



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JAN 22 2015

In Reply Refer to:
GSB:A005634X01

Nevada Irrigation District
c/o Mr. Remleh Scherzinger
General Manager
1036 W. Main Street
Grass Valley, CA 95945

Dear Mr. Scherzinger:

ACCEPTANCE AND ENVIRONMENTAL REVIEW PROCESS FOR STATE-FILED WATER RIGHT APPLICATION 5634X01 OF NEVADA IRRIGATION DISTRICT TO APPROPRIATE WATER FROM BEAR RIVER IN NEVADA COUNTY

Nevada Irrigation District's (NID) petition for partial assignment of state-filed application (SFA) 5634 with the accompanying application to appropriate water from the Bear River has been accepted and assigned application number 5634X01. With Application 5634X01, NID requests diversion of up to 221,400 acre-feet annually (afa) from the Bear River. NID also filed a petition to change SFA 5634 to conform to the project originally proposed by Application 5634X01. Following are the required steps you will need to take before the State Water Resources Control Board (State Water Board), Division of Water Rights (Division), can continue processing your water right application.

Applicants who divert water using facilities subject to this application prior to permit issuance (except as noted on the following web site) are required to file a Statement of Water Diversion and Use and report annual water diversion and use. For more information, please visit this web site: http://www.waterboards.ca.gov/waterrights/water_issues/programs/diversion_use/

Fees

All initial filing fees have been paid in full. In addition to the initial filing fees all active applications, petitions, permits and licenses may be subject to annual fees. If a fee is required, the Division will calculate the annual fee, and the State Board of Equalization will send you a Notice of Determination requesting payment. For more information, please visit this web site: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/

Environmental Review

The State Water Board, as Responsible Agency under the California Environmental Quality Act (CEQA), would like the opportunity to provide preliminary comments on your administrative draft environmental document. Please provide the Division a short report or email every 90 days that provides an update on the Lead Agency's progress in preparing the environmental document.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov

Receipt of these reports will keep us informed and provide the ongoing documentation necessary to evaluate whether the water right application is being diligently pursued.

In addition to any consideration under CEQA, the Division must consider the effect of the proposed project on public trust resources and where feasible, avoid or minimize harm to those resources. Public trust resources may include, but are not limited to, wildlife, fish, aquatic dependent species, streambeds, riparian areas, tidelands, and recreation. Similarly, the Division may require environmental analysis needed to demonstrate compliance with applicable requirements of the Water Code, the Fish and Game Code or the Federal Endangered Species Act. You are responsible for all costs related to the environmental evaluation and preparation of public trust documents.

Availability of Unappropriated Water

Before the State Water Board can issue a water right permit, it must find that there is unappropriated water available to supply the applicant. (Wat. Code, § 1375, subd. (d).) In addition, in determining the amount of water available for appropriation for other beneficial uses, the State Water Board must take into account, whenever it is in the public interest, the amounts of water required for recreation and the preservation and enhancement of fish and wildlife resources. (Wat. Code, § 1243.) As part of this process, you must provide information to the State Water Board in order to support a finding that there is unappropriated water available to supply this project, and, if necessary, determine whether the total diversion demand in the project watershed, including your proposed diversion, may cause a significant adverse impact to public trust resources. To meet these requirements, you must prepare and submit a Water Availability Analysis.

Professional Consultants

You are responsible for completing the technical activities required for your water right application including those listed above and any other activities necessary to complete the Division's environmental review or protest resolution. These technical activities may require that you hire qualified engineering and environmental consultants. They will analyze the project watershed and, if necessary, recommend specific project modifications or actions (mitigation measures) to: 1) prevent your project from contributing to significant cumulative impacts on aquatic resources (including anadromous fisheries, if applicable) in the watershed; 2) prevent your project from causing or contributing to other significant environmental impacts; and 3) resolve protests against the project. If required, you or your environmental consultant(s) must prepare the appropriate CEQA documents and/or an evaluation of impacts on public trust resources. A list of environmental and engineering consultants who are familiar with the preparation of water rights analyses and environmental analysis documents is available at this web site:

http://www.waterboards.ca.gov/waterrights/board_info/contacts.shtml

Pursuant to Water Code section 1275 please submit to the Division within 120 days from the date of this letter a short report or email that provides an update on the Lead Agency's progress in preparing the environmental document, and every 90 days thereafter.

Greg Brown is the staff person presently assigned to this matter, and he may be contacted at (916) 323-1847 or greg.brown@waterboards.ca.gov. Written correspondence or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Greg Brown, P.O. Box 2000, Sacramento, CA, 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Scott McFarland, Senior
Inland Streams Unit
Division of Water Rights