

**Wagner & Bonsignore**  
Consulting Civil Engineers, A Corporation

KDM  
22318  
23710  
17913

A017913

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen  
Andrew T. Barnbauer, P.E.  
David M. Houston, P.E.  
Ryan E. Stolfus

December 28, 2006

2006 DEC 28 PM 1:51  
SACRAMENTO  
STATE WATER RESOURCES CONTROL BOARD

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

**Re: City of Santa Cruz**  
**Petitions for Extension of Time for Permits 16123 and 16601 (Applications 22318 and 23710, respectively)**  
**Petitions for Change in Method of Diversion for License 9847 (Application 17913) and Permits 16123 and 16601 (Applications 22318 and 23710, respectively)**

Dear Ms. Whitney:

On behalf of the City of Santa Cruz, we are submitting Petitions for Extension of Time and Petitions for Change in Method of Diversion for the referenced License and Permits. The City is seeking an Extension of Time for its Permits 16123 and 16601 in order to have additional time to put all of the water under Permit to beneficial use. The City's water service area is not built-out and more water than that perfected will be required to meet municipal demands in the future.

The City is also filing Petitions to add direct diversion as a method of diversion for its License 9847, and Permits 16123 and 16601. The License and Permits currently allow for diversion to storage only. The City seeks this change in order to conform its rights to match historical and current operations of its diversion facilities on the San Lorenzo River and Newell Creek. The lack of direct diversion for these rights was an oversight at the time the original applications were filed and these Petitions seek to correct that oversight. There will be no change in the amount of water allowed to be diverted, the rate or season of diversion, or points of diversion. No new facilities or any other construction activities are associated with the project named in the Petitions.

Ms. Victoria Whitney

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The City is preparing a Mitigated Negative Declaration in support of these Petitions. When completed, a copy will be provided to the Division of Water Rights. In accordance with Water Code Section 1701.2, the environmental document will address potential impacts to fish and wildlife and set forth appropriate mitigation measures. Preliminary analysis indicates that the changes proposed will result in little impact to existing streamflows or the annual runoff amounts in the subject watercourses. Mitigation measures proposed are expected to mitigate any potential impacts to a less than significant level.

Enclosed are the executed Petitions, the Environmental Information forms, site photographs and the required filing fees which are set forth below:

**State Water Resources Control Board**

Permit 16123 – Petition for Extension of Time:	\$1,000
Petition for Change:	\$1,897
Permit 16601 – Petition for Extension of Time:	\$1,000
Petition for Change:	\$1,897
License 9847 – Petition for Change:	\$2,677

**Department of Fish & Game**

Environmental Fee:	\$850
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Please contact me if you have any questions regarding the enclosed Petitions.

Very truly yours,

WAGNER & BONSIGNORE  
CONSULTING CIVIL ENGINEERS

  
Paula J. Whealen

Encl.

cc:

Bill Kocher, City of Santa Cruz (w/ encl)  
Terry Tompkins, City of Santa Cruz (w/o encl)  
Martha Lennihan (w/ encl)  
Robert Floerke, Department of Fish & Game, Region III (w/ encl)

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# State Water Resources Control Board

Division of Water Rights  
901 P Street · Sacramento, California 95814 · (916) 657-0765  
Mailing Address: P.O. Box 2000 · Sacramento, California · 95812-2000  
FAX (916) 657-1485 · Web Site Address: <http://www.swrcb.ca.gov>  
Division of Water Rights: <http://www.waterrights.ca.gov>

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DIVISION OF WATER RIGHTS  
SACRAMENTO

## PETITION FOR CHANGE (WATER CODE 1700)

Change in Method of Diversion  
 Point of Diversion,  Point of Rediversion,  Place of Use,  Purpose of Use  
Application No. 17913 Permit No. 11618 License No. 9847 Statement or Other No. \_\_\_\_\_

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: Point of Diversion from Newell Creek at Newell Dam located S 3,800' and E 1,230' from NW corner of Section 34, being within the NW¼ of SW¼ of Section 34, T9N, R2W, MDB&M for collection to storage in Loch Lomond Reservoir.

Proposed: 1) Point of Direct Diversion from Newell Creek at Newell Dam S 3,800' and E 1,230' from NW corner of Section 34, being within the NW¼ of SW¼ of Section 34, T9N, R2W, MDB&M.

2) Point of Diversion from Newell Creek at Newell Dam located S 3,800' and E 1,230' from NW corner of Section 34, being within the NW¼ of SW¼ of Section 34, T9N, R2W, MDB&M for collection to storage in Loch Lomond Reservoir.

**Place of Use** (If irrigation then state number of acres to be irrigated within each 40-acre tract.)

Present

Proposed unchanged

**Purpose of Use**

Present

Proposed unchanged

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

- ◆ GIVE REASON FOR PROPOSED CHANGE: Increase operational flexibility and conform water rights to actual conditions.
- ◆ WILL THE OLD POINT OF DIVERSION OR PLACE OF USE BE ABANDONED? No
- ◆ WATER WILL BE USED FOR municipal PURPOSES.

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of? Ownership

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Not applicable. Points of return flow will remain the same.

12/28/06  
\$ 2677.00  
\$ 1250.00

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

N/A

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

See SWRCB files for those parties located downstream from Point of Diversion.

**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 DEC 21, 2006, at Santa Cruz, California



Signature(s)

831-420-5200

Telephone No.

NOTE: A \$1,000 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.



**ENVIRONMENTAL INFORMATION FOR PETITIONS**

**2. COUNTY PERMITS**

a. Contact your county planning or public works department and provide the following information:

Person contacted: N/A Date of contact: \_\_\_\_\_

Department: Public Works Telephone: ( 831 ) 454-2160

County Zoning Designation: N/A

Are any county permits required for your project?  YES  NO If YES, check appropriate box below:

Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning

General plan change  Other (explain): \_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. \_\_\_\_\_

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS**

a. Check any additional state or federal permits required for your project:

Federal Energy Regulatory Commission  U.S. Forest Service  Bureau of Land Management

Soil Conservation Service  Dept. of Water Resources (Div. of Safety of Dams)  Reclamation Board

Coastal Commission  State Lands Commission  Other (specify) \_\_\_\_\_

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

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. \_\_\_\_\_

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake?  YES  NO

If YES, explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

See Attachment No. \_\_\_\_\_

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Linda Hanson, Region III

**4. ENVIRONMENTAL DOCUMENTS**

- a. Has any California public agency prepared an environmental document for your project?  YES  NO  
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: City of Santa Cruz
- b. If NO, check the appropriate box and explain below, if necessary:
- The petitioner is a California public agency and will be preparing the environmental document.\*
  - I expect that the SWRCB will be preparing the environmental document.\*\*
  - I expect that a California public agency other than the State Water Resources Control Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

See Attachment No. 2

\* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the SWRCB, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

\*\* Note: CEQA requires that the SWRCB, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the SWRCB, Division of Water Rights.

**5. WASTE/WASTEWATER**

- a. 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

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

See Attachment No. \_\_\_\_\_

- b. Will a waste discharge permit be required for your project?  YES  NO

Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_

- c. What method of treatment and disposal will be used? \_\_\_\_\_

See Attachment No. \_\_\_\_\_

**6. ARCHEOLOGY**

- a. Have any archeological reports been prepared on this project?  YES  NO \*
- b. Will you be preparing an archeological report to satisfy another public agency?  YES  NO \*
- c. Do you know of any archeological or historic sites located within the general project area?  YES  NO \*

ENVIRONMENTAL INFORMATION FOR PETITIONS

If YES, explain: \*The Mitigated Negative Declaration being prepared for this  
project addresses the issues associated with cultural resources.

See Attachment No. \_\_\_\_\_

**7. ENVIRONMENTAL SETTING**

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments 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: Dec. 21, 2006

Signature: 