

MINIMUM FILING FEE: \$100.00
 FILE ORIGINAL & ONE COPY
 TYPE OR PRINT IN BLACK INK
 (For explanation of entries required, see
 booklet "How to file an Application to
 Appropriate water in California")

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>

APPLICATION TO APPROPRIATE WATER

APPLICATION No. 31518
 (Leave Blank)

1. APPLICANT

Pacific Gas and Electric Company (Company)
 (name of applicant) (415) 973 - 5317
 (Telephone - between 8 a.m. and 5 p.m.)

P.O. Box 770000 San Francisco CA 94177
 (Mailing address) (City or Town) (State) (Zip code)

2. SOURCE

a. The name of the source at the point of diversion is Inskip Creek
 (If unnamed, state that it is an unnamed stream, spring, etc.)
 tributary to Butte Creek

b. In a normal year does the stream dry up at any point downstream from your project? YES NO
 If yes, during what months is it usually dry? From _____ to _____
 What alternate sources are available to your project should a portion of your requested direct diversion season
 be excluded because of a dry stream or nonavailability of water? None

3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of Butte
 and within Assessor's Parcel Number (APN#) APN#060-030-007

b.

List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
2457 feet north, 2080 feet east of the SE corner of section 36	NW ¼ of SE ¼	36	25N	3E	MDB&M
	¼ of ¼				
	¼ of ¼				

c. Does applicant own the land at the point of diversion? YES NO

d. If Applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: Sierra Pacific Industries, Box 496014 Redding CA 96049;
The Company already has an easement for use of the land.

"The energy facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://swrcb.ca.gov>".
 Additional copies of this form and water right information can be obtained at www.waterrights.ca.gov.

Handwritten notes:
 6/16/04
 7/15/04
 10/1/04
 10/1/04

4. PURPOSE OF USE, AMOUNT and SEASON

a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet Per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
Power	15 cfs		Jan 1	Dec 31			

b. Total combined amount taken by direct diversion and storage during any one year will be 6,000 acre-feet.

5. JUSTIFICATION of AMOUNT

a. IRRIGATION: maximum area to be irrigated in any one year is _____ acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date

b. DOMESTIC: Number of residences to be served is _____ . Separately owned? YES NO
 Total number of people to be served is _____ . Estimated daily use per person is _____
 Total are of domestic lawns and gardens is _____ square feet. (Gallons per day)
 Incidental domestic uses are _____
 (Dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock _____ Maximum number _____
 Describe type of operation: _____
 (Feed lot, dairy, range, etc.)

d. RECREATIONAL: Type of Recreation: Fishing Swimming Boating Other

e. MUNICIPAL: (Estimated projected use)

POPULATION		MAXIMUM MONTH		ANNUAL USE		
5-Year periods until use is completed		Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
PERIOD	POP.					
Present						

Month of maximum use during year is _____ . Month of minimum use during year is _____

- f. HEAT CONTROL: The total area to be heat protected is _____ net acres.
 Type of crop protected is _____
 Rate at which water is applied to use is _____ gpm per acre.
 The heat protection season will begin about _____ and end about _____
 (Date) (Date)
- g. FROST PROTECTION: The total area to be heat protected is _____ net acres.
 Type of crop protected is _____
 Rate at which water is applied to use is _____ gpm per acre.
 The heat protection season will begin about _____ and end about _____
 (Date) (Date)
- h. INDUSTRIAL: Type of industry is _____
 Basis for determination of amount of water needed is _____
- i. MINING: The name of the claim is _____. Patented Unpatented
 The nature of the mine is _____. Mineral to be mined is _____
 Type of milling or processing is _____
 After use, the water will be discharged into _____
 (Name of stream)
 in _____ ¼ of _____ ¼ of Section _____, T _____, R _____, _____ B.&M.
 (40-acre subdivision)
- j. POWER: The total fall to be utilized is 1530 feet. The maximum amount of water to be used through the penstock is 15 cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is 2608. Electrical capacity is 1654 kilowatts at 85 % efficiency.
 (Cubic feet per second x fall ÷ 8.8) (HP x 0.746 ÷ efficiency)
 After use, the water will be discharged into Butte Creek
 (Name of stream)
 in NW ¼ of NW ¼ of Section 10, T 23N, R 3E, MD B.&M. FERC No. 803
 (40-acre subdivision)
- k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES NO If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.
- l. OTHER Describe use: _____. Basis for determination of amount of water needed is _____

6 PLACE OF USE

- a. Does applicant own the land where the water will be used? YES NO Is land in joint YES NO ownership?
 (All joint owners should include their names as applicants and sign the application.)
 If applicant does not own land where the water will be used, give name and address of owner, and state what Arrangements have been made with the owner. _____

b. USE IS WITHIN (40 ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
NW ¼ of NW ¼	10	23N	3E	MDB&M		
¼ of ¼		(De Sabla	Powerhouse)			
¼ of ¼						
¼ of ¼						
¼ of ¼						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

7. DIVISION WORKS

- a. Diversion will be by gravity by means of Steel pipe from header box to Butte Creek Canal
 (Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from _____ Pump discharge rate _____ Horsepower _____
 (Depth of the well _____) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
Pipe	Corregated steel	24 inch diameter	19			
Pipe	Welded steel	16 inch diameter	312			

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft)	Construction Material	Dam length (ft)	Freeboard Dam height above spillway crest (ft)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft)

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be _____ cfs. Diversion to offstream storage will be made by: Pumping Gravity

8. COMPLETION SCHEDULE

- a. Year work will start. _____ b. Year work will be completed. _____
 c. Year water will be used to the full extent intended. _____ d. If completed, year of first use 1857

9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is Stirling City, CA
 Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES NO
 If yes, state the name of the subdivision _____
 If no, is subdivision of these lands contemplated? YES NO
 Is it planned to individually meter each service connection? YES NO If yes, when? _____
- b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: Unknown
- c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES NO If yes, explain _____

10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES NO
 If yes, complete the table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion
Pre-1914	1857	Electric Generation (5 cfs)	All	Inskip Creek	Same as above

11. AUTHORIZED AGENT (Optional)

With respect to all matters concerning this water right application those matters designated as follows:

Joseph R. Ray, Senior Hydro Engineer, Power Generation (415) 973-5317
(Name of Agent) (Telephone number of agent between 8 a.m. and 5 p.m.)

Mail Code N11C P.O. Box 770000-0001 San Francisco CA 94177
(mailing Address) (City or town) (State) (Zip code)

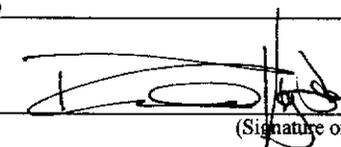
is authorized to act on my behalf as my agent.

12. SIGNATURE OF APPLICANT

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

Dated 6/11 2004, at San Francisco, California

Ms. Mr.
Miss. Mrs.


(Signature of applicant)

Mr. Randal S. Livingston, Senior Director
 Power Generation, Pacific Gas and Electric Company

(If there is more than one owner of the project, please indicate their relationship.)

Ms. Mr.
Miss. Mrs.

(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

NOTE:

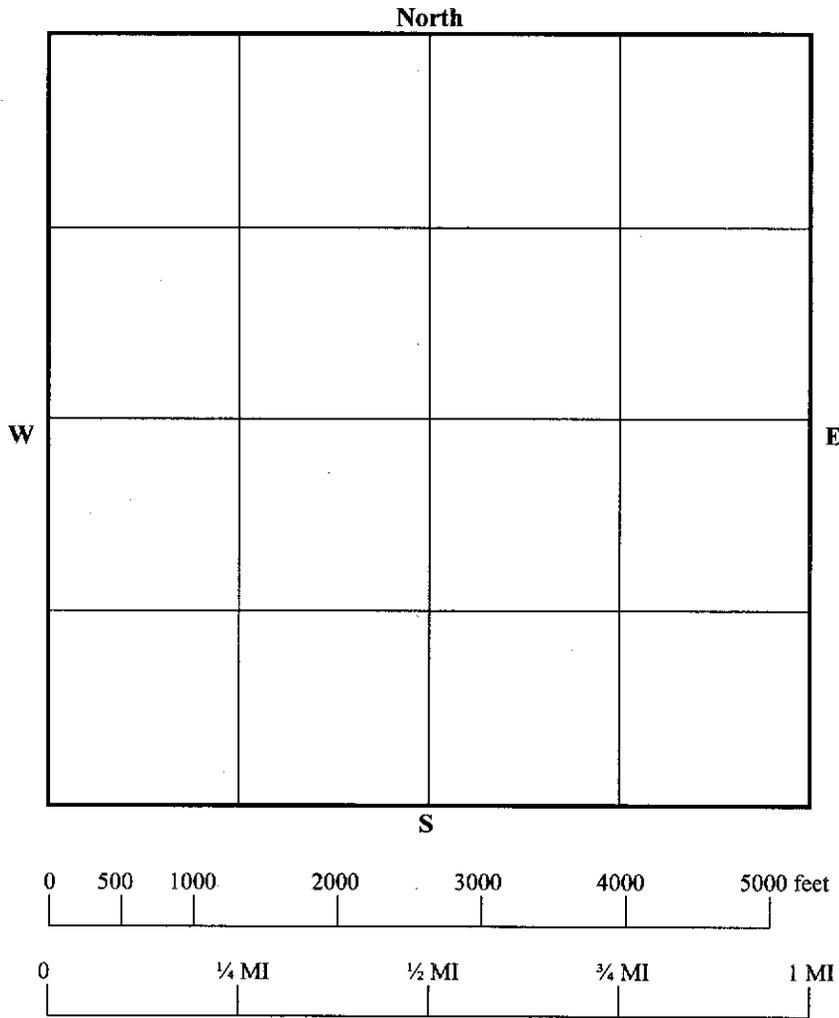
If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

13. MAP

***** SEE ATTACHED MAPS *****

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) _____ TOWNSHIP _____ RANGE _____, _____ B&M.



- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water.

14. SUPPLEMENTAL INFORMATION

- a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
- b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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**APPLICATION TO APPROPRIATE WATER BY PERMIT
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO. **31518**

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION 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 application 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.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

Pacific Gas and Electric Company (PG&E) owns and operates the DeSabra-Centerville Hydroelectric Project (FERC NO. 803). PG&E diverts water from the Butte Creek to the Butte Creek Canal for power generation use at PG&E's DeSabra Powerhouse. Several feeders that divert flow from small tributaries of Butte Creek into the canal supplement the flow in Butte Creek Canal. One of these feeders is located on Inskip Creek about 1/3rd mile downstream from the main diversion on Butte Creek. PG&E is filing this application to resolve a water right dispute over PG&E's claim of pre-1914 water right for this diversion. This application will not result in any changes to PG&E's existing operations. In as much as the diversion is long established and has been in continuous use for many years, there will be no construction activities necessary to establish this diversion.

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

See the attached FERC License documents (FERC Project 803).

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 application cannot proceed until such documents are submitted.

5. Will your project, 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 project? No

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? See FERC License 803

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

If so, explain:

See the attached FERC License documents (FERC Project 803).

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 application 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 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 application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

No trees, shrubs or any other types of plants will be moved or destroyed.

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):

Although Butte Creek above the De Sabla Powerhouse supports a moderate rainbow trout and brown trout fishery, Inskip Creek is a small tributary stream that likely supports small populations of trout. Inskip Creek is diverted within 100 yards of Butte Creek. This diverted section is steep and a water fall exists near its mouth that is impassable to trout. Although no fish population data currently exists for Inskip Creek, PG&E has electrofished Clear Creek, the largest of several feeder streams diverted into Butte Canal. In August 1986, twenty-five rainbow trout and one brown were captured in a 30-meter stream section of Clear Creek below the diversion. Since there will not be any changes to the existing project, there will not be any incremental effects to fish populations or fish habitat.

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

There are numerous riparian and other terrestrial wildlife species that occur in the area either seasonally or year-round including black-tailed deer, several species of forest carnivores (mountain lion, black bear, bobcat, gray fox and coyote), bats, various passerine birds, eagles and other raptors, snakes, lizards, squirrels, rabbits, etc. No wildlife will be affected by this project since there will be no new ground disturbing activities associated with continuing operations.

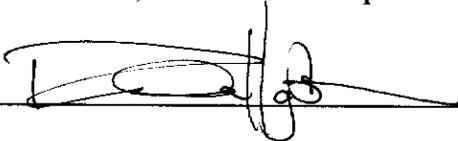
*Note: The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of 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. Does your proposed project 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 6/11/04 Signature. 



June 15, 2004

Ms. Victoria Whitney, Chief
Division of Water Rights
State Water Resources Control Board
P. O. Box 2000
Sacramento, CA 95812-2000

**RE: NEW WATER RIGHT APPLICATION TO APPROPRIATE WATER
FROM INSKIP CREEK, TRIBUTARY TO BUTTE CREEK**

Dear Ms. Whitney:

Pacific Gas and Electric Company (PG&E) owns and operates the DeSabra-Centerville Hydroelectric Project (FERC No. 803). PG&E diverts water from the Butte Creek to the Butte Creek Canal for power generation use at PG&E's DeSabra Powerhouse. Several small feeder diversions divert flow from tributaries of Butte Creek to supplement the flow in Butte Creek Canal. The water rights associated with the main diversion, as well as the feeders, were established prior to 1914. These rights, with the exception of the Inskip Creek Feeder Diversion, are confirmed in the Butte Creek Adjudication.

In 1987, in response to a complaint filed by the California Sportfishing Protection Alliance (CSPA), the Division of Water Rights determined that since PG&E's Inskip Diversion was not specifically listed in the Butte Creek Adjudication, it did not have sufficient rights to continue its diversions at the feeder. By letter dated March 24, 1987, the Chief of DWR gave PG&E three options to remedy the situation: 1) PG&E could petition the Butte County Superior Court to amend the adjudication, 2) PG&E could file an application for a permit to continue the diversions, or 3) PG&E could cease diversions. In as much as the Inskip Diversion has been in continuous use for over 100 years, PG&E chose to petition the court to amend the adjudication. The court referred the case to DWR. In 1995 DWR responded to the court that there was no legal basis for PG&E's petition to be granted.

While PG&E does not agree with the conclusions of DWR staff regarding PG&E's pre-1914 rights for the Inskip diversion, PG&E wishes to resolve this issue in a manner that is satisfactory to the Division of Water Rights. Therefore, in compliance with the second option listed in the Chief of DWR's letter, PG&E is filing an application for a permit to divert water for the Inskip Feeder diversion.

This application will not result in any changes to PG&E's existing operations. In as much as the diversion is long established and has been in continuous use for many years, there will be no construction activities necessary to establish this diversion. I have enclosed the following documents:

1. APPLICATION TO APPROPRIATE WATER
2. 3 copies of a FERC Project Map showing the location of the diversion.
3. APPLICATION TO APPROPRIATE WATER BY PERMIT - ENVIRONMENTAL INFORMATION
4. 3 sets of photographs of the point of diversion (POD), the stream channel above and below the POD, and the De Sabla Powerhouse (place of use).

Ms. Whitney
June 15, 2004
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5. PG&E's FERC License for Project 803.
6. A check made out to the State Water Resources Control Board for \$18,000. (This is for 6,000 AF at \$10 per AF times a factor of 30% for FERC licensed hydroelectric projects).
7. A check made out to the California Department of Fish and Game for \$850.

If you have any questions or need further information, please call me at (415) 973-5317.

Sincerely,



Joseph Ray
Senior Civil Engineer

Attachments