



PARADISE IRRIGATION DISTRICT

Summary of Water Rights and Pending Actions

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Sources of Water and Claims of Right

Water Rights 101

Surface Water

- Surface water flowing in a natural channel, generally above ground. Subject to the surface water laws of appropriation including:
 - Permit from the State Water Resources Control Board (SWRCB)
 - Claim of a riparian right
 - Pre-1914 appropriation

Subterranean Stream Flow (also regulated as 'surface water')

- Water flowing underground in “known and definite channels.” Subject to surface water laws of appropriation including:
 - Permit from the SWRCB
 - Claim of riparian right
 - Pre-1914 appropriation

Groundwater

- Water not bounded within a subterranean stream. Generally unregulated by the SWRCB. Can include springs.

California's Dual System of Surface Water Rights

Appropriative Rights - System of Prior Appropriation

“First in time, first in right”

Riparian Rights – Property right based on location of source to lands served.

“Correlative with other riparian users on system”

California's Dual System of Surface Water Rights

Pre-1914 Appropriation

- Must have commenced project development prior to December 1914
- Some parameters of Pre-1914 Appropriations can be modified (Water Code section 1706) *without* State Water Board approval

Appropriation by Permit (post-1914)

- Regulated by the State Water Resources Control Board
- Some parameters of Permits can be modified via Petition process *with* State Water Board approval

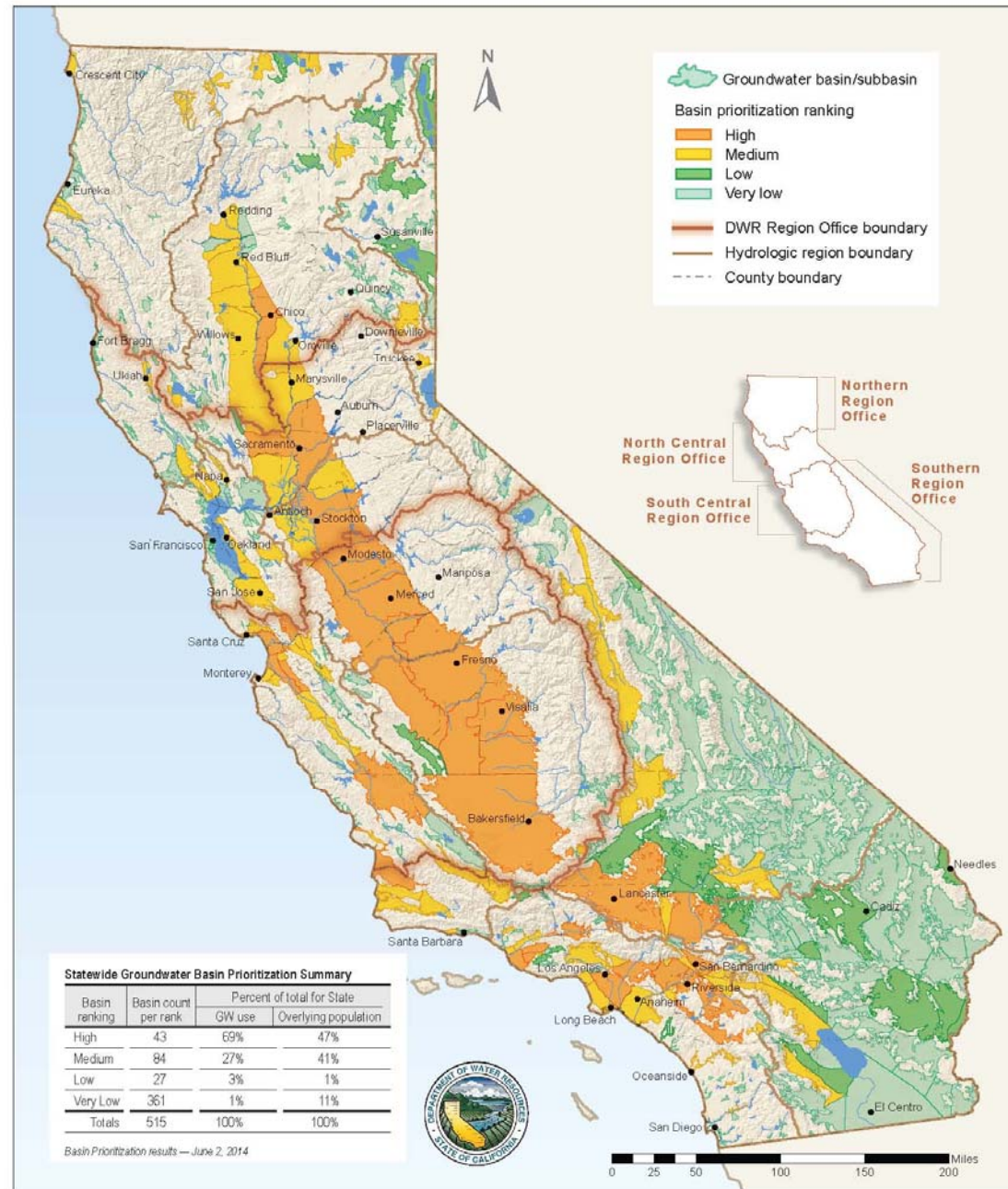
Percolating Groundwater

- Diversion of groundwater does not require regulatory approval
 - *exception for diversion from subterranean streams*
 - *exception for diversion of groundwater in certain counties*
- Landowners can pump water from under property for use on overlying lands
- Groundwater can be appropriated – used away from overlying land
 - *exception for diversion from over-drafted basins*
 - *exception for diversion of groundwater in certain counties*

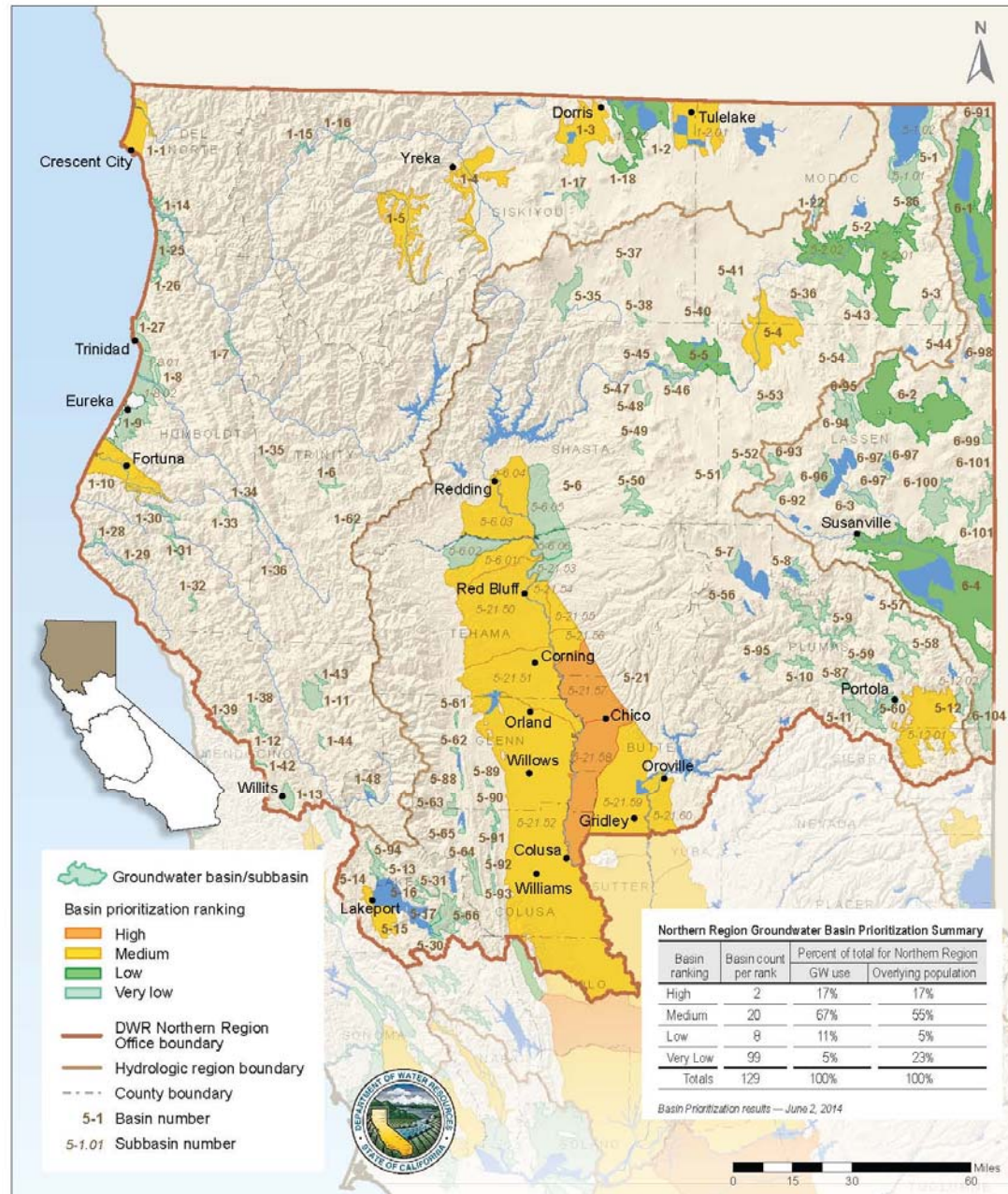
California Sustainable Groundwater Management Act (SGMA)

- First regulatory structure addressing sustainability of a groundwater basin
- Department of Water Resources identified basins subject to SGMA and the schedule for compliance based on current status of basin
- 515 Basins (26 Basins are already regulated & excluded from Act)
- PID is not within a designated basin and therefore has no compliance issues with SGMA at this time.

CASGEM Groundwater Basin Prioritization



CASGEM Groundwater Basin Prioritization — Northern Region



Paradise Irrigation District's Water Rights

Butte Creek Adjudication - Surplus Class
(Based on Butte Creek Adjudication March 1940)

Pre-1914 Appropriative Right –
Statement of Water Diversion and Use No. S008459

Amount: 8 cubic feet per second (about 3,600 gallons per minute)
Rate not to exceed 4.5 cfs at place of use

Source: Butte Creek at Magalia Dam
(direct diversion only – not storage)

Purpose: Domestic, stockwatering & irrigation

Place of Use: 11,250 acres within PID boundaries

- **PID's most senior right**
- **PID must report its first 8 cfs of use under this pre-1914 right**

Paradise Irrigation District's Water Rights

Water Right Permit 271 (Application A000476)

Priority of Right: 1916

Beneficial Use Date: December 31, 2007

Permit Amounts: 9,500 acre-feet diversion to storage

6,700 acre-feet allowed in Paradise Reservoir

2,800 acre-feet allowed in Magalia Reservoir

Diversion Season: Year Around

Purpose of Use: Municipal, Irrigation , Industrial & Recreation

Place of Use: 11,100 acres within PID boundaries

- **This right provides for the storage in Paradise and Magalia Reservoirs**
- **Time to make full use of the water expired in 2007**

Paradise Irrigation District's Water Rights

Water Right Permit 16040 (Application A022061)

Priority of Right: 1965

Beneficial Use Date: December 31, 2007

Permit Amount: 8,800 acre-feet for storage in Paradise Reservoir

Diversion Season: October 1 to May 31

Purpose of Use: Municipal, Industrial & Recreation

Place of Use: 11,100 acres within PID boundaries

- **This right provides for additional storage in Paradise Reservoir**
- **Time to make full use of the water expired in 2007**
- **Permit 16040 is limited by Term 91:** *Sacramento-San Joaquin River Delta watershed condition. Diversions under Permit 16040 can be curtailed when Central Valley Project & State Water Project release water to satisfy in-basin entitlements in the Delta.*
- **No water has been diverted to date under Permit 16040 (all diversions made under Permit 271)**

Pending Petitions filed on Permit 271 in 2007

Permit 271 (A000476)

License has been requested for the following amounts:

- Maximum storage amount for Paradise: 6,700 acre-feet
- Maximum storage amount for Magalia: 2,800 acre-feet*

**Current Division of Safety of Dams maximum storage: 800 acre-feet*

- Maximum Annual Beneficial Use: 7,291 acre-feet**

***Includes 725 acre-feet of conservation*

- Addition of Direct Diversion as a Method of Diversion
- Addition of Point of Diversion for Raw Water Bypass Facility
- Addition of Hydropower at a Purpose of Use

- Change in Place of Use to include 35,000 acres***

****Includes Del Oro Water Company's Limesaddle, Paradise Pines and Magalia Districts*

Pending Petitions filed on Permit 16040 in 2007

Permit 16040 (A022016)

- Petition for Extension of Time seeks 25 additional years (from time of issuance) in which to increase storage at Paradise Reservoir and restore storage at Magalia Reservoir
- Petition seeks an amount taken from the source (direct diversion plus collection to storage) not to exceed 8,800 acre-feet per year
- Total ultimate storage capacity of Paradise and Magalia Reservoirs under both Permits not to exceed 18,300 acre-feet*
- Addition of Direct Diversion as a Method of Diversion
- Addition of Point of Diversion for Raw Water Bypass Facility
- Addition of Hydropower at a Purpose of Use
- Change in Place of Use to include 35,000 acres***

***Includes Del Oro Water Co. Limesaddle, Paradise Pines and Magalia Districts

Environmental Review for Pending Petitions

California Environmental Quality Act (CEQA) is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

- In 2010, PID circulated a Notice of Preparation of an Environmental Impact Report (EIR) and Draft Initial Study in connection with the 2007 water right Petitions
- During the public comment period, comments on the Draft Initial Study were received from:
 - Butte Creek Canyon Residents
 - Butte Environmental Council
 - California Department of Fish & Wildlife
 - Del Oro Water Company
 - Friends of Butte Creek
 - Native American Heritage Commission

Status of Environmental Review

- After consultation with State Water Board staff, PID made amendments to original 2007 Petitions to include a Request for License for Permit 271. Changes in place of use and beneficial use amounts were also made to the project.
- PID prepared detailed documentation on beneficial use and maximum annual direct diversions and diversions to storage amounts and have been given preliminary concurrence from State Water Resources Control Board staff.
- DeNovo Planning Group (environmental consultant) is revising the project description to incorporate changes, and is corresponding with Stillwater Sciences, US Fish & Wildlife Service, and California Department of Fish & Wildlife to determine whether additional studies are needed.

Next Steps

- PID to recirculate Notice of Preparation of EIR – proposed for final quarter of 2018
- State Water Resources Control Board to issue Public Notice of Petitions on Permits 271 and 16040 – proposed for mid-to-end of 2018
- Sphere of Influence changes to be approved by LAFCO – after EIR circulation
- Respond to comments on environmental document and any protests filed against water right Petitions - 2019
- PID to adopt EIR - 2019
- State Water Resources Control Board to issue Orders on Petitions - 2019

Wagner & Bonsignore Engineers - Who are we?

Wagner & Bonsignore is a multi-disciplined civil engineering firm specializing in water resources and water right issues throughout California. The firm's expertise includes hydrology, design of dams and conveyances, permitting across multi-agency jurisdictions involving water rights, water quality, and environmental mitigation. The firm conducts investigations for property acquisitions, dispute resolution and administrative enforcement actions.

Founding Partners Robert C. Wagner, Nicholas F. Bonsignore and Paula J. Whealen have been involved in various aspects of water resource investigations, planning, design, construction, administrative hearings, water right adjudications, litigation and expert testimony for clients and projects throughout the State of California.

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Questions?