

Boyer ck

STATE WATER RESOURCES CONTROL BOARD

PETITION FOR CHANGE
(WATER CODE 1700)

2005 DEC -5 AM 11:33

Application 18006 Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use
Permit _____ License 10180 Statement or Other _____

STATE WATER RESOURCES CONTROL BOARD

I (we) hereby petition for change(s) noted above and shown on the accompanying map and described as follows: See page 2 of attachment.

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 and Exhibits 1 and 2

Proposed See Attachment and Exhibits 1 and 2

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

Present See Attachment and Exhibit 3

Proposed See Attachment and Exhibit 3

Purpose of Use

Present See Attachment and Exhibit 4

Proposed See Attachment and Exhibit 4

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: The proposed changes are to allow water changes transfers and exchanges in accordance with TROA.
- WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No
- WATER WILL BE USED FOR See Attachment and Exhibit 4 PURPOSES.

(yes/no)

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? _____

(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.

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 DEC 19, 20 2003 at Sacramento, California

(916) 978-5200

Signature(s)

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.

ATTACHMENT

Petition for Change Application 18006 - License 10180

General

License 10180 (Application 18006) for Prosser Creek Reservoir is held by the United States, Bureau of Reclamation (Reclamation). This petition is one of a group of four petitions, which are being filed to allow changes and exchanges of water under the Truckee River Operating Agreement (TROA). The petitioners request that these petitions be treated as a single project with a combined single notice.

Additions of points of rediversion, places of use and purposes of use and the removal of a license provision identified in this petition are only for the purpose of accommodating implementation of the provisions of TROA.

Water stored in this Reservoir pursuant to future permits issued by the Nevada State Engineer under Nevada Law and recognized pursuant to the provisions of California Water Code Sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this license.

Condition

Because implementation of the changes proposed in this petition is predicated on the approval and implementation of TROA, the applicant requests that the order by the State Water Resources Control Board (SWRCB) approving this petition include the following condition:

“These changes will not take effect unless the Truckee River Operating Agreement is in effect. All diversions, storage, use of water and operations under this license shall be in accordance with the provisions contained in this license and the Truckee River Operating Agreement.”

Existing Points of Diversion and Rediversion under the License

The existing point of diversion described in License 10180 is Prosser Creek Dam and is described in Exhibit 1A. The existing points of rediversion are described in Exhibit 2A and shown on Map Nos. 320-419-365 and 320-419-366 dated February 18, 1958, on file with License 10180.

Points of Rediversion to be Added

Points of rediversion are being added to authorize and facilitate changes and exchanges under TROA. The points of rediversion to be added are described in Exhibit 2B and are shown on Map No. 320-208-189A and filed with this petition; they are located between Prosser Creek Dam and Pyramid Lake.

NO. 320-208-189A

Existing Place of Use under the License

The existing place of use is described in Exhibit 3A and is shown on Map Nos. 320-419-365 and 320-419-366 dated February 18, 1958 on file with License 10180.

Expanded Place of Use to be Added

To authorize and facilitate water changes and exchanges, the place of use is to be expanded to include the areas of use within the townships described in Exhibit 3B and shown on Map No. 320-208-189A and filed with this petition.

Map #

Existing Purposes of Use under the License

The existing purposes of use are described in Exhibit 4A.

Purposes of Use to be Added

Project water stored in Prosser Creek Reservoir shall be used for conservation of Pyramid Lake fishery (as provided in P.L. 101-618) and for such other uses as are provided in TROA and in accordance with the terms and conditions of TROA. The purposes of use are to be expanded to include those uses described in Exhibit 4B.

Provision to be removed from the License

It is requested that the following provision be removed from License 10180 and be replaced by operating criteria provided in TROA:

“The Licensee shall operate Prosser Creek Reservoir in coordination with releases of water from Lake Tahoe in the Truckee River in accordance with the operation schedule contained in the U.S. Bureau of Reclamation, Prosser Creek Reservoir Operation Study, January 14, 1958, and amended July 1, 1958, on file with the Board, or in accordance with any modified operation schedule that may be submitted by the Licensee, and approved by the State Water Resources Control Board after notice and opportunity to be heard has been given to all parties and other interested persons in this proceeding.”

EXHIBIT 1A

Existing Point of Diversion under the License

Prosser Creek Dam - North $33^{\circ} 30'$ East 2,050 feet from SW corner of Section 30, T18N, R17E*, MDB&M, being within NW 1/4 of SW 1/4 of said Section 30.

EXHIBIT 2A

Existing Points of Rediversion under the License

Existing points of rediversion authorized under the license are as follows:

Truckee Meadows area and numerous points between the following points:

- a) 1520 feet $S8^{\circ} 33'$ W from NW corner, Section 29, T19N, 18E
- b) 5760 feet $S22^{\circ} 29'E$ from NE corner, Section 7, T19N, R20E

Newlands Project area and numerous points between the Carson Diversion Dam and Sagouspe Diversion Dam, such as the Coleman Diversion Dam:

- c) Derby Dam - 2725 feet $N32^{\circ} 45'E$ from SW corner, Sec. 19, T20N, R23E
- d) Lahontan Dam - 3850 feet $N82^{\circ} 45'E$ from SW corner, Sec. 33, T19N, R26E
- e) Carson Diversion Dam - 1885 feet $N56^{\circ} 30'W$ from SE corner, Sec. 19, T19N, R27E
- f) Sagouspe Diversion Dam - 3620 feet $N43^{\circ} 00'E$ from SW corner, Sec. 4, T19N, R29E

* All references to township and range on this page are to Mount Diablo Base and Meridian (MDBN&M).

EXHIBIT 2B

Points of Rediversion to be Added

The existing points of rediversion under the license are to be retained. Numerous points of rediversion to be added under the license are described below¹:

Diversion Facility/Treatment Plant	40 Ac. Tract	Section	Township*	Range*
Farad Power Flume	S ½ Lot 6 NW ¼	30	18N	18E
Fleish Power Ditch & Flume	SE ¼	6	18N	18E
Steamboat Canal	NE ¼ SW ¼	31	19N	18E
Coldron Ditch	SE ¼ NE ¼	30	19N	18E
Verdi Power Ditch & Flume	SE ¼ SE ¼	19	19N	18E
Katz Ditch	SE ¼ SE ¼	19	19N	18E
Washoe Power Ditch & Flume	NW ¼ NE ¼	16	19N	18E
Hogan Ditch	SW ¼ NE ¼	16	19N	18E
Highland Ditch	SW ¼ SE ¼	9	19N	18E
Mastin Ditch	SE ¼ SW ¼	14	19N	18E
Last Chance Ditch	SE ¼ NE ¼	14	19N	18E
Sparks-Capurro Ditch	NW ¼ SE ¼	13	19N	18E
Irwin-Mayberry Ditch	NE ¼ NW ¼	19	19N	19E
Lake Ditch (Lake-Southside)	NE ¼ NW ¼	19	19N	19E
South Side Canal	NE ¼ SW ¼	17	19N	19E
Orr Ditch, Orr Extension & Spanish Spring Valley Ditch	NE ¼ SW ¼	17	19N	19E
Indian Flat Ditch	NE ¼ SE ¼	17	19N	19E
Orr Ditch Pump Station	NE ¼ SE ¼	17	19N	19E
Reno Power Ditch & Flume	SE ¼ NE ¼	16	19N	19E
Countryman Ditch	NE ¼ NE ¼	16	19N	19E
Chism Ditch	NE ¼ NE ¼	16	19N	19E
Hayden Ditch or Court Ditch	SE ¼ SE ¼	10	19N	19E
English Mill Ditch & English Mill Tailrace Ditch	NW ¼ SE ¼	10	19N	19E
Idlewild Pump Station	SE ¼ SE ¼	10	19N	19E
Sullivan & Kelly Ditch	NW ¼ SE ¼	11	19N	19E
Cochran Ditch	NW ¼ SE ¼	11	19N	19E
Riverside Mill Ditch & Flume (Claim #10)	NW ¼ SE ¼	11	19N	19E

* All references to township and range on this page are to Mount Diablo Base and Meridian (MDB&M).

¹ Some of the points of rediversion are identified in the U.S. vs. Orr Water Ditch Company, et al. (U.S. D. Ct. NV. 1944) but may not currently be in use.

Diversion Facility/Treatment Plant	40 Ac. Tract	Section	Township*	Range*
Scott Ranch Ditch	SW ¼ NW ¼	12	19N	19E
Abbee Ditch	SE ¼ NE ¼	12	19N	19E
Perry Ditch	SE ¼ NE ¼	12	19N	19E
Eastman Ditch	SW ¼ NE ¼	7	19N	20E
No. Truckee Ditch (Glendale Plant)	SW ¼ NE ¼	7	19N	20E
Sessions Ditch	SW ¼ NE ¼	7	19N	20E
Pioneer Ditch	SE ¼ SE ¼	7	19N	20E
Stephens Ditch (Stevens)	SE ¼ SW ¼	8	19N	20E
Glendale Ditch	SE ¼ SW ¼	8	19N	20E
Hidden Valley Induction Well #4	SW ¼ NW ¼	16	19N	20E
Largomarsino-Murphy Ditch (S. Largomarsino)	NW ¼ SE ¼	18	19N	21E
Largomarsino-Noce Ditch (N. Largomarsino)	NE ¼ SE ¼	18	19N	21E
Groton Ditch	NE ¼ SE ¼	17	19N	21E
Sheep Ranch Ditch	NW ¼ SW ¼	16	19N	21E
McCarran North Side Ditch	NE ¼ NW ¼	11	19N	21E
McCarran South Side Ditch	SW ¼ NW ¼	1	19N	21E
Old Ditch	NW ¼ NE ¼	6	19N	22E
Hill Ditch	NW ¼ NE ¼	32	20N	22E
Tracy Power Plant	SE ¼ SW ¼	28	20N	23E
Derby Dam & Truckee Canal	SW ¼	19	20N	23E
Preston Ditch	SE ¼ NW ¼	20	20N	23E
Washburn Ditch	SE ¼ NW ¼	22	20N	23E
Gregory Ditch	SE ¼ SE ¼	14	20N	23E
Wadsworth Power Ditch	NW ¼ SW ¼	13	20N	23E
Herman Ditch	NW ¼ NW ¼	17	20N	24E
Pierson Ditch	NW ¼ SW ¼	9	20N	24E
Fernley ²	SE ¼ NW ¼	9	20N	24E
Olinghouse No. 1 Ditch	NW ¼ NE ¼	9	20N	24E
Proctor Ditch	SW ¼ NW ¼	3	20N	24E
Fellnagle Ditch	NW ¼ SE ¼	33	21N	24E
Olinghouse No. 2 Ditch	SW ¼ SE ¼	22	21N	24E
Gardella Ditch	NW ¼ SE ¼	22	21N	24E
Olinghouse No. 3 Ditch	SW ¼ NW ¼	15	21N	24E
Indian Ditch (Nixon Ditch)	SW ¼ NE ¼	12	22N	23E

* All references to township and range on this page are to Mount Diablo Base and Meridian (MDB&M).

² Proposed future point of redirection to be constructed.

Existing Place of Use under the License

The existing place of use authorized under this license includes 82,000 net acres within 143,480 gross acres all within the Truckee Meadows and Newlands Project areas shown on Map Nos. 320-419-365 and 320-419-366 dated February 10, 1958 and currently on file with License 10180.

Truckee Meadows - 26,800 acres within a gross area of 36,340 acres within the following townships and ranges within the State of Nevada.

Township*	Range*
18N	18, 19, 20 & 21E
19N	18, 19, 20 & 21E
20N	18, 19, 20 & 21E

Newlands Project - 70,000 acres within a gross area of 107,140 acres within the following townships and ranges within the State of Nevada.

Township	Range
17N	24, 25, 26, 27, 28, 29, 30 & 31E
18N	24, 25, 26, 27, 28, 29, 30 & 31E
19N	24, 25, 26, 27, 28, 29, 30 & 31E
20N	24, 25, 26, 27, 28, 29, 30 & 31E

* All references to township and range on this page are to Mount Diablo Base and Meridian (MDB&M).

Expanded Place of Use under the License

The expanded place of use includes the existing place of use under the license and the added place of use. The expanded place of use includes lands within the following townships and ranges:

Township*	Range*
13N	17 & 18E
14N	16 - 18E
15N	16 - 18E
16N	16 - 18E
17N	15 - 20E, 24 - 31E
18N	14 - 21E, 24 - 31E
19N	14 - 31E
20N	18 - 32E
21N	18 - 26E, 29 - 32E
22N	20 - 24E
23N	20 - 24E
24N	20 - 24E
25N	20 - 24E
26N	20 - 24E
27N	20 - 24E
28N	23 & 24E

Power use will be at the following power plants located as follows:

Power Plant	Subdivision	Sec.	Township	Range
Farad	SE 1/4 SE 1/4	12	18N	17E
Fleish	NE 1/4 SE 1/4	30	19N	18E
Verdi	NW 1/4 SE 1/4	8	19N	18E
Washoe	SW 1/4 SW 1/4	14	19N	18E

* All references to township and range on this page are to Mount Diablo Base and Meridian (MDB&M).

EXHIBIT 4A

Existing Purposes of Use under the License

The existing purposes of use authorized under the license are the following:

- Domestic
- Municipal
- Industrial
- Irrigation
- Fish Culture
- Recreational Uses

EXHIBIT 4B

Purposes of Use to be Added

The existing purposes of use under License 10180 are to be retained. The purposes of use to be added because of the possible changes and exchanges under TROA are the following:

- Conservation of Pyramid Lake fishery (as provided in P.L. 101-618)
- Stockwatering
- Fish & Wildlife Protection/Enhancement (including wetlands)
- Power
- Instream Water Quality Enhancement
- Flood Control

ENVIRONMENTAL INFORMATION FOR PETITIONS

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. 18006

PERMIT NO. 11666

LICENSE NO. 10180

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.

DISCUSSION 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. This petition for Prosser Creek Reservoir is one of a group of four petitions, which are being filed to allow ^{changes} ~~transfers~~ and exchanges of water under the Truckee River Operating Agreement (TROA). The petitioners request that these petitions be treated as a single project with a combined single notice. Additions of points of diversion and rediversion, places of use and purposes of use identified in this petition are only for the purpose of accommodating implementation of the provisions of TROA.

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 N/A Date of contact _____
Department _____ Telephone () _____
 - b. Assessor's Parcel No. _____
 - c. County Zoning Designation _____
 - d. Are any county permits required for your proposed changes? _____
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? _____ (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 _____
Person (s) contacted _____ Agency _____
Date of contact _____ Telephone () _____

4. Has any public agency prepared an environmental document for any aspect of your proposed changes? No

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:

An Environmental Impact Statement/Environmental Impact Report (EIS/EIR) is being prepared to analyze the potential effects of TROA. A revised D. 3/EIR is being prepared jointly by the Department of Interior, as represented by Reclamation, U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs, and the State of California, as represented by the Department of Water Resources.

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? No If so, explain: _____

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? _____

Person contacted _____ Date of contact _____

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? _____

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

Yes If so, explain: See EIS/EIR being prepared for TROA.

ENVIRONMENTAL SETTING

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

Plant communities potentially affected by the petition will be fully described in the EIS/EIR. The action proposed by this petition is not anticipated to adversely affect plant communities at Prosser Creek Reservoir.

- 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 your project area (Note: See footnote denoted by * under Question 11 below):

Tree Dominated Communities

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 at 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.

None

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):

Fish species in the project area and potentially affected by this
petition will be fully described in the Revised Draft EIS/EIR.
TROA is anticipated to increase the likelihood of meeting
reservoir and stream flow objectives and thereby, maintain more
constant monthly habitat conditions for fish species.

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):

Wildlife species in the project area and potentially affected
by this petition will be fully described in the Revised Draft
EIS/EIR. No diversion structures or distribution works are

proposed by this petition, nor will the places of water use be
affected by this petition. The action proposed by this petition
is not anticipated to adversely affect wildlife or wildlife
habitat. TROA is anticipated to increase the likelihood of
meeting reservoir and stream flow objectives and thereby,
maintain more constant riparian habitat conditions for wildlife.

*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: _____

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 DEC 19 2003

Signature 