

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Butte

From: (Public Agency): Paradise Irrigation District (PID)
6332 Clark Road
Paradise, CA 95969
(Address)

Project Title: Licensing PID's Water Right Permit 271 (Application 476)

Project Applicant: Paradise Irrigation District

Project Location - Specific:

See Attachment 1, including the Map attached as Exhibit "A" to Attachment 1

Project Location - City: Paradise Project Location - County: Butte

Description of Nature, Purpose and Beneficiaries of Project:
See Attachment 1

Name of Public Agency Approving Project: Paradise Irrigation District

Name of Person or Agency Carrying Out Project: Paradise Irrigation District

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number: See Attachment 1
Statutory Exemptions. State code number:

Reasons why project is exempt:
See Attachment 1

Lead Agency
Contact Person: Tom Lando Area Code/Telephone/Extension: (530) 877-4971

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Signature] Date: June 17, 2024 Title: District Manager

Signed by Lead Agency Signed by Applicant

ATTACHMENT 1

**Attachment 1
to Notice of Exemption
for Licensing PID's Water Right Permit 271 (Application 476)**

Project Location – Specific

Paradise Irrigation District (PID) is located in and around the Town of Paradise, California, within Butte County. PID owns and operates a municipal water system, including water rights, reservoirs, a treatment plant, a treated water storage and distribution system to provide drinking water to PID's customers. One of PID's water rights is a permit issued by the State Water Resources Control Board known as Permit 271 (Application 476).

Attached as Exhibit A is a map of PID's current water right place of use under PID's Permit 271 and proposed minor adjustments to its place of use to conform the place of use to existing water deliveries. Exhibit A also depicts Paradise Dam (*Latitude: 39.8515, Longitude: -121.5766*) and Reservoir that are located on Little Butte Creek, north of the Town of Paradise in Butte County, California. The stored water is released from the reservoir and flows down Little Butte Creek to the diversion dam where the Raw Water Bypass pipeline is located, and water is piped to the treatment plant. Any water that does not flow into the bypass pipeline at the diversion dam flows downstream into Magalia Reservoir. Magalia Dam (*Latitude: 39.8146, Longitude: -121.5844*) and Reservoir are located on Little Butte Creek, north of the Town of Paradise in Butte County, California.

Description of Nature, Purpose and Beneficiaries of Project

PID seeks changes to its Permit 271 (A000476) to conform it to existing operations and to confirm full beneficial use. Permit 271 has a priority date of September 21, 1916, for development of Magalia Reservoir and Paradise Reservoir to serve municipal, industrial and irrigation water to lands within PID, and recreation at the Reservoirs. Permit 271 was issued a year around diversion season.

PID is filing an amended Petition for Change with the State Water Resources Control Board (State Water Board) seeking to conform its Permit 271 to its existing operations and request issuance of a license for Permit 271. No new development, construction, or change in historic utilization or operation of PID's Reservoirs is sought or required. All facilities and infrastructure were completed at the time full beneficial use under Permit 271 was made, which was over twenty years ago.

Changes being sought by PID to conform licensing terms to existing operations and practices that will be set forth in an amended Petition for Change submitted to the State Water Board. In summary, those conforming changes are as follows:

- License the amount of water perfected under Permit 271. A backward-looking extension of time is required to the year of maximum use for diversion to storage, withdrawal from storage, and direct diversion, all which occurred over twenty years ago.
- Add PID's existing Raw Water Bypass as a point of diversion and rediversion on a diversion dam in Little Butte Creek (between Paradise Lake and Magalia Reservoir) to convey water released from Paradise Reservoir direct to the headworks of PID's water treatment plant. Construction of this diversion facility was the subject of a 2007 mitigated negative declaration under the California Environmental Quality Act and the facility was constructed, is complete, and is operational.
- Add hydropower as a purpose of use for an existing 6-kilowatt hydropower generator at the outlet of Paradise Reservoir.
- Add direct diversion as a method of diversion to conform with historical use (since 1917) and current operations. Since the time the Reservoirs were constructed, PID's operations have included direct diversion of water during certain times of the year. It is PID's opinion that Permit 271 allowed direct diversion, as it had operated in that manner since the time the Reservoirs were constructed. Upon learning that direct diversion was not specifically included in its Permit 271, PID notified the State Water Board in Petitions filed in 2012. PID believes it was an oversight that direct diversion was not originally included.
- Add certain lands adjacent to PIDs permitted place of use that have been and are currently being served by PID, such as its water treatment plant immediately downstream of Magalia Reservoir.

In its amended Petition for Change to the State Water Board, PID proposes the following terms for its license on Permit 271:

- 1) Point of Direct Diversion and Diversion to Storage: Magalia Reservoir and Paradise Reservoir.
- 2) Point of Diversion and Rediversion: Magalia Reservoir and Raw Water Bypass Dam.

- 3) Season of Direct Diversion: March 1 through November 30.
- 4) Rate of Direct Diversion: 11.37 million gallons/day or 17.6 cubic feet per second
- 5) Season of Diversion to Storage: January 1 through December 31.
- 6) Purpose of Use: Municipal, Irrigation, Hydropower and Industrial; and Recreation (at Magalia and Paradise Reservoirs).
- 7) Place of Use: The existing service areas of Paradise Irrigation District as shown on the map on file with State Water Board and attached as Exhibit A.
- 8) The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed 9,500 acre-feet per annum.
- 9) The total amount of water placed to beneficial use (direct diversion plus withdrawal from storage) shall not exceed 7,291 acre-feet per annum (which includes 725 acre-feet of conservation).
- 10) The capacity of Magalia Reservoir under this License is limited to 800 acre-feet until such time that the Deputy Director of Water Rights confirms that the Department of Water Resources Division of Safety of Dams has allowed the restoration of storage capacity up to 2,800 acre-feet. The capacity of Paradise Reservoir under this License is limited to 11,498 acre-feet.
- 11) The capacity of Paradise Reservoir and Magalia Reservoir under this License together with that allowed under Permit 16040 (Application 22061) shall not exceed 18,300 acre-feet.
- 12) Rights under this License are, and shall be, subject to existing rights determined by the Butte Creek Adjudication, Superior Court, Butte County, No. 18917 insofar as said adjudicated rights are maintained and such other rights as may presently exist.

Water appropriation in California requires an intent to apply water to beneficial use; an actual diversion; and application of the water to beneficial use within a reasonable time. (See, e.g., *Simons v. Inyo Cerro Gordo Mining & Power Co.* (1920) 48 Cal.App. 524.) Appropriation consists of a series of acts which taken together make the right perfect. (*Thompson v. Lee* (1857) 8 Cal. 275.) PID applied for and obtained Permit 271, thereafter constructed Paradise Lake and Magalia Reservoir (among other facilities), and has now applied water to full beneficial use. The final step in the appropriation process – licensing – is now appropriate and necessary to perfect PID's water right.

The beneficiaries of PID's efforts to license Permit 271 include PID, PID's customers, the environment, and others that utilize or benefit from water within PID's service area and sphere of influence. PID's Permit 271 is one of the oldest, if not the oldest, permitted (un-licensed) water right in California with a priority date of 1916. It is important to PID and other beneficiaries to solidify PID's water right by licensing Permit 271.

Reasons Why the Project is Exempt

To satisfy the California Environmental Quality Act (CEQA), PID following a public hearing is adopting a notice of exemption utilizing the following exemptions:

- Ongoing projects approved before the November 23, 1970 enactment of CEQA (14 Cal. Code Regs. § 15261);
- Licensing of existing facilities (14 Cal. Code Regs. § 15301);
- Licensing is not a "project" under CEQA (Pub. Res. Code §§ 21080(a), 21065); and
- Common sense exemption (14 Cal. Code Regs. § 15061(b)(3)).

Ongoing Project: Magalia Reservoir and Paradise Lake were constructed and became operational prior to CEQA's enactment on November 23, 1970. No construction associated with either Reservoir is contemplated. Similarly, operations of the two Reservoirs will remain consistent with historical operations using Permit 271.

Licensing of Existing Facilities: Magalia Reservoir and Paradise Lake are existing facilities operating under PID's water rights, including Permit 271. Licensing Permit 271 will involve no change in operations of these existing facilities.

Not a CEQA "Project": Licensing Permit 271 is not a CEQA "project" because such licensing is not an activity that may cause a direct or reasonably foreseeable indirect physical environmental change. (Pub. Res. Code § 21065.)

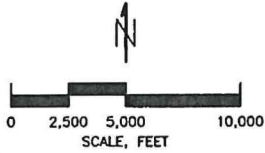
Common Sense Exemption: There is no possibility that licensing Permit 271 has a significant effect on the environment given the licensing conforms to existing water usage and operations of PID's facilities that have occurred historically under Permit 271.

There may be additional or alternative exemptions under CEQA and PID reserves the right to rely on those exemptions if necessary.

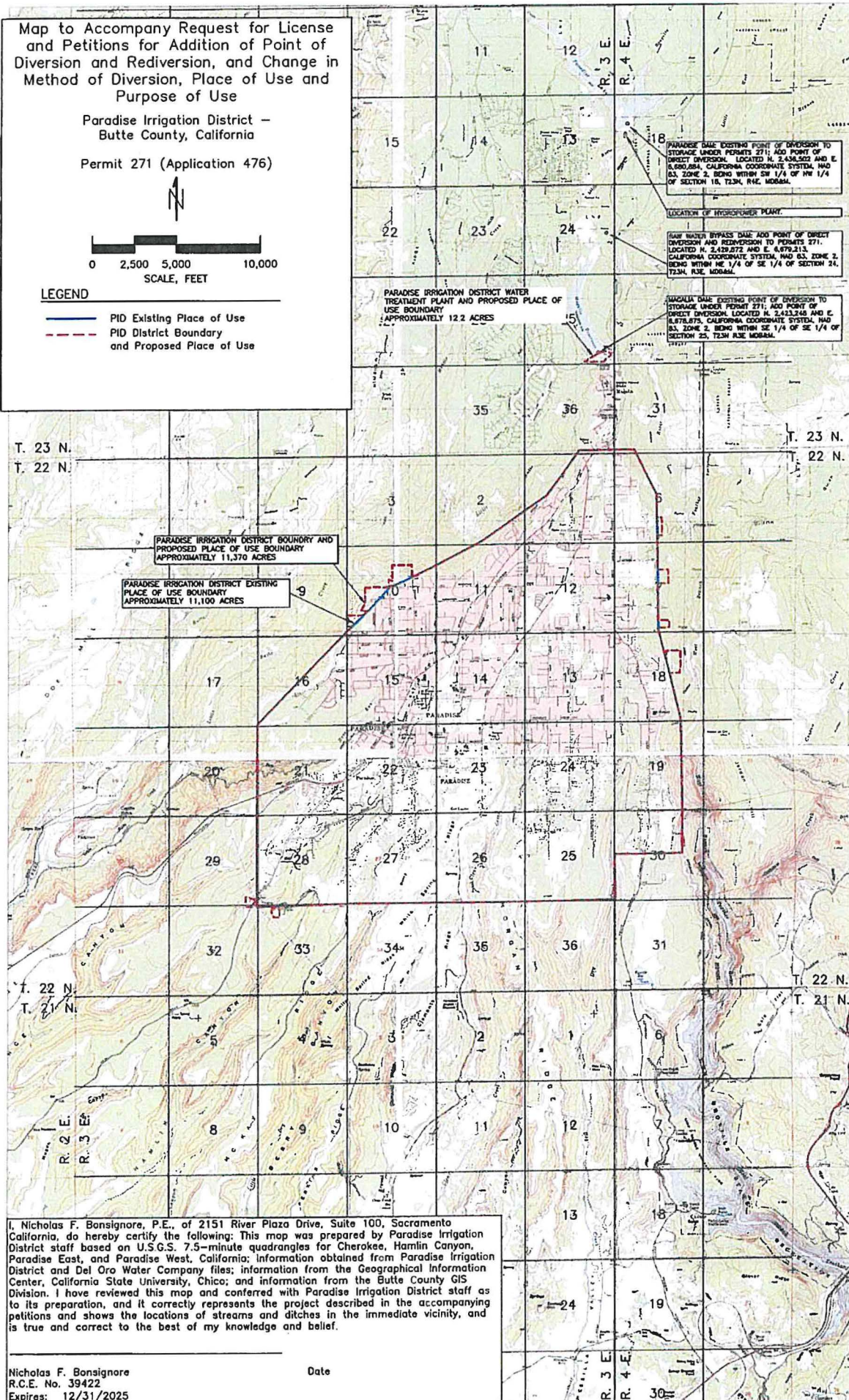
BASE MAP

Map to Accompany Request for License and Petitions for Addition of Point of Diversion and Rediversion, and Change in Method of Diversion, Place of Use and Purpose of Use

Paradise Irrigation District –
Butte County, California
Permit 271 (Application 476)



- LEGEND**
- PID Existing Place of Use
 - PID District Boundary and Proposed Place of Use



PARADISE DAM EXISTING POINT OF DIVERSION TO STORAGE UNDER PERMIT 271; ADD POINT OF DIRECT DIVERSION. LOCATED N. 2,438,502 AND E. 8,660,884, CALIFORNIA COORDINATE SYSTEM, HAD BS. ZONE 2, BEING WITHIN SW 1/4 OF NE 1/4 OF SECTION 18, T23N, R4E, M084M.

LOCATION OF HYDROPOWER PLANT.

DAVE WAZEN BYPASS DAM AND POINT OF DIRECT DIVERSION AND REDIVERSION TO PERMITS 271. LOCATED N. 2,429,272 AND E. 8,679,213, CALIFORNIA COORDINATE SYSTEM, HAD BS. ZONE 2, BEING WITHIN NE 1/4 OF SE 1/4 OF SECTION 24, T23N, R3E, M084M.

PARADISE IRRIGATION DISTRICT WATER TREATMENT PLANT AND PROPOSED PLACE OF USE BOUNDARY. APPROXIMATELY 12.2 ACRES

MAGALLA DAM EXISTING POINT OF DIVERSION TO STORAGE UNDER PERMIT 271; ADD POINT OF DIRECT DIVERSION. LOCATED N. 2,423,348 AND E. 8,678,875, CALIFORNIA COORDINATE SYSTEM, HAD BS. ZONE 2, BEING WITHIN SE 1/4 OF SE 1/4 OF SECTION 25, T23N, R3E, M084M.

PARADISE IRRIGATION DISTRICT BOUNDARY AND PROPOSED PLACE OF USE BOUNDARY. APPROXIMATELY 11,370 ACRES

PARADISE IRRIGATION DISTRICT EXISTING PLACE OF USE BOUNDARY. APPROXIMATELY 11,100 ACRES

I, Nicholas F. Bonsignore, P.E., of 2151 River Plaza Drive, Suite 100, Sacramento California, do hereby certify the following: This map was prepared by Paradise Irrigation District staff based on U.S.G.S. 7.5-minute quadrangles for Cherokee, Hamlin Canyon, Paradise East, and Paradise West, California; information obtained from Paradise Irrigation District and Del Oro Water Company files; information from the Geographical Information Center, California State University, Chico; and information from the Butte County GIS Division. I have reviewed this map and conferred with Paradise Irrigation District staff as to its preparation, and it correctly represents the project described in the accompanying petitions and shows the locations of streams and ditches in the immediate vicinity, and is true and correct to the best of my knowledge and belief.

RESOLUTION NO. 2024-07
A RESOLUTION OF THE BOARD OF DIRECTORS OF PARADISE IRRIGATION DISTRICT
FINDING THE LICENSING OF PARADISE IRRIGATION DISTRICT'S
WATER RIGHT PERMIT 271 (APPLICATION 476) EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND AUTHORIZING OTHER ACTIONS

WHEREAS, Paradise Irrigation District (PID) owns and operates a municipal water system, including water rights, reservoirs, a treatment plant, a treated water storage and distribution system to provide drinking water to PID's customers; and

WHEREAS, one of PID's water rights necessary for its operation is Permit 271 (Application 476) with a priority date of 1916; and

WHEREAS, PID has applied water diverted under Permit 271 to beneficial use and has now completed actions necessary to perfect Permit 271 and request licensure from the State Water Resources Control Board; and

WHEREAS, licensing Permit 271 will not result in any construction or changes in operations of PID's Paradise Lake, Magalia Reservoir, Raw Water Bypass, or any other existing PID facilities; and

WHEREAS, licensing Permit 271 is not an activity that may cause direct or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, licensing Permit 271 has no possible significant environmental effect given licensing conforms to existing water usage and operations of PID facilities that have occurred historically under Permit 271;

WHEREAS, PID duly called and held a public meeting on June 17, 2024 to conduct a public hearing to receive public comment on PID's proposed notice of exemption under CEQA related to licensing Permit 271; and

WHEREAS, in light of the foregoing, including consideration of comments, licensing Permit 271 is either not a "project" under the California Environmental Quality Act (CEQA), or is an exempt project under CEQA; and

WHEREAS, PID's notice of exemption under CEQA is attached as Exhibit A, and incorporated herein by this reference; and

WHEREAS, the Board of Directors of PID find that licensing Permit 271 is consistent with and advances the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF PARADISE IRRIGATION DISTRICT as follows:

1. The above recitals are true and correct and are incorporated herein as findings of the Board of Directors.
2. Licensing Permit 271 is either not subject to CEQA or, alternatively, is exempt from CEQA for the reasons set forth in the notice of exemption attached as Exhibit A to this Resolution. Without limiting the generality of the foregoing, licensing Permit 271 is exempt from CEQA for the following reasons:

- a. Ongoing projects approved before the November 23, 1970 enactment of CEQA (14 Cal. Code Regs. § 15261);
 - b. Licensing of existing facilities (14 Cal. Code Regs. § 15301);
 - c. Licensing is not a “project” under CEQA (Pub. Res. Code §§ 21080(a), 21065); and
 - d. Common sense exemption (14 Cal. Code Regs. § 15061(b)(3)).
3. PID staff and consultants are authorized and directed to file the notice of exemption within five (5) working days following the date of adoption of this Resolution with Butte County and the State Clearinghouse, to pay associated fees, and to take other actions reasonable and necessary to notice PID’s determination under CEQA.
 4. PID staff and consultants are authorized and directed to file a Petition for Change under Permit 271 with the State Water Resources Control Board and to undertake other actions reasonable and necessary to license Permit 271.
 5. This Resolution shall take effect immediately upon adoption.

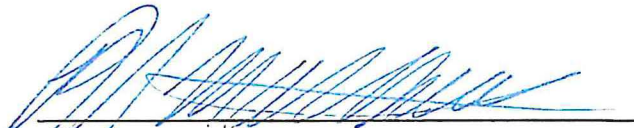
ADOPTED by the Board of Directors of Paradise Irrigation District at a regular meeting of said Board, held on the 17th day of June, 2024 by the following vote of said Board:

Aye: Director Patricia Guillory, Shelby Boston, Elliott Prest, Chris Rehmann, & Bob Matthews

No: None

Abstain: None

Absent: None



Robert Matthews
President, Board of Directors

ATTEST:



Georgeanna Borrayo, Secretary