

2009 APR -3 AM 8:31

DIV OF WATER RIGHTS SACRAMENTO

PETITION FOR CHANGE
(WATER CODE 1700)

Application Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use
Application 2652B Permit 11626 License 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, Recreation, and 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.

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 April 3, 2009 at Grass Valley, California

Rene Selbe

530-273-6185

Signature(s)

Telephone No.

NOTE: A \$1000 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: .

Additional copies of this form and water rights information can be obtained at www.waterrights.ca.gov

**Attachment to Petition for Change
Permit 11626 (Application 2652B)
held by Nevada Irrigation District**

GENERAL

Permit 11626 is for storage 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 Permit 11626 is to identify NID's existing facilities where water will be used, diverted and rediverted, and to conform the places of use and purposes of use with NID's other water rights. For Permit 11626, this involves (1) adding Municipal, Industrial, and Incidental Power uses; (2) changing "Incidental Domestic" to "Domestic" use, (3) modifying the places of use, and (4) adding points of rediversion, as identified further below. In addition, NID is also filing a Petition for Extension of Time for Permit 11626 to cover the year of maximum beneficial use.

NID has been working cooperatively with the Division of Water Rights (Division) since July 2002 to analyze the use of water and inspect the facilities associated with the following Permits for determining whether licenses should be issued.

<u>Permit</u>	<u>Application</u>
1481	1614
11626	2652B
13770	5193
5815	8180
13772	20017

All of the above five (5) Permits are for consumptive uses. There are also five (5) associated Permits for power purposes, which are currently being reviewed and analyzed for potential licensing. Collectively, these Permits and most of the associated facilities are referred to as NID's Lower Division. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. Permits 13770 and 5815 cover sources and facilities upstream of Spaulding Reservoir, but the storage and use of water is downstream of Spaulding Reservoir, so they were included with the Lower Division.

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. The water rights for the sources of water in the Upper Division include facilities throughout NID, including the Lower Division. This is an important point because all of the facilities downstream of Spaulding Reservoir are authorized facilities pursuant to the Upper Division water rights.

As a result of the extensive and detailed analysis undertaken for the Lower Division, changes or corrections to the Lower Division Permits are required and/or recommended to conform with NID's current facilities and operations. In addition, NID has identified additional

Nevada Irrigation District Permit 11626
Attachment to Petition for Change

changes to the aforementioned Permits, including Permit 11626, 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 Permit 11626 is proposed and no additional points of diversion are proposed to be added. The following is a description of the present point of diversion using the California Coordinate System in place of the description originally used in Permit 11626. 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 NID Map No. 5305, accompanying this Petition. No change in the location has occurred, simply a different system for describing the location, as requested by Division staff.

Point of Diversion	Map No. 4365 & Map No. 5305 Index #	Present POD or Proposed POD	Description ¹
Rollins Dam	27	Present	N 2,177,136 E 6,858,710 NE¼ of SE¼ of Sec. 22, T15N, R9E

Present and Proposed Points of Rediversion

The present and proposed points of rediversion are identified in the following table and described using the California Coordinate System in place of the descriptions originally used in Permit 11626. These points reflect existing facilities, where the permitted supplies have been rediverted, but which are not set forth in the Permit. 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. 5305 accompanying this Petition.

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

Point of Rediversion	Map No. 4365 & Map No. 5305 Index #	Present PORD or Proposed PORD	Description ¹
Bear River System			
Bear River Canal	28	Proposed ²	N 2,176,486 E 6,858,460 SW¼ of SE¼ of Sec. 22, T15N, R9E
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
Combie Dam	32	Present	N 2,130,986 E 6,829,160 SW¼ of NW¼ of Sec. 2, T13N, R8E
Orr Creek Dam (Lower Gold Hill Canal)	33	Proposed ²	N 2,120,103 E 6,811,494 SW¼ of NE¼ of Sec. 18, T13N, R8E
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
Wolf-Hannaman Diversion Dam (Little Wolf Creek)	24	Proposed ²	N 2,142,355 E 6,789,364 NW¼ of NE¼ of Sec. 28, T14N, R7E

As identified in the Environmental Information Form accompanying this Petition, the proposed addition of the aforementioned points of rediversion clarify and reflect existing NID operations and correctly identify the actual points of rediversion under Permit 11626. The diversion facilities at the listed points of rediversion were constructed many years ago, prior to the enactment of CEQA. The addition of the 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 Permit 11626 includes Irrigation of 167,789 acres and included Incidental Domestic and Recreation uses within the boundaries of NID and Rollins Reservoir, as shown on NID Map No. 1020, dated December 24, 1940, on file with the Division.

The proposed place of use conforms the place of use shown on NID Map No. 1020 to include lands that have historically been served by NID within the Bear River Service Area. As identified in the Division's Lower Division Licensing Inspection Reports, those areas not currently authorized in the place of use for Permit 11626 could be served by other water rights

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

² Proposed to be added by Petition.

Nevada Irrigation District Permit 11626
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held by NID. However, as requested by Division staff, NID proposes to conform the existing place of use currently identified in Permit 11626 to conform to other water rights held by NID. No increase in the net acreage identified in Permit 11626 is proposed. The proposed change involves conforming the gross place of use to the current NID Bear River Service Area. In addition, NID proposed to add several powerhouses to the authorized place of use for Permit 11626 in order to describe the location where water, otherwise being used for consumptive use, passes through the powerhouse as an Incidental Power use. No construction is proposed as a result of this Petition, as these powerhouses are existing facilities and are authorized under other water rights held by NID. As further described in the attached Environmental Information Form, NID is currently in the process of replacing the existing Combie North Powerhouse with a more efficient unit. This upgrade includes the addition of a new spillway from the powerhouse to the Bear River, approximately 150 feet downstream of Combie Dam, to generate electricity under NID's water rights for non-consumptive power use, during periods when water is, or would have otherwise spilled at Combie Dam. No additional modifications to the other powerhouses identified in this Petition are proposed. With the addition of these powerhouse facilities to NID's places of use for Permit 11626 and with the addition of Incidental Power as a purpose of use to Permit 11626, NID will continue to use its water and to operate its facilities consistent with historic practices. NID Map No. 5305, accompanying this Petition, illustrates the proposed places of use.

Specifically, the proposed place of use for Permit 11626 is described as follows:

Irrigation uses on 22,742 acres within the NID Bear River Service Area;

Municipal*, Industrial*, and Domestic* uses within the NID Bear River Service Area;

Recreation uses at Rollins Reservoir within Sections 2, 10, 11, 12, 13, 14, 15, 22, and 23, T15N, R9E; and 5, 6, and 7, T15N, R10E, MDB&M;

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, shown on NID's Map No. 5305, accompanying this Petition, together with the place of use descriptions:

* Proposed to be added by Petition.

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Powerhouse Name	Map No. 4365 & Map No. 5305 Index #	Description ¹
Bear River System		
Rollins Powerhouse	46	SE ¼ of SE ¼ Sec. 22, T15N, R9E
Combie North Powerhouse	48	SW ¼ of NW ¼ Sec. 2, T13N, R8E
Halsey Powerhouse	49	NW ¼ of NW ¼ Sec. 25, T13N, R8E
Wise #1 Powerhouse	50	NW ¼ of SW ¼ Sec. 16, T12N, R8E
Wise #2 Powerhouse	50	NW ¼ of SW ¼ Sec. 16, T12N, R8E

¹ All of the above descriptions are based on the Mount Diablo Base and Meridian (MDB&M) and are shown on NID Map No. 5305, accompanying this Petition.

PURPOSE OF USE

The purposes of use presently authorized by Permit 11626 include Irrigation, Recreation, and Incidental Domestic. Consistent with NID's efforts to conform the purposes and places of use covered by its water rights to the Division's current definitions of use and its historic and continuing uses, NID proposes that the purposes of use under Permit 11626 include the following:

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

GIVE REASON FOR PROPOSED CHANGE

These proposed changes primarily reflect the need to conform Permit 11626 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 five (5) consumptive use Permits and five (5) non-consumptive use or power Permits were recommended/required by Division staff in order to conform these Permits to NID's current facilities and operations and to reflect the Division's currently used definitions and terminology. During the past seven years, NID staff and Division staff have identified the amounts and terms for licensing Permit 11626. NID is filing this petition to (1) facilitate licensing of the Lower Division permits, (2) accurately identify facilities where the permitted quantities are currently used, (3) conform the places of use and purposes of use with NID's other water rights.

The points of diversion that are proposed to be added to Permit 11626 by this Petition, and further identified in the attached Environmental Information Form, were constructed and in use prior to the enactment of CEQA. No construction is required as a result of this Petition; and no changes to NID operations will occur. 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.

Nevada Irrigation District Permit 11626
Attachment to Petition for Change

Municipal, Industrial, and Domestic are proposed to be added as purposes of use to Permit 11626. Incidental Power is proposed to be added as a purpose of use; and existing powerhouses are proposed to be added to the places of use under NID's consumptive use Permit 11626 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 rights Permits 1481, 13772, 13770, and 5815.

OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to Permit 11626. 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 places of use of water for hydroelectric generation is obtained through NID's Federal Energy Regulatory Commission (FERC) License, or by virtue of ownership, or in the cases of access to PG&E powerhouses, by virtue of a written agreement between NID and PG&E.

RETURN FLOW

The addition of Incidental Power to the purpose of use and the aforementioned powerhouses to the places of use for Permit 11626 will not change NID's operations and no construction is proposed. The proposed addition of these powerhouses to Permit 11626 will clarify NID's existing facilities to conform with NID's other water rights. As previously identified, NID is currently replacing its existing Combie North Powerhouse. This upgrade will not affect the historic practice of conveying water through Combie North Powerhouse for Incidental Power generation; and therefore, there will be no change in the return flow as a result of the addition of this, or other powerhouse facilities to Permit 11626.

STATE WATER RESOURCES CONTROL BOARD
2009 APR -3 AM 8:32
DIV OF WATER RIGHTS
SACRAMENTO

PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 2652B Permit 11626

Water Code section 1396 requires an applicant to exercise due diligence in developing a water supply for beneficial use. The State Water Resources Control Board (State Water Board), in considering requests for extension of time, will review the facts presented to determine whether there is good cause for granting an extension of time to complete the project. Where diligence in completing the project is not fully substantiated, the State Water Board may set the matter for hearing to determine the facts upon which to base formal action relating to the permit. Formal action may involve:

1. Revoking the permit for failure to proceed with due diligence in completing the project.
2. Issuing a license for the amount of water heretofore placed to beneficial use under the terms of the permit.
3. Granting a reasonable extension of time to complete construction work and/or full beneficial use of water.

The time previously allowed in your permit within which to complete construction work and/or use of water has either expired or will expire shortly.

Please check below the action you wish taken on this permit.

The project has been abandoned and I request revocation of the permit.

Signature

Full use of water has been made, both as to amount and season, and I request license be issued.

Signature

The project is not yet complete. I request the State Water Board's consideration of the following petition for an extension of time.

PETITION FOR EXTENSION OF TIME If START of construction has been delayed

Complete items 1, 2, and 3. **NOT APPLICABLE. SEE ATTACHMENT.**

1. What has been done since permit was issued toward commencing construction?

2. Estimate date construction work will begin. _____

3. Reasons why construction work was not begun within the time allowed by the permit.

PETITION FOR EXTENSION OF TIME
If construction work is proceeding

If construction work and/or use of water is proceeding but is not complete, an extension of time may be petitioned by completing items 4 through 16. Statements must be restricted to construction or use of water only under this permit.

NOT APPLICABLE. SEE ATTACHMENT.

- 4. A year extension of time is requested to complete construction work and/or beneficial use of water. (Must be consistent with the time frame allowed in California Code of Regulations sections 840 through 844)
- 5. How much water has been used? _____ acre-feet/year _____ cfs
- 6. How many acres have been irrigated? _____
- 7. How many houses or people have been served water? _____
- 8. Extent of past use of water for any other purpose. _____
- 9. What construction work has been completed during the last extension? _____
- 10. Approximate amount spent on project during last extension period. \$ _____
- 11. Estimate date construction work will be completed. _____
- 12. Estimated year in which water will be fully used. _____
- 13. Reasons why construction and/or use of water were not completed within time previously allowed. _____

If the use of water is for municipal (including industrial) and irrigation supplies and is provided or regulated by public agencies and use of the water has commenced, but additional time is needed to reach full use contemplated, the following information must be provided.

NOT APPLICABLE. SEE ATTACHMENT.

- 14. What water conservation measures are in effect or feasible within the place of use?

- 15. How much water is being conserved or is feasible to conserve using these conservation measures?

- 16. How much water per capita is used during the maximum 30-day period? _____ gpd.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated: April 3, 2009, at Grass Valley, California

Ron Nelson

Signature(s)

530-273-6185

Telephone No.

Ron Nelson 1036 West Main Street Grass Valley, CA 95945
PLEASE PRINT YOUR NAME AND ADDRESS

NOTE: A \$1,000 filing fee, for each Application listed, made payable to the State Water Resources Control Board must accompany a petition for an extension of time. An \$850 fee made payable to the Department of Fish and Game must accompany all but the first petition for an extension of time,

**Attachment
to Petition for Extension of Time for
Permit 11626 (Application 2652B)
held by Nevada Irrigation District**

The purpose of this Petition for Extension of Time (Petition) is to facilitate the licensing process for Permit 11626. The time to complete full and beneficial use under Permit 11626 expired on December 1, 1982. Through the licensing process, 2004 was found to be the year of maximum irrigated acreage. Thus, this Petition is required to cover the use of water upon the maximum irrigated acreage during the interim period, when analysis and other required licensing work was being performed by the Division of Water Rights (Division) and Nevada Irrigation District (NID) staff. In addition, NID is filing a Petition for Change to NID's Permit 11626 to identify existing facilities where water is used and to conform the places of use and purposes of use with NID's other water rights.

NID has been working cooperatively with the Division since July 2002 to analyze the use of water and inspect the facilities associated with the following five (5) consumptive use Permits for determining whether licenses should be issued.

<u>Permit</u>	<u>Application</u>
1481	1614
11626	2652B
13770	5193
5815	8180
13772	20017

There are also five (5) associated Permits for power purposes, which are currently being reviewed and analyzed for potential licensing. Collectively, these ten (10) Permits and most of the associated facilities are referred to as the Lower Division. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. Permits 13770 and 5815 cover sources and facilities upstream of Spaulding Reservoir, but the storage and use of water is downstream of Spaulding Reservoir, so they were included with the Lower Division.

The purpose of this Petition is to facilitate the licensing process. All construction work is complete and no construction is proposed as a result of this Petition. Full and beneficial use has been made of the water appropriated under Permit 11626. NID has ongoing water conservation and water use efficiency programs to improve urban and agricultural water use. NID has adopted an Urban Water Management Plan and an Agriculture Water Management Plan which identifies currently implemented and planned water conservation projects and programs. Current water conservation measures within NID include, but are not limited to an ongoing maintenance program to gunite or pipe canal sections, volumetric flow metering of all service connections, and performing periodic leak

Nevada Irrigation District Permit 11626
Attachment to Petition for Extension of Time

detection audits on the treated water systems. In addition, NID provides water conservation materials to urban and agriculture customers and promotes urban and agricultural water conservation management at the customer level. NID continues to engage in processes to proactively improve urban and agricultural water management and water conservation. In most cases, the quantity of water conserved for each project listed above is not known and would be difficult or impossible to estimate due to the complexity of the projects involved and the complexity of the water delivery system. Following the processing of this and other related Petitions, NID requests that a License be issued for Permit 11626.