

## State Water Resources Control Board

# NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF PUBLIC BOARD MEETING

## CONSIDERATION OF PETITION BY MADERA IRRIGATION DISTRICT FOR A STATUTORY ADJUDICATION OF WATER RIGHTS IN THE FRESNO RIVER WATERSHED

**Notice is Hereby Given** that the State Water Resources Control Board (State Water Board or Board) will receive written public comments on both the petition by Madera Irrigation District (District) for a statutory adjudication of water rights in the Fresno River Watershed and the staff recommendation described in the Fact Sheet (see below under “Document Availability”). Information on the comment period and how to submit written comments is detailed below under “Submission of Written Comments.”

**Notice is Hereby Given** that the State Water Board will hold a Board Meeting to receive public input and oral comments on the pending petition by the District for a statutory adjudication of water rights in the Fresno River Watershed and to consider adopting a resolution regarding the petition. The location and start time of the Board Meeting are provided below:

**Tuesday September 17, 2019 – 9:30 a.m.**  
Joe Serna, Jr. - CalEPA Headquarters Building  
Coastal Hearing Room  
1001 I Street, Second Floor  
Sacramento, California

### BACKGROUND

On October 18, 2018, the State Water Board Division of Water Rights (Division) received a petition from the District seeking to initiate a statutory adjudication of rights to water in the Fresno River and its tributaries. The District has requested that the State Water Board use its existing authorities to resolve ongoing conflicts over water rights, use, and allocations within the Fresno River Watershed by determining the rights to surface water in the stream system.

A statutory adjudication is a proceeding by which all of the rights to water in a stream system are determined through an administrative proceeding conducted by the State Water Board and confirmed by entry of a decree by the superior court. Since 1924, the State Water Board has completed approximately 28 statutory adjudications of surface streams throughout the state. The procedures for statutory adjudications can be found

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

in California Water Code sections 2500-2868 and California Code of Regulations Title 23, sections 945-969.

A statutory adjudication may be initiated by a claimant to water of any stream system by petition to the State Water Board requesting the determination of the rights of the claimants to the water of that stream system. The State Water Board may grant, deny, or conditionally postpone action on the pending petition for adjudication of rights to water in the Fresno River Watershed. In making its determination, the State Water Board must consider (1) the degree to which the waters of the stream system are fully used; (2) the existence of uncertainty as to the relative priority of rights to the use of waters of the stream system; (3) the unsuitability of less comprehensive measures, such as private litigation or agreements, to achieve certainty of rights to the use of waters of the stream system; and (4) the need for a system-wide decree or watermaster service, or both, to assure fair and efficient allocation of the waters of the stream system (Cal. Code Regs., tit. 23, § 946).

#### **DOCUMENT AVAILABILITY**

The Fact Sheet outlining possible actions by the Board and other related materials can be accessed on the State Water Board's website at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/fresno\\_riv\\_adjud/](https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/fresno_riv_adjud/)

A draft resolution for consideration of adoption by the Board will be available at least ten days in advance of the Board Meeting on the State Water Board website at:

[https://www.waterboards.ca.gov/board\\_info/calendar/](https://www.waterboards.ca.gov/board_info/calendar/)

#### **SUBMISSION OF COMMENTS**

The State Water Board will accept written public comments on the petition for statutory adjudication and the staff recommendation described in the Fact Sheet. Written comments must be received by **12:00 noon on Friday August 16, 2019** and must be addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (mail)  
1001 I Street, 24<sup>th</sup> Floor, Sacramento, CA 95814 (hand delivery)

Please indicate in the subject line: "**Comment Letter – Statutory Adjudication of Water Rights in the Fresno River Watershed.**" Comment letters may be submitted electronically (if less than 15 megabytes in total size), in pdf format, to the Clerk to the Board via email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov). If the file is greater than 15 megabytes, then the comment letter may be submitted by mail, hand delivery, or fax to (916) 341-5620. U.S. Mail must be received at the State Water Board offices, not postmarked, by the close of the comment period. Couriers delivering hard copies of comment letters must check-in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

## PROCEDURAL MATTERS

At the September 17, 2019 State Water Board Meeting, the Board will consider both the petition for statutory adjudication of water rights in the Fresno River Watershed submitted by the Madera Irrigation District and a draft resolution regarding the petition. There will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions and revise the draft resolution based on comments and input received. At the Board Meeting, participants will be given an opportunity to provide input with oral comments or presentations. To ensure a productive and efficient meeting in which all participants have an opportunity to participate, oral presentations may be time-limited.

Presentation recommendations can be found on the State Water Board's website at: [https://www.waterboards.ca.gov/board\\_info/meetings/board\\_presentations.shtml](https://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml)

## PARKING AND ACCESSIBILITY

Directions to the Joe Serna, Jr. CalEPA Building and parking information are available at: <https://www.calepa.ca.gov/headquarters-sacramento/location/>

The CalEPA Building is accessible to people with disabilities. Individuals who require special accommodations at the CalEPA Building are requested to contact Moises Moreno-Rivera at (916) 341-5261 or by e-mail at [moises.moreno-rivera@waterboards.ca.gov](mailto:moises.moreno-rivera@waterboards.ca.gov). TDD users may contact the California Relay Service at (800) 735-2929 or voice line at (800) 735-2922.

All visitors to the CalEPA Building are required to sign-in and obtain a badge at the Visitor Services Center, located just inside and to the left from the main entrance on 10<sup>th</sup> Street. Valid picture identification may be required. Please allow up to 15 minutes to receive security clearance to attend the meeting.

The State Water Board Meeting will be broadcast live via the internet at: <https://video.calepa.ca.gov/>

## CONTACT INFORMATION

Questions regarding this notice may be directed to Division's Hearings Unit at (916) 319-0960 or by email at [WR\\_Hearing.Unit@WaterBoards.ca.gov](mailto:WR_Hearing.Unit@WaterBoards.ca.gov).

July 16, 2019  
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Date

  
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Jeanine Townsend  
Clerk to the Board