



## PARADISE IRRIGATION DISTRICT

5325 Black Olive Drive • P.O. Box 2409 • Paradise, California 95967 • 530.877.4971 • Fax 530.876.0483

February 17, 2010

Mackenzie Land Law  
Robert W. MacKenzie, Esq.  
1395 Ridgewood Drive, Suite 300  
Chico, CA 95973

RE: Del Oro Water Company Comments on PID's Draft Initial Study for Changes to Water Rights Permits and Sphere of Influence Amendment

Dear Mr. MacKenzie:

Thank you for your comments on behalf of your client, Del Oro Water Company (DOWC). As you have requested of us, I too hope you and your client will appreciate the candor of our response, rather than taking umbrage. I would first like to explain to you that the Project is changes to and an extension of time for our water rights permits and an expansion to our place of use. As was cited many times in the Initial Study, the Project itself has no construction component and many of the potential impacts cited in your comments are more related to reasonably foreseeable consequences of approval of the Project. Additionally, those potential projects not only would be evaluated in more detail during their own CEQA process, it is unlikely that each potential project would be constructed as they are options for providing a drought or future supply to the Paradise Irrigation District (PID).

### **Impractical and Unnecessarily Expensive/Important Local Resources**

I find it unfathomable that DOWC would make the claim in a public document that our Project is impractical and unnecessarily expensive and could significantly impact important local resources at the expense of local residents. First, the Initial Study explores potential options regardless of economics. This is not the time to choose a water supply project, but explore the potential impacts of future projects.

Secondly, the PID proposed an agreement in 2008 with the intent to not only provide for the needs of PID customers for drought, but also would have committed PID to deliver up to 2,500 gallons per minute or 4,000 acre-feet of water to DOWC's Paradise Pines District annually. This solution would have provided DOWC Paradise Pines Customers a safe and dependable water supply. The alternative the Paradise Pines customers ended up with is a true example of impractical and unnecessary expense. The Paradise Pines customers are now paying \$5.2 million of the Lime Saddle's pipeline project (A project that is miles from their service area) and in return, they will receive the estimated 165 acre-feet annually that Lime Saddle's customers currently are using from the Stirling Bluffs water right. How many more years and millions of dollars will it take to truly "intertie" the Del Oro districts?

Paradise Pines customers would have had the opportunity to purchase the PID surface water at a reasonable rate and allowed for the resting of the wells, the only resource they currently depend upon.



DOWC has demonstrated by rejecting PID's offer in 2008 that their regard for important local resources and local residents comes second to the DOWC bottom line.

### **Multi-Year Transfer-Exchange Program**

The proposed transfer-exchange program proposed by DOWC holds little benefit for the PID. DOWC has spent nearly 20 years developing their current intertie project. This result includes a treatment plant that will only be capable of 600 gpm delivery; what capacity would be available to PID? The intertie project connects to, and any exchange agreement would be dependent upon, thousands of feet of 8" and 10" diameter pipe, adding significant pumping costs.

PID has identified a drought need of approximately 2,250 gpm, much larger than any treatment plant DOWC has contemplated. Why is it necessary for DOWC to propose an exchange agreement in this forum? When DOWC rejected our final offer in 2008, the PID opened the door to considering any alternative proposal DOWC would like to provide. No proposal has ever been provided.

If PID were to consider an exchange program, it must also consider the thousands of PID customers that would be receiving water from DOWC rather than the state of the art treatment plant their dollars have paid for. Their input would be invited before any decision was made.

### **Lake Oroville as a Source**

PID had concerns with Lake Oroville as a source during negotiations with DOWC in the past. The current operation on Lake Oroville since our offers were rejected has caused even greater concern. Not only has the reservoir levels been historically low, the allocations have been significantly reduced. Under the current scenario, PID would have to commit to and purchase three times our need to ensure those needs were met. This drought supply would have to be purchased in many years that we had no need for it. PID hopes for a successful outcome from Butte County's litigation, but we cannot make future plans based on those hopes.

### **PID's Ultimate Aim is Takeover**

There were several references that PID through this document is preparing for the acquisition and takeover of DOWC's districts on the ridge. Frankly, the time billed to DOWC for these accusations was wasted money. DOWC knows as well as PID that the largest part of appraising the value of a water district is the revenue stream from the ratepayers. If PID had any desire to take over the Lime Saddle District, eminent domain action would have proceeded immediately after the rejection of our final offer. We would not have waited until now after your rates have nearly doubled. We also would not be interested in reimbursing DOWC for a treatment plant expansion as small as is being proposed in their current project.

Our negotiations in 2008 were for a business arrangement that would have provided all ridge customers a dependable supply of water and improved the business operations of both PID and DOWC. If our true goal was to take over the Lime Saddle District, we would be well along the way with eminent domain proceedings. The reality is quite the opposite. Through this process, PID is asking to amend its place of use which would allow the PID to wholesale water to any of DOWC's three districts on the ridge; thereby allowing DOWC an opportunity to secure more than the current 100 AF "emergency" water supply that is currently allowed.



I am asked regularly when PID is going to take over the DOWC in the pines. My answer is generally, the customers would have to be so upset they are willing to pass a bond to purchase the district from DOWC.

### **Conclusions**

DOWC's actions have demonstrated their desire to place their bottom line ahead of local resources and local residents. Hence, it is eminently reasonable to conclude that DOWC's reasons for interjecting into this process are to create hurdles for the PID in meeting our own water needs. DOWC appears to be attempting to corner the PID into a water swap.

We are willing to evaluate any proposal DOWC has for water supply options for the Ridge. The proposal we developed through significant time and effort was summarily rejected with a ridiculous counter proposal for \$1.6 million of additional "damages" that did not exist. In fact, we provided a viable solution to the serious water needs of the Paradise Pines District; the District you characterized as the "heart and soul" of DOWC's 14 California service areas. DOWC's "heart and soul" has required emergency water from PID for three years in a row and will be paying \$5.2 million of the Lime Saddle Intertie Project for the opportunity to receive only 165 acre-feet. However, since DOWC is guaranteed a "cost-plus" rate structure by the PUC, we understand DOWC's willingness to invest such a large amount of money to receive such a small amount of water for its Paradise Pines District Customers: DOWC's bottom line profits.

This CEQA process is anticipated to continue for a year or more. We encourage you to stay engaged in the process, but our hope is it is in a cooperative effort.

Sincerely,  
Paradise Irrigation District

A handwritten signature in blue ink, appearing to read "G. Barber".

George Barber  
District Manager



# MACKENZIE LAND LAW

ROBERT W. MACKENZIE, ESQ.

January 29, 2010

Mr. George Barber, General Manager  
Paradise Irrigation District  
Post Office Box 2409  
Paradise, CA 95967

Re: Del Oro Water Company Comments on PID's Notice of Preparation of Draft EIR/Initial Study (NOP/IS) re Changes to Permit 271/Expansion of PID Sphere of Influence (SOI) Project ("the proposed Project") (NOP/IS)

Dear Mr. Barber:

I am writing you on behalf of my client, Del Oro Water Company (DOWC), in order to set forth DOWC's comments on the above referenced proposed Project. Thank you in advance for your consideration of the following comments on the above referenced proposed Project, respectfully submitted by Del Oro Water Company (DOWC). We very much appreciate the extension to file our comments late, which you graciously granted us earlier this week. However, my client has decided that we should meet today's deadline, rather than take the chance of holding up the environmental review of the proposed Project. For this reason, my client has not had the opportunity to review the following comments. DOWC values our relationship with PID, and we hope you and your board of directors will appreciate the candor of the following comments, rather than taking umbrage.

The proposed Project seems unnecessarily large, as well as impractical and unnecessarily expensive. The proposed Project would draw water from two sources, Little Butte Creek and the Tuscan Aquifer. Extracting additional water from these two sources could significantly impact important local resources, at the expense of local residents. Rather than taking advantage of infrastructure which already exists (DOWC facilities on Lake Oroville), or will soon exist (Intertie Phase I), the proposed Project would result in the construction of unnecessary infrastructure ("drought protection" wells adjacent to Neal Road designed to tap into the Tuscan Aquifer and a new pipeline necessary to pump the groundwater extracted up the Ridge into PID service areas such as the Town of Paradise).

Presently, PID and DOWC have an "emergency" agreement in place, through which PID supplies a modest amount of water to DOWC, which is extracted by a PID well. DOWC purchases a nominal amount of water from PID through the agreement each year. PID does not supply surface water to DOWC. PID staff has indicated in the past that PID cannot transfer surface water to DOWC without PID's board making "surplus water" findings on each occasion, because DOWC service areas are outside PID's authorized place of use. However, thus far, DOWC customers have not required PID surface water.



Mr. George Barber, General Manager  
January 29, 2010  
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DOWC does not rule out the need for PID surface water in the future. However, after having reviewed the proposed Project, it appears to us that PID's proposed "cure" may create more problems than simply living with the existing "disease." We believe that the alternative we propose herein is superior, because it constitutes a feasible alternative which could eliminate or reduce significant environmental impacts, which could be caused by the proposed Project.

The EIR should consider a project alternative which would implement a multi-year water transfer-exchange program, pursuant to an agreement between PID and DOWC. Implementing a water transfer-exchange agreement would obviate the need to further impact the Butte Creek watershed, and thereby completely eliminate many of the environmental impacts which the proposed Project would foist upon local fish and wildlife resources. The proposed Project seeks to increase direct diversion of water from Little Butte Creek. There is no need for this, when the largest reservoir in the State Water Project system is immediately adjacent to the project area. Pursuant to a multi-year water transfer-exchange program, which could make use of the Phase I Intertie project, DOWC could divert water directly from Lake Oroville, and wheel that water to PID, for use in the lower PID service area, rather than PID directly diverting more water from Little Butte Creek. DOWC could also provide Sterling Bluffs water diverted above to PID for use in the upper PID service area. As you know, Intertie Phase I is funded, the contract has been let, and the project is shovel-ready. The contractor is simply waiting for a break in the weather.

The proposed Project also seeks to expand PID's place of use/SOI to the South and West, into an area encompassing Neal Road, in order to drill wells to extract water from the Tuscan Aquifer during periods of drought. Extraction of Tuscan Aquifer groundwater during drought periods for use on the Ridge may also be unnecessary, inefficient and prohibitively expensive, in comparison to a multi-year water transfer-exchange program making use of Lake Oroville water. Why pump water uphill from the bottom of a newly established place of use with no existing infrastructure, when PID could make use of Lake Oroville and Intertie Phase I? Wouldn't it be more economical/practical to enter into a multi-year water transfer-exchange agreement with DOWC? Further, why saddle PID customers with unneeded debt, in order to extract Tuscan Aquifer water during, upon which cities like Chico are completely dependent, and which many local valley farmers may well need during dry years for their crops?

Lake Oroville provides significant benefits to Southern California. However, during proceedings which were recently completed (the Federal Energy Regulatory Commission's relicensing of the hydropower facilities at the Lake Oroville dam) a plethora of evidence was uncovered, indicating that Lake Oroville has imposed a significant economic toll on local residents for 30 years, without having provided a reciprocal benefit—use of a reasonable percentage of its abundant supply of very high quality water. It is time for PID to cooperate with DOWC to take advantage of this presently existing and abundant local resource, rather than embarking on what appears to be an impractical, expensive and perhaps wasteful effort to build unnecessary facilities and extract water from two sources where the extraction of additional water could impose significant adverse impacts on local residents, by unnecessarily depleting important local resources.

Mr. George Barber, General Manager  
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Finally, we are understandably concerned about PID's plans to expand its place of use and sphere of influence into three DOWC service areas. The proposed Project appears to lay the foundation for a PID acquisition and takeover of DOWC facilities on Lake Oroville, both existing and proposed future facilities, as well as three DOWC service areas. DOWC has previously indicated that DOWC facilities and service areas are not for sale.

The proposed Project appears very similar to a recent proposed project, ultimately scrapped by PID, seeking to acquire and operate these DOWC facilities/service areas. Hence, it is eminently reasonable to conclude that PID's ultimate aim is acquisition/takeover. In particular, we wish to point out that acquisition/takeover of DOWC's three service areas, Paradise Pines, Old Magalia and Lime Saddle, would necessitate relocation of DOWC's customer service headquarters, which are located in DOWC's Paradise Pines service area. The Pines service area is the heart and soul of DOWC's 14 California service areas, because the Pines is DOWC's statewide customer service center. Hence, DOWC's entire operation would be severely impacted by an acquisition/takeover of the Pines service area.

The proposed Project is both unnecessarily ambitious and unnecessarily complicated. It is likely that all that is required in order to meet the current and reasonably foreseeable future needs of both entities is the implementation of a multi-year transfer-exchange program, utilizing Lake Oroville water. We believe that PID and DOWC should plan together, in order to establish and jointly provide for future Ridge water needs. We understand that in order to develop a plan to jointly provide for the Ridge's future water needs, it will be necessary to calculate the firm yield which both DOWC and PID could develop, in order to meet the need for future growth, and provide adequate drought protection.

We also understand that establishing firm yield numbers based upon availability of Lake Oroville water has traditionally been difficult, because the Department of Water Resources has had and currently has the contractual right to impose cutbacks on Lake Oroville water deliveries, during dry years. However, Butte County has joined with three other counties, and is currently litigating a case in Sacramento County Superior Court against DWR/the State Water Contractors, which seeks area of origin status for water users in Butte County. If the litigation is successful, then Butte County water users will be entitled to a firm yield of Lake Oroville water without delivery cutbacks during dry years. Because this lawsuit has the potential to bring an additional firm yield of over 20,000 acre feet of water/year to Butte County, PID should dedicate a portion of the analysis in the EIR to a project alternative calculating whether a portion of Butte County's State Water Project allocation would be sufficient to meet presently unmet/projected future water needs of Ridge residents.

It should be noted that Butte County has a more credible area of origin claim to Lake Oroville water than any of the other three plaintiffs in the area of origin suit (Napa and Solano Counties and Yuba City), because much of the Feather River watershed lies in Butte County. Hence,

Mr. George Barber, General Manager  
January 29, 2010  
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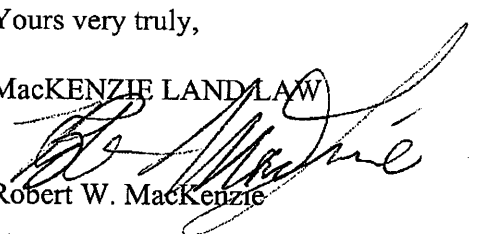
while planning on the result of litigation may seem somewhat speculative, this suit will almost certainly result in a significant improvement to the existing situation. It is widely known that the construction of the Lake Oroville Dam virtually destroyed the prolific and diverse fishery that once existed in the Feather River. Considering that our proposed alternative could eliminate environmental impacts associated the proposed Project, and instead utilize water from a resource which has already been impacted *without* necessitating further impacts, doesn't it make sense to also include in the EIR an assessment of the future benefits that utilizing additional Lake Oroville water can provide to future Ridge needs?

A multi-year PID-DOWC transfer-exchange program, such as one contemplated by Water Code section 1735, would allow PID and DOWC to file a petition with the State Water Resources Control Board and then conduct a programmatic, multi-year environmental impact analysis, obviating the need for individual BOD findings that "surplus" water is available for sale would be necessary for one-time water sales outside PID's service area. Further, since both entities would be providing water outside their service areas, each for the other, the program would be reciprocal and symbiotic, rather than a precursor for a takeover which would severely impact DOWC's statewide operations and saddle both PID and DOWC customers with unnecessary debt, in order to build facilities, the use of which would probably harm local resources and local residents.

Thank you again for your consideration of DOWC's comments. Please put me on the list of those who wish to receive all documents associated with the environmental review of the proposed Project.

Yours very truly,

MacKENZIE LANDLAW

  
Robert W. MacKenzie

RWN:vn  
cc: Robert Fortino  
Bryan Fortino  
David Steffenson

**MACKENZIE LAND LAW**

ROBERT W. MACKENZIE, ESQ.

**RECEIVED**

**JAN 26 2010**

Paradise Irrigation District

January 22, 2010


George Barber, General Manager  
Post Office Box 2409 (mailing address)  
Paradise, CA 95967

Re: Notice of Preparation of Draft EIR/Initial Study re Changes to Permit 271/Expansion of  
PID Sphere of Influence Project ("the Project") - Request for Additional Time to  
Comment

I am writing you on behalf of my client, Del Oro Water Company (DOWC). DOWC staff received the above document Wednesday, January 20 and haven't had time yet to review it. The above document indicates that the comment period ends January 29. DOWC is planning to draft comments on the Project, but requires additional time to review the above document, and draft and discuss proposed comments. We are understandably concerned about PID's plans to expand its place of use and sphere of influence into three DOWC service areas. For these reasons, my client and I respectfully request that PID allow DOWC an additional two weeks in which to submit comments, in order so that we have time to provide PID's Board with meaningful comments. I am confident that DOWC will be able to provide thoughtful comments on the Project by February 12. Thank you for your consideration of this request.

Yours very truly,

MACKENZIE LAND LAW

  
Robert W. MacKenzie

RWN:vn  
cc: Robert Fortino  
Bryan Fortino  
David Steffenson





To: District Manager George Barber, Paradise Irrigation District

Subject: Notice of Preparation / Initial Study for PID's Water Rights Permits Extension

From: Advocacy Director Robin Huffman, Butte Environmental Council (and Paradise resident)

Date: February 25, 2010

Three of us from BEC expressed most of our comments at this point of the Notice of Preparation / Initial Study for PID's Water Rights Permits Extension (hereafter called proposed expansion) during the public scoping session on Jan. 20 at 1:30. The full detail may not be in the minutes, however, I'm assuming you have a record of the full discussion on audio tape. Mike McLaughlin, Carol Perkins, and I being the only ones there from the general public, we appreciate having had apt opportunity there to express our interest in the project and to get more information. As you may recall, we expressed concern about the use of the Tuscan groundwater among other issues, especially the effect on Butte Creek. In addition, I had a follow-up phone conversation with you recently when I reiterated a number of BEC's major concerns. You expressed a desire for BEC to submit written comments. Please consider this note supplemental to the oral comments you have already received, though I'll try to restate them here. Additionally, BEC Board member Pamela Posey submitted written comments from BEC regarding Little Butte Creek. BEC is concerned that the extension and expansion of PID's water rights to Little Butte Creek has detrimental impacts to the fish and other wildlife in the Butte Creek watershed and system.

BEC awaits the full EIR and appreciates that PID is planning an extensive EIR process because the impacts on the local environment from this vast expansion of PID have the potential to be large. In my oral comments, I indicated that if PID does go ahead with the Tuscan part of the plan, which I recommend against, PID needs to show in the EIR sufficient research about the availability and impact of using groundwater from the valley. PID should drop that part of the plan. PID may not have the funds for a sufficient groundwater study of the Tuscan in their EIR; therefore, I imagine the EIR will report that PID will do the environmental review when there is a project. This would seem to be legally insufficient for an EIR for the project area under consideration.

Theoretically at least Ridge residents should be able to exist within our abundant watershed. **Water conservation and other Ridge water capturing and recycling measures would be cheaper for residents, less intrusive to residents in the valley, and more environmentally friendly sources of "new" water.** There is little mention of this possibility in the initial study. Projects to conserve and recycle would make the expansion unnecessary for drought preparedness and the current PID responsibilities to serve. The need for the project must be elaborated in this way, the alternative of conservation and the adequacy of establishing, instead, water capturing and recycling systems. That could be a preferred alternative for Ridge residents considering the various future costs, including environmental, of the expansion should it be realized.



The project seems unnecessarily large, especially in the expansion of the place of use boundaries, which appears to triple in acreage the current boundaries. This expansion is extremely sprawl inducing because when water is made available, development tends to follow. Yet the expanded project area map and place of use map do not match the town's or county's general planning for growth areas. The project area, being even larger than the place of use is likewise going to facilitate growth down Neal Road. While you stated at the scoping session that growth is not a PID concern, LAFCO might, and should, take issue with the PID expansion boundaries and place of use not matching local general plans. PID's mission is to provide water, but not to provide it in open space and grazing and other very rural areas such as the majority of the expansion area is in, and where it is expected to remain into the foreseeable future, most notably in the large areas toward the valley. There is occasional pressure already for the county and town to sprawl up and down the sides of the steep, beautiful, and environmentally unique and wild buttes our county is known for, and that pressure will increase if PID expands their project area into areas not slated to be developed in general plans.

I understand that PID wants to be able to adopt whichever option defined in the project materializes as the best one, or more, in the future by having this multi-faceted expansion plan adopted and ready to go. As an aside, I also understand PID's wanting to keep the cost of water down for Ridge residents. Tuscan water is understandably appealing to PID because the water does not (at least not yet) have to be purchased from the State or PG&E. Purchasing State Water Project water from the Oroville Reservoir would make Paradise and Magalia residents more dependent on the Oroville Reservoir and make it harder to rectify the environmental situation at some unidentifiable point in the future. As much as my family and I personally love to water ski and ride around on a boat and swim and fish in the reservoir, the Oroville Dam is a large factor in the plummeting salmon populations. We also love rivers, and we never got to experience the mighty Feather Rivers as they were before the dam. The dam will not last forever, and for the Ridge to become dependent on a shallow, skinny, and somewhat polluted arm of the reservoir seems irresponsible, not to mention expensive, regardless of the SWP push for Butte County to use (and pay for) or lose Oroville water rights. Please note that I'm pointing out environmental damage caused by the Oroville Dam, particularly to the fish and wildlife. The nutrients the migratory fish have traditionally provided to the Feather River system have been cut off to the areas above the dam since the salmon and steelhead migrations were cut way short, blocked by the dam. (BEC is NOT, however, advocating taking down the dam.) As you may recall I've submitted a similar comment to the county as part of their general plan 2030 update process. This paragraph may seem to be rambling; however, many people including experts agree that "we", in this case PID, simply cannot effectively engineer our way out of water shortages into the future as we have in the past, with big infrastructure projects.

Most of the expansion projects in the initial study are big (and expensive) infrastructure projects. It will take miles of pipes, another water processing facility, and lots of energy to pump water uphill, whether from Lime Saddle, the valley floor, or the canal in the canyon many feet below PID's current water treatment plant.

Perhaps the most problematic part of the expansion project as stated in the NOP/Initial Study is the lack of clarity as to the purpose of the expansion, which is stated as being for better drought preparedness for the current population, already underserved. The expansion could also provide



for growth, kind of as a side effect of the expansion, but not as a straightforward statement of purpose in the Water Rights Permits Extension document. This appears to be a major flaw in the NOP/Initial Study as to the intended purposes of the project. Specific reasons for the expansion of PID, matching the expected expansion of Paradise and growth areas in the county should be addressed in the Initial Study and specifically detailed in the EIR to show the need and purpose clearly.

A few definitions would be helpful in the EIR (and in the Initial Study), including:

- The applicable technical definitions of "diversion" and "direct diversion" as these are not easily understood by the public, including myself as of yet.
- Definition of drought at its various levels as measured by PID, including which levels would indicate defined levels of emergency response.

I'm sure there are more, especially as relates to defining/estimating just how much additional water usage each expansion option will permit, over and above defined levels of drought supply. In doing that include the PID policy definition stating the water supply point at which PID says that there is not enough water for a given project.

While other concerns will be addressed when the draft EIR is presented, the above statements represent big issues to Butte Environmental Council regarding the expansion.

If you have any questions about these notes, please don't hesitate to ask.



**RECEIVED**

JAN 25 2010

Paradise Irrigation District

**BEC**

*To educate and advocate for the land, air and water*

George Barber  
District Manager  
Paradise Irrigation District  
P.O. Box 2409  
Paradise, California 95967

Pamela Posey  
Board Member  
Butte Environmental Council  
116 W.2<sup>nd</sup> Street  
Chico, CA 95928

January 20, 2010

Dear George Barber:

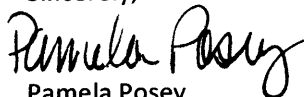
Butte Environmental Council (BEC) wishes to thank you for the opportunity to comment on the Paradise Irrigation District's (PID) petition to the State Water Resources Control Board for changes to Permit 271 and Permit 16040 which include an extension of time to build out water rights projects; change in method of diversion; purpose of use and place of use.

One of the primary concerns to BEC is the potentially significant impact of the proposed project on biological resources. BEC is concerned that any increase in diversion rate or quantity of water from Little Butte Creek (LBC) will negatively impact critical habitat for Spring Run Chinook and Fall Run Chinook salmon and steelhead trout. Spring Run Chinook salmon and steelhead trout are state and federally listed species. Fall Run Chinook salmon may be listed in the near future. PID's existing minimum flow below Magalia Reservoir is currently inadequate to support viable populations of Spring Run Chinook, Fall Run Chinook salmon, and steelhead trout.

BEC agrees with Department of Fish and Game that minimum flow below dams must protect existing resources, which it currently does not. In addition, any modification to the system will require appropriate mitigating measures to ensure the protection of critical habitat in perpetuity.

BEC looks forward to working with you in the future in the effort to support the people of Paradise as well as the threatened and endangered species that live in their backyard. BEC is also very interested in working with PID to develop water conservation education programs for the Paradise Ridge area to develop wise water usage.

Sincerely,



Pamela Posey  
Board Member  
Butte Environmental Council



**gborrayo**

---

**From:** George Barber  
**Sent:** Monday, December 28, 2009 7:46 AM  
**To:** gborrayo  
**Subject:** FW: Caltrans Comments - Paradise Irrigation District SCH#2009122043

Please keep a copy of this email for the water rights IS.

George Barber  
District Manager  
Paradise Irrigation District  
530-877-4971 Phone  
530-876-0483 Fax

The World is a book....Those who don't travel read only one page. ~ St. Augustine

-----Original Message-----

From: Rupinder Jawanda [mailto:rupinder\_jawanda@dot.ca.gov]  
Sent: Monday, December 28, 2009 7:45 AM  
To: George Barber  
Subject: Caltrans Comments - Paradise Irrigation District SCH#2009122043

Mr. Barber,

Thank you for the opportunity to review and comment on the NOP/IS for the Paradise Irrigation District - Water Rights Permits Extension (SCH#2009122043). Caltrans has no comments on this project as proposed.

Thank you,

---

Rupinder Jawanda  
Transportation Planner  
Department of Transportation  
Office of Transportation Planning North  
703 B Street, Marysville, CA 95901  
P 530.740.4989  
F 530.741.5346



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**JAN 25 2010**

George Barber  
District Manager  
Paradise Irrigation District  
Box 2409  
Paradise CA 95967

Paradise Irrigation District

Allen Harthorn  
Executive Director  
Friends of Butte Creek  
5342 La Playa Ct.  
Chico CA 95928



Dear Mr Barber,

January 20, 2010

As a board representative of Friends of Butte Creek, we are happy to submit our comments to the proposal to extend the water rights application with the State Water Resources Control Board for 25 years to build more storage, increase the Sphere of Influence (SOI), change the point of diversion, and construct a hydroelectric facility at the base of Magalia Dam.

One of our primary concerns is that Paradise Irrigation District (PID) has not demonstrated that water conservation efforts, including repairing the leaks in the current system, would not provide a substantial amount of water for current and future needs. Another significant concern is that new storage would not likely provide any additional water without serious reduction in streamflow in Little Butte Creek (LBC). LBC is critical habitat for State and Federally listed steelhead trout, potential critical habitat for State and Federally listed Spring Run Chinook Salmon, and critical habitat for a small, but discrete, run of wild Fall Run Chinook Salmon. The current minimum instream flow below Magalia Dam is not sufficient to support any of the salmon and a very limited population of steelhead trout, except in very wet years. Any additional diversion of LBC water would not be acceptable to the protection of the salmonid species in LBC. These salmonids are part of the greater Butte Creek population which is the "last, best run of wild salmon in California" and should not be further jeopardized in any way.

The technicality of changing the point of diversion is not a concern. Expanding the SOI is not a concern.

Building a small hydroelectric plant to utilize the outflow of Magalia Reservoir is a good idea. We look forward to providing proposed study plans to the licensing process of the Federal Energy Regulatory Commission in the development of such a project.

In summary, any change that will negatively affect the downstream salmonid species in any way would simply not be acceptable. PID must demonstrate through impartial research studies that they are currently protecting the endangered species below their dams, and that any changes will only enhance the marginal conditions for the beleaguered salmon and steelhead on Butte Creek and LBC. We'd be happy to provide contact information for university scientists currently working on Butte Creek.

We encourage PID to develop conservation programs that work, improve the efficiency of the current system, and explore other sources of water as necessary from the huge lake just to the east. Thank you for the opportunity to comment.

Sincerely,

Allen Harthorn  
Executive Director  
Friends of Butte Creek



## NATIVE AMERICAN HERITAGE COMMISSION

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(916) 653-4082  
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Paradise Irrigation District

December 29, 2009

George Barber  
Paradise Irrigation District  
5325 Black Olive Drive  
P.O. Box 2409  
Paradise, CA 95969

RE: SCH#2009122043 Paradise Irrigation District Water Rights Permits Extension; Butte County.

Dear Mr. Barber:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
  - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
  - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
  - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez  
Program Analyst  
(916) 653-4040

CC: State Clearinghouse



## **Native American Contact**

Butte County

December 28, 2009

**Berry Creek Rancheria of Maidu Indians  
Cultural Resources Rep**

**#5 Tyme Way Tyme Maidu**

**Oroville , CA 95966**

**gmix@berrycreekrancheria.**

**(530) 534-3859**

**(530) 534-1151 FAX**

**Mechoopda Indian Tribe of Chico Rancheria  
Paula Cuddeford, Tribal Administrator**

**125 Mission Ranch Blvd Mechoopda Maidu**

**Chico , CA 95926 Concow**

**pcuddeford@mechoopda-**

**(530) 899-8922 ext-209**

**Fax: (530) 899-8517**

**Mechoopda Indian Tribe of Chico Rancheria  
Dennis E. Ramirez, Chairperson**

**125 Mission Ranch Blvd Mechoopda Maidu**

**Chico , CA 95926 Concow**

**dramirez@mechoopda-nsn.**

**(530) 899-8922 ext 215**

**(530) 899-8517 - Fax**

**KonKow Valley Band of Maidu  
Patsy Seek, Chairperson**

**1706 Sweem Street KonKow / Concow**

**Oroville , CA 95965 Maidu**

**(530) 533-1504**

**Butte Tribal Council  
Ren Reynolds**

**1693 Mt. Ida Road Maidu**

**Oroville , CA 95966**

**(530) 589-1571**

**Mooretown Rancheria of Maidu Indians  
James Sanders, Tribal Administrator**

**#1 Alverda Drive Maidu**

**Oroville , CA 95966 KonKow/Concow**

**(530) 533-3625**

**(530) 533-3680 FAX**

**Mooretown Rancheria of Maidu Indians  
Gary Archuleta, Chairperson**

**#1 Alverda Drive Maidu**

**Oroville , CA 95966 KonKow / Concow**

**frontdesk@mooretown.org**

**(530) 533-3625**

**(530) 533-3680 Fax**

**Berry Creek Rancheria of Maidu Indians  
Jim Edwards, Chairperson**

**#5 Tyme Way Tyme Maidu**

**Oroville , CA 95966**

**gmix@berrycreekrancheria.**

**(530) 534-3859**

**(530) 534-1151 FAX**

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009122043 Paradise Irrigation District Water Rights Permits Extension; Butte County.**



**Native American Contact**  
Butte County  
December 28, 2009

Enterprise Rancheria of Maidu Indians  
Art Angle, Vice Chairperson

3690 Olive Hwy                      Maidu  
Oroville                      , CA 95966  
eranch@cncnet.com  
(530) 532-9214  
(530) 532-1768 FAX

Enterprise Rancheria of Maidu Indians  
Glenda Nelson, Chairperson

3690 Olive Hwy                      Maidu  
Oroville                      , CA 95966  
eranch@cncnet.com  
(530) 532-9214  
(530) 532-1768 FAX

Mechoopda Indian Tribe of Chico Rancheria  
Mike DeSpain, Director - OEPP

125 Mission Ranch Blvd              Mechoopda Maidu  
Chico                      , CA 95926      Concow  
(530) 899-8922 ext 219  
(530) 899-8517 - Fax

April Wallace Moore

19630 Placer Hills Road              Nisenan - So Maidu  
Colfax                      , CA 95713      Konkow  
530-637-4279                      Washoe

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2009122043 Paradise Irrigation District Water Rights Permits Extension; Butte County.**





California Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
(916) 358-2900  
<http://www.dfg.ca.gov>

ARNOLD SCHWARZENEGGER, Governor  
John McCamman, Director



**RECEIVED**

FEB 26 2010

Paradise Irrigation District

cc: George

February 22, 2010

Paradise Irrigation District  
c/o George Barber, General Manager  
5325 Black Olive Drive  
Paradise, CA 95969

Dear Mr. Barber:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation of a draft Environmental Impact Report (DEIR) for the Paradise Irrigation District (PID) Water Rights Permits Extension Project (project). PID utilizes two storage facilities Magalia and Paradise Reservoirs located on Little Butte Creek tributary to Butte Creek in Butte County. The project consists of proposed changes to Water Rights Permits 271 and 16040 (Applications 476 and 22061). The proposed changes include the addition of direct diversion as a method of diversion; the addition of power generation as a purpose of use; expansion in the place of use; and a 25-year extension of time to develop full beneficial use of water and construct facilities.

Wildlife habitat resources consist of both terrestrial and aquatic habitats. Significant natural resources include the Butte Creek watershed, its tributaries, and habitat for sensitive species. Within the geographic region of the proposed project, the federal listed California red-legged frog (*Rana aurora draytonii*) is known to occur. Specifically within Little Butte Creek and Butte Creek watersheds, occurrence records exist for State Species of Concern including, but not limited to, foothill yellow-legged frog (*Rana Boylii*), Western pond turtle (*Clemmys marmorata*), and Silver-haired bat (*Lasionycteris noctivagans*). Additionally, populations of various plant species identified as sensitive by the California Native Plant Society and the Department are known to occur along the Paradise Dam diverted reach of Little Butte Creek. Sensitive plants in the project area include Butte County fritillary (*Fritillaria eastwoodiae*), Mildred's clarkia (*Clarkia mildrediae* ssp. *mildrediae*), and Windowpane monardella (*Monardella douglasii* ssp. *venosa*) (CNDDb, 2007). Although not State-listed, the rare, endemic Windowpane monardella population is of State-wide significance because there is only one other known occurrence.

### **General**

The Department recommends that the DEIR discuss and provide adequate mitigation for the following concerns:

1. The project's impact upon fish and wildlife and their habitat.
2. The project's impact upon significant habitat such as wetlands including, but not limited to, riparian habitat. The project should be designed so that impacts to wetlands are avoided. Mitigation should be provided for

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unavoidable impacts based upon the concept of no net loss of wetland habitat values or acreage.

3. The project's impact to special status species including species which are State and federal listed as threatened and endangered .
4. The project's growth inducing and cumulative impacts upon fish, wildlife, water quality and vegetative resources.
5. The DEIR should provide an analysis of specific alternatives which reduce impacts to fish, wildlife, water quality and vegetation.
6. The DEIR should contain an evaluation of the proposed project's consistency with the applicable land use plans, such as General Plans, Specific Plans, Watershed Master Plans, Habitat Conservation Plans, etc.

### **Lake and Streambed Alteration**

The DEIR should consider and analyze whether implementation of the proposed project will result in reasonably foreseeable potentially significant impacts subject to regulation by the Department under Section 1600 et seq. of the Fish and Game Code. In general, such impacts result whenever a proposed project involves work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams and water courses. Impacts triggering regulation by the Department under these provisions of the Fish and Game Code typically result from activities that:

- Divert, obstruct, or change the natural flow or the bed, channel or bank of any river, stream, or lake;
- Use material from a streambed; or
- Result in the disposal or deposition of debris, waste, or other material where it may pass into any river stream, or lake.

In the event implementation of the proposed project involves such activities, and those activities will result in reasonably foreseeable substantial adverse effects on fish or wildlife, a Lake or Streambed Alteration Agreement (LSAA) will be required by the Department. Because issuance of a LSAA is subject to review under the California Environmental Quality Act (CEQA), the DEIR should analyze whether the potentially feasible mitigation measures set forth below will avoid or substantially reduce impacts requiring a LSAA from the Department.

### **Water Rights**

PID filed petitions for change and extensions of time with the State Water Resources Control Board, Division of Water Rights for Permits 271 and 16040. The Department protested PID's petitions based upon environmental concerns including:



1) potential adverse impacts to salmonid fish species present in Little Butte Creek, Butte Creek, Butte Creek Slough and the Sacramento River system; 2) potential for adverse impacts to public trust resources including aquatic species and habitat to support these species in the diverted reach of Little Butte Creek downstream of Paradise Dam; 3) potential adverse impacts to wetland and terrestrial species of concern in project-affected areas; and 4) potential for adverse impacts to public trust commercial and/or recreational anadromous fishery resources.

The Department is concerned that the existing project may result in direct and cumulative adverse impacts to the resources of the Butte Creek watershed by reducing instream flow and water availability that is required to maintain riparian habitat and fish spawning and rearing habitat within the drainage. Little Butte Creek and Butte Creek support populations of steelhead trout (*Oncorhynchus mykiss*), spring-run Chinook salmon (*Oncorhynchus tshawytscha*), foothill yellow-legged frog (*Rana boylei*), and other sensitive plant, fish and wildlife resources.

Due to dramatic decline of steelhead and spring-run Chinook salmon populations in their southern range, evolutionary significant units (ESU) of these species in the California Central Valley are listed by the National Marine Fisheries Service (NOAA Fisheries) as threatened under the Federal Endangered Species Act (FESA). This project is located within the Butte Creek basin area of the Central Valley ESU discussed in the NOAA Fisheries listings for both steelhead and Chinook species (71 Fed. Reg. 834 and 70 Fed. Reg. 37160).

The Department's protest included a request for appropriate resource surveys to be conducted that will provide scientific data for the Department to make a decision on adequacy of resource protections as the proposed project is completed and operated. PID acknowledged in their letter dated March 26, 2008, that the Department would be consulted during the public scoping process for the purpose of identifying any specific studies that will be necessary to address the issues raised in our protests. The surveys requested in the Department's protests included:

1. A reservoir fisheries population study to characterize by species, age class, and numbers, the fish communities resident within Paradise Reservoir and Magalia Reservoir.
2. A stream survey of Little Butte Creek between Paradise Dam and the high-water line of Magalia Reservoir, to quantify by age-class and species the resident fishery within that channel.
3. An amphibian visual encounter survey along both banks and any backwater habitat of the affected reach of Little Butte Creek, seasonally appropriate to identify presence or absence of California red-legged frog and foothill yellow-legged frog life stages, including adult numbers, oviposition sites, tadpole rearing areas, and juveniles. The survey should cover, at a minimum, the diverted reach of Little Butte Creek between Paradise and Magalia Reservoirs, and the two-mile stream segment immediately downstream of Magalia Dam.



4. A Western pond turtle survey to identify presence or absence of this aquatic reptile, and incidental observations of any other aquatic reptile and amphibian species in the margins of Paradise and Magalia Reservoirs. The survey should extend along both banks of Little Butte Creek from Paradise Dam downstream to the high-water line at the inflow to Magalia Reservoir and, at a minimum, the two-mile stream segment immediately downstream of Magalia Dam.
5. A habitat-based instream flow assessment of the Paradise Dam diverted reach of Little Butte Creek, adequate to determine seasonal flow requirements for resident species including all age classes of rainbow trout and amphibian species. Study design, field methods, stream transect locations and species suitability curves must be acceptable to the Department.
6. A presentation of available information on instream flow requirements for steelhead trout in Little Butte Creek downstream of Magalia Dam, and discussion of how PID's operation of Paradise Dam releases might contribute toward meeting this biological need.
7. A habitat-based instream flow assessment of the Magalia Dam diverted reach of Little Butte Creek, adequate to determine seasonal flow requirements for steelhead trout passage from Butte Creek into Little Butte Creek and life stages, including adult holding, spawning, and juvenile rearing habitat. This flow assessment should identify seasonal flow requirements necessary to maintain cold freshwater habitat in Little Butte Creek to maintain salmonid species in good condition.
8. A spawning gravel assessment to determine quantity and quality of steelhead trout spawning habitat within the diverted reach of Little Butte Creek downstream of Magalia Dam.

Studies and analyses performed to evaluate potential impacts pursuant to CEQA, may also be used, and should be designed to be used, to satisfy the concerns raised in the Department protests. The Department recommends that any studies developed and executed to satisfy the requests in our protests, also be included in the DEIR. The Department advises the appropriate and timely use of survey and monitoring protocols and guidelines for sensitive plants and animals which may be found at:  
[http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html).

Pursuant to Public Resources Code Sections 21092 and 21092.2, the Department requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.



Thank you for the opportunity to review this project. If the Department can be of further assistance, please contact Jenny Marr, Staff Environmental Scientist, at (530) 895-4267 or e-mail [jmarr@dfg.ca.gov](mailto:jmarr@dfg.ca.gov), or Lauren Dailey, Water Rights Coordinator, telephone (916) 358-2909 or [ldailey@dfg.ca.gov](mailto:ldailey@dfg.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "J Drongesen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeff Drongesen  
Acting Conservation Program Manager





## PARADISE IRRIGATION DISTRICT

5325 Black Olive Drive • P.O. Box 2409 • Paradise, California 95967 • 530.877.4971 • Fax 530.876.0483

February 22, 2010

Butte Creek Canyon Residents

### **RE: Paradise Irrigation District Water Rights Project**

Dear Concerned Residents:

Thank you for taking the time to express your concerns on our proposed water rights permits applications. I would first like to explain that the recent public meetings and comment period was to receive comments on the concerns of resource agencies and the public to focus our studies for our upcoming Environmental Impact Report. Our intent is to conduct the California Environmental Quality Act process in an open and collaborative process. We anticipate that over the next year we will be completing studies necessary to address the concerns you have raised through this process.

I will also be making myself available to meet with residents and organizations to help further explain Paradise Irrigation District's proposals. Our goal is to provide the studies and information necessary to properly inform the public and provide the data necessary for our Board of Directors to make an informed decision in this matter.

Again, thank you for your input in the process; we will make every effort to keep you informed of important issues and meetings along the way.

Sincerely,  
Paradise Irrigation District

George Barber  
District Manager

cc: Board of Directors



**gborrayo**

---

**From:** George Barber  
**Sent:** Tuesday, January 26, 2010 3:58 PM  
**To:** gborrayo  
**Subject:** FW: PID Sphere of Influence

Public Comment.

*George Barber  
District Manager  
Paradise Irrigation District  
530-877-4971 Phone  
530-876-0483 Fax*

*The World is a book....Those who don't travel read only one page. - St. Augustine*

---

**From:** Caroline Burkett [mailto:cburk@digitalpath.net]  
**Sent:** Tuesday, January 26, 2010 3:46 PM  
**To:** George Barber  
**Cc:** Butte Creek Canyon Coalition; Kim Yamaguchi; Maureen Kirk  
**Subject:** PID Sphere of Influence

Dear Mr. Barber,

I am concerned to hear Paradise Irrigation District is applying to expand it's sphere of influence into Butte Creek Canyon and divert more water (how much?) from Little Butte Creek into two reservoirs. As a resident of Butte Creek Canyon I want to see this unique ecosystem and one of the most important economic assets in Butte County protected for future generations. The flow of water through Butte Creek Canyon is critical to the Canyon ecosystem and what happens in Butte Creek Canyon effects the supply of water resources throughout Butte County. Little Butte Creek is "joined at the hip" to Butte Creek in providing sufficient water to allow the continuation of the wild salmon migration for spawning. If the amount of water sent down Little Butte Creek is reduced as part of PID's expansion of it's sphere of influence the Canyon ecosystem and economy will be in jeopardy.

Canyon residents were not informed of the Scoping meeting held January 20 and have little or no knowledge of PID's planning to expand it's Sphere of Influence into Butte Creek Canyon. They are important stakeholders in your application to the State Water Resources Control Board. Any plan involving changing the balance of water resources for future expansion is more than a localized (PID) issue. The water table in the Canyon is already lowering laterally due to increased pumping of ground water (aquifers) in Butte and Glenn Counties. Any plan involving changing the balance of water resources for future expansion is more than a localized (PID) issue.

It would be appreciated if the PID finds a way to communicate it's actions on the proposed expansion to all canyon residents.

Thank you,

Caroline Burkett  
11925 Castle Rock Court  
Chico, CA 95928



**gborrayo**

---

**From:** George Barber  
**Sent:** Thursday, January 28, 2010 7:23 AM  
**To:** gborrayo  
**Subject:** FW: (no subject)

thanks

*George Barber  
District Manager  
Paradise Irrigation District  
530-877-4971 Phone  
530-876-0483 Fax*

*The World is a book....Those who don't travel read only one page. -St. Augustine*

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**From:** Borfcrow@aol.com [mailto:Borfcrow@aol.com]  
**Sent:** Thursday, January 28, 2010 7:17 AM  
**To:** George Barber  
**Subject:** (no subject)

I have concerns about PID wanting to take more water from Little Butte Creek. My concerns are more than one, The lack of consistant rainfall from year to year would futher deplete the creek on top of PID taking water. Little Butte Creek being a major tributary to Big Butte Creek would further damage the ability of endangered salmon to spawn. Those people who live along the water shed of LBC will have water table dropping to a point that effects their wells. Wild life that has specific water flow and temperature will die off, example fish, larve, plant species. Instead of taking more water( as does Los Angeles to the determate of Qwens Valley and Mono Lake) Place stringent allocations on existing and future water use such as water can only be used for house hold use, no outside landscapes. I live in Little Butte Creek Canyon and know first hand of the fire danger here and if more water is diverted from this creek it only makes a fire danger increase with dryer conditions. Thanks Tracy Crow 2212 Honeyrun Road Chico



**RECEIVED**

**JAN 29 2010**

Paradise Irrigation District

George Barber  
District Manager  
Paradise Irrigation District  
PO Box 2409, Paradise, CA 95967

RE: Removal of Additional Water from Little Butte Creek

Dear George,

My name is Kirk Peeler. My wife, Pat Dobson and our children have lived in Butte Creek Canyon for almost a decade now. The Little Butte Creek runs right through our backyard. I have been greatly concerned for the past couple of drought years about the flow of our little creek. I have never seen it as low as it was this last summer. I am very concerned for the health and vitality of this little stretch of a riparian habitat. This canyon is a treasure to the entire region and I would do anything to protect it.

I now come to find out, just in the last couple of days, how the Paradise Irrigation District is planning to expand their "Sphere of Influence" and divert even more water from an already stressed ecosystem. If I am reading the documentation correctly your agency is planning to divert (take) two to three times what is currently allowed! There is absolutely no way that taking even more water will not radically and adversely affect this treasure of a canyon in countless ways.

Let me just begin by mentioning just one of the species that have already been affected by the dwindling water supply to the canyon from the drought and drop in flow. Several years ago I used to see river otter on the creek. I remember watching a family of otter playing and swimming in the creek. I considered these viewings as proof of a fairly healthy environment. They are one of the species on top of the food chain and to me their health was an indication of a healthy canyon. It has been 5 years since I have seen an otter. This is by no means scientific but I believe there is no longer enough water or food for them. I have also witnessed a bloom of detrimental algae in the summer when the flow is low and the water temperatures soar. We did not have this several years ago when there was adequate water to keep temperatures down.

These are just a few of the things that I have seen first hand that lead me to believe that we have a creek in peril. Losing even more water is inconceivable. I will not list the many other species (both plants and animals) that are dependant on the creek, but I have seen less of them every year. Their decline is undoubtedly at least partially due to the fact that the last three years have been drought years. With less water the flora and fauna are less healthy. I see this problem only exacerbated by your proposed diversion of additional water.

Along with the obvious destruction to the environment another great concern is the likely drop in property values for all of the residents along a degraded creek. Less wildlife and less vibrant vegetation equals property that is less desirable and therefore worth less.

There must be many other ways you can accommodate future water needs other than taking it from an already strained system. I know for a fact that the District has many leaking pipes that could be fixed and could save countless gallons. I'm sure there are many other ways for the District to conserve as well as find additional sources of water to meet your future needs without such environmental consequences.

I know you are all just doing your job and trying to allow for future growth in your community, but if you lived where I do you would realize the great treasure that needs to be preserved for all. The aesthetic beauty of a regional treasure hangs in the balance. The vitality of a priceless ecosystem hangs in the balance. And the property values of the many residents in the Canyon hang in the balance. Little Butte Creek is the lifeblood of an entire community of people, animals and plants.

We are a community on the brink, please don't push us over.

Respectfully,  
Kirk, Pat, Sean and Alison  
12065 Merlin Lane  
(530) 342-6006



**gborrayo**

---

**From:** George Barber  
**Sent:** Wednesday, January 27, 2010 8:03 AM  
**To:** gborrayo  
**Subject:** FW: PID expansion Plan

*George Barber  
District Manager  
Paradise Irrigation District  
530-877-4971 Phone  
530-876-0483 Fax*

*The World is a book....Those who don't travel read only one page. - St. Augustine*

---

**From:** Pam Runner [mailto:simba@buttecreek.net]  
**Sent:** Tuesday, January 26, 2010 4:28 PM  
**To:** George Barber  
**Subject:** PID expansion Plan

I am a Butte Creek Canyon resident. I share the concern of many Canyon residents of PID taking from Little Butte Creek water supply. But, an issue not brought forth that I know of, is that Butte Creek Canyon is one of the "1<sup>st</sup> defense" for fires in Paradise & Magalia. Our firefighters depend on the water in Little Butte Creek and Butte Creek for a water supply when fighting fires. Many helicopters have dipped in those creeks during fires as well as water tankers filling up during fires. If you cut down the water flow, you cut the water source for fire fighting.

Thank you for your time and consideration,  
Pam Runner  
4748 China Camp Rd  
Chico CA 95928



**RECEIVED**

**JAN 28 2010**

Paradise Irrigation District

Carole Sarra  
1925 Honey Run Road  
Chico, CA 95928  
carolesarra@dishmail.net

George Barber  
District Manager  
Paradise Irrigation District  
P.O. Box 2409  
Paradise, CA 95967

Dear Mr. Barber,

This letter is to address the subject of the extension and expansion of the PID influence over Little Butte Creek.

I live on Honey Run Road with Little Butte Creek in my back yard. I can tell you that the creek is indispensable for the health of the endangered salmon and steelhead of Big Butte Creek. A few years ago, before our recent drought, I even witnessed salmon in Little Butte Creek behind my house. To divert more water out of this important tributary to Big Butte Creek would be a violation of the environmental protection of the endangered Chinook salmon.

Aside from this, the creek is invaluable to the health of a vast array other wildlife and the quality of life and safety of the human residents of the canyon. After living through many fire seasons, I am grateful to have the creek near by for a source of water and moisture to the trees and riparian forest. To divert more water or hold more back in storage would seriously affect the water table resulting in many of the residence well's running dry. As it is the creek is very low in the summer months. It simply has no more to give. Many residents along Honey Run continue to pump water from the creek for irrigation of their land. This fact needs to be taken in consideration when determining how much water is needed to sustain the flow for the health of the endanger salmon and other species.

I believe it is imperative that the Paradise Irrigation District inform and invite all concerned citizens to your meetings on this subject. I heard of this through word of mouth. None of my neighbors have been notified of any discussions on this issue that would so clearly affect their quality our life and that of the environment.

Thank you for your consideration on this subject.

Sincerely,



Carole Sarra



**gborrayo**

---

**From:** George Barber  
**Sent:** Tuesday, January 26, 2010 1:41 PM  
**To:** Sam Yanez  
**Cc:** Mark Teague; Merle Anderson; gborrayo  
**Subject:** RE: pid plan to expand its soi

Thank you for your interest in the project. The initial NOP is part of the CEQA process. At this stage we have made some initial determinations and are seeking comments on those and accepting comments from the public that will guide us in the studies we will undertake as part of the CEQA process. Your comments today will be considered as part of the official record as well as any other input you wish to provide by January 29th.

After we conduct the necessary studies, we will issue an Environmental Impact Report for public comment. I expect this process to take a year to 18 months.

Sincerely,

George Barber  
District Manager  
Paradise Irrigation District  
530-877-4971 Phone  
530-876-0483 Fax

The World is a book....Those who don't travel read only one page. ~ St. Augustine

-----Original Message-----

**From:** Sam Yanez [mailto:syanez@earthlink.net]  
**Sent:** Tuesday, January 26, 2010 1:30 PM  
**To:** George Barber  
**Subject:** pid plan to expand its soi

Hello Mr. Barber. I live along Little Butte Creek and have been informed that the PID is pursuing a plan that concerns me greatly because of the impact it will have on the priceless environment that I live in.

A quick look at the initial NOP raises a serious concern - it appears that the impact on the residents and natural environment of Butte Creek Canyon will not be addressed. Is this an oversight that needs to be corrected? Is the initial NOP in conflict with CEQA guidelines that speak to a duty to minimize environmental damage?

Thank you very much,

Sam Yanez  
1925 Honey Run Rd.  
Chico, CA  
95928

**RECEIVED**

**JAN 26 2010**

Paradise Irrigation District

*Laurie Raucher  
1020 Creekside Court  
Chico CA 95928*

January 26, 2010

Mr. George Barber  
District Manager  
Paradise Irrigation District  
PO Box 2409  
Paradise CA 95967

Dear Mr. Barber,

I am a 21-year resident of Butte Creek Canyon at 1020 Creekside Court, Chico. My daughter was raised on this property and grew up watching for salmon on Little Butte Creek, which flows across our 8+ acres.

I am writing due to my family's concern about possible actions to remove water from Little Butte Creek. This action would be a travesty as it would threaten the lives of canyon residents who rely on the water to fight the numerous fires that have occurred there, and the wildlife that flourishes because of access to a water supply.

Tremendous effort has gone into re-establishing the salmon run on Little Butte Creek and Butte Creek as they are one of the few remaining natural spawning grounds for the salmon. If water is taken from the creek it will destroy these efforts because the lower water level will be too warm for the spawning. Over the years we've rejoiced in the variety of wildlife who make the canyon their home. Otters have been seen in the creek and the land creatures make their daily pilgrimage to drink.

During the Eskin Maidu fire, firefighters camped on our lawn and filled their tankers with water they drew from the creek on our land. The creek on the nearby Horning Ranch has been used numerous times by helicopters to draw water to fight fires on both sides of Butte Creek Canyon, and the Skyway leading into Paradise in the most recent fire that took its toll on Paradise and Butte Creek Canyon. Fire is our gravest concern.

Butte Creek Canyon is a local treasure. Generations of Chicoans and Paradise residents have used this creek for recreation. As co-president of the Honey Run Covered Bridge Association I can attest to the high volume of traffic in the canyon and usage of the creek during the spring, summer and early fall months.

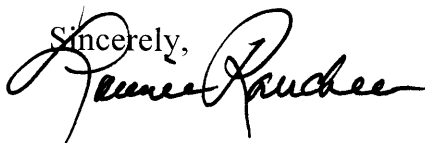


When I was a member of the Canyon Advisory Board to Paradise Recreation & Park District, they identified the Honey Run Covered Bridge and the Centerville School as the two recipients of funds from PRPD because of their recreation value to the district. Any reduction in water from the creek would impact the Covered Bridge as Little Butte Creek flows into Big Butte Creek. The water level this summer was already the lowest I have seen in my 20+ years living on the creek.

In addition to the above, our property values are greatly diminished if the creek becomes a trickle or non-existent during the summer and fall months when the water level is at it's lowest and the fire danger is at it's highest.

I urge you to please reconsider any plans to remove water from Little Butte Creek.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Raucher". The signature is fluid and cursive, with a large initial "L" and "R".

Laurie Raucher

**RECEIVED**  
**JAN 29 2010**  
Paradise Irrigation District

January 27, 2010

George Barber  
District Manager  
Paradise Irrigation District  
P.O. Box 2409  
Paradise, Ca 95967

RE: Little Butte Creek water diversion

Dear PID:

Unfortunately, I have just recently heard of the proposed water expansion project and find it quite odd that the people most influenced by this expansion have not been formally notified by the Paradise Irrigation District.

I and my parents are residents of Butte Creek Canyon and feel that proper courtesy has not been provided by your department. It is obvious that your only concerns are for Magalia and Paradise, but what about the other communities that will be impacted by your back door approach.

I have reviewed your 76 page document and not once have heard the mention of Butte Creek Canyon and how it will impact the residents and habitat. The Little Butte Creek runs in my back yard and provides an environment for salmon, trout and other indigenous flora and fauna.

I am in contact with the California Wildlife Conservation Board and the Department of Fish and Game to try to decipher the true impact this diversion will have on Butte Creek Canyon.

You have provided a detailed analysis for Paradise and Magalia, but I would like to know how it will impact the resident of Butte Creek Canyon.

I realize the need for more water, as Paradise and Magalia are growing, but before you make this kind of decision, I think the residents of Butte Creek Canyon have a right to know the actual impact this maneuver will have on our environment. I believe we should also have a voice.

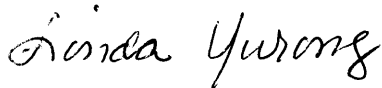
- How will it impact the flow of Little Butte Creek during the summer? It is already very low.
- What impact will it have on indigenous wildlife that requires this water for existence?
- How will this affect property value? If so, are you going to compensate us for the loss?



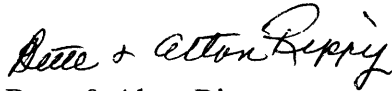
- Will the existing creek dry up?
- How will it impact existing wells?
- How will it affect existing water rights to the Creek?
- Butte Creek Canyon is prone to fires. Firefighters use the creek for water access. How will this affect the ability to use the creek water for protection?

Again, with all due respect, I understand your dilemma, but at what cost? How do you determine what community is more valuable. I think the most appropriate action would be to address the concerns of all parties, not just the ones in your district that have nothing to lose and everything to gain.

Sincerely yours,



Linda Yurong  
2027 Honey Run Road  
Chico, CA 95928



Bette & Alton Rippy  
2031 Honey Run Road  
Chico, CA 95928

**RECEIVED**

*Jan 25, 2010*

JAN 27 2010

To whom it may concern,

Paradise Irrigation District

My name is Claudia Howell my husband and I and two sons have lived at 2485 Honey Run Road, Chico, California for twenty years.

This letter is in regards to the recent meeting informing the residents of Butte Creek Canyon that there is action being taken to remove more water from Little Butte Creek.

During these past twenty years of living on the creek we have observed and experienced a pretty full spectrum of canyon living. In the 90's the Eskin Maidu fire came through our property and destroyed many huge old oak trees not to mention our personal belongings.

The creek at that time was a blessing to the firefighters who were wonderful about protecting our home and our neighbor's homes. They depended on the creek for use in their defense of the area. Since that time we have done everything we can to make our property fire safe. We have used the Butte county chipping program every season. We have developed an irrigation system we can start the minute we see smoke in our area, which depends on the creek water. There has not been one year that I can recall when there hasn't been a fire in our neighborhood. The more we do to protect the twenty plus acres from fire the safer we are ourselves and again our neighbors. Most of my canyon neighbors do the same but we



depend on the water. I have observed the Cal Fire workers flying overhead in helicopters lowering the buckets in nearby spots, one is the Horning ranch just above us. They need a certain amount of water and depth to be able to access the water so needed during these times.

In addition to the number one reason of fire safety, I will list the animals I and my family have observed over the years on our property that depend on the water flow.

Salmon

a multitude, every year, of orange salamanders

frogs

toads

king snakes, gopher snakes, rattlesnakes

ducks

pheasants

bears

bobcats

mountain lions

otter

wild turkeys

multitudes of quail

many years ago a ring tailed cat

speckled skunk

deer

A lot of these creatures depend on the wild blackberries for food and shelter and spawning.

This past year our well water reached a record low.

We were already beginning to believe that water was being removed above us. The creek level in the summer was at the lowest we'd ever seen.

And, yes, property value is of concern to the neighbors and ourselves. Water in the creek is the attraction, as is the wild life and the beauty of the canyon walls, which seems to also be slipping away to the allowance of building so close to the canyon edges.

This entire canyon is such a treasure to Butte County, I find it hard to believe the county is willing to let this marvelous natural area slip away, bit by bit. In my eyes Butte Creek Canyon should be held in higher esteem and treated as a natural wonder. There hasn't been one person whom I know of, including most college students, who hasn't brought out-of-town family and friends through the canyon to visit the covered bridge and up to the skyway to view the wonderful site from above, or in to view the salmon run.

We do not support the proposed plan to remove more water from Little Butte Creek.

Sincerely, Claudia Howell

A handwritten signature in cursive script that reads "Claudia Howell". The signature is written in black ink and is positioned below the typed name.



RECEIVED

MAY 12 2010

5-6-2010

Paradise Irrigation District

To George Barbar, Paradise Irrigation District,  
the removal of water already  
being taken from the creek, has left  
the Salmon from going all the way up  
stream like they used too. And are  
dying off there used to be 17,000 Salmon  
this last season there was only 600 or less.  
And Now you want to remove more  
water from the creek, make it so low  
we won't have any water to enjoy -  
being at the creek, and you'll kill off  
the rest of the Salmon and totally  
devistate the creeks wild life. So you  
need to rethink your thoughts on  
this matter, leave our creek alone.  
I No I spend time there enjoying it.  
with my dogs. and not being able to  
go there because there's low water  
would be totally wrong

Sincerely,

Jeri