

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

STATE WATER RESOURCES CONTROL BOARD  
2009 MAR 20 AM 11:40  
DIV OF WATER RIGHTS  
SACRAMENTO

Application 1270 Point of Diversion,  Permit 12795 Point of Rediversion,  License 12795 Place of Use,  Statement or Other \_\_\_\_\_ Purpose of Use \_\_\_\_\_

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? No

(yes/no)

• WATER WILL BE USED FOR Irrigation, Municipal, Industrial, Domestic, 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.

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

[Signature]

Signature(s)

530 271 6824

Telephone No.

**NOTE: A \$1,000 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://www.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 12795 (Application 1270)  
held by Nevada Irrigation District**

**GENERAL**

License 12795 is for direct diversion and storage of water from Jackson Creek, Canyon Creek, Texas Creek, Fall Creek, and Trap Creek for consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID's License 12795 is to identify NID's existing facilities where the water is used, diverted and rediverted, and to conform the place of use and purposes of use with NID's other water rights. For License 12795, this involves (1) adding Industrial and Incidental Power to the purposes of use, (2) modifying the place of use, and (3) 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 12795 was one of the Licenses issued to NID for direct diversion and storage from existing NID facilities during the Upper Division Licensing process. 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 12795 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 12795. 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 12795  
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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 table below and described using the California Coordinate System in place of the descriptions currently identified in License 12795. 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.

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

<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 12795. In order to clarify existing NID operations, NID proposes to add Sawmill Dam by correction as a point of rediversion under License 12795.

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Point of Rediversion	Map No. 4365 & Map No. 5302 Index #	Present PORD or Proposed PORD	Description <sup>1</sup>
Fuller Dam	14	Present	N 2,254,499 E 6,943,344 NW¼ of NE¼ of Sec. 17, T17N, R12E
Spaulding Dam	15	Present	N 2,247,689 E 6,945,562 SE¼ of NE¼ of Sec. 20, T17N, R12E
<b>Bear River System</b>			
Drum Afterbay Dam	25	<b>Proposed<sup>3</sup></b>	N 2,221,238 E 6,908,695 SW¼ of NW¼ of Sec. 17, T16N, R11E
Dutch Flat Afterbay Dam	26	<b>Proposed<sup>3</sup></b>	N 2,206,167 E 6,889,146 NE¼ of NW¼ of Sec. 34, T16N, R10E
Rollins Dam	27	Present	N 2,177,136 E 6,858,710 NE¼ of SE¼ of Sec. 22, T15N, R9E
Bear River Canal	28	Present	N 2,176,486 E 6,858,460 SW¼ of SE¼ of Sec. 22, T15N, R9E
Halsey Afterbay Dam	29	Present	N 2,111,266 E 6,833,830 NE¼ of NE¼ of Sec. 26, T13N, R8E
Auburn Ravine I	30	Present	N 2,089,852 E 6,801,484 NE¼ of NE¼ of Sec. 14, T12N, R7E
Hemphill Canal	31	Present	N 2,089,387 E 6,774,459 NW¼ of NE¼ of Sec. 13, T12N, R6E
Combie Dam	32	Present	N 2,130,986 E 6,829,160 SW¼ of NW¼ of Sec. 2, T13N, R8E
Orr Creek Dam	33	Present	N 2,120,103 E 6,811,494 SW¼ of NE¼ of Sec. 18, T13N, R8E
Camp Far West Canal	34	Present	N 2,116,817 E 6,802,720 SW¼ of SW¼ of Sec. 13, T13N, R7E
Doty South Canal	35	Present	N 2,103,976 E 6,774,044 SW¼ of NE¼ of Sec. 36, T13N, R6E
Wolf-Hannaman Diversion Dam	24	Present	N 2,142,355 E 6,789,364 NW¼ of NE¼ of Sec. 28, T14N, R7E
<b>Deer Creek System</b>			
Cascade Canal	16	Present	N 2,236,488 E 6,887,061 SW¼ of NW¼ of Sec. 34, T17N, R10E
Scotts Flat Dam	17	Present	N 2,227,087 E 6,864,660 NE¼ of NE¼ of Sec. 11, T16N, R9E
Lower Scotts Flat Diversion Dam	18	Present	N 2,225,708 E 6,857,784 NW¼ of NE¼ of Sec. 10, T16N, R9E
Tarr Canal	19	Present	N 2,185,964 E 6,826,440 SE¼ of SE¼ of Sec. 10, T15N, R8E
Newtown Canal	20	Present	N 2,222,399 E 6,837,478 NW¼ of SE¼ of Sec. 12, T16N, R8E
Tunnel Canal	21	Present	N 2,216,350 E 6,808,313 NW¼ of SW¼ of Sec. 18, T16N, R8E
China/Union Canal	22	Present	N 2,206,453 E 6,782,949 SW¼ of NW¼ of Sec. 29, T16N, R7E

<sup>3</sup> License 12795 does not identify Drum Afterbay Dam or Dutch Flat Afterbay Dam as points of rediversion. However, both of these facilities were constructed prior to the issuance of License 12795; and facilities upstream and downstream of these locations, are currently identified in License 12795. NID proposes to add these two points of rediversion to clarify existing NID facilities and operations.



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Point of Rediversion	Map No. 4365 & Map No. 5302 Index #	Present PORD or Proposed PORD	Description <sup>1</sup>
Rattlesnake Diversion Dam	23	Present	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 Sawmill Dam, Drum Afterbay Dam, and Dutch Flat Afterbay Dam clarify and reflect existing NID operations and correctly identify the actual points of rediversion under License 12795. The diversion facilities at the listed points of rediversion were constructed many years ago, prior to the enactment of CEQA, and were used by NID prior to the licensing of License 12795. License 12795 currently identifies facilities upstream and downstream of the proposed additional points of rediversion. The addition of the three aforementioned points of rediversion will not change NID's current operations and no construction is proposed. In addition, the above points of rediversion 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 License 12795 includes Irrigation of 35,077 acres net within a gross area of 286,800 acres, and includes Municipal, Domestic, and Mining uses, all within the Service Area of NID as shown on NID Map No. 4365, dated May 22, 1987 on file with the Division.

The proposed place of use conforms the place of use shown on Map No. 4365 to include lands entitled to service pursuant to the Excelsior Railroad Commission Order No. 15926 dated 1926. 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 License 12795 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 proposes to add several powerhouses to the authorized place of use for License 12795 in order to describe the locations where water, otherwise being used for consumptive use, passes through the power plants as an Incidental Power use. These powerhouses are existing facilities and are authorized under one or more water rights held by NID. With the addition of these powerhouse facilities to NID's place of use for License 12795, and with the addition of Incidental Power as a purpose of use to License 12795, NID will continue to use its water and to operate its facilities consistent with historic practices. NID map No. 5302 accompany this Petition illustrates the proposed places of use.

Specifically, the place of use for License 12795 is proposed to be described as follows:

Irrigation uses on 35,077 acres within the NID Service Area.

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Municipal, Industrial\*, and Domestic uses within the NID Service Area.

Incidental Power\* uses at the following powerhouses 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, together with place of use descriptions:

Powerhouse Name	Map No. 4365 & Map No. 5302 Index #	Description <sup>1</sup>
Bowman Powerhouse	36	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 8, T18N, R12E
Spaulding # 3 (RIM) Powerhouse	37	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 16, T17N, R12E
<b>Deer Creek System</b>		
Spaulding # 2 Powerhouse	39	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 20, T17N, R12E
Deer Creek Powerhouse	40	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 34, T17N, R10E
Scotts Flat Powerhouse	41	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Sec. 11, T16N, R9E
<b>Bear River System</b>		
Spaulding # 1 Powerhouse	38	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 20, T17N, R12E
Drum #1 Powerhouse	42	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 17, T16N, R11E
Drum # 2 Powerhouse	42	NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 17, T16N, R11E
Dutch Flat # 1 Powerhouse	43	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 27, T16N, R10E
Dutch Flat # 2 Powerhouse	44	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 27, T16N, R10E
Chicago Park Powerhouse	45	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 6, T15N, R10E
Rollins Powerhouse	46	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 22, T15N, R9E
<del>Combie South Powerhouse</del>	<del>47</del>	<del>SW <math>\frac{1}{4}</math> of NW <math>\frac{1}{4}</math> Sec. 2, T13N, R8E</del>
Combie North Powerhouse	48	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 2, T13N, R8E
Halsey Powerhouse	49	NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 25, T13N, R8E
Wise #1 Powerhouse	50	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16, T12N, R8E
Wise #2 Powerhouse	50	NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 16, T12N, R8E

*Sara Harper  
JH  
4/2/09*

<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.

\* Proposed to be added by Petition.



### PURPOSE OF USE

The purposes of use presently authorized by License 12795 includes Irrigation, Municipal, Domestic, and Mining. Through NID's efforts to conform the purposes and place of use covered by its water rights to the Division's currently used definitions of NID's historical and continuing uses, NID proposes that the purposes of use under License 12795 include the following:

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

### GIVE REASON FOR PROPOSED CHANGE

The proposed changes primarily reflect the need to conform License 12798 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 three consumptive use licenses and two non-consumptive use, or power licenses were recommended by Division staff in order to conform these licenses to NID's current facilities and operations and to reflect the Division's currently used definitions and terminology. NID is filing this Petition to (1) facilitate licensing of the Lower Division Permits, (2) accurately identify existing facilities where the licensed quantities are currently used, and (3) conform the place of use with NID's other water rights.

The proposed points of diversion identified in this Petition, and further identified in the attached Environmental Information Form, were constructed and in use prior to the enactment of CEQA; and no construction is proposed. The addition of these proposed facilities will clarify NID's current facilities and allow NID to continue to operate consistently with historic practices.

Incidental Power is proposed to be added as a purpose of use; and existing powerhouses are proposed to be added to the place of use under NID's consumptive use License 12795 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 right Licenses 8808 and 8809 (Applications 1615 and 6229, respectively). In addition, NID is proposing to conform the place of use currently identified in License 8808 to include lands served pursuant to the Excelsior Railroad Commission Order No. 15926, dated 1926, to the place of use under License 12795, as recommended by Division staff.

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\* Proposed to be added by Petition.

OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to License 12795. 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 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.