

2009 APR -3 AM 8:42  
DIV OF WATER RIGHTS  
SACRAMENTO

**PETITION FOR CHANGE**  
(WATER CODE 1700)

Application 27559 Point of Diversion,  Point of Rediversion,  Place of Use,          Purpose of Use  
Permit 19158 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 No Change Requested.  
Proposed No Change Requested.

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 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 April 3, 2009 at Grass Valley, California  
Race Selva Signature(s) 530-273-6185 Telephone No.

**NOTE: A \$1000 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](http://www.waterrights.ca.gov)

**Attachment to Petition for Change  
Permit 19158 (Application 27559)  
held by Nevada Irrigation District**

GENERAL

Permit 19158 is for direct diversion and storage of water from Canyon Creek for non-consumptive use purposes within Nevada Irrigation District (NID). The purpose of this Petition for Change (Petition) to NID's Permit 19158 is to identify NID's existing facilities where water will be used, diverted and rediverted, and to conform the places of use with NID's other water rights. For Permit 19158, this involves (1) adding powerhouses to the place of use, and (2) adding points of rediversion, as identified further below. In addition, NID is also filing a Petition for Extension of Time for Permit 19158 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>
13773	20072
16953	24983
18757	26866
18608	27132
19158	27559

All of the above five (5) Permits are for non-consumptive uses, or hydroelectric power generation. There are also five (5) associated Permits for consumptive use 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 13773 and 19158 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 by Division staff to conform with NID's current facilities and operations. In addition, NID has

Nevada Irrigation District Permit 19158  
Attachment to Petition for Change

identified changes to the aforementioned Permits, including Permit 19158, 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 19158 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 19158. 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's 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 #	Description <sup>1</sup>
Bowman Dam	7	N 2,292,689 E 6,941,661 SE¼ of SW¼ of Sec. 5, T18N, R12E

**Present and Proposed Points of Rediversion**

No points of rediversion are currently identified in Permit 19158. The proposed points of rediversion reflect existing facilities, where the permitted supplies have been rediverted, but which are not set forth in the Permit. The proposed points of rediversion are identified in the following table and described using the California Coordinate System. This list contains all of the proposed points of rediversion 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.

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

Nevada Irrigation District Permit 19158  
Attachment to Petition for Change

Point of Rediversion	Map No. 4365 & Map No. 5305 Index #	Present PORD or Proposed PORD	Description <sup>1</sup>
Bowman-Spaulding Conduit (BSC) Diversion Dam	8	Proposed <sup>2</sup>	N 2,291,789 E 6,941,661 NE¼ of NW¼ of Sec. 8, T18N, R12E
Fuller Dam	14	Proposed <sup>2</sup>	N 2,254,499 E 6,943,344 NW¼ of NE¼ of Sec. 17, T17N, R12E
Spaulding Dam	15	Proposed <sup>2</sup>	N 2,247,689 E 6,945,562 SE¼ of NE¼ of Sec. 20, T17N, R12E
<b>Bear River System</b>			
Drum Afterbay Dam	25	Proposed <sup>2</sup>	N 2,221,238 E 6,908,695 SW¼ of NW¼ of Sec. 17, T16N, R11E
Dutch Flat Afterbay Dam	26	Proposed <sup>2</sup>	N 2,206,167 E 6,889,146 NE¼ of NW¼ of Sec. 34, T16N, R10E
Rollins Dam	27	Proposed <sup>2</sup>	N 2,177,136 E 6,858,710 NE¼ of SE¼ of Sec. 22, T15N, R9E
Bear River Canal	28	Proposed <sup>2</sup>	N 2,176,486 E 6,858,460 SW¼ of SE¼ of Sec. 22, T15N, R9E
Halsey Afterbay Dam	29	Proposed <sup>2</sup>	N 2,111,266 E 6,833,830 NE¼ of NE¼ of Sec. 26, T13N, R8E
Combie Dam	32	Proposed <sup>2</sup>	N 2,130,986 E 6,829,160 SW¼ of NW¼ of Sec. 2, T13N, R8E
<b>Deer Creek System</b>			
Scotts Flat Dam	17	Proposed <sup>2</sup>	N 2,227,087 E 6,864,660 NE¼ of NE¼ of Sec. 11, T16N, R9E

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 19158. 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 under Permit 19158 includes hydroelectric generation at Bowman Powerhouse, as shown on NID Map No. 4365, on file with the Division. No change in location of the present place of use identified in Permit 19158 is proposed. NID proposes to add several powerhouses to the places of use under Permit 19158. 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

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

<sup>2</sup> Proposed to be added by Petition.

Nevada Irrigation District Permit 19158  
Attachment to Petition for Change

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. The following table identifies the present and proposed places of use, which are existing facilities. No additional modifications to other powerhouses identified in this Petition are proposed. With the exception of the modifications to Combie North Powerhouse, the addition of the other powerhouse facilities to NID's places of use for Permit 19158, will not change NID's operations. The proposed places of use are described using quarter, quarter sections, as required for this Petition, and 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.

Powerhouse Name	Map No. 4365 & Map No. 5305 Index #	Present Place of Use or Proposed Place of Use	Description <sup>1</sup>
Bowman Powerhouse	36	Present	NE 1/4 of NW 1/4 Sec. 8 T18N, R12E
Spaulding # 3 (RIM) Powerhouse	37	Proposed	NE 1/4 of SW 1/4 Sec. 16 T17N, R12E
<b>Bear River System</b>			
Spaulding # 1 Powerhouse	38	Proposed	NE 1/4 of SE 1/4 Sec. 20 T17N, R12E
Drum #1 Powerhouse	42	Proposed	NE 1/4 of NW 1/4 Sec. 17 T16N, R11E
Drum # 2 Powerhouse	42	Proposed	NE 1/4 of NW 1/4 Sec. 17 T16N, R11E
Dutch Flat # 1 Powerhouse	43	Proposed	SE 1/4 of SE 1/4 Sec. 27 T16N, R10E
Dutch Flat # 2 Powerhouse	44	Proposed	SE 1/4 of SE 1/4 Sec. 27 T16N, R10E
Chicago Park Powerhouse	45	Proposed	NW 1/4 of SE 1/4 Sec. 6 T15N, R10E
Rollins Powerhouse	46	Proposed	SE 1/4 of SE 1/4 Sec. 22 T15N, R9E
Combie South Powerhouse	47	Proposed	SW 1/4 of NW 1/4 Sec. 2 T13N, R8E
Combie North Powerhouse	48	Proposed	SW 1/4 of NW 1/4 Sec. 2 T13N, R8E
Halsey Powerhouse	49	Proposed	NW 1/4 of NW 1/4 Sec. 25 T13N, R8E
Wise #1 Powerhouse	50	Proposed	NW 1/4 of SW 1/4 Sec. 16 T12N, R8E
Wise #2 Powerhouse	50	Proposed	NW 1/4 of SW 1/4 Sec. 16 T12N, R8E
<b>Deer Creek System</b>			
Spaulding # 2 Powerhouse	39	Proposed	NE 1/4 of SE 1/4 Sec. 20 T17N, R12E
Deer Creek Powerhouse	40	Proposed	SE 1/4 of NW 1/4 Sec. 34 T17N, R10E
Scotts Flat Powerhouse	41	Proposed	NE 1/4 of NE 1/4 Sec. 11 T16N, R9E

<sup>1</sup> 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.

### GIVE REASON FOR PROPOSED CHANGE

The proposed changes primarily reflect the need to conform Permit 19158 to the current points of diversion and places of use. In 2002, Division staff conducted a licensing inspection for NID's Permit 19158 and its other unlicensed water rights. 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 with 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 19158. NID is filing this Petition to (1) facilitate licensing of the Lower Division Permits, (2) accurately identify existing facilities where the permitted quantities are currently used, and (3) conform the places of use with NID's other water rights. Following approval of these changes, NID anticipates that a License will be issued pursuant to Permit 19158.

### OWNERSHIP AND ACCESS

No points of diversion are proposed to be added to Permit 19158. Access to the place of use of water for hydroelectric generation is obtained through NID's Federal Energy Regulatory Commission (FERC) License, or by virtue of ownership, or by virtue of a Special Use Permit issued by the United States Forest Service, or in the cases of access to PG&E powerhouses, by virtue of a written agreement between NID and PG&E.

### RETURN FLOW

The proposed addition of the aforementioned powerhouses to Permit 19158 as identified in this Petition, and recommended by Division staff, will clarify NID's existing facilities for the beneficial use of water for non-consumptive hydroelectric generation. Surface water will continue to be diverted from Canyon Creek under Permit 19158 and conveyed through existing facilities for use at existing powerhouses. With the exception of the Combie North Powerhouse, the point of return flow will not change for the powerhouses identified as proposed to be added to the places of use under Permit 19158. Following the modifications to Combie North Powerhouse, for those times when water is available over and above NID's consumptive use requirements, water will be conveyed through Combie North Powerhouse and discharged into the Bear River, approximately 150 feet downstream of Combie Dam. This operation of the Combie North Powerhouse will only occur when Combie Dam is spilling, or would be spilling absent the powerhouse; and thus, there will be no change in the flow of water in the Bear River downstream of the discharge from the powerhouse. There are no water users taking water from the Bear River between the spillway at Combie Dam and the location of where water will be discharged into the Bear River following generation of electricity at Combie North Powerhouse.

APPROVED FOR SIGNATURE  
2009 APR -3 AM 8:42  
DIVISION OF WATER RIGHTS  
SAC-SACRAMENTO

## PETITION FOR EXTENSION OF TIME

WATER USERS:

Application 27559 Permit 19158

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 it feasible to conserve using these conservation measures?  
\_\_\_\_\_ acre-feet per annum.
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 Sele*

530-273-6185

Signature(s)

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 19158 (Application 27559)  
held by Nevada Irrigation District**

The purpose of this Petition for Extension of Time (Petition) is to facilitate the licensing process for Nevada Irrigation District's (NID) Permit 19158. The time to complete full and beneficial use under Permit 19158 expired on December 1, 1991. Through the licensing process, 1996 was found to be the year of the maximum beneficial use (direct diversion plus withdrawal). Thus, this Petition is required to cover the use of water during the interim period, when analysis and other required Licensing work was being performed by Division of Water Rights (Division) and NID staff. NID is also filing a Petition for Change to identify existing facilities where water is used, diverted and rediverted, and to conform the places 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 Permits for determining whether licenses should be issued.

<u>Permit</u>	<u>Application</u>
13773	20072
16953	24983
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19158	27559

All of the above five (5) Permits are for non-consumptive uses, or hydroelectric power generation. There are also five (5) associated Permits for consumptive use 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 NID's Lower Division. The Lower Division primarily encompasses NID's sources of water and facilities located downstream of Spaulding Reservoir. Permits 13773 and 19158 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 under Permit 19158. Following the processing of this Petition and related Petitions filed pursuant to Division staff's request, NID requests that a License be issued for Permit 19158.