

April 3, 2013

Ms. Barbara Evoy, Deputy Director  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

**Subject: Malacha Hydro Limited Partnership Petition for Temporary Urgency Change Permit 20063 (Application 28465)**

Dear Ms. Evoy:

Enclosed are the following documents relative to a Petition for Temporary Urgency Change (Petition) under Malacha Hydro Limited Partnership's (Malacha) Permit 20063 (Application 28465):

1. Petition for Temporary Urgency Change with Attachment (one original and one copy).
2. Environmental Information Form with Attachment (one original and one copy).
3. Check in the amount of \$6,062.00 to cover the Petition fees for the State Water Resources Control Board.
4. Check in the amount of \$850 to cover the fee for the Department of Fish and Wildlife.

Malacha is filing this Petition with the Division of Water Rights to request a temporary relaxation of the existing minimum bypass flow requirement at its point of diversion and to authorize the temporary storage of water under Permit 20063. As you are aware, time is of the essence to process this Petition; and we appreciate your attention to this matter in order to optimize the beneficial use of water within the Pit River watershed.

Please call if you have any questions or require additional information.

Sincerely,



Ken Kaser  
Chief Operating Officer, Western Region  
North America Operations

AB/3437/LETTER TO DIVISION FOR MALACHA TUCP 04.03.2014

Enclosures

cc: Diane Barr, Brookfield Renewable Energy Group  
Brandon Lismanis, Brookfield Renewable Energy Group  
Rob Donlan, Ellison, Schneider & Harris L.L.P  
Darren Cordova, MBK Engineers  
Bill Bunker, Pacific Gas & Electric Co.  
Kevin Richards, Pacific Gas & Electric Co.  
Kathy Mrowka, Division of Water Rights  
Neil Manji, Department of Fish and Wildlife  
Elizabeth Lee, CVRWQCB (via certified mail)

Please indicate County where your project is located here:

Lassen

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

- Point of Diversion, Point of Rediversion, Place of Use, Purpose of Use, Distribution of Storage, Temporary Urgency, Instream Flow Dedication, Waste Water, Split, Terms or Conditions, Other. Application 28465, Permit 20063, License, Statement.

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83).

Present: North 2,470 feet and East 2,080 feet from the SW Corner of Section 27, T37N, R7E, MDB&M, being within the NE 1/4 of the SW 1/4 of said Section 27.
Proposed: No Change Requested.

Place of Use – Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated.

Present: Muck Valley Power Plant located within the SW 1/4 of the NW 1/4 of Section 11, T36N, R6E, MDB&M.
Proposed: No Change Requested.

Purpose of Use

Present: No Change Requested.
Proposed: No Change Requested.

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

Not Applicable.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present: Not Applicable.
Proposed:

**Temporary Urgency**

This temporary urgency change will be effective from  to

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

**Instream Flow Dedication** – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¾ level and California Coordinate System (NAD 83).

Upstream Location:

Downstream Location:

List the quantities dedicated to instream flow in either:  cubic feet per second or  gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location?  Yes  No  
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.

**Waste Water**

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water?  Yes  No

Will any legal user of the treated waste water discharged be affected?  Yes  No

**General Information** – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned?  Yes  No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:  
 ownership  lease  verbal agreement  written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.

Lease arrangement with Juniper Ridge Ranches, P.O. Box 250, Fall River Mills, CA 96028, (530) 336-5368.

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 Attachment.

**All Right Holders Must Sign This Form:** I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated  at

  
Right Holder or Authorized Agent Signature

\_\_\_\_\_  
Right Holder or Authorized Agent Signature

**NOTE: All petitions must be accompanied by:**  
(1) the form Environmental Information for Petitions, including required attachments, available at: [http://www.waterboards.ca.gov/waterrights/publications\\_forms/forms/docs/pet\\_info.pdf](http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf)  
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: [http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/fees/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/)  
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

**Attachment No. 1**  
**to Petition for Temporary Urgency Change**  
**Permit 20063 (Application 28465)**  
**held by Malacha Hydro Limited Partnership**

**Description of Proposed Temporary Urgency Change**

Malacha Hydro Limited Partnership (Malacha) is filing this Petition for Temporary Urgency Change (Petition) with the Division of Water Rights (Division) to request: 1) a temporary change to Term 16 of its Permit 20063 (Application 28465) for the purpose of relaxing the minimum bypass flow requirement from 50 cfs to 25 cfs and 2) authorization for the temporary storage of water under Permit 20063 within Malacha's existing Collett Reservoir. The purpose of these proposed temporary changes are to provide for the diversion of surface water from the Pit River when flows are over 25 cfs at Malacha's existing point of diversion; and to provide for temporary storage of diversions held in Collett Reservoir in order to preserve water for later release into the Pit River through Malacha's existing hydroelectric facility. Withdrawals from storage held in Collett Reservoir for power generation would assist to supplement the available flows in the Pit River during periods when the flows, absent the proposed releases, would be less than 25 cfs. Malacha proposes these changes be effective upon approval of the Petition for a period of up to 180 days<sup>1</sup>, with a potential extension until November 1, 2014. This proposed period is identified in order to provide operational flexibility; however, based on historical flows in the Pit River, the releases from storage may be complete by approximately the end of May or June 2014.

Malacha has been coordinating with other entities relative to the proposed temporary changes, including the California Department of Fish and Wildlife (CDFW), Federal Energy Regulatory Commission, and Pacific Gas & Electric Company. Attached to this Petition is a letter from Malacha to CDFW requesting concurrence for the proposed temporary changes; and also attached is a letter from CDFW concurring with these proposed temporary changes provided that certain conditions identified in the letter will be met by Malacha. Term 16 of Malacha's Permit 20063 identifies the following:

“For the protection of fish and wildlife, permittee shall at all times bypass a minimum flow of 50 cubic feet per second or the natural streamflow, whichever is less.”

In regard to the minimum bypass flow requirement, as indicated in the letter from CDFW, “When flows drop below 25 cfs at the point of diversion, the Licensee will release Collett stored water at a 1 cfs of stored water for 1 cfs of natural flow. This would provide a continuous 25 cfs in the Pit River below the powerhouse as long as there is available storage in

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<sup>1</sup> The petition does not seek approval to store water when Term 91 curtailment is in effect.

Collett Lake.” Malacha will operate its existing facilities to conform with this approach and will meet the conditions identified in the letter from CDFW.

As background, Malacha’s existing facilities are located within the Pit River watershed of the Sacramento River Basin; and are entirely within Lassen County. Surface water is diverted from the Pit River by Malacha for hydroelectric generation at its Muck Valley Power Plant. These diversions may be held in Collett Reservoir for later release or Malacha may generate power by direct diversion from the Pit River. Water is released from Malacha’s Power Plant into an afterbay and subsequently released into the Pit River at a location approximately 13 miles downstream of its point of diversion.

During the past few weeks, when surface water has been available from the Pit River over the existing minimum bypass flow requirement of 50 cfs at Malacha’s point of diversion, water was diverted into Collett Reservoir for temporary regulation under Permit 20063. Malacha proposes these diversions, including potential future diversions, be held in Collett Reservoir for a period longer than 30 days (i.e., held in storage) under Permit 20063 for later release in accordance with the conditions identified in the letter from CDFW. Absent approval of the proposed changes, direct diversions by Malacha would occur when flows in the Pit River at its point of diversion were over 50 cfs; and Malacha would release water temporarily regulated in Collett Reservoir within 30 days of diverting the water from the Pit River.<sup>2</sup>

### **Current Hydrologic Conditions**

The State of California is in the midst of a record breaking drought. For the Sacramento River Basin, DWR’s Bulletin 120 publication for March 1, 2014, *Water Supply Conditions in California*, identifies that Water Year 2014 is preliminarily classified as a critical year type according to the Sacramento Valley Water Year Type Index (40-30-30). In addition, Bulletin 120 indicates that the forecasted unimpaired runoff into the Pit River at a 50% exceedance is 580,000 AF during April through July, which is 55% of the average runoff of 1,046,000 AF. Malacha anticipates these forecasts for 2014 will not significantly improve when DWR updates Bulletin 120 in April. In addition to these drought conditions, the flows within the Pit River fluctuate significantly primarily as a result of precipitation events, particularly within the reach of Pit River watershed where the Malacha project is located. These conditions cause extended periods when flow in the Pit River is less than 50 cfs, or when no flow is present, immediately upstream of Malacha’s point of diversion.

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<sup>2</sup> Malacha holds a water right for storage in Collett Reservoir (Permit No. 20445, Application No. 29300), but does not propose to modify that permit with this Temporary Urgency Petition, as current and anticipated hydrologic conditions in the Pit River will limit opportunity to utilize the permit this year.

**Criteria for Approving Temporary Urgency Change Requests**

Water Code §1435(b) requires that the Division make the following findings before approving Malacha’s temporary urgency change request:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses.
4. The proposed change is in the public interest.

Malacha’s proposed temporary urgency change addresses each of these required findings as identified below:

*1. The permittee or licensee has an urgent need to make the proposed change.*

Water Code §1435(c) provides that an “urgent need” exists when the Division may, in its judgment, conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the fullest extent of which they are capable and that waste of water be prevented. Under this Petition, an urgent need for the requested temporary changes exists in order to preserve water held in Collett Reservoir during the current drought conditions that are facing the State of California in 2014, and in particular the Pit River Basin. As indicated above, the flows in the Pit River fluctuate significantly as a result of precipitation. To optimize beneficial use of water, particularly following precipitation events that may occur at any time, Malacha proposes to relax the minimum bypass flow requirement under Permit 20063 to 25 cfs, which will authorize the direct diversion and use of water that would otherwise continue to flow downstream of Malacha’s point of diversion at a rate between 50 cfs and 25 cfs. In addition, Malacha proposes the temporary storage of water currently regulated in Collett Reservoir under Permit 20063, including potential diversions under the permit during the period authorized by an Order approving the proposed changes, to assist in supplementing the available flows in the Pit River when the flow is less than 25 cfs. Absent approval of this Petition, direct diversions under Permit 20063 would not occur at flows less than 50 cfs in the Pit River upstream of Malacha’s point of diversion; and approximately 6,050 AF of water currently regulated in Malacha’s Collett Reservoir under Permit 20063 would be released beginning on about April 7, 2014.

*2. The proposed change may be made without injury to any other lawful user of water.*

The proposed temporary relaxation of the minimum bypass flow requirement and temporary storage of water under Permit 20063 will not result in injury to any other lawful user of water. Malacha has discussed the proposed changes with representatives of the Pacific Gas & Electric Company (Bill Bunker, PG&E Hydro Area Manager, 530-335-5615); and based upon

these initial discussions, PG&E is not opposed to the proposed changes. Continued coordination between Malacha and PG&E will occur during 2014; and PG&E staff will be reviewing the proposed changes in additional detail.

In regard to the proposed relaxed bypass flow requirement, there are no water rights or claims on file with the Division for diversions between Malacha's existing point of diversion and the location of release from Malacha's Muck Valley Power Plant based on a review of the Division's Electronic Water Rights Information Management System (eWRIMS). The quantity of water proposed for diversion by Malacha as a result of the temporary relaxation in the bypass flow requirement would be beneficially used for non-consumptive power generation and released downstream. Although the proposed temporary relaxed bypass flow requirement may result in flows that are less than 50 cfs between Malacha's existing point of diversion and the location where water is returned to the Pit River following beneficial use at Malacha's Power Plant, which is located approximately 13 miles downstream of its point of diversion, water diverted will be returned to the Pit River. These releases will assist in supplementing the available flow in the Pit River for an additional period of time until storage in Collett Reservoir is depleted, as proposed in this Petition.

Relative to the temporary diversion of water to storage under Permit 20063, the State Water Resources Control Board's (State Water Board) Decision 940 dated November 12, 1959 concludes that "a direct diversion right can be converted to a storage right only to the extent there is no change in rate of diversion from the stream or in the period of the year during which the water is diverted." In addition, the Division identified in its Order WR 2009-0061 dated December 1, 2009 that "a change from a storage right to direct diversion (or vice-versa) is a change in what is done with water after it is diverted from the natural streamflow.... and therefore does not per se result in an expansion of a water right." Permit 20063 authorizes direct diversions from the Pit River during the entire year at a rate of up to 700 cfs. The physical capacity of Malacha's facility at the point of diversion is approximately 650 cfs. Therefore, the proposed temporary diversion of water to storage does not include any change to the period during which water would be diverted or to the rate of diversion of water from the Pit River.

Based on the above, there will be no adverse downstream effects and there will be no injury to other legal water users; in fact, the withdrawals from storage by Malacha will extend the period of instream flow downstream of the location at which water is returned to the Pit River during the period of the releases.

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses.

The letter from the CDFW identifies that "[i]n consideration of the severe drought, and the ability of the Project to retain water for later release to maintain flows in the Pit River, CDFW believes that any possible adverse impact of the proposed flow reduction from the Project diversion will be more than offset by the increase in river flow below the afterbay later in the

year.” Malacha concurs with CDFW that the proposed changes will not unreasonably effect fish, wildlife, or other instream beneficial uses; and, in fact, these uses are anticipated to benefit from the withdrawal and release from storage to supplement the flow in the Pit River during periods when the flow is less than 25 cfs at Malacha’s point of diversion.

4. The change is in the public interest.

The proposed temporary changes will preserve available water supplies for later release to assist in supplementing flows in the Pit River until storage in Collett Reservoir is depleted. The quantity of water diverted by Malacha will be released to generate power at its Muck Valley Power Plant and will continue to flow downstream for potential additional peak power generation at other downstream power facilities. Due to the drought conditions, hydroelectric power is anticipated to be reduced in 2014 as compared with other years; and thus, peak power generation at Malacha’s facility and downstream facilities will assist to meet the needs of power customers. The changes proposed by Malacha may extend the period of releases, as compared to the condition absent these releases. As a result, the potential extended period of releases may assist in the timing of downstream power generation and fish and wildlife benefits. The proposed temporary changes will optimize beneficial uses of water for power generation, including other downstream beneficial uses; and therefore, the proposed changes are in the public interest to preserve this water supply under the present drought conditions.

Conclusion

Based on the above, the proposed temporary changes meet the criteria for approving temporary urgency change requests. In addition, the temporary diversion of water from the Pit River over the proposed relaxed minimum bypass flow requirement will optimize the beneficial use of water under Malacha’s Permit 20063 while reducing the period of time when the flow in the Pit River is less than 25 cfs, as compared to the condition absent approval of this Petition, through releases of water held in storage.

## ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

### DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment No. 1

Insert the attachment number here, if applicable:

1

**Coordination with Regional Water Quality Control Board**

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: [http://www.waterboards.ca.gov/waterboards\\_map.shtml](http://www.waterboards.ca.gov/waterboards_map.shtml). Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

April 3, 2014

Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

Yes  No

Will a waste discharge permit be required for the project?

Yes  No

If necessary, provide additional information below:

Not Applicable.

Insert the attachment number here, if applicable:

**Local Permits**

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

Not Applicable.

For change petitions only, you should contact your local planning or public works department and provide the information below.

Person Contacted:  Date of Contact:

Department:  Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.  Yes  No

- Grading Permit       Use Permit       Watercourse       Obstruction Permit
- Change of Zoning       General Plan Change       Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.  Yes  No

If necessary, provide additional information below:

Not Applicable.

Insert the attachment number here, if applicable:

**Federal and State Permits** Not Applicable.

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board     Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams     California Coastal Commission
- State Reclamation Board     U.S. Army Corps of Engineers     U.S. Forest Service
- Bureau of Land Management     Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies.     Yes     No

For each agency from which a permit is required, provide the following information:

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
Not Applicable.				

If necessary, provide additional information below:

Not Applicable.

Insert the attachment number here, if applicable:

**Construction or Grading Activity**

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake?     Yes     No

If necessary, provide additional information below:

Not Applicable.

Insert the attachment number here, if applicable:

**Archeology**

Has an archeological report been prepared for this project? If yes, provide a copy.  Yes  No

Will another public agency be preparing an archeological report?  Yes  No

Do you know of any archeological or historic sites in the area? If yes, explain below.  Yes  No

If necessary, provide additional information below:

Not Applicable.

Insert the attachment number here, if applicable:

**Photographs** See Attachment No. 1

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

**Maps** See Attachment No. 1

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of rediversion, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

**All Water Right Holders Must Sign This Form:**

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated  at .

  
Water Right Holder or Authorized Agent Signature

Water Right Holder or Authorized Agent Signature

**NOTE:**

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

**Attachment No. 1**  
**to Environmental Information for**  
**Petition for Temporary Urgency Change to**  
**Permit 20063 (Application 28465)**  
**held by Malacha Hydro Limited Partnership**

**Description of Proposed Temporary Urgency Changes**

Malacha Hydro Limited Partnership (Malacha) is filing a Petition for Temporary Urgency Change (Petition) with the Division of Water Rights (Division) to request: 1) a temporary change to Term 16 of its Permit 20063 (Application 28465) for the purpose of relaxing the minimum bypass flow requirement from 50 cfs to 25 cfs, 2) authorization for the temporary storage of water under Permit 20063 within Malacha's existing Collett Reservoir. The purpose of these proposed temporary changes are to provide for the diversion of surface water from the Pit River when flows are over 25 cfs at Malacha's existing point of diversion; and to provide for temporary storage of diversions held in Collett Reservoir in order to preserve water for later release into the Pit River through Malacha's existing hydroelectric facility. Withdrawals from storage held in Collett Reservoir for power generation would assist to supplement the available flows in the Pit River during periods when the flows, absent the proposed releases, would be less than 25 cfs.

Malacha proposes these changes be effective upon approval of the Petition for a period of up to 180 days, with a potential extension until November 1, 2014. This proposed period is identified in order to provide operational flexibility; however, based on historical flows in the Pit River, the releases from storage may be complete by approximately the end of May or June 2014. There is no change to the existing point of diversion, place of use, or purpose of use. In addition, the proposed temporary changes do not involve any construction or other physical changes to Malacha's facilities. Absent approval of this Petition, direct diversions under Permit 20063 would not occur at flows less than 50 cfs in the Pit River upstream of Malacha's point of diversion; and approximately 6,050 AF of water currently regulated in Malacha's Collett Reservoir under Permit 20063 would be released beginning on about April 7, 2014.

Central Valley Regional Water Quality Control Board (CVRWQCB) staff were contacted in order to discuss the proposed temporary urgency changes; however, a consultation has not occurred at this time. Copies of this petition have been provided to Elizabeth Lee (916-464-4787) of the CVRWQCB Sacramento Office and Angela Wilson (530-224-4856) of the CVRWQCB Redding Office.

Relative to CEQA, Malacha anticipates the Division will issue a Notice of Exemption following approval of the proposed changes requested by the Petition.

### **Photographs**

The present point of diversion and existing facilities are well known and documented in the Division's files for Permit 20063. In addition, the present place of use is also well known and documented with the Division. Therefore, for these reasons, photographs of the point of diversion and place of use are not included; however, these are incorporated herein by reference.

### **Maps**

The present point of diversion and place of use are shown on maps filed with the Division for Permit 20063, which are incorporated herein by reference.