility for instream flow requirements in the Feather River and, along with the U.S. Bureau of Reclamation, for meeting in-basin demands and maintaining water quality requirements in the Delta. Granting a time extension will not impact other downstream users of water.

Additional responses to specific questions on the Petitions for Extension of Time are provided below.

5. Maximum annual diversion to storage under Permits 16477 and 16480 is 2,488,607 acre-feet from September 1 through July 31. Permit 16477 authorizes the diversion to storage of up to 380,000 AFY. Permit 16480 authorizes the diversion to storage of up to 3,500,000 AFY. Maximum diversion to storage under Permits 16477, 16478, 16479 and 16480 shall not exceed 3,880,000 AFY. Maximum rate of direct diversion at the Oroville/Thermalito Complex for power generation was 17,888 cfs on March 25, 1995. Permit 16477 authorizes the direct diversion of up to 7,600 cfs, and Permit 16480 authorizes the diversion of up to 11,000 cfs for power generation. Although the allowable rate of direct diversion and annual diversion to storage has been reached for Permit 16477, there are periods when the rate of direct diversion for power generation was less than authorized by the permit and therefore total annual use was less than the maximum potential use.

The SWP is a complex system and as such it is difficult to separate water diverted under the provisions of specific individual permits. The permits operate together consistent with the provisions governing overall SWP operations. The water is commingled to meet overall project purposes.

8. The Power Permits also include incidental recreation and fish and wildlife enhancement as authorized purposes of use. DWR has developed extensive recreational facilities at Lake Oroville and the Thermalito Afterbay. Water is used for fish and wildlife enhancement in the Feather River downstream of Lake Oroville including maintaining minimum flows and temperatures.

12. As noted above, given the current regulatory restrictions and issues relating to the Sacramento/San Joaquin Delta, it is difficult to estimate when conditions will be such that DWR can maximize the amount of water put to beneficial use under DWR's water rights permits. Sufficient demand currently exists to utilize all the power that can be generated at the Oroville/Thermalito Complex. However, the primary purpose of the SWP is water supply. Water supply demands within the state continue to increase and the SWP remains a critical component of the State's water supply. Current trends project significant growth in the SWP service area. In addition, SWP water is crucially important in addressing vulnerabilities in the State's water supply associated with several factors, including emergencies, drought and the effects of climate change. Therefore, DWR believes it is in the public interest for the State Water Board to grant the requested extension of time until the year 2015 to allow DWR time to satisfy increasing future beneficial water uses that are authorized under the DWR's water rights permits.

13. As stated above, there are many factors that have contributed to the use and storage being below the maximum authorized under the Permits including annual hydrologic conditions, SWP operations for water supply purposes, regulatory restrictions on SWP operations, and actions necessary for compliance with the Federal and State Endangered Species Acts.

California Environmental Protection Agency

State Water Resources Control Board

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**ENVIRONMENTAL INFORMATION  
FOR PETITIONS**

**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.

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See Attachment No.   1

**ENVIRONMENTAL INFORMATION FOR PETITIONS**

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**2. COUNTY PERMITS N/A**

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

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_  
Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
County Zoning Designation: \_\_\_\_\_

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 N/A**

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**

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d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: \_\_\_\_\_

**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. 1

\* 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 N/A**

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 N/A**

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

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

See Attachment No. \_

**7. ENVIRONMENTAL SETTING N/A**

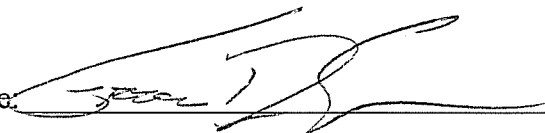
Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- 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: December 31, 2009

Signature:  \_\_\_\_\_

## Attachment 1

### 1. Description of Proposed Changes

The Department of Water Resources (DWR) seeks an extension of time to the year 2015 for each of the permits listed below. The year 2015 represents a 5-year extension of time for all permits listed. Permits 16477 and 16480 authorize the power operations at the existing Oroville/Thermalito Complex (non-consumptive uses). The remaining permits authorize the diversion and rediversion of water available in the Feather River and Delta channels by DWR for water supply purposes (consumptive uses).

| Application Number | Permit Number |
|--------------------|---------------|
| 5629               | 16477         |
| 5630               | 16478         |
| 14443              | 16479         |
| 14444              | 16480         |
| 14445A             | 16481         |
| 17512              | 16482         |

The project does not involve the construction of any new facilities or expansion of authorized uses beyond those currently authorized under the permits listed above. The sole purpose of the project is to allow DWR additional time to place the water currently authorized under the permits to beneficial uses prior to licensing. All facilities required for the storage, diversion and conveyance of the water that are the subject of this project, from its sources to its points of diversion and rediversion for both the authorized consumptive and non-consumptive uses, have been completed. The extensions of time will not authorize the construction of any facilities. Any new facilities would require separate evaluations including California Environmental Quality Act (CEQA) compliance and permitting by the State Water Resources Control Board (State Water Board) specific to any selected project. The time extension will simply extend the period under the existing permits for placing the water to beneficial use prior to licensing. The time extension does not change the State Water Board's authorities to impose new terms on permits through its water rights and water quality regulatory process, if conditions should warrant such changes. The State Water Project will continue to be operated in compliance with all the existing permit terms and conditions and with any measures necessary to comply with the Federal and State Endangered Species Acts (ESAs).

### 4. Environmental Documents

DWR is the lead CEQA agency and will prepare the appropriate environmental documentation in compliance with CEQA. DWR will work with the State Water Board to ensure that adequate environmental documentation is completed to support the requested time extensions.