

Please indicate County where your project is located here:

Sacramento

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

STATE WATER RESOURCES CONTROL BOARD
2015 SEP 10 PM 4:31
DIV OF WATER RIGHTS SACRAMENTO

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other. Application 14601, Permit 8949, License 5296, Statement.

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: See Attachment No. 1. Proposed: See Attachment No. 1.

Place of Use - Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: See Attachment No. 1. Proposed: See Attachment No. 1.

Purpose of Use

Present: Irrigation. Proposed: Irrigation and Fish and Wildlife Enhancement and Preservation.

Split Provide the names, addresses, and phone numbers for all proposed water right holders.

Not Applicable.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: Not Applicable. Proposed:

REC'D 9-10-2015 CHECK # 7651 \$2,134.10 CHECK # 7652 \$850.00 GC

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(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 redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

*Candice Ong*

Right Holder or Authorized Agent Signature

Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment No. 1  
to Petition for Change  
License 5296 (Application 14601)  
held by Granite Construction Company**

**PURPOSE OF PETITION**

License 5296 (Application 14601) is held by Granite Construction Company (Granite) for direct diversion of up to 0.33 cfs from Morrison Creek between about March 1 to about October 31 for irrigation upon 41 acres. The purpose of this Petition for Change (Petition) to License 5296 is to change the place of use and point of diversion to a location approximately 2.5 miles upstream of the present point of diversion; and to request an additional purpose of use. This Petition is filed with the Division of Water Rights (Division) to request the necessary changes for the purpose of authorizing diversions of surface water from Morrison Creek to irrigate a habitat mitigation area. The habitat mitigation area was developed in accordance with a mitigation plan prepared to fulfill requirements of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for adjacent aggregate mining projects of both Granite and Teichert Land Company (Teichert), including associated regulatory permits obtained for those mining projects. In addition to this Petition, a petition is also being filed by Teichert for its License 4678 (Application 14672) in order to conform the places of use and points of diversion under Licenses 5296 and 4678 to a single point of diversion and a common place of use for the diversion and use of surface water within the habitat mitigation area. As identified in this Petition, the proposed combined place of use for Licenses 5296 and 4678 includes approximately 54 acres for the existing habitat area. This Petition also proposes to add Fish and Wildlife Preservation and Enhancement as a purpose of use under License 5296 in addition to the presently authorized purpose of Irrigation. No other changes are proposed to License 5296. In addition, there will be no construction/physical changes to any existing facilities as a result of this Petition. With the proposed conformance for the point of diversion and place of use under Licenses 5296 and 4678, together with the proposed additional purpose of use, the habitat mitigation area may receive surface water from Morrison Creek.

**POINT OF DIVERSION**

***Present:***

The present point of diversion identified in License 5296 is proposed to be abandoned, subject to approval of this Petition. The portion of Morrison Creek associated with the present point of diversion has been recently realigned in accordance with other mining efforts and accompanying regulatory permits; and thus, the present point of diversion does not currently exist. Therefore, the present point of diversion is proposed to be moved upstream approximately 2.5 miles along Morrison Creek for diversions to the habitat mitigation area. The present point of diversion identified in License 5296 is shown on a map on file with the Division. Below is a description for the present point of diversion:

<u>Description*</u>	<u>Located Within*</u>			
	<u>1/4, 1/4</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
<b>Point of Diversion:</b> North two thousand six hundred forty (2,640) feet and east one thousand (1,000) feet from the SW corner of Section 29, T8N, R6E, MDB&M.	NW, SW	29	8N	6E

***Proposed:***

The proposed point of diversion to be identified in License 5296 is shown on a map accompanying this Petition and is described as indicated below. This same proposed point of diversion is identified in the petition filed by Teichert for License 4678, in accordance with the EIR/EIS and associated regulatory permits.

<u>Description*</u>	<u>Located Within*</u>			
	<u>1/4, 1/4</u>	<u>Sec</u>	<u>T</u>	<u>R</u>
<b>Point of Diversion:</b> N 1,958,283 ft.; E 6,756,666 ft.	NE, NE	21	8N	6E

**PLACE OF USE**

***Present:***

The present place of use covered by License 5296 includes irrigation of 41 acres within the NW 1/4 and the SW 1/4 of the SW 1/4 of Section 29, T8N, R6E, MDB&M, as shown on a map on file with the Division. The present place of use is proposed to be abandoned, subject to approval of this Petition. As identified above, the portion of Morrison Creek associated with the present point of diversion has been recently realigned in accordance with other mining efforts and accompanying regulatory permits. In addition, the present place of use is being transitioned to an aggregate mine; and thus, will no longer receive surface water under License 5296. Therefore, the present place of use is proposed to be moved, as indicated below.

***Proposed:***

As indicated below, this Petition proposes to identify a place of use for License 5296 that overlaps and conforms with the proposed place of use identified in the petition filed by Teichert for its License 4678, in accordance with the EIR/EIS and associated regulatory permits. The proposed place of use is based on the boundaries of the habitat mitigation area

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\* All coordinates are referenced to CCS, Zone 2, NAD 83 Datum. All references to Section, Township, and Range are to the MDB&M.

and includes 53.96 acres within Sections 21 and 22, T8N, R6E, MDB&M under Licenses 5296 and 4678, as shown on the map accompanying this Petition. The description for the proposed place of use is listed in the table below:

USE IS WITHIN (40-acre subdivision)		SECTION*	TOWNSHIP*	RANGE*	Acres
NE ¼	NE ¼	21	8N	6E	0.04
SE ¼	NE ¼	21	8N	6E	17.58
NE ¼	SE ¼	21	8N	6E	2.29
NW ¼	NW ¼	22	8N	6E	0.25
SW ¼	NW ¼	22	8N	6E	30.46
NW ¼	SW ¼	22	8N	6E	3.34
Total Acres:					53.96

The proposed place of use is within the following Sacramento County Assessor's Parcel Numbers:

063-0040-014-0000  
063-0040-063-0000  
063-0040-066-0000

### **PURPOSE OF USE**

***Present:***

The purpose of use presently authorized by License 5296 is Irrigation.

***Proposed:***

No change is proposed for the present purpose of use authorized under License 5296. The proposed additional purpose of use for License 5296 includes Fish and Wildlife Preservation and Enhancement. Together, the existing and proposed purposes of use would authorize diversions for the habitat mitigation area under License 5296.

### **GENERAL INFORMATION**

As identified in this Petition, the proposed point of diversion for License 5296 is located along Morrison Creek, approximately 2.5 miles upstream of the present point of diversion. In addition, the proposed place of use for License 5296 includes 53.96 acres; and the proposed purpose of use includes Fish and Wildlife Enhancement in addition to the presently authorized purpose of Irrigation. This Petition is filed with the Division to request the necessary changes for the purpose of authorizing diversions of surface water from Morrison Creek to irrigate a habitat mitigation area. This habitat mitigation area was contemplated in the EIR/EIS for

adjacent aggregate mining projects of both Granite and Teichert and was developed in accordance with the regulatory permits obtained for those mining projects (e.g., Sacramento County Conditional Use Permit, Department of Fish and Wildlife 1602 Agreement, U.S. Army Corps of Engineers 404 Permit, and Central Valley Regional Water Quality Board 401 Certification). Copies of the EIR/EIS and associated regulatory permits are available upon request. The map accompanying this Petition identifies an existing diversion structure and inlet channel for conveyance of surface water proposed for diversion under License 5296 in order to irrigate the habitat mitigation area. No other changes are proposed to License 5296; and this Petition does not involve construction/physical changes to any existing facilities.

In addition to this Petition, a petition is also being filed by Teichert for its License 4678 in order to conform the places of use and points of diversion under Licenses 5296 and 4678 to a single point of diversion and a common place of use for the diversion and use of surface water within the habitat mitigation area. Accordingly, the proposed combined place of use for Licenses 5296 and 4678 is proposed to include a total of approximately 54 acres for the existing habitat area. As indicated above, the single point of diversion and common place of use identified in this Petition and in the petition filed by Teichert for License 4678 are proposed in accordance with the EIR/EIS and associated regulatory permits.

Based on a review of the Division's files, there is a single water right holder located between the present point of diversion authorized under License 5296 and the proposed point of diversion identified in the Petition. License 5392 (Application 14617) is held by the Slavic Missionary Church, Inc. for direct diversion of up to 0.36 cfs from Morrison Creek during about May 1 to about November 1. Granite and Teichert have contacted the Slavic Missionary Church regarding the proposed changes identified in this Petition. Thereafter, the Slavic Missionary Church provided the attached letter identifying that there are no objections to the changes proposed in the petitions filed by Granite and Teichert. In addition, the Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) have been contacted regarding this Petition; and no initial comments or concerns were provided at this time. Copies of this Petition have been provided to Lauren Mulloy (916-358-2909) of DFW and Elizabeth Lee (916-464-4787) of the CVRWQCB for review and comment.

DC/

2894-1/FINAL GRANITE ATTACH 1 TO PETITION FOR CHANGE 09.10.2015