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 CHANGE
(WATER CODE 1707)

X Point of Diversion, ____ Point of Rediversion, X Place of Use, X Purpose of Use
Application Pre1914 Permit ____ License ____ Statement or Other S015481

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 Upper stream reach extends from: X 6309680.8 Y 2117041.4 to X 6307997.6 Y 2122228.5 (California Coordinate System)

Proposed Lower stream reach extends from: X 6307997.6 Y 2122228.5 to X 6308215.1 Y 2124455.8 (California Coordinate System)

Place of Use (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present See attached

Proposed See attached

Purpose of Use

Present See attached

Proposed See attached

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)? Yes (yes/no)

- GIVE REASON FOR PROPOSED CHANGE: Enhancement to fisheries resource
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? Yes (yes/no)
- WATER WILL BE USED FOR Irrigation, domestic, livestock, habitat restoration nursery PURPOSES.

I(we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership (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? No (yes/no)

If by lease or agreement, state the name and address of party(s) from whom access has been obtained. Attach additional pages if needed.

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.

There are no landowners taking water from Indian Creek between the existing diversion ditch and the downstream rediversion (pump site).

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 May 3, 2004 at Douglas City, California

Signature(s)

530 623 3383
Telephone No.

NOTE: A $100 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.

PET-CHG (1-00)

Petition For Change (continued)
(Water Code 1707)

Application _____ Permit _____ License _____ Statement or Other S015481

Purpose of Use

Present: The petitioner and landowner, Mr. John Letton, maintains a Pre-1914 Appropriative Water Right that permits him to divert water from Indian Creek for agricultural and domestic purposes. Mr. Letton also retains Riparian Right by virtue of the geographical location of his property adjacent to the creek.

Currently, water is diverted from Indian Creek at a temporary, seasonal earthen/log dam and conveyed through a 1.5 mile long ditch. A section of the ditch is piped and the remaining portion is either open unlined earth or half piped. The ditch travels adjacent to agricultural pasture, passes through a one-acre pond, continues into a lower pasture and terminates. Several turnouts above and below the pond provide flood irrigation to the adjoining 14 acres of pasture. Approximately 14 head of livestock are watered from the diversion as well.

Proposed : Petitoner desires to **limit his Pre-1914 Appropriative right** and dedicate a portion of the conserved water to benefit the environment and fisheries habitat in Indian Creek.

By substituting a high efficiency pump and irrigation system for the diversion, ditch and turnouts, nearly all of the water currently diverted through the ditch will be conserved. Lawrence and Associates (L & A), a certified Civil Engineering Firm, completed a Water Budget Analysis for the subject Indian Creek diversion in May of 2003. That analysis established the ditch capacity at 8 cfs and average flow rates of between 4 to 6 cfs during the 183 day irrigation season.

This petition addresses two reaches of stream, and if approved, will result in increased water flows in both reaches. The upper reach lies between the existing diversion and the proposed pump site. The lower reach is between the pump and the terminus at the mouth of Indian Creek where it enters the Trinity River. The amount of increased stream flow at the upper reach is equal to the total current diversion. Increased stream flow in the lower reach is that amount produced due to water conservation measures implemented on the property including installation of drip irrigation, elimination of the ditch and conveyance losses (see the L & A analysis) and changes in agricultural crops species.

Other Persons who may be affected by the proposed change:

Landowner at point of current diversion:
David P Frase
1805 Hilltop Dr., Ste. 207
Redding, CA 96002

Supplemental Information

Lawrence and Associates, a certified Civil Engineering Firm, completed a Water Budget Analysis for the subject Indian Creek diversion in May of 2003. Below is an extract from that Analysis. The entire report is included herein, for informational purposes.

Table 2. Letton Water Budget

Summary

Item	AF/6 mo.	cfs	AF/6 mo.	cfs
Total Diversions (see Table 1)			1454	4.0
Uses & Losses (see below)				
Applied Water (ET/irrigation efficiency)	210	0.58		
Livestock	0.13	<0.01		
Ditch Infiltration/Evaporation	317	0.87		
Pond Infiltration/Evaporation	185	0.51		
Other Losses (Gaps in ditch/pipes)	742	2.04		
Total Uses & Losses			1454	4.0

Uses & Losses

Applied Water (ET/irrigation efficiency)

	Acres	ET (AF/6 mo)	Irr. Eff. %	Current Applied (AF/6 mo)	cfs
Totals	14	42	20%	210	0.58

Livestock

	Head	gpd	# days	(AF/6 mo)	cfs
Total	20	12	183	0.13	<0.01

Ditch Infiltration/Evaporation

Infiltration		Evaporation		Total	
AF/6 mo.	cfs	AF/6 mo.	cfs	AF/6 mo.	cfs
297.52	0.82	19.10	0.05	317	0.87

Pond Infiltration/Evaporation

Infiltration		Evaporation		Total	
AF/6 mo.	cfs	AF/6 mo.	cfs	AF/6 mo.	cfs
183	0.50	2.4	0.01	185	0.51

Other Losses (Gaps in ditch/pipes)

	AF/6 mo.	cfs
Total Diversions	1454	4.0
Subtotal Quantifiable Uses & Losses	712	2.0
Net other losses	742	2.0

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ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. PERMIT NO. LICENSE NO. SOU: S015481

The following information will aid in the environmental review of your change petition as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR CHANGE PETITION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your change petition being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

DISCRIPTION OF CHANGES TO PROJECT

1. 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, changes in land use, and project operational changes, including changes in how the water will be used.

Petitioner proposes to permanently decommission a seasonal log dam, diversion ditch and several irrigation turnouts. Diversion will be replaced by an existing high efficiency pump located in a lower reach of the stream. Net conserved water, estimated at 3.5 CFS will be dedicated to the environment.

An excavator will lift a single-log dam from the streambed and place it in the diversion ditch, hydrologically disconnected from the creek. Native soil will be used to cover the log and grade approximately 25 feet of ditch. Thirty feet of bank on the west side of the creek will be feathered and graded to match the existing slope.

A high efficiency drip irrigation and pump system has been installed to provide water in place of the diversion, ditch and flood irrigation. Regional DFG Fisheries staff will supervise the decommissioning project. All work will take place in compliance with an existing Fish and Game Code 1600 permit, approved by Regional DFG staff. A copy is included with this petition

GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your change petition, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared for your proposed changes by another agency, we must consider it. If one has not been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your change petition. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:
   a. Person contacted Tina Toucher Date of contact September, 2003
      Department Trinity Co. Planning Dept. Telephone (530) 623-1351
   b. Assessor's Parcel No. 15-440-58
   c. County Zoning Designation Agriculture/Forest 10 Acre Minimum
   d. Are any county permits required for your proposed changes? No
      If yes, check appropriate space below:
      _____ Grading Permit, _____ Use Permit, _____ Watercourse Obstruction Permit, _____ Change of Zoning, _____ General Plan Change, Other (explain):
      _____
   e. Have you obtained any of the required permits described above? No
      If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your proposed changes? Yes (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

   Permit type DFG Code Section 1602 Streambed Alteration Agreement (attached)
   Person (s) contacted Carl Harral Agency Calif. Dept. Fish & Game
   Date of contact 02/26/2004 Telephone (530) 225-2309

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? Yes

   If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing an environmental document for your change petition or whether the applicant, if it is a California public agency, will be preparing the environmental document for your change petition:

DFG Notice of Determination and Streambed Alteration Permit #01-0234 are attached

Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your change petition cannot proceed until such documents are submitted.

5. Will your proposed changes, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? Yes If so, explain: No work will take place in the active streambed. When the single log is extracted from the stream, there is potential that a small amount of sediment will be released.

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your petition? No

Person contacted Miguel Villcana Date of contact 01/14/2004

What method of treatment and disposal will be used?

6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? No

Do you know of any archeological or historic sites located within the general project area?

No If so, explain:

ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:

a. Along the stream channel immediately downstream from the proposed point(s) of diversion

b. Along the stream channel immediately upstream from the proposed point(s) of diversion

c. At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your change petition will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within you project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Commuinities
- Subalpine Conifer
- Red Fir
- Lodgepole Pine
- Mixed Conifer
  - Sierran Mixed Conifer
  - White Fir
  - Klamath Mixed Conifer
- Douglas-Fir
- Jeffrey Pine
- Ponderosa Pine
- Eastside Pine
- Redwood
- Pinyon-Juniper
- Juniper
- Aspen
- Closed-Cone Pine-Cypress
- Montane Hardwood-Conifer
- Montane Hardwood
- Valley Foothill Hardwood
  - Blue Oak Woodland
  - Valley Oak Woodland
  - Coastal Oak Woodland
- Valley Foothill Hardwood-Conifer
  - Blue Oak-Digger Pine
- Eucalyptus
- Montane Riparian
- Valley Foothill Riparian
- Desert Riparian
- Palm Oasis
- Joshua Tree

Shrub Dominated Communities
- Alpine Dwarf-Shrub
- Low Sage
- Bitterbrush
- Sagebrush
- Montane Chaparral
- Mixed Chaparral
- Chamise-Redshank Chaparral
- Coastal Scrub
- Desert Succulent Shrub
- Desert Wash
- Desert Scrub
- Alkali Desert Scrub

Herbaceous Dominated Communities
- Annual Grassland
- Perennial Grassland
- Wet Meadow
- Fresh Emergent Wetland
- Saline Emergent Wetland
- Pasture

Aquatic Communities
- Riverine
- Lacustrine
- Estuarine
- Marine

Developed Communities
- Cropland
- Orchard-Vineyard
- Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document qt our public counter at the address given

at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your change petition, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

The scope of work detailed in question #1 will have negligible impact on existing trees and shrubs. DFG staff intend to accomplish the decommissioning without removing, destroying or injuring any existing alders up/downslope of the ditch or along the bank slope. An existing road will provide access to the site.

Once the ditch's carrying capacity is gone, some mortality may occur in plants adjacent to it due to water loss when the leakage is eliminated.

FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by * under Question 11 below):

Indian Creek contains steelhead, coho, and chinook salmon.

Both the quality and quantity of fisheries habitat will benefit from the project. The increased seasonal flow created by the water conservation will provide added migration, spawning and rearing opportunities in Indian Creek. Additional flows also contribute to cooler water temperatures during critical flow periods. Removal of the diversion will encourage native riparian vegetation and create additional cover, habitat and food supply.

11. Identify the typical species of riparian and terrestrial wildlife in the area and discuss whether or not any of these species and/or their habitat has been or would be affected by your proposed changes through construction of additional water diversion and distribution works and/or changes in land use in the place of water use. (Note: See footnote denoted by * below):

DFG biological staff provided assistance. A comprehensive list, extrapolated from the California Wildlife Habitat Relationships database, is attached. It contains all species (mammals, birds, amphibians and reptiles) which MAY occur within the selected plant

communities (from #8) of Trinity County. The list is limited to species with medium threshold suitability level and essential dependence on these habitat types. Research employing current environmental query databases revealed no listed wildlife species within the project boundary or habitat thresholds. In the opinion of DFG staff, the level of long-term micro-climate change and minimized impact during the ditch decommissioning will have an insignificant effect on reproduction, feeding patterns or cover within the treatment area or habitat stages.

*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your proposed changes. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Do your proposed changes involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No

If so, explain:

(see attached addendum)

CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits 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 _____ Signature _____

Environmental Information for Petitioners

12. A single log structure will be removed from the streambed and approximately thirty feet of stream bank will be pulled back, feathered and terraced to match the contours of the existing terrain. This one-time elimination process will result in significantly less impact on water quality, flow and temperature than the biannual process of replacing and removing the dam and diversion point, and will eliminate the potential for contact with the riparian corridor, plant and wildlife resources.