

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
DIVISION OF WATER RIGHTS
SACRAMENTO

PETITION FOR CHANGE
(WATER CODE 1700)

Application X Point of Diversion, X Point of Rediversion, X Place of Use, X Purpose of Use
 1615 Permit _____ License 8808 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? See Attachment

(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 , 20 09 at Grass Valley , California

 Paul Selzer

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://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 8808 (Application 1615)
held by Nevada Irrigation District**

GENERAL

License 8808 is for direct diversion of water from the South Fork of Deer Creek, and Deer Creek for consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID's License 8808 is to identify NID's existing facilities where the water is used, diverted and rediverted, and to conform places of use and purposes of use with NID's other water rights. For License 8808, this involves (1) adding Municipal, Industrial, and Incidental Power to the purposes of use, (2) modifying the place of use, (3) adding points of diversion and points of rediversion, and (4) deleting points of diversion, 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 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. License 8808 was issued on January 22, 1964, prior to the licensing of the Upper Division. 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 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

The following table describes the present points of diversion using the California Coordinate System in place of the descriptions currently identified in License 8808. Also identified are proposed points of diversion, which are existing facilities. This list constitutes all of the present and proposed points of diversion. All such facilities are already constructed and in operation. No facilities are proposed to be constructed. No change in the location of the points of diversion for Newtown Canal or Tunnel Canal (formerly known as the Tunnel Ditch/Ripple Box Ditch) currently identified in License 8808 has occurred, simply a different system for

Nevada Irrigation District License 8808
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describing the location, as requested by Division staff. As further described below and in the attached Environmental Information Form, NID is proposing to correct the location description for the Cascade Canal and the name and location description for the Deer Creek Diversion Dam (D-S Canal) points of diversion currently identified in License 8808; and to delete the China Ditch, Snow Mountain Ditch, and Rough and Ready Ditch as points of diversion. In addition, NID is proposing to add Scotts Flat Dam as a point of diversion. The changes to the aforementioned points of diversion are further described below and are proposed to correctly identify existing NID facilities. The descriptions for these points of diversion 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 Diversion	Map No. 4365 & Map No. 5302 Index #	Present POD or Proposed POD	Description ¹
Cascade Canal	16	Proposed ²	N 2,236,488 E 6,887,061 SW¼ of NW¼ of Sec. 34, T17N, R10E
Scotts Flat Dam	17	Proposed ³	N 2,227,087 E 6,864,660 NE¼ of NE¼ of Sec. 11, T16N, R9E
Lower Scotts Flat Diversion Dam (D-S Canal)	18	Proposed ⁴	N 2,225,708 E 6,857,784 NW¼ of NE¼ of Sec. 10, T16N, R9E
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 Ditch	-	Delete ⁵	SW¼ of NW¼ of Sec. 20, T16N, R7E
Snow Mountain Ditch	-	Delete ⁶	NW¼ of SW¼ of Sec. 32, T17N, R10E
Rough and Ready Ditch	-	Delete ⁶	SE¼ of NE¼ of Sec. 7, T16N, R9E

License 8808 currently identifies Cascade Canal, Snow Mountain Ditch, Deer Creek Diversion Dam (D-S Canal), Rough and Ready Ditch, Newtown Canal, Ripple Box Ditch (Tunnel Ditch), and China Ditch as points of diversion. As described above, no change in the location of the Newtown Canal or Tunnel Canal (formerly known as the Tunnel Ditch/Ripple Box Ditch) currently identified in License 8808 is proposed. However, NID is proposing to correct the location description for the point of diversion for the Cascade Canal. In 1969, the

¹ Coordinates are CCS, Zone 2, NAD 83 Datum. Township/Range descriptions are MDB&M.

² The point of diversion for Cascade Canal is currently not correctly identified in License 8808; and therefore, NID is proposing to correct the location description of this point of diversion.

³ License 8808 does not identify Scotts Flat Dam as a point of diversion. However, Scotts Flat Dam was constructed prior to the issuance of License 8808; and facilities upstream and downstream of Scotts Flat Dam, are currently identified in License 8808.

⁴ Lower Scotts Flat Diversion Dam/D-S Canal is currently identified as Deer Creek Diversion Dam (D-S Canal) as a point of diversion in License 8808. Licensing inspection reports for the Lower Division licensing process conclude and recommend that the name and location description for this point of diversion be corrected.

⁵ The China Ditch point of diversion currently identified in License 8808 was abandoned. NID is proposing to delete this point of diversion.

⁶ The upper portion of these two points of diversion is no longer utilized as conveyance facilities. NID proposes to delete the Snow Mountain Ditch and the Rough and Ready Ditch as points of diversion.

Cascade Canal was moved slightly upstream within the same quarter, quarter description. The correct description is contained in other existing Licenses held by NID, and it was the intent during the Upper Division Licensing process to correct the location description for the point of diversion for the Cascade Canal. The proposed addition of Scotts Flat Dam would correctly identify and clarify exiting points of diversion under License 8808. Scotts Flat Dam was in place prior to the issuance of License 8808 and is located along Deer Creek between Cascade Canal and D-S Canal; however, it was not identified as a point of diversion under License 8808. NID is proposing to add Scotts Flat Dam in order to correctly identify existing NID facilities that serve as a point of diversion for the licensed right. As previously described above, License 8808 identifies Deer Creek Diversion Dam (D-S Canal) as a point of diversion. The Deer Creek Diversion Dam (D-S Canal) is known today as the Lower Scotts Flat Diversion Dam. As identified in the Environmental Information Form accompanying this Petition, the proposed correction to the name and location description for the Lower Scotts Flat Diversion Dam (D-S Canal) would clarify and correctly identify the existing points of diversion under License 8808. In the late 1960s, the point of diversion for the China Ditch was abandoned and the lower portion of the China Ditch was consolidated with the Union Canal to form the present China/Union Canal. NID is proposing to delete the China Ditch currently identified as a point of diversion under License 8808 and add the China/Union Canal as a point of rediversion. In addition, the upper portions of the Snow Mountain Ditch and Rough and Ready Ditch are no longer used as conveyance facilities for NID operations; and therefore, NID is proposing to delete these points of diversion currently identified in License 8808. The proposed addition, correction, or deletion of the aforementioned points of diversion will not change NID's current operations and no construction is proposed. In addition, the points of diversion identified as proposed are authorized under one or more of NID's existing water rights.

Present and Proposed Points of Rediversion

No points of rediversion are presently identified in License 8808. The points of rediversion proposed in this Petition are identified in the following table and 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 shown on NID's Map No. 5302, accompanying this Petition.

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Point of Rediversion	Map No. 4365 & Map No. 5302 Index #	Present PORD or Proposed PORD	Description ¹
Tarr Canal	19	Proposed ²	N 2,185,964 E 6,826,440 SE¼ of SE¼ of Sec. 10, T15N, R8E
China/Union Canal	22	Proposed ²	N 2,206,453 E 6,782,949 SW ¼ of NW ¼ of Sec. 29, T16N, R7E
Rattlesnake Diversion Dam	23	Proposed ²	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 the Tarr Canal, China/Union Canal, and Rattlesnake Diversion Dam clarify and reflect existing NID operations; and correctly identify the actual points of rediversion under License 8808. The proposed 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 8808 includes Irrigation of approximately 8,000 acres net within a gross area of 167,789 acres; and, Domestic use, all within the boundaries of the Nevada County Unit of NID as shown on map No. 1020-B filed with the Division.

The proposed place of use conforms the place of use shown on Map No. 1020-B to include lands entitled to service pursuant to the Excelsior Railroad Commission Order No. 15926 governing service to the Excelsior Water and Power Company, dated 1926. No increase in the net acreage identified in License 8808 is proposed. The proposed change involves conforming the gross place of use to the current Deer Creek Service Area of NID. 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 Scotts Flat Powerhouse to the place of use for License 8808 in order to describe the location where water, otherwise being used for consumptive use, passes through the Scott's Flat power plant as an Incidental Power use. This powerhouse is an existing facility and is identified in other water rights held by NID. With the addition of Scotts Flat powerhouse to NID's place of use under

¹ Coordinates are CCS, Zone 2, NAD 83 Datum. Township/Range descriptions are MDB&M.

² Proposed to be added by Petition.

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License 8808, and with the addition of Incidental Power as a purpose of use to License 8808, 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 8808 is described as follows:

Irrigation on 8,000 acres net within the NID Deer Creek Service Area.

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

Incidental Power* uses at Scotts Flat Powerhouse referenced by index # 41 to NID's Map No. 4365, dated May 22, 1987, on file with the Division, and shown on the NID's Map No. 5302, accompanying this Petition. The Scotts Flat Powerhouse is located within the NE 1/4 of NE ¼, Sec. 11, T16N, R9E, MDB&M.

PURPOSE OF USE

The present purposes of use covered by License 8808 include Irrigation and Domestic. Through NID's efforts to conform the purposes and place of use covered by its water rights to historical and continuing uses, NID proposes that the purposes of use under License 8808 include the following:

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

GIVE REASON FOR PROPOSED CHANGE

The changes primarily reflect the need to conform License 8808 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 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 and redirection 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.

* Proposed to be added by Petition.

Incidental Power is proposed to be added as a purpose of use; and an existing powerhouse is proposed to be added to the place of use under NID's consumptive use License 8808 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 12795 and 8809 (Application 1270, 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 15926, dated 1926, to the place of use under License 8808, as recommended by Division staff.

ABANDONMENT OF POINT OF DIVERSION

As previously identified in this Petition, the proposed deletion of the points of diversion for the China Ditch, Snow Mountain Ditch, and Rough and Ready Ditch would clarify existing NID operations. The China Ditch diversion was abandoned in the late 1960s, the Snow Mountain Ditch diversion in 1974, and the Rough and Ready Ditch diversion in 1978. Therefore, NID is proposing to delete these three points of diversion currently identified in License 8808. The proposed deletion of the three aforementioned points of diversion will not change NID's current operations.

OWNERSHIP AND ACCESS

Scotts Flat Dam is being proposed to be added as a point of diversion to License 8808. Scotts Flat Dam is an existing NID facility; and therefore, access to the point of diversion is by virtue of ownership. Access to the place of use for the delivery of water for consumptive use is by virtue of ownership of the conveyance system or is obtained as a condition of service to customers through NID's rules and regulations. Access to the place of use for the use of water for hydroelectric generation is by virtue of ownership.

RETURN FLOW

There is no change in the point of return flow as a result of this Petition.