



State Water Resources Control Board

NOTICE OF PETITION FOR TEMPORARY CHANGE INVOLVING THE TRANSFER OF UP TO 25,000 ACRE-FEET OF WATER FROM MERCED IRRIGATION DISTRICT TO VARIOUS AGENCIES UNDER LICENSE 2685 (APPLICATION 1224)

On June 15, 2023, Merced Irrigation District (Merced) filed a petition for temporary change to transfer up to 25,000 acre-feet of water pursuant to California Water Code section 1725 et seq.

DESCRIPTION OF THE TRANSFER

Merced proposes to transfer water to the following agencies: Chowchilla Water District, Le Grand-Athlone Water District, Sphere of Influence Landowners, Turner Island Water District, East Side Water District, Lone Tree Mutual Water Company, and Red Top Area. The transfer water would be made available by reservoir release from Lake McClure (New Exchequer Dam) under License 2685.

The transfer is proposed to occur from August 1, 2023 to November 1, 2023.

PROPOSED CHANGES

Merced requests the following temporary change to water right License 2685:

1. The temporary addition of the following areas to the place of use: Chowchilla Water District, Le Grand-Athlone Water District, Sphere of Influence Lands, Turner Island Water District, East Side Water District, Lone Tree Mutual Water Company, and Red Top Area.

ENVIRONMENTAL CONSIDERATIONS

Temporary changes petitioned pursuant to Water Code section 1725 are exempt from the requirements of the California Environmental Quality Act (CEQA). However, the State Water Board must consider potential impacts to other legal users of the water and to fish, wildlife, or other instream beneficial uses.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

STATUTORY PROVISIONS

Pursuant to Water Code sections 1725, et seq., the State Water Board is authorized to issue temporary change orders, allowing the transfer or exchange of water or water rights after completing an evaluation and finding that the proposed temporary changes:

1. Involves only water that would otherwise have been consumptively used or stored by permittee or licensee;
2. Would not injure any legal user of the water; and
3. Would not unreasonably affect fish, wildlife, or other instream beneficial uses.

Water Code section 1728, subdivision (e) states in part that when evaluating transfers, "...the board shall not deny, or place conditions on, a temporary change to avoid or mitigate impacts that are not caused by the temporary change..." Additionally, Water Code section 1728, subdivision (d) states in part that "...the board shall not modify any term or condition of the petitioner's permit or license, including those terms that protect other legal users of water, fish, wildlife, and other instream beneficial uses, except as necessary to carry out the temporary change..."

OPPORTUNITY FOR COMMENTS

Pursuant to Water Code section 1726, subdivision (d), the State Water Board is providing notice of this petition and seeking information to assist in the evaluation of the proposed temporary changes. Comments should identify the application or permit number being addressed. The comments must address one or more of the required findings described above; only comments related to effects caused by the temporary changes will be considered.

The petitioner has the burden of establishing that the proposed temporary changes will not injure any legal user of the water, or unreasonably affect fish, wildlife, or other instream beneficial uses. If the State Water Board determines that the petitioner has established a prima facie case, the burden of proof then shifts to the party that has filed comments (Water Code section 1728). Since at this time the State Water Board has not made a determination regarding whether the petition identified above presents a prima facie case, persons commenting on a petition should provide sufficient information to support claims of injury or effects on fish, wildlife, or other instream uses.

Pursuant to California Water Code section 1726, subdivision (f), any interested person may file a comment regarding the petition. **Comments filed in response to this notice must be received by the Division of Water Rights at WaterRightPetitions@waterboards.ca.gov by 4:30 p.m. on July 24, 2023. A copy of the comments should also be sent to the persons listed below.**

Send comments to both:

State Water Resources Control Board
Attn: Patricia Fernandez
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
Patricia.Fernandez@waterboards.ca.gov

Merced Irrigation District
c/o Patrick Neu
MBK Engineers
455 University Avenue, Suite 100
Sacramento, CA 95825-1898
neu@mbkengineers.com

Copies of the petition and related documentation, including maps, are available upon request. Please direct all requests and questions regarding this notice to Patricia Fernandez at Patricia.Fernandez@waterboards.ca.gov.

Date of Notice: **June 23, 2023**