

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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STATE WATER RESOURCES CONTROL BOARD
2009 MAR 20 AM 11:40
DIV OF WATER RIGHTS
SACRAMENTO

PETITION FOR CHANGE
(WATER CODE 1700)

Application 6229 Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use
Permit _____ License 8809 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 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

Rene Selva 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

**Attachment to Petition for Change
License 8809 (Application 6229)
held by Nevada Irrigation District**

GENERAL

License 8809 is for direct diversion of water from the Bear River for consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID's License 8809 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 8809, this involves (1) adding Municipal, 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. 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. 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. License 8809 was issued on January 20, 1964, prior to the Upper Division licensing. As a result of changes in Division policy over the last 45 years, and 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 operations. 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 change in the present point of diversion identified in License 8809 is proposed and no additional points of diversion are proposed. The following table describes the present point of diversion using the California Coordinate System in place of the description currently identified in License 8809. The description for this point of diversion was 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.

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| Point of Diversion | Map No. 4365 & Map No. 5302 Index # | Description ¹ |
|--------------------|-------------------------------------|---|
| Bear River Canal | 28 | N 2,176,486 E 6,858,460 SW¼ of SE¼ of Sec. 22, T15N, R9E |

Present and Proposed Points of Rediversion

No points of rediversion are presently identified in License 8809. The proposed points of rediversion are identified in the table below and are described using the California Coordinate System. This list of existing facilities constitutes all of the points of rediversion currently used by NID 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 are 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 ¹ |
|----------------------|-------------------------------------|-------------------------------|---|
| Halsey Afterbay Dam | 29 | Proposed ² | N 2,111,266 E 6,833,830 NE¼ of NE¼ of Sec. 26, T13N, R8E |
| Auburn Ravine I | 30 | Proposed ² | N 2,089,852 E 6,801,484 NE¼ of NE¼ of Sec. 14, T12N, R7E |
| Hemphill Canal | 31 | Proposed ² | N 2,089,387 E 6,774,459 NW¼ of NE¼ of Sec. 13, T12N, R6E |
| Camp Far West Canal | 34 | Proposed ² | N 2,116,817 E 6,802,720 SW¼ of SW¼ of Sec. 13, T13N, R7E |
| Doty South Canal | 35 | Proposed ² | N 2,103,976 E 6,774,044 SW¼ of NE¼ of Sec. 36, T13N, R6E |

As identified in the Environmental Information Form accompanying this Petition, the proposed addition of Halsey Afterbay Dam, Auburn Ravine I, Hemphill Canal, Camp Far West Canal, and Doty South Canal clarify and reflect existing NID operations and correctly identify the actual points of rediversion under License 8809. The diversion facilities at the listed points of rediversion were constructed many years ago, prior to the enactment of CEQA, and were in use by NID prior to the issuance of License 8809. The addition of the five 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.

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

² Proposed to be added by Petition.

PLACE OF USE

Present and Proposed Places of Use

The present place of use covered by License 8809 includes Agricultural use within approximately 8,000 acres net within a gross area of 53,000 acres and includes Domestic use, all within the boundaries of the Placer County Unit of NID as shown on NID Map No. 1020-B on file with the Division.

The proposed place of use conforms the place of use shown on Map 1020-B to include lands that have historically been served by NID within the Bear River Service Area of NID. In addition, NID proposes to add powerhouses to the authorized place of use for License 8809 in order to describe the location where water, otherwise being used for consumptive use, passes through the power plants as an Incidental Power use. These powerhouses are established facilities and are authorized under other water rights held by NID. With the addition of these powerhouses to NID's place of use for License 8809, and with the addition of Incidental Power as a purpose of use to License 8809, NID will continue to use its water and to operate its facilities consistent with historic practices. NID Map No. 5302 accompanying this Petition illustrates the proposed places of use.

Specifically, the proposed place of use for License 8809 is described as follows:

Irrigation on 8,000 acres net within the NID's Bear River Service Area.

Municipal*, Industrial*, and Domestic uses within the NID's Bear River 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:

* Proposed to be added by Petition.

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| Powerhouse Name | Map No. 4365 & Map No. 5302 Index # | Description ¹ |
|--------------------|--|------------------------------------|
| Halsey Powerhouse | 49 | NW 1/4 of NW 1/4 Sec. 25 T13N, R8E |
| Wise #1 Powerhouse | 50 | NW 1/4 of SW 1/4 Sec. 16 T12N, R8E |
| Wise #2 Powerhouse | 50 | NW 1/4 of SW 1/4 Sec. 16 T12N, R8E |

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

PURPOSE OF USE

The present purposes of use covered by License 8809 include “Agriculture” and “Domestic”. Through NID’s efforts to conform the purposes and place of use covered by its water rights to historical and present use, including substituting “Irrigation” in lieu of “Agriculture” as a purpose of use under the Division’s current policy, NID proposes that the purposes of use under License 8809 be the following:

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

GIVE REASON FOR PROPOSED CHANGE

The changes primarily reflect the need to conform License 8809 to the current, actual 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 with 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 water is currently used, and (3) conform the place of use with NID’s other water rights.

The points of redirection that are proposed to be added to License 8809 by 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 8809 to accommodate the dual use of water as it is conveyed through NID’s facilities - consumptive use

* Proposed to be added by Petition.

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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 12795 and 8808 (Applications 1270 and 1615, respectively).

OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to License 8809. 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 for the use of water for hydroelectric generation is obtained through NID's FERC license, or by virtue of ownership, or in the case of access to PG&E powerhouses, by virtue of 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.