



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

DEC -4 2007

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In Reply Refer
to:LFD:18085

Placer County Water Agency
c/o Lowell Jarvis
P.O. Box 6570
Auburn, CA 95604

PETITION FOR TIME EXTENSION OF PERMITS 13856 AND 13858 (APPLICATIONS 18085 AND 18087) OF PLACER COUNTY WATER AGENCY TO APPROPRIATE WATER FROM NORTH FORK AMERICAN RIVER, MIDDLE FORK AMERICAN RIVER AND SELECT TRIBUTARIES IN PLACER COUNTY

The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) received your petition for time extensions to complete construction and to bring water to full beneficial use for the subject permits. The Division is returning the petition to you to correct the following deficient items:

Section 1701.1, California Water Code	
(a)	State the name and address of petitioner.
(b)	Be signed by the petitioner, or petitioner's agent or attorney.
(c)	Set forth amendments to the application or an amended application reflecting the proposed change, including any information necessary for the amended application to comply with Section 1260.
(d)	Include sufficient information to demonstrate a reasonable likelihood that the proposed change will not injure any other legal user of water.
✓ (e)	Contain other appropriate information and be in the form required by applicable regulations. Items 1, 2, and 3 of the Petition for Extension of Time were not completed.
Section 791, Title 23, California Code of Regulations	
(f)	A petition will not be accepted for initial review or filing unless it is accompanied by the filing fee required by chapter 5 (commencing with section 1061) of this division. If after the initial review of a petition described in this section the board does not accept the petition for filing, the board shall refund the filing fee, minus the \$250 non-refundable initial review fee.
Section 794, Title 23, California Code of Regulations	
(a)	A petition for change(s) submitted by a permittee or licensee, or submitted pursuant to Water Code section 1740 by a holder of a water right determined under Water Code Section 2500 et seq. after January 1, 1981 shall identify the amount(s) and holder(s) of the right(s) involved and shall include the following information and maps(s):
(1)	The amount(s) of water which would have been diverted, consumptively used, or stored under the water right in the absence of the proposed change(s), (a) during the period for which the change is requested, or (b) in a maximum year if the change is permanent;
(2)	The amount(s) of water proposed for transfer or exchange;
(3)	The existing and the proposed purpose(s) of use of water;

	(4)	The existing and the proposed point(s) of diversion and redirection, and the existing and proposed location(s) of any return flow;
	(5)	The existing and the proposed place(s) of use of the water for various purposes of use;
	(6)	The existing and the proposed diversion, release and return flow schedules if stored water is involved or if the streamflow regime will be changed;
	(7)	Any changes in property ownership(s) involved, and the point(s) of diversion and place(s) of use of other known users of water who may be affected by the proposed change(s);
✓	(8)	Information identifying any effect of the proposed extensions on fish, wildlife, and other instream beneficial uses; An environmental supplement was not included with the Petition for Extension of Time.
	(9)	Information identifying any effects of the proposed extensions on other known users of water, including identification in quantitative terms of any projected change in water quantity, water quality, timing of diversion or use, consumptive use of the water, reduction in return flows, or reduction in the availability of water within the streams affected by the proposed change(s);
	(10)	The parties involved in the proposed change, transfer or exchange;
	(11)	Map(s) prepared in accordance with Article 7 which describe the proposed change(s), delineate any additional information required by Items (4), (5), and (7), above; and show the hydrologic basin of origin and the streams which could be affected by the proposed change(s).
	(12)	The proposed place(s) of use for irrigation may be listed as net acreage(s) within gross area(s) shown on a map submitted with the petition.
	(b)	Water right holders proposing a change in point of diversion, place of use or purpose of use shall provide preliminary information and map(s) required by subdivision (a) to, and shall request consultation with, the Department of Fish and Game and the appropriate Regional Water Quality Control Board regarding the potential effects of the proposed change(s) on water quality, fish, wildlife, and other instream beneficial uses.
	(d)	The petition for change(s) will not be accepted for filing unless it contains all of the information required by subdivision (a) and proof that a copy of the petition has been served on the Department of Fish and Game.
Section 1064, Title 23, California Code of Regulations		
	(a)	A person who files a petition or a request for release from priority shall pay to the board a filing fee for each water right application, permit or license covered by the petition or request in accordance with this section.
✓	(1)	For purposes of calculating the filing fee, a petition to change one or more terms of a single application, permit, license, or other water right shall be considered a single petition, provided that action can be taken on the changes simultaneously, except that a petition for an extension of time shall be considered a separate petition, subject to a separate fee, from a petition to change one or more other terms in the water right. A petitioner requesting changes to more than one application, permit, license, or other water right shall fill a separate petition or petitions for each water right and a filing fee shall be required for each petition. A separate filing fee shall be required for each change petition subsequently filed on a water right that is already the subject of a pending petition for change. Only one petition for extension of time was received for Permits 13856 and 13858 (Applications 18085 and 18087). A separate petition is required for each water right.

(A)	Except as provided in subparagraphs (i), (ii), and (iii), the fee for the petition to change the terms of an application, permit or license shall be as follows. The fee shall be a minimum of \$1,000. If the total annual amount of diversion sought by the pending application or authorized by the permit or license, as calculated in accordance with section 1066, is greater than 10 acre-feet, then the petitioner shall pay an additional \$0.30 for each acre-foot in excess of 10 acre-feet. The total fee shall not exceed \$5,150.
(i)	The fee for a petition for change pursuant only to Water Code section 1707 shall be \$850.
(ii)	The fee for a change petition involving a transfer of water pursuant to Water Code section 382 or 1701 shall be \$2,000, plus \$0.30 for each acre-foot that the petitioner seeks to transfer in excess of 10 acre-feet. The fee shall be based on the maximum amount of water proposed to be transferred annually, not the amount of water proposed to be transferred over the entire term of the transfer. The total fee shall not exceed \$410,000.
(2)	The fee for a petition to change the point of discharge, place of use, or purpose of use of treated wastewater pursuant to Water Code section 1211 shall be \$1,000.
(3)	The fee for a request for release from priority of a state-filed application pursuant to Water Code section 10504 shall be \$5,000.
(b)	A person who filed a petition or a request for release from priority on or after July 1, 2003, and prior to January 1, 2004, shall pay a supplemental filing fee equal to the difference between the filing fee already paid and the amount due pursuant to the regulation in effect on January 1, 2004.
(c)	The petition filing fee includes a non-refundable \$250 initial review fee.
Section 10005, California Public Resources Code	
(a)	The Department of Fish and Game shall impose and collect a filing fee of eight hundred fifty dollars (\$850) to defray the costs of identifying streams and providing studies pursuant to Division 10 (commencing with Section 10000) of the Public Resources Code.
(c)	Any user of water, including a person or entity holding riparian or appropriative rights, shall pay the filing fee to the Department of Fish and Game upon application to the State Water Resources Control Board for any permit, transfer, extension, or change of point of diversion, place of use, or purpose of use, if there is a diversion of water from any waterway where fish reside. No permit, or other entitlement identified in this section is effective until the filing fee is paid. The State Water Resources Control Board shall, every six months, forward all fees collected to the department and provide the location for each entitlement for which a filing fee has been collected.

The nonrefundable fee of \$250 is charged for initial review of each petition for extension of time, whether it is accepted or not. Therefore, your checks have been forwarded to the State Water Board's Accounting Office and a refund of the two checks amount less \$500 will be returned under separate cover.

The petitioner is hereby put on notice that any existing diversion of water from any point(s) of diversion proposed under this petition may be subject to administrative civil liability of up to \$500 per day without further notice, pursuant to Water Code section 1052. The State Water Board may also issue a cease and desist order in response to an unauthorized diversion or threatened unauthorized diversion pursuant to Water Code section 1831.

When you complete the items marked above, please return your form, fees, and any supporting documentation to the Division for processing. If you have any questions, please contact Lauren Dailey at (916) 341-5314 or by e-mail at ldailey@waterboards.ca.gov.

STEVEN HERRERA, Chief
Water Rights Permitting Section

Enclosures: (1) petition packet;