

State of California  
 State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**PETITION FOR TEMPORARY TRANSFER  
 OF WATER/WATER RIGHTS**

(Water Code 1725)

Point of Diversion     Point of Rediversion     Place of Use     Purpose of Use

Application No(s). 1224    Permit No. 914    License No. 2685

Statement or Other No. \_\_\_\_\_

**Present Holder and User of Water Right**

Merced Irrigation District c/o Marc Van Camp	(916) 456-4400	
Person or Company name	Contact person	Telephone No.
MBK Engineers, 2450 Alhambra Blvd., 2nd. Floor	Sacramento	CA. 95817
Address	City	State
<u>vancamp@mbkengineers.com</u>		
E-MAIL (For noticing purposes)		

**Co-petitioner**

N/A		
Person or Company name	Contact person	Telephone No.
Address	City	State
E-MAIL (For noticing purposes)		

**Proposed New User**

Merced County SOI Water Users Association	c/o Gary Sawyers	(559) 438-5656
Person or Company name	Contact person	Telephone No.
Sawyers & Holland LLP, 6715 N. Palm Ave, Suite 116	Fresno, CA. 93704	
Address	City	State
<u>gsawyers@sawyerslaw.com</u>		
E-MAIL (For noticing purposes)		

I (We) hereby petition the State Water Resources Control Board (State Water Board) under the provisions of Water Code (WC) section 1725 et seq. and in conformance with the specific requirements of California Code of Regulations (CCR) section 794 for temporary change(s) to the water right application(s) noted above for the purpose of transferring water. The changes are **shown on the accompanying map and described as follows:**

**Amount of Water to be Transferred** up to 5,000 Acre-feet (AF). If the basis of right is direct diversion, the average rate of diversion for the maximum 30 day period of use is \_\_\_\_\_ cubic feet per second (cfs).

**Period of Transfer/Exchange** (Not to exceed one year)

**Point of Diversion or Rediversion** (Give coordinate distances from section corner or other ties as allowed by CCR section 715, and the 40-acre subdivision in which the present & proposed points lie.

Present \_\_\_\_\_ No Change Requested

Proposed \_\_\_\_\_ No Change Requested

TRANS-TEMP-PET (3-01)    If your answers require more space than provided, please attach additional pages

3/27/07  
 \$ 3497.0  
 DC  
 3/27/07  
 \$ 8500.00  
 DC

**Place of Use**

Present See Attachment

Proposed See Attachment

**Purpose of Use**

Present No Change Requested

Proposed No Change Requested

**Season of Use**

**Direct Use (cfs)**

**Storage (ac-ft)**

Present No Change Requested

No Change Requested

No Change Requested

Proposed No Change Requested

No Change Requested

No Change Requested

The proposed transfer/exchange water is presently used or stored within the county/counties of:

Mariposa and Merced Counties

The proposed transfer/exchange water will be placed to beneficial use within the following county/counties:

Merced County

- 1a. Would the transfer/exchange water have been consumptively used or stored in the absence of the proposed temporary change (See WC 1725)? Yes  
(yes/no)
- 1b. Provide an analysis which provides documentation that the amount of water to be transferred/exchanged would have been consumptively used or stored in the absence of the proposed temporary change. See Attachment
- 2a. If the point of diversion/diversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/diversion and the proposed point? Not Applicable  
(yes/no)
- 2b. Are there any persons taking water from the stream between the present point of diversion or return flow and the proposed point of diversion or return flow? Not Applicable  
(yes/no)
- 2c. If the answer to 2a. or 2b. is yes, provide the name and address. Also provide the name and address of other persons known to you who may be affected by the proposed change.  
Not Applicable
- 3a. Provide an analysis of any changes in streamflow, water quality, timing of diversion or use, return flows, or effects on legal users resulting from the proposed transfer/exchange. See Attachment
- 3b. State reasons you believe the proposed temporary change will not injure any legal user of the water, see Water Code Section 1727 (b)(1). See Attachment
- 4. Consult with staff of the applicable Regional Water Quality Control Board concerning the proposed temporary change. State the name and phone number of person(s) contacted. Summarize their opinion concerning compliance with CCR 794(b) and any Regional Board requirements. See Attachment
- 5a. Consult with the California Department of Fish and Game pursuant to CCR 794(b) concerning the proposed temporary change. State the name and phone number of the person(s) contacted and their opinion concerning the potential effect(s) of the proposed temporary change on fish, wildlife, or other instream beneficial uses, and state any measures recommended for mitigation. See Attachment

- 5b. Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707) ? No  
(yes/no)
- 5c. Provide an analysis of potential effect(s) on fish, wildlife, or other instream beneficial uses which may arise from the proposed change. See Attachment
- 5d. State reasons you believe the proposed temporary change will not unreasonably affect fish, wildlife, or other instream beneficial uses, see Water Code Section 1727 (b)(2). See Attachment
- 6a. Does any agency involved in the proposed transfer/exchange rely upon section 382 of the Water Code to allow the delivery of water outside of the agency's service area? No  
(yes/no)?
- 6b. If yes, provide an analysis of the effect of the proposed transfer/ exchange on the overall economy of the area from which the water is being transferred. Not applicable

A TRANSFER/EXCHANGE UNDER WATER CODE SECTION 1725 INVOLVES ONLY THE AMOUNT OF WATER WHICH WOULD HAVE BEEN CONSUMPTIVELY USED OR STORED IN THE ABSENCE OF THE PROPOSED TEMPORARY CHANGE. A CHANGE WILL BE EFFECTIVE FOR A PERIOD OF ONE YEAR OR LESS, BEGINNING ON THE APPROVAL OF THIS PETITION OR ON SUCH DATE OTHERWISE SPECIFIED BY THE SWRCB ORDER. FOLLOWING EXPIRATION OF THIS TEMPORARY CHANGE, ALL RIGHTS AUTOMATICALLY REVERT TO THE PRESENT HOLDER BY OPERATION OF LAW.

*I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.*

Dated: 3/27/07 at Sacramento, California  
Marcia [Signature] ( 916 ) 456-4400  
 Signature(s) Telephone No.

**NOTE:** This petition shall be accompanied by all information and fees required by this form and W.C. Section 1725 et. seq, before the SWRCB will consider acceptance of the petition requesting a temporary change to facilitate a transfer/exchange.

**Proof of Service:** Compliance with W.C. section 1726(c) shall be met by the filing of copies of the proof of service to the Department of Fish and Game and to the board of supervisors of the counties where the water is currently used and the counties to which water is proposed to be transferred.

**Fees:** The following fees must accompany the petition before the petition will be accepted:

1. The fee of \$0.30 per acre-foot shall be submitted with the petition. (Title 23, California Code of Regulations section 1064). The fee is made payable to the State Water Resources Control Board.
2. An \$850 environmental filing fee, made payable to the Department of Fish and Game, must accompany a petition for change (Public Resources Code 10005).

**Attachment to Petition for Temporary Transfer  
License 2685 (Application 1224)  
held by Merced Irrigation District**

GENERAL

The Merced Irrigation District (Merced) is filing this petition in order to supply previously stored surface water to agricultural lands located near the boundaries of Merced's authorized places of use covered by its Post-1914 appropriative water rights. These lands are known as Merced's Sphere of Influence Lands (SOI Lands), which are all located within Merced County as shown on the map accompanying this petition. The majority of the SOI Lands currently, and have historically received surface water from Merced during years that Merced's Board of Directors determines water is available under its Pre-1914 claims, provided that adequate natural flow is available from the Merced River. During months when surface water is not available under Merced's Pre-1914 claims for delivery to SOI Lands, the individual landowners meet their demands through alternate supplies, such as groundwater. Within the past five years, the surface water deliveries to the SOI Lands were curtailed as early as July 1. Approval of this petition would provide continued surface water supplies for SOI Lands, up to the proposed temporary transfer quantity of 5,000 AF.

The surface water supply available to the SOI Lands is diverted, stored, rediverted, and conveyed through Merced's existing facilities. As shown on the map accompanying this petition, the proposed gross place of use includes lands identified by SOI landowners, which encompasses individual parcels, the boundaries of Le Grand-Athlone Water District, and the portion of Chowchilla Water District located within Merced County. Merced proposes to deliver the previously stored surface water to these districts for distribution to participating SOI landowners. The proposed net place of use for the temporary transfer, identified further in this petition, includes lands within the Merced County SOI Water Users Association.

Prior to the date at which the Merced Board of Directors determines that surface water is not available under its Pre-1914 claims for delivery to SOI Lands, Merced will evaluate the hydrologic conditions to assess whether the previously stored water will be made available to the SOI Lands by releases from storage or by groundwater exchange pumping. Releases from storage involve the delivery of water to SOI Lands and refill of the reservoir, which normally occurs during periods of high runoff. The release of stored water would be increased as compared with the condition absent the proposed temporary transfer. Merced is willing to accept refill criteria to assure no impact occurs to downstream water right holders.

Groundwater exchange pumping is the delivery of water pumped using Merced's groundwater wells into Merced's adjacent conveyance facilities and exchanging a like amount of surface water for delivery to SOI Lands, up to 5,000 AF. The release of stored water from the reservoir would be the same as compared with the condition absent the proposed temporary transfer. Merced's groundwater wells proposed for use in this temporary transfer are located throughout its service area and have been previously approved during other water transfers completed by Merced to ensure that the pumping does not affect the surface water system. This

conjunctive use operation would allow Merced to pump groundwater at a lower pumping head as compared with the groundwater wells utilized by the majority of the SOI landowners.

### POINT OF DIVERSION OR REDIVERSION

No change in Merced's points of diversion or points of rediversion are proposed. Merced's authorized points of diversion and rediversion under License 2685 are listed below:

#### **Present Point of Diversion:**

##### **New Exchequer Dam (Lake McClure)**

The point of diversion to storage of such water is located South thirty-eight degrees, no minutes West (S 38° 00' W), thirty eight hundred (3800) feet from the NE corner of Section 13, T4S, R15E, MBD&M, being within the NW ¼ of SE ¼ of said Section 13 in Mariposa County.

#### **Present Points of Rediversion:**

##### **Merced Falls Diversion Dam for Northside Canal**

Point of direct diversion and rediversion of stored water from Merced River for Northside Canal is located North sixty eight degrees, no minutes West (N 68° 0' W) twenty seven hundred fifty (2750) feet from the SE corner of Section 4, T5S, R15E, MDB&M., being within the SW ¼ of SE ¼ of Section 7 in Merced County.

##### **Crocker-Huffman Diversion Dam for Main Canal**

Point of direct diversion and rediversion of stored water from Merced River for Main Canal is located North forty seven degrees, thirty minutes East (N 47° 30'E) twenty eight hundred thirty (2830) feet from the SW corner of Section 7, T5S, R15E, MDB&M, being within the NE ¼ of SW ¼ of said Section 7 in Merced County.

##### **Mariposa Town Planning Area**

Point of direct diversion from Merced River for Mariposa Town Planning Area Main is located at a point North 48°34'35" West 1,113 feet from SE corner of Section 9, within the SE ¼ of the SE ¼ of Section 9, T4S, R18E, MDB&M in Merced County.

##### **Duck Slough (formerly El Nido Irrigation District)**

Point of rediversion located on Duck Slough at a point 100 feet North and 50 feet East of ¼ Cor. Sections 10 and 11, T8S, R14E, within the SW ¼ of the NW ¼ Section 11, T8S, R14E, MDB&M in Merced County. This point of rediversion is associated with the former place of use for El Nido Irrigation District described below and in Licenses 6032 and 9429 (Applications 8238 and 18774), formerly held by El Nido Irrigation District and hereby transferred to Merced Irrigation District.

PLACE OF USE

**Present Places of Use:**

Domestic and irrigation purposes on 164,395 gross acreage within the boundaries of Merced Irrigation District as shown on map of District filed with the Division of Water Rights December 11, 1942.

Municipal use to 1,900 acres known as the Mariposa Town Planning Area, located within portions of projected Sections 9, 10, 11, 14, 15, 16, 22, 23, 24, 25, 26, and 36, T5S, R18E, MDB&M, as shown on a map on file with the State Water Resources Control Board dated May 1, 1995.

Irrigation purposes on 9,418.6 acres within the boundaries of El Nido Irrigation District as shown on map of El Nido Irrigation District filed with the Division of Water Rights for Application 8238. El Nido Irrigation District has been consolidated with Merced.

**Proposed Place of Use:**

No change to the present place of use is proposed. The following lands are proposed to be added to the place of use:

Irrigation of up to 39,066 acres within a gross area of 71,130 acres as shown on the attached map titled “Merced Irrigation District Map to Accompany Petition for Temporary Transfer under License 2685 (Application 1224) Proposed Addition to Place of Use”. The following is list of Merced County Assessor’s Parcels that are participating in the proposed temporary transfer:

038-010-019	043-020-028	052-060-005	053-100-049
042-040-019	043-050-009	052-060-006	053-100-056
042-040-028	043-070-033	052-060-010	053-100-058
042-040-029	043-090-011	052-060-011	053-100-062
042-040-030	043-090-012	052-070-003	053-100-065
042-040-031	049-040-021	052-070-008	053-100-068
042-040-032	049-080-011	052-070-011	053-150-003
042-040-033	049-080-012	052-070-013	053-150-007
042-130-002	049-080-013	052-080-022	053-150-010
042-150-021	049-110-005	052-080-023	053-190-017
042-150-024	049-120-006	052-240-004	053-200-033
042-150-026	049-120-010	053-080-022	053-290-007
042-150-038	049-130-004	053-080-038	053-290-008
042-150-039	049-130-006	053-100-042	053-290-026
042-240-030	049-140-004	053-100-044	056-120-019

Merced Irrigation District License 2685 (Application 1224)  
 Attachment to Petition for Temporary Transfer

056-150-001	066-230-017	067-100-038	068-130-044
056-150-028	066-240-004	067-120-015	068-230-004
056-150-036	067-010-033	067-130-004	068-230-012
056-150-039	067-040-006	067-130-005	068-230-014
056-150-040	067-040-007	067-130-006	068-230-031
056-150-041	067-040-008	067-130-008	068-250-001
056-170-001	067-040-025	067-130-010	068-250-002
056-170-002	067-040-033	067-130-011	068-250-012
057-050-029	067-050-001	067-130-012	068-250-021
057-050-032	067-050-002	067-140-001	068-250-051
057-050-033	067-050-007	067-140-002	068-250-075
057-050-056	067-050-030	067-140-003	074-110-043
057-050-057	067-050-031	067-150-010	074-110-052
065-010-010	067-050-033	067-190-005	074-110-053
065-010-014	067-050-034	067-190-008	074-110-054
065-010-015	067-050-038	068-010-010	074-140-001
065-020-014	067-050-042	068-010-015	075-010-020
065-020-015	067-050-043	068-010-019	075-010-021
065-020-020	067-050-044	068-010-020	075-010-023
065-020-021	067-050-047	068-010-021	075-010-026
065-020-024	067-050-048	068-030-023	075-020-002
065-110-003	067-050-049	068-030-025	075-020-003
065-110-004	067-060-011	068-030-047	075-020-004
065-110-024	067-060-018	068-030-051	075-020-005
065-120-004	067-060-046	068-030-088	075-020-012
065-120-005	067-070-001	068-110-001	075-020-013
065-120-012	067-070-013	068-110-002	075-020-014
065-130-058	067-070-015	068-120-001	075-020-015
066-100-009	067-070-042	068-120-002	075-020-016
066-110-007	067-070-043	068-120-003	075-020-023
066-140-001	067-070-048	068-120-060	075-030-001
066-150-005	067-070-049	068-120-061	075-030-059
066-150-007	067-080-002	068-120-066	075-060-029
066-150-008	067-080-003	068-130-028	075-060-043
066-160-015	067-080-019	068-130-029	075-060-044
066-170-016	067-080-020	068-130-031	075-060-047
066-180-004	067-080-033	068-130-032	075-060-059
066-190-001	067-100-011	068-130-033	075-060-060
066-230-006	067-100-015	068-130-034	075-060-061
066-230-013	067-100-016	068-130-043	075-060-062

075-060-063	075-100-004	075-100-016	075-110-036
075-071-016	075-100-006	075-100-017	075-110-043
075-080-022	075-100-009	075-100-025	075-110-044
075-080-028	075-100-010	075-100-026	075-110-045
075-080-029	075-100-011	075-110-019	
075-090-005	075-100-012	075-110-027	
075-100-003	075-100-013	075-110-028	

1b, 3a, & 3b

The purpose of this temporary transfer is to provide surface water to SOI Lands in lieu of the SOI water demands being met from individual groundwater supplies. Merced will provide, through its North and Main Canals, up to 5,000 AF of stored water for use by SOI landowners. The water delivered to the SOI Lands will be made available from Merced by either releases of stored water or by groundwater exchange pumping from Merced’s groundwater wells.

Releases of water from storage will increase the streamflow between Lake McClure and Merced’s Main Canal by the 5,000 AF during the period of releases in order to convey stored surface water for redistribution to SOI Lands. Providing surface water to SOI Lands through groundwater exchange pumping would result in no effect to streamflow and no effect to the underlying groundwater aquifer as this quantity would be pumped by individual landowners absent the proposed temporary transfer. The proposed temporary transfer involves the release of stored water for diversion at Merced’s North and Main Canals for delivery to lands that would be in production without the proposed temporary transfer. Merced is required to release water to meet other downstream commitments and requirements below the inlet to its Main Canal. Therefore, there will be no downstream change of the streamflow, water quality, timing of diversion or use, return flows, or effects on legal users of water during the period of the proposed temporary transfer.

A potential effect to the downstream flow from the release of stored water arises during the subsequent refill of the 5,000 AF of vacated stored water. This refill normally occurs during periods of high runoff and periods of low water demand by downstream water right holders. Based on Merced’s past experiences, which has included larger quantities of water, no adverse effect has resulted from the refilling of this previously stored water. Merced is willing to accept refill criteria to assure no impact occurs.

Based on the Department of Water Resources (DWR) Bulletin 120 publication for March 1, 2007, *Water Supply Conditions in California*, the unimpaired runoff forecast for the Merced River below Merced Falls during the 2007 Water Year is 54% of average. Assuming that the hydrology does not improve during the next few months and the 2007 Water Year will be classified as a dry year type, according to a 90% inflow exceedance forecast, Merced is prepared to make water available for this proposed temporary transfer by groundwater exchange pumping.



In this way, Merced would be exercising its conjunctive use operations by preserving surface water in the reservoir for the 2008 Water Year. Should the hydrology improve to an “average” runoff scenario, according to a 50% inflow exceedance forecast, Merced may elect to release surface water from storage for delivery to SOI Lands and refill the vacated storage.

#### 4 – Regional Water Quality Control Board

We have contacted Anthony Toto ((559) 445-6278) of the Central Valley Regional Water Quality Control Board. Mr. Toto did not believe that any action is required by Merced or the SOI landowners as a result of this proposed temporary transfer. We are sending Mr. Toto a copy of this petition for review.

#### 5a – CA Department of Fish and Game

We have contacted Tim Heyne ((209) 853-2533) of the Department of Fish and Game. Mr. Heyne did not identify any concerns relative to the proposed temporary transfer and did not identify any mitigation measures that would be required. We are sending Mr. Heyne a copy of this petition for review.

#### 5c & 5d

There will be an insignificant effect on fish, wildlife, or other instream beneficial uses as a result of this petition because the temporary transfer involves Merced’s existing facilities and no new lands will be placed into production. Merced is required to release water from storage pursuant to its other existing downstream commitments; and thus, there will be no downstream effects from the proposed temporary transfer, as identified in responses to questions 1b, 3a, and 3b of this petition.



ENVIRONMENTAL INFORMATION FOR PETITIONS

**2. COUNTY PERMITS**

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

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

Department: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

County Zoning Designation:   Agriculture  

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

Grading permit  Use permit  Watercourse  Obstruction permit  Change of zoning

General plan change  Other (explain):

\_\_\_\_\_  
\_\_\_\_\_

b. Have you obtained any of the required permits described above?  YES  NO Not Applicable

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

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

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

a. Check any additional state or federal permits required for your project: Not Applicable

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

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

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

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

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

- d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Tim Heyne (209) 853-2533

**4. ENVIRONMENTAL DOCUMENTS**

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

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

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

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

**5. WASTE/WASTEWATER**

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?  
 YES  NO  
If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

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

- b. Will a waste discharge permit be required for your project?  YES  NO  
Person contacted: \_\_\_\_\_ Date of contact: \_\_\_\_\_
- c. What method of treatment and disposal will be used? \_\_\_\_\_

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

**6. ARCHEOLOGY**

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

ENVIRONMENTAL INFORMATION FOR PETITIONS

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

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

**7. ENVIRONMENTAL SETTING**

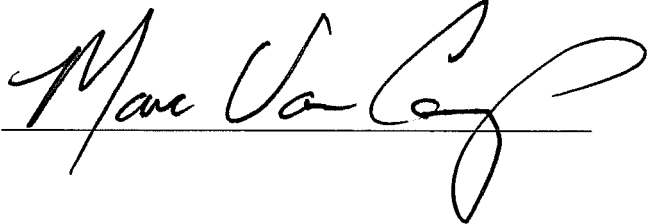
Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion. Not Applicable
- Along the stream channel immediately upstream from the proposed point(s) of diversion. Not Applicable
- At the place(s) where the water is to be used.

**8. CERTIFICATION**

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 3/27/07

Signature: 

**Attachment No. 1  
to Environmental Information for  
Petition for Temporary Transfer  
License 2685 (Application 1224)  
held by Merced Irrigation District**

DESCRIPTION OF PROJECT

The Merced Irrigation District (Merced) is petitioning to add places of use in order to supply previously stored surface water to agricultural lands located near the boundaries of Merced's authorized places of use covered by its Post-1914 appropriative water rights. These lands are known as Merced's Sphere of Influence Lands (SOI Lands), which are all located within Merced County. The majority of the SOI Lands currently, and have historically received surface water from Merced during years that Merced's Board of Directors determines water is available under its Pre-1914 claims, provided that adequate natural flow is available from the Merced River. During months when surface water is not available under Merced's Pre-1914 claims for delivery to SOI Lands, the individual landowners meet their demands through alternate supplies, such as groundwater.

Approval of this petition would provide continued surface water supplies for SOI Lands, up to the proposed temporary transfer quantity of 5,000 AF. Prior to the date at which the Merced Board of Directors determines that surface water is not available under its Pre-1914 claims for delivery to SOI Lands, Merced will evaluate the hydrologic conditions to assess whether the previously stored water will be made available to the SOI Lands by releases from storage or by groundwater exchange pumping. Releases from storage involve the delivery of water to SOI Lands and refill of the reservoir, which normally occurs during periods of high runoff. The release of stored water would be increased as compared with the condition absent the proposed temporary transfer. Merced is willing to accept refill criteria to assure no impact occurs to downstream water right holders.

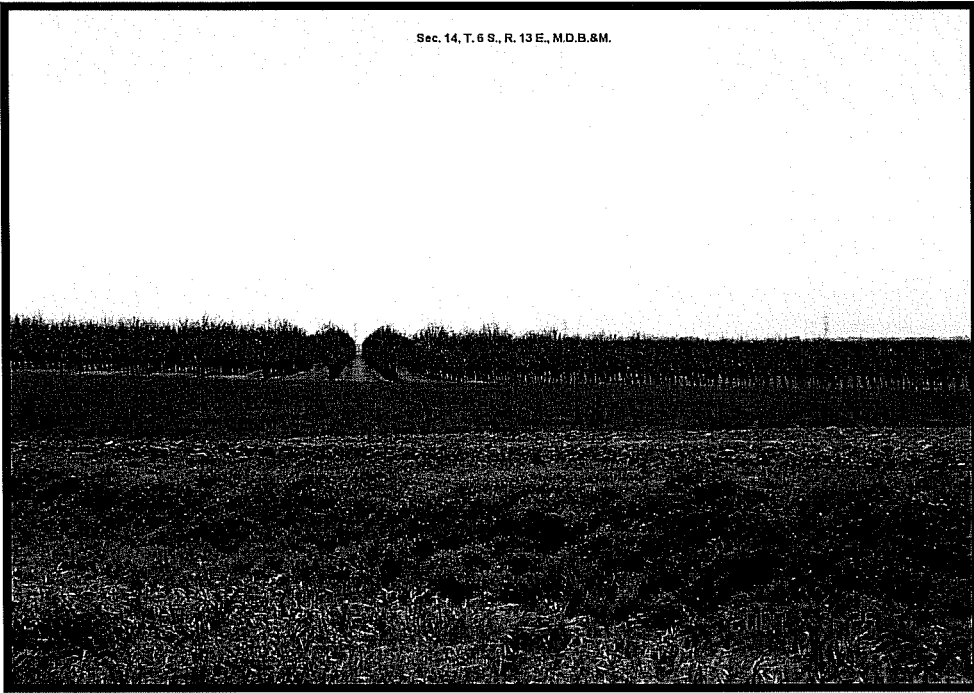
Groundwater pumping exchange is the delivery of water pumped using Merced's groundwater wells into Merced's adjacent conveyance facilities and exchanging a like amount of surface water for delivery to SOI Lands, up to 5,000 AF. The release of stored water from the reservoir would be the same as compared with the condition absent the proposed temporary transfer. Merced's groundwater wells proposed for use in this temporary transfer are located throughout its service area and have been previously approved during other water transfers completed by Merced to ensure that the pumping does not affect the surface water system. This conjunctive use operation would allow Merced to pump groundwater at a lower pumping head as compared with the groundwater wells utilized by the majority of the SOI landowners.

There will be minor changes to Merced's current operations as a result of this petition; and these changes will be limited to continuing deliveries to SOI Lands after the date at which there is inadequate natural flow in the Merced River to deliver surface water to SOI Lands pursuant to Merced's Pre-1914 claims. Depending upon hydrologic conditions, Merced may pump additional groundwater, up to 5,000 AF, in exchange for delivery of surface water to SOI Lands. This quantity would be pumped by individual groundwater wells for use upon the SOI Lands absent the proposed temporary transfer.

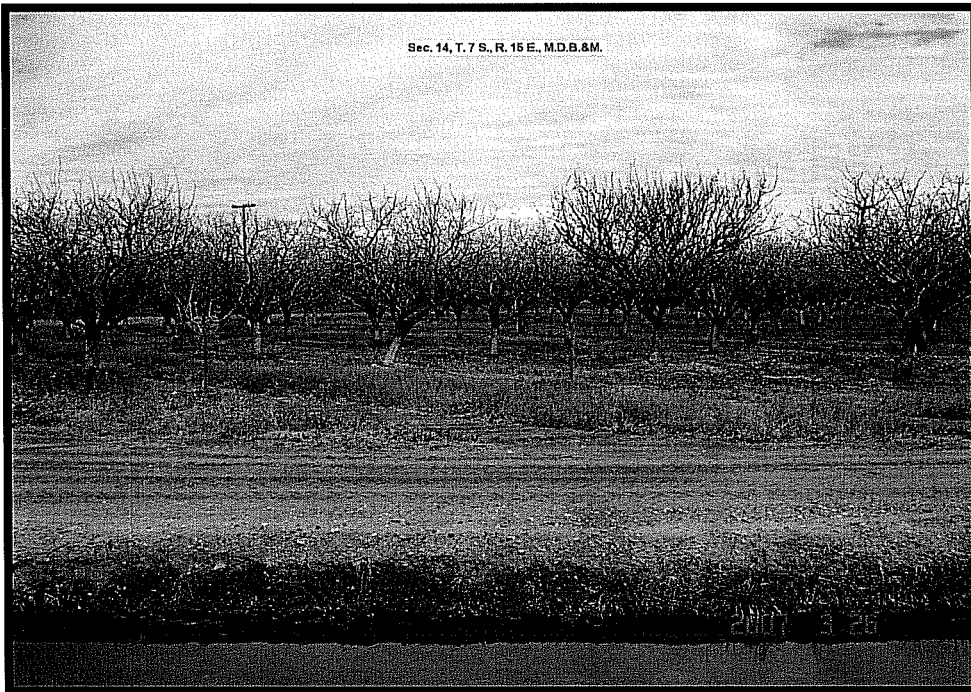
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5520/ATTACHMENT TO ENVIRONMENTAL FORM SOI 03.27.07

Sec. 14, T. 6 S., R. 13 E., M.D.B.&M.



Sec. 14, T. 7 S., R. 15 E., M.D.B.&M.

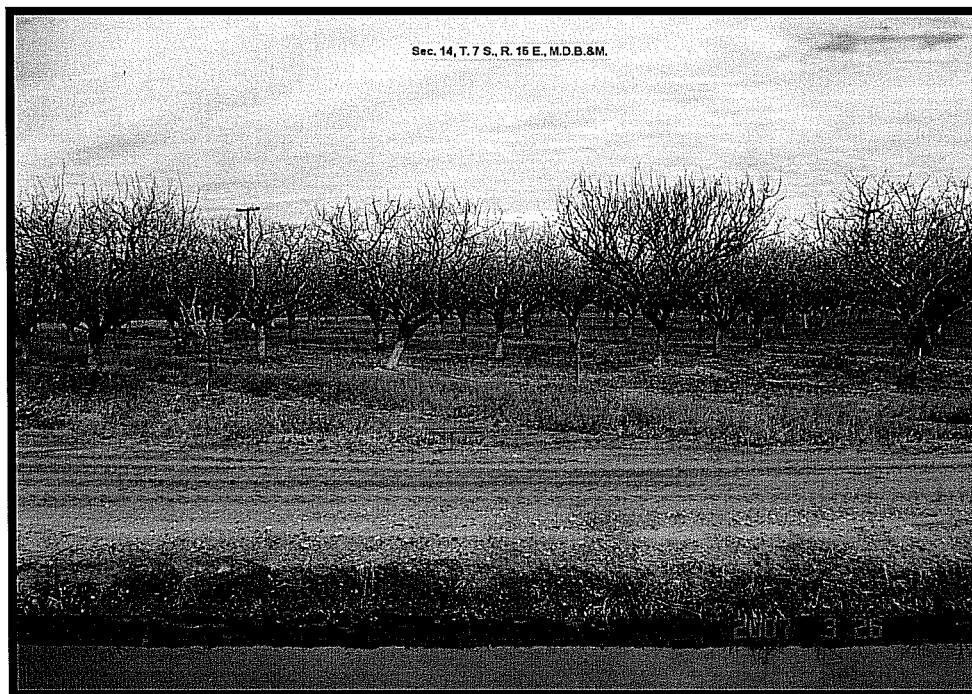
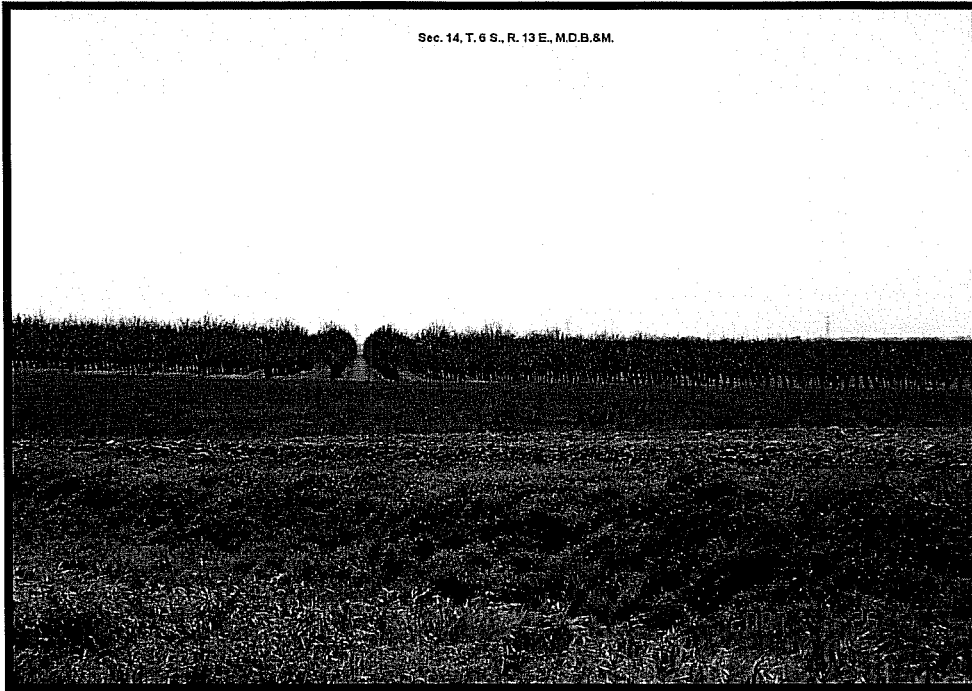


*Views of typical irrigated lands within the proposed place of use for the Merced County SOI Water Users Association.*

*Photographer - Merced Irrigation District*

*March 2007*

**MBK**   
**ENGINEERS**

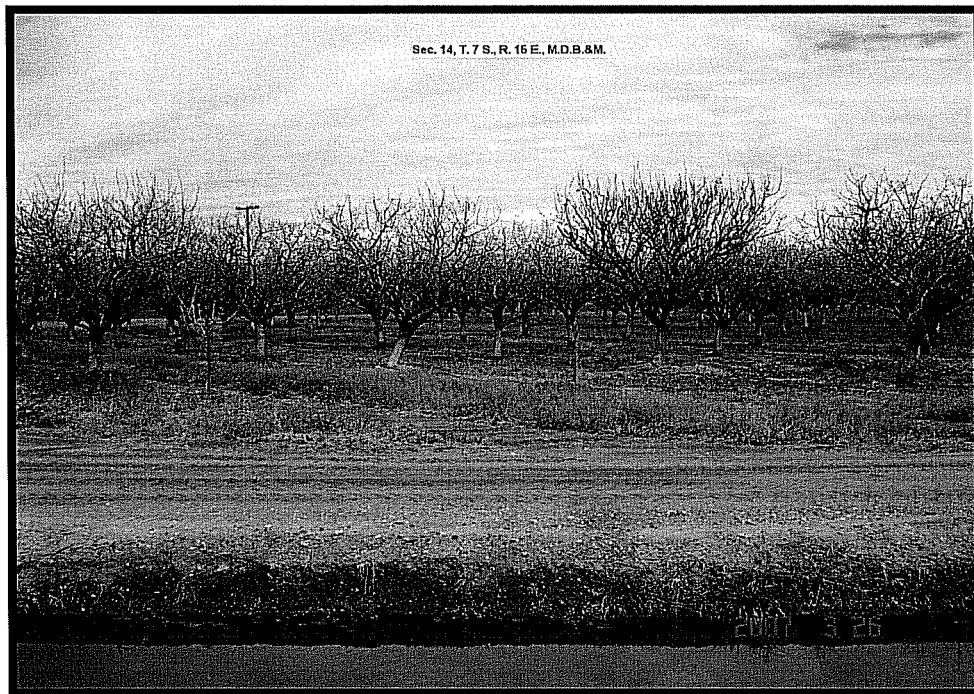
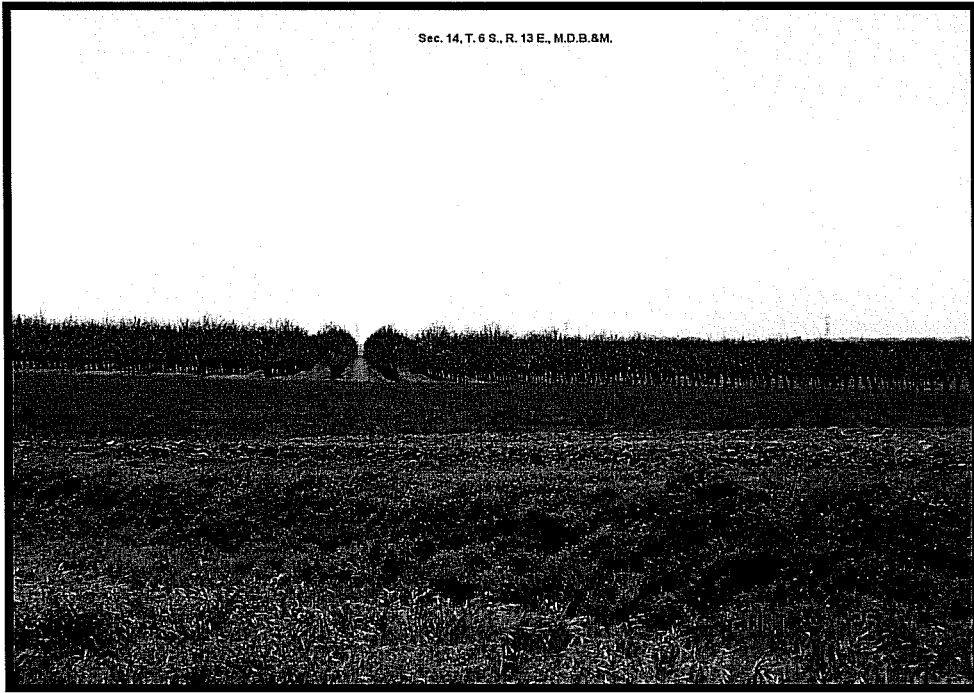


*Views of typical irrigated lands within the proposed place of use for the Merced County SOI Water Users Association.*

*Photographer - Merced Irrigation District*

*March 2007*





*Views of typical irrigated lands within the proposed place of use for the Merced County SOI Water Users Association.*

*Photographer - Merced Irrigation District*

*March 2007*

**MBK**   
**ENGINEERS**

# MERCED IRRIGATION DISTRICT

## RESOLUTION NO. 2007-11

### RESOLUTION OF EXEMPTION REGARDING SPHERE OF INFLUENCE LANDS TRANSFERS

**WHEREAS**, the Sphere of Influence Lands (SOI Lands) currently, and historically, receive surface water from MID during years the Board of Directors of the Merced Irrigation District (MID) determine water is available under its Pre-1914 claims, provided adequate natural flow is available from the Merced River;

**WHEREAS**, MID is petitioning the State Water Resources Control Board to temporarily add the SOI lands to MID's Place of Use (the Project);

**WHEREAS**, approval of the petition would provide a combination of groundwater and continued surface water supplies to be released from storage at Lake McClure for SOI Lands, up to the proposed temporary transfer quantity of 5,000 acre feet;

**WHEREAS**, there will be insignificant changes to MID's current operations as a result of this petition, and these changes will be limited to continuing deliveries to SOI Lands after the date at which there is inadequate natural flow in the Merced River to deliver surface water to SOI Lands pursuant to MID's Pre-1914 claims;

**WHEREAS**, the California Environmental Quality Act ("CEQA") became effective November 23, 1970;

**WHEREAS**, CEQA does not apply to public projects approved prior to the effective date that have not changed;

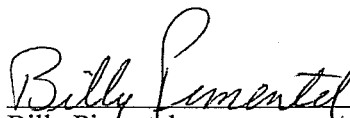
**WHEREAS**, the Project has not changed since prior to the enactment of CEQA.

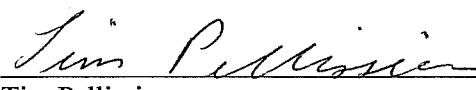
**BE IT RESOLVED THAT:** the Board finds and determines that the Project is exempt from CEQA, as the Project was approved prior to the effective date of CEQA and the Project has not changed since the effective date of CEQA. Exemption to 14 Cal. Code Regs. § 15261(a)(2) and *Nacimiento Regional Water Mgmt. Advisory Comm. v. Monterey County Water Resources Agency* (1993) 15 CA4th 200, 19 CR2d 1;

**BE IT FURTHER RESOLVED THAT:** the Board finds and determines that the Project is categorically exempt pursuant to 14 Cal. Code Regs. § 15301, Class 1, since approval of the Project occurred prior to the enactment of CEQA, and since then there has been, if any, only a "negligible" or "no expansion" of existing use.

**PASSED AND ADOPTED** by the Board of Directors of the Merced Irrigation District this 20th day of March 2007, by the following vote:

Ayes:	Directors:	Pimentel, Pellissier, Hooper, Morimoto, Pedretti
Noes:	Directors:	None
Abstain:	Directors:	None
Absent:	Directors:	None

  
\_\_\_\_\_  
Billy Pimentel  
President  
Merced Irrigation District

  
\_\_\_\_\_  
Tim Pellissier  
Secretary  
Merced Irrigation District

JOSEPH D. COUNTRYMAN, P.E.  
GILBERT COSIO, JR., P.E.  
MARC VAN CAMP, P.E.

KDM  
A001224  
w/map  
ANGUS NORMAN MURRAY  
1913 - 1985

CONSULTANTS:  
JOSEPH I. BURNS, P.E.  
DONALD E. KIENLEN, P.E.

2007-03-27 11:13:22  
March 27, 2007

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

**Subject: Merced Irrigation District Petition for Temporary Transfer under License 2685 (Application 1224)**

Dear Ms. Whitney:

On behalf of Merced Irrigation District (Merced), enclosed are the following:

1. Petition for Temporary Transfer Form together with a map (original and one copy).
2. Environmental Information Form (original and one copy).
3. Merced Resolution of Exemption (original and one copy).
4. Check in the amount of \$3,497 to cover the Petition fee.
5. Check in the amount of \$850 to cover the fee for the Department of Fish and Game.

Merced is petitioning to add to the place of use covered by License 2685 (Application 1224) in order to supply previously stored surface water to agricultural lands located near its boundaries. The lands participating in this proposed temporary transfer include those involved in the new organization known as the Merced County Sphere of Influence Water Users Association (SOI Water Users), which are all located within Merced County. The majority of the SOI Water Users currently, and have historically, received surface water from Merced during years that Merced's Board of Directors determine water is available under its Pre-1914 claims, provided that adequate natural flow is available from the Merced River. During months when surface water is not available under Merced's Pre-1914 claims for delivery to the SOI Water Users, the individual landowners meet their demands through alternate supplies, such as groundwater.

Approval of this petition would provide continued surface water supplies for SOI Water Users, up to the proposed temporary transfer quantity of 5,000 AF. Prior to the date at which the Merced Board of Directors determines that surface water is not available under its Pre-1914 claims for delivery to the SOI Water Users, Merced will evaluate the hydrologic conditions to

assess whether the previously stored water will be made available to the SOI Lands by releases from storage or by groundwater exchange pumping. Based on the Department of Water Resources (DWR) Bulletin 120 publication for March 1, 2007, *Water Supply Conditions in California*, the unimpaired runoff forecast for the Merced River below Merced Falls during the 2007 Water Year is 54% of average. Assuming that the hydrology does not improve during the next few months and the 2007 Water Year will be classified as a dry year type, according to a 90% inflow exceedance forecast, Merced is prepared to make water available for this proposed temporary transfer by groundwater exchange pumping. In this way, Merced would be exercising its conjunctive use operations by preserving surface water in the reservoir for the 2008 Water Year. Should the hydrology improve to an "average" runoff scenario, according to a 50% inflow exceedance forecast, Merced may elect to release surface water from storage for delivery to the SOI Water Users and refill the vacated storage.

Please call Darren Cordova from our office if you have any questions or require additional information.

Sincerely,  
MBK ENGINEERS



Marc Van Camp

DC/pp  
5520/VICTORIA WHITNEY 03.27.07

cc: Garith Krause  
Ted Selb  
Ken Robbins  
Gary Sawyers  
Department of Fish and Game (via certified mail)  
Mariposa County Supervisors (via certified mail)  
Merced County Supervisors (via certified mail)  
Central Valley Regional Water Quality Control Board (via certified mail)