

STATE WATER RESOURCES CONTROL BOARD  
2009 DEC 22 PM 4:03  
DIVISION OF WATER RIGHTS  
SACRAMENTO

### PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 5648D Permit 15452

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. **See attachment.**

#### 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?

See attachment.

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 \$1000 and \$850  
on 12.22.09  
by  
mugb

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 30 - year extension of time is requested to complete construction work and/or beneficial use of water. (Must be consistent with the time frame allowed in California Code of Regulations sections 840 through 844)
5. How much water has been used? 185 acre-feet/year \_\_\_\_\_ cfs
6. How many acres have been irrigated? \_\_\_\_\_
7. How many houses or people have been served water? 1400 people
8. Extent of past use of water for any other purpose. commercial/municipal
9. What construction work has been completed during the last extension? See attachment.
10. Approximate amount spent on project during last extension period. \$ 5 million
11. Estimated time in years it will take for construction to be completed. N/A
12. Estimated time in years it will take for water to be fully used. 2040
13. Reasons why construction and/or use of water were not completed within time previously allowed. See attachment.

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 attachment.
15. How much water is being conserved or is it feasible to conserve using these conservation measures?  
\_\_\_\_\_ acre-feet per annum. See attachment.
16. How much water per capita is used during the maximum 30-day period? \_\_\_\_\_ gpd. See attachment.

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

Dated: 12-22, 2009, at Sacramento, California

Joseph Schofield 916-520-5223  
Signature(s) Telephone No.  
621 Capitol Mall, Sacramento, CA 95814

PLEASE PRINT YOUR NAME AND ADDRESS

**NOTE:** All petitions must be accompanied by the filing fee (see fee schedule at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)) made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

# Attachment No. 1, Supplement to Petition for Extension of Time for Permit 15452

## ***INTRODUCTION***

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Calaveras County Water District (CCWD or District) holds water right Permit No. 15452, issued by the State Water Rights Control Board (SWRCB) on September 7, 1967 pursuant to Application 5648D. This permit authorizes diversion, storage, and re-diversion of water for municipal, irrigation, and stockwatering use from Bear Creek, tributary to the Middle Fork Mokelumne River. By order dated November 30, 1988, the SWRCB granted CCWD until December 31, 2009 to put the water under this permit to full beneficial use. By this petition, CCWD is requesting an extension of time of 30 years, until end of year 2040, to complete use of Permit 1542. CCWD has completed construction of the diversion facilities and main distribution system for municipal use of the water. The extension is to allow time for increased demand associated with population growth forecasts within the place of use for the permit.

## ***BACKGROUND***

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### **CCWD Surface Water Supplies Serving Permit 15452 Place of Use**

A diversion facility on Bear Creek is CCWD's primary water supply source for the West Point Water Treatment Plant, which provides water service to customers in the place of use described in Permit 15452 (which includes CCWD's West Point, Wilseyville and Bummerville distribution systems, as shown on Figure 1). The diversion structure is located approximately one mile northeast of the community of Bummerville. From there, the diversion pipeline delivers the raw water to a regulating reservoir approximately two miles to the southwest (See Figures 1 and 2, attached). Water is then conveyed from the regulating reservoir to the West Point treatment plant.<sup>1</sup> The Bear Creek water right is summarized below in Table 1:

<b>Table 1. CCWD Bear Creek Water Right Summary Information</b>					
Water Supply	Permit No./App. No.	Diversion Maximum (CFS)	Storage Maximum (AF)	Maximum Use (AF/YR)	Season of Use
Bear Creek	15452/5648D	4	150	1,830	January 1 to December 31

*Notes:*

- (1) CFS = Cubic Feet Per Second
- (2) AF = Acre-Feet
- (3) AF/YR = Acre-Feet Per Year

<sup>1</sup> When Bear Creek has insufficient flows, CCWD purchases backup water from Calaveras Public Utility District (CPUD) pursuant to contract. The CPUD water is provided from Schaads Reservoir on the Middle Fork Mokelumne, and is stored under CPUD's pre-1914 water rights (S010773). CCWD maintains a diversion point on the Middle Fork Mokelumne, approximately five miles downstream from Schaads, to convey the backup water into the West Point Water Treatment Plant from which it is conveyed to approximately 560 active connections.

### **Projected Need for Water for Forecasted Growth**

The current West Point service area population is approximately 1400, with 560 active connections. The population has been forecast to increase to 1800 by 2035 (based on census data and California Department of Finance projections),<sup>2</sup> and consistent with forecasted trends will likely reach 1900 or more by 2040, the extension date CCWD is requesting through this petition. Given the volatile boom-bust cycle that has characterized Calaveras County population growth in the past, CCWD believes the population in the West Point area could reasonably grow to as high as 2000 by 2040. The number of active connections is projected to reach 731 (municipal and other) by 2035, higher by 2040,<sup>3</sup> and is projected to include agricultural deliveries through an existing ditch system.<sup>4</sup>

### **Availability of Flows in Bear Creek**

Although Bear Creek is not gaged, the best available flow estimates indicate that Bear Creek has sufficient water during most months in normal years to meet the full permitted diversion amounts, as shown in Table 4 below. Bear Creek is tributary to the Middle Fork Mokelumne River, then Mokelumne River, and enters into the Sacramento River upstream of the Sacramento-San Joaquin Delta. Flows in Bear Creek are un-gaged with a paucity of data available from the following nearby streams:

- Antelope Creek Near West Point – Only intermittent high flows were measured as part of a crest-stage study, with no available streamflow data for normal and low flows.
- Forest Creek Near Wilseyville – Although good, long-term streamflow records are available (July 1960 to present), the gaged drainage area of Forest Creek is much larger than Bear Creek above the diversion point (20.8 square miles versus 6.0 square miles), and extends to much higher elevation (6,900 feet msl versus 4,390 feet msl). Flows in Forest Creek, therefore, will be considerably larger than Bear Creek under the influence of snowpack melt.
- Licking Fork of the Mokelumne River Near Railroad Flat – Although the gaged drainage area of Licking Fork is nearly identical to Bear Creek above the diversion point, the Licking fork drainage extends to an elevation of 6,071 feet, and includes much steeper terrain. Accurate streamflow data is available for only brief time periods (Oct 1911 to Sep 1913, Apr 1915 to Sep 1915, and Apr 1916 to Sep 1916).

Correlation with Forest Creek and Licking Fork was determined to be the most accurate method of estimating flows in Bear Creek. Historic monthly mean flows of Forest Creek are shown below in Table 2. Additional data was obtained from State Climatologist of the Department of Water Resources concerning historic rainfall and runoff. This data was used to compare the years of records of Licking Fork with other years to estimate runoff. Monthly average runoff of Licking Fork is shown in Table 3. The subjective evaluation of the water year type (i.e., dry,

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<sup>2</sup> These figures are depicted in the Calaveras County Water District Urban Water Management Plan 2005 Update (UWMP), p. 3-6. The UWMP is available online at [http://www.ccwdd.org/documents/Facilities/CCWD\\_UWMP\\_2005-Update.pdf](http://www.ccwdd.org/documents/Facilities/CCWD_UWMP_2005-Update.pdf). CCWD will make an electronic or hard copy available upon request.

<sup>3</sup> Population and connection figures for 2040 will be included in the CCWD UWMP 2010 update.

<sup>4</sup> The agricultural deliveries are forecast in the UWMP 2005 Update, p. 3-6.

below normal, above normal, wet) as determined by the State Climatologist is also shown for comparison.

<b>Table 2 – Forest Creek Near Wilseyville Streamflow Data</b>	
<b>Month</b>	<b>Mean Flow (cfs)</b>
October	4.1
November	9.3
December	20.0
January	34.1
February	42.7
March	46.0
April	47.5
May	32.1
June	12.4
July	5.6
August	3.6
September	3.1

Source: CCWD West Point/Wilseyville/Bummerville System Improvements Draft Feasibility Report, November 2001.

<b>Table 3 - Licking Fork Near Railroad Flat Streamflow Data</b>				
<b>Water Year</b>	1912	1913	1916	1917
<b>Type</b>	Dry	Below Normal	Wet	Wet
<b>Average Gaged Flows (in cfs)</b>				
October	1.5	2.0		
November	2.2	2.3		
December	2.8	1.7		
January	3.9	4.2		
February	2.7	5.2		
March	5.4	4.6		
April	6.7	12.2	24.6	26.8
May	3.0	3.9	23.6	8.6
June	2.5	1.3	8.6	4.8
July	0.8	0.6	3.8	2.8
August	0.6	0.3	2.0	1.5
September	0.8	0.5	1.6	1.5

Source: CCWD West Point/Wilseyville/Bummerville System Improvements Draft Feasibility Report, November 2001.

Estimated average normal and dry flows for Bear Creek are shown in Table 4, which are based on streamflow data for Forest Creek and Licking Fork.

<b>Table 4 – Bear Creek Estimated Average Flows (in cfs)</b>		
Month	Normal year	Dry Year
October	2	1
November	4	1.5
December	6	2
January	9	3.5
February	12	5
March	14	6
April	14	6
May	9	4
June	4	1.5
July	2	0.6
August	1	0.4
September	1	0.4

Source: CCWD West Point/Wilseyville/Bummerville System Improvements Draft Feasibility Report, November 2001.

## ***RESPONSES TO PETITION QUESTIONS***

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### **Questions 1 and 9. What has been done since permit was issued toward commencing construction? What construction work has been completed during the last extension?**

The diversion, treatment and main distribution system for the beneficial use of water under Permit 15452 has been in place for decades. Since the last extension petition was granted, however, CCWD has implemented a number of project improvements to improve diversion and treatment of the West Point/Wilseyville/Bummerville water supply. These improvements include the following:

- Connection to and Build-Out of Wilseyville Distribution System – 1989
- West Point Water Treatment Plant Upgrade – 2001
- West Point Regulating Reservoir Fish Screen Installation – 2005
- Bear Creek Diversion Facility Replacement – 2005
- Replacement of West Point Tank for Storage of Treated Water Prior to Delivery – 2009/2010
- For backup water: Middle Fork Mokelumne River Pump Station/Control Improvements – 2004

- For backup water: Middle Fork Mokelumne River Pump Station Automation and Improvements – 2008/2009

These projects represent millions of dollars of infrastructure investments. Planning and engineering is also nearly complete for replacing the system's distribution pipelines, which are beyond their useful life cycle. In addition, system improvements are necessary to meet current fire flow standards.

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

CCWD's need for water diverted under Permit 15452 has grown slower than anticipated for a number of reasons. The history of the West Point region is typical of the boom-bust cycle of many small communities on the western slope of the Sierra Nevada: Mining to logging to tourism. New logging-type business development is emerging through clearing the forest under-story and using the biomass to create energy. Tourism continues to develop, and agricultural interests are beginning to develop. In addition, construction of water infrastructure to support these emerging services is necessary to meet new fire flow standards and is in the CCWD Capital Improvement Plan, with costs for construction estimated at over \$5 million. Many of the region's improvements cannot proceed until funding is developed and the necessary infrastructure improvements are complete.

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

CCWD is a member of the California Urban Water Conservation Council and fully implements all of the foundational water conservation best management practices and partially fulfills several of the non-foundational water conservation measures, including outreach, education, and financial assistance to water users throughout Calaveras and neighboring counties (Amador and Tuolumne Counties). The seven non-foundational water conservation BMPs are not locally cost-effective according to calculations. Nevertheless, CCWD is seeking grant funding to implement water conservation audit and high-efficiency appliance retrofit programs.

As part of its water conservation program, CCWD meters one-hundred percent of its connections. Tiered rates are also in place to encourage water conservation. Use of recycled water is also encouraged wherever feasible. Currently, advanced secondary treated wastewater is spray irrigated on District land for disposal.

**Question 15. How much water is being conserved or is it feasible to conserve using these conservation measures?**

District staff is in the process of re-tooling the financial/customer service database to report specific data necessary for calculating water saving by customer class and identifying revenues by base or tiered rates. While the database updates are not yet complete and hence cannot be used to develop specific forecasts of current and future water savings through conservation, District staff have indicated seeing incremental reductions in water usage during the past few years since tiered rates were adopted.

**Question 16. How much water per capita is used during the maximum 30-day period?**

Per-capita use was below 6,843 gallons during the maximum 30-day period (July 2006). This figure is based on the total quantity of water diverted when the population in the service area was approximately 1400 ( $30 \text{ AF} / 1400 \text{ people} = 0.021 \text{ AF} \times 325,851 = 6,843 \text{ gallons}$ ), but does not account for conveyance losses, water treatment losses, or the quantity of water used by commercial connections. Thus, the actual per-capita (single- or multi-family) water use during that period would be lower. Because the West Point service area is rural with fairly limited funds, CCWD's records do not routinely include a breakdown of per-capita water use. The annual per-capita use was below 0.132 AFY (for 2006), again without accounting for conveyance losses, water treatment losses, or the quantity of water used by commercial connections.

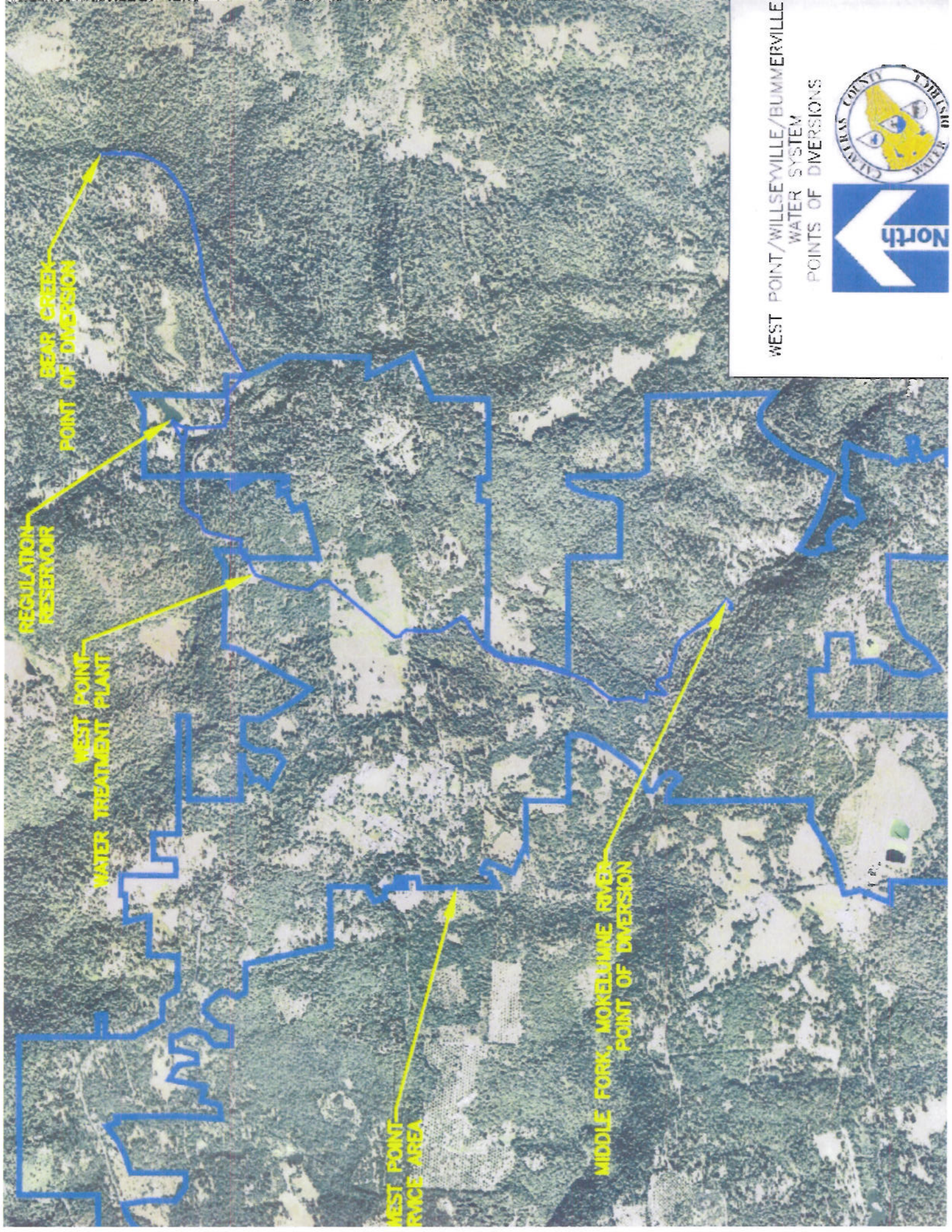
***REFERENCES***

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CCWD, Bear Creek Pipeline Replacement Project, Initial Study/Mitigated Negative Declaration, June 2003, Prepared by HDR.

CCWD, West Point/Wilseyville/Bummerville System Improvements, Draft Feasibility Report, November 2001, Prepared by HDR.





WEST POINT/WILSEVILLE/BUMMERSVILLE  
WATER SYSTEM  
POINTS OF DIVERSIONS



BEAR CREEK  
POINT OF DIVERSION

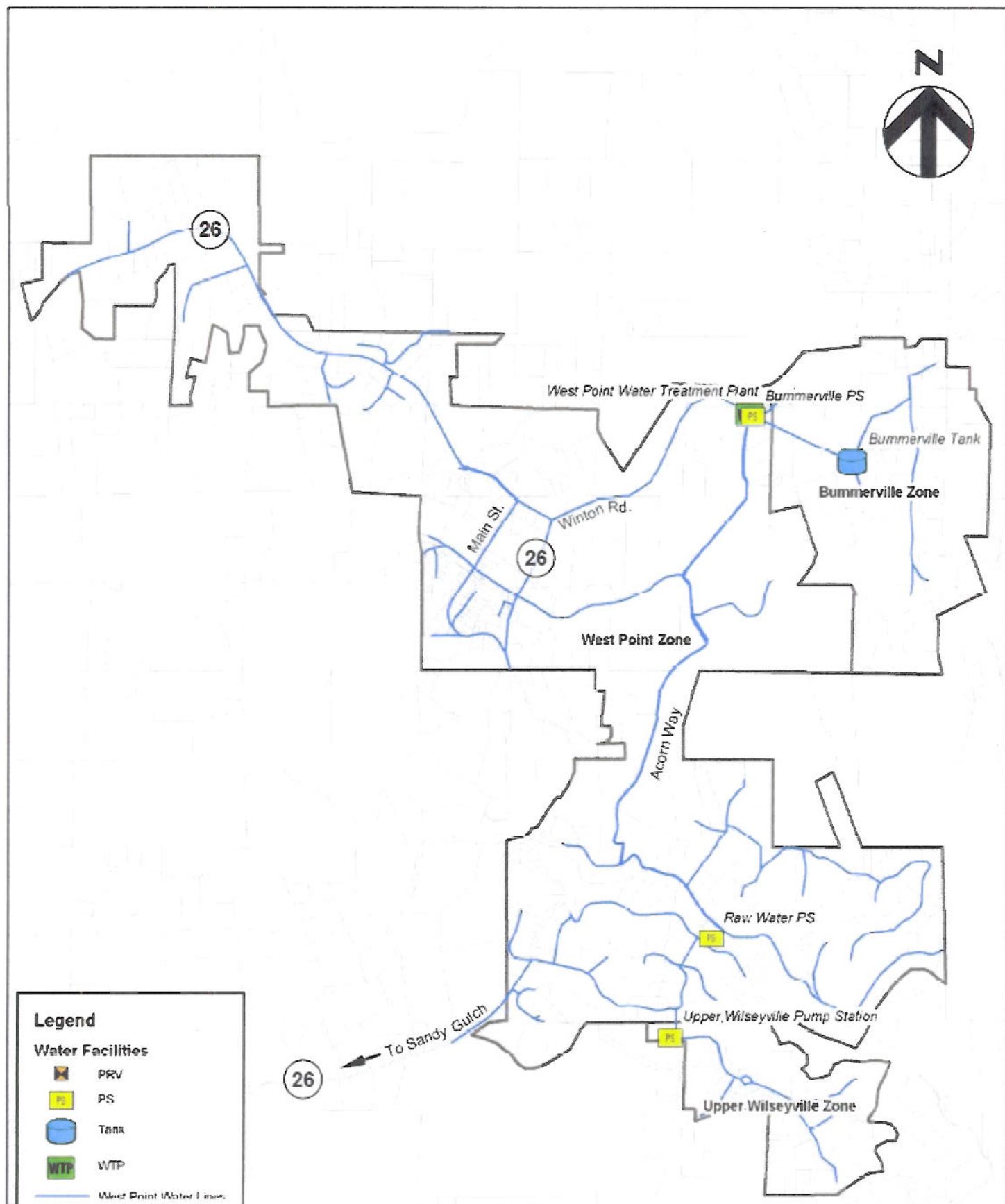
REGULATION  
RESERVOIR

WEST POINT  
WATER TREATMENT PLANT

WEST POINT  
RACE AREA

MIDDLE FORK, MORELLINE RIVER  
POINT OF DIVERSION

Figure 2.



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**

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.

See attachment to Petition for Extension (Introduction, Background and Responses to Questions 1 and 9).

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: \_\_\_\_\_

Construction is complete.

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: The Calaveras County Water District or Calaveras County will prepare the environmental document.

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

\* 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.):

Construction is complete.

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

- b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

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

6. ARCHAEOLOGY

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

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

Construction is complete.

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: December 22, 2009    Signature:



West Point Service Area,  
Place of Use.



**From diversion and weir on Bear Creek,  
looking upstream.**

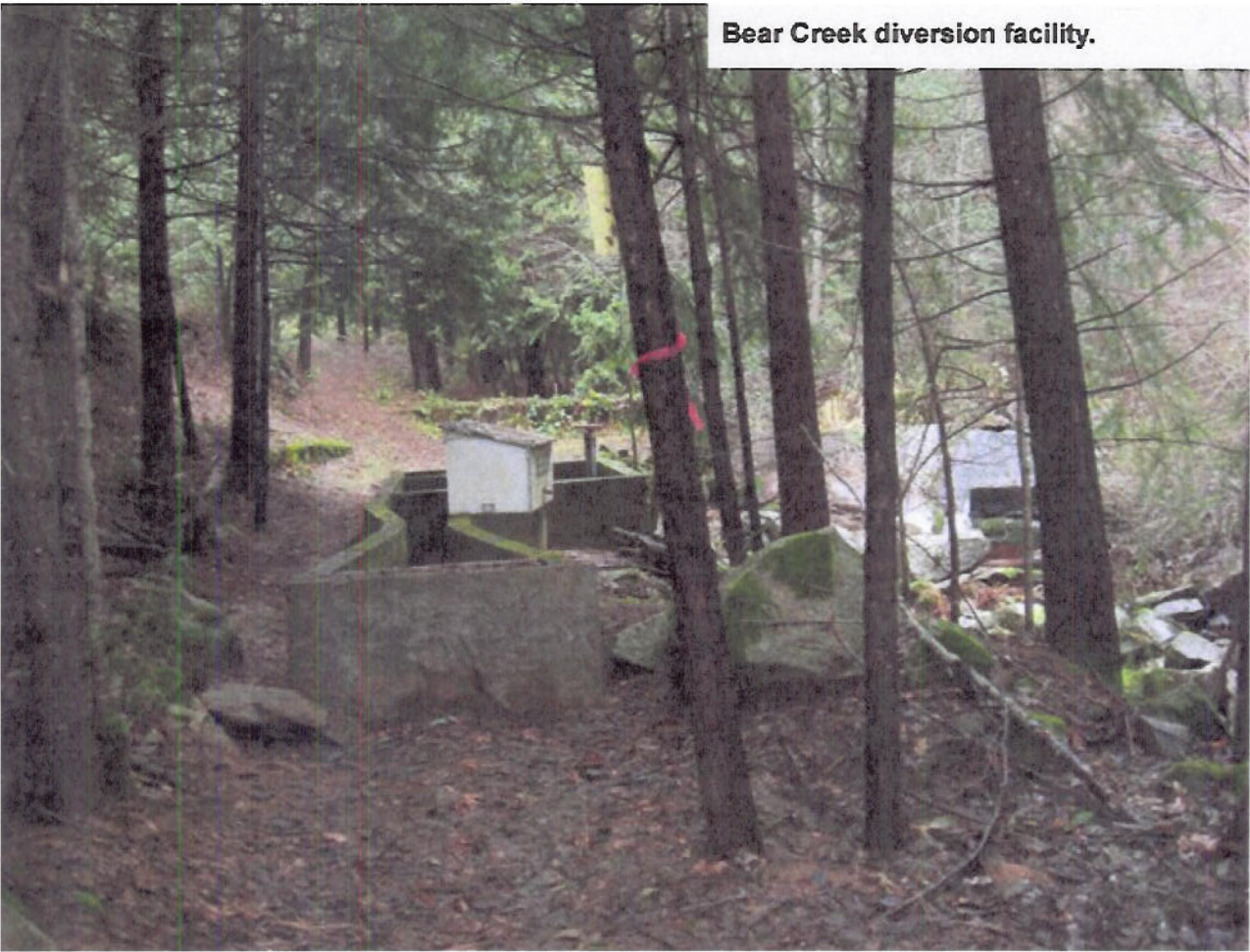




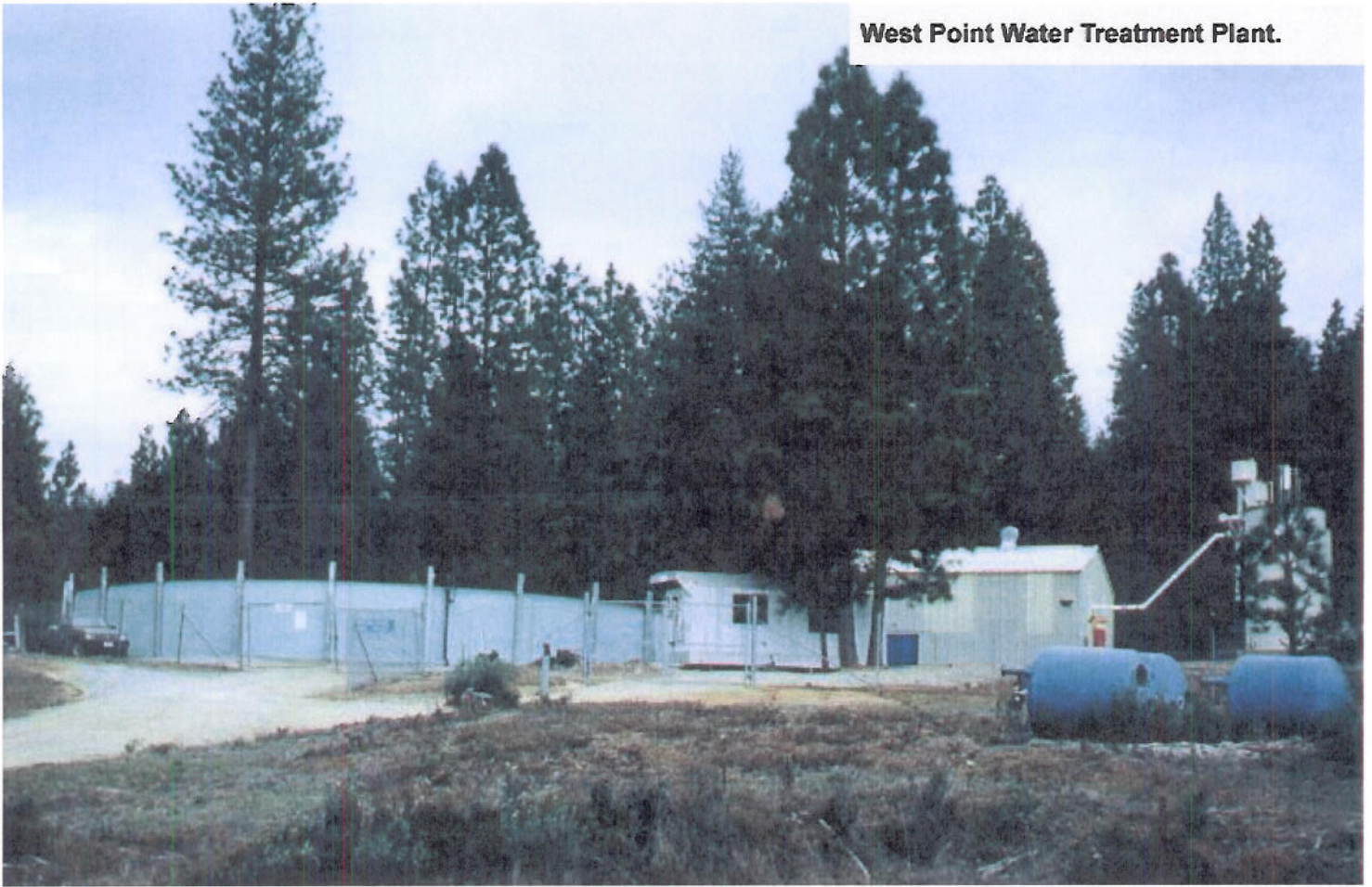
**Bear Creek, downstream from diversion.**



**Bear Creek diversion facility.**



West Point Water Treatment Plant.



December 22, 2009

**BY HAND DELIVERY**

Katherine Mrowka, Division of Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, California 95814

**Re: Petition for Extension of Time, Permit No. 15452 (Bear Creek)**

Dear Kathy:

The Calaveras County Water District (District) is filing the attached Petition for Extension of Time for Water Right Permit No. 15452, in triplicate. Included with the Petition form are the following:

- Attachment No. 1, Supplement to Petition for Extension of Time;
- Figures 1 and 2 (maps of water service areas and distribution systems);
- Environmental Information Form;
- Photos of the point of diversion, stream, and place of use;
- Check for \$1000 to the State Water Resources Control Board; and
- Check for \$850 to the Department of Fish and Game.

As noted in the Environmental Information Form, either the District or Calaveras County will serve as the lead agency for purposes of complying with the California Environmental Quality Act.

Received \$1000 + \$850 (DFG)  
on 12-22-09  
by  
MSB

2009 DEC 22 PM 4:03  
DOWNEY BRAND  
SACRAMENTO, CA

If you need any additional information at this time or assistance in preparing the notice, please contact me. I look forward to working with you in processing the Petition.

Sincerely,

DOWNEY BRAND LLP

  
Joseph S. Schofield  
1048484 1

cc: Larry Diamond, Calaveras County Water District  
Ed Pattison, Calaveras County Water District