



Water Resources ♦ Flood Control ♦ Water Rights

KDM
A01224

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

2007 MAR -9 PM 3:33

ANGUS NORMAN MURRAY
1913 - 1985

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

March 9, 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 (original and one copy) together with a map (2 copies).
2. Environmental Information Form (original and one copy).
3. Merced Resolution of Exemption (original and one copy).
4. Check in the amount of \$9,497 to cover the Petition fee.
5. Check in the amount of \$850 to cover the fee for the Department of Fish and Game.

We are submitting this Petition for Temporary Transfer in accordance with the request of your staff by letter dated January 26, 2007. The proposed change to Merced's License 2685 (Application 1224) would authorize the release and use of stored water to satisfy the terms of the Cowell Agreement (Agreement). The Agreement, dated January 17, 1926, represents a litigated settlement of certain riparian and pre-1914 claims and quantified those water rights on the Merced River. The Agreement stipulates a scheduled quantity of flow rates, measured at Crocker-Huffman Dam, to be maintained by Merced. At certain times, Merced has been required to supplement downstream flows in the Merced River with releases from storage when inflow to Lake McClure is insufficient to satisfy these flow requirements downstream of the Crocker-Huffman Dam. Merced does not coordinate or deliver water to the individual diverters named in the Agreement and there will be no change to the historical or current operations of Merced as a result of this petition.

As you are aware, Merced and the Cowell Agreement Diverters (CADs) have coordinated in order to form the CAD organization and complete the necessary tasks to file a

petition for a permanent change to the authorized place of use covered by Merced's water rights. Although the tasks to prepare a petition for a permanent change are nearly complete, the unimpaired runoff forecast for the Merced River below Merced Falls during the 2007 Water Year is 51% of average based on the Department of Water Resources (DWR) Bulletin 120 publication for February 1, 2007, *Water Supply Conditions in California*. Thus, Merced anticipates that the inflow to Lake McClure may decline such that storage releases may be required in order to satisfy the terms of the Agreement for the 2007 irrigation season.

Please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS



Marc Van Camp

DC/pp
5520/VICTORIA WHITNEY 03.09.07.DOC

cc: Ted Selb
Ken Robbins
Lloyd Pareira
Gary Sawyers
Department of Fish and Game (via certified mail)
Mariposa County Supervisors (via certified mail)
Merced County Supervisors (via certified mail)

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>

2007 MAR -9 PM 3:34

**PETITION FOR TEMPORARY TRANSFER
OF WATER/WATER RIGHTS**
(Water Code 1725)

WATER RIGHTS
SACRAMENTO

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
vancamp@mbkengineers.com 95817
Address City State Zip Code
E-MAIL (For noticing purposes)

Co-petitioner

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

Proposed New User

Cowell Agreement Diverters 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
gsawyers@sawyerslaw.com 93704
Address City State Zip Code
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 25,000 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 See Attachment
Proposed See Attachment

3/9/07
\$ 997.07
DC

Place of Use

Present See Attachment
Proposed See Attachment

Purpose of Use

Present No Change Requested
Proposed No Change Requested

	<i>Season of Use</i>	<i>Direct Use (cfs)</i>	<i>Storage (ac-ft)</i>
Present	<u>No Change Requested</u>	<u>No Change Requested</u>	<u>No Change Requested</u>
Proposed	<u>No Change Requested</u>	<u>No Change Requested</u>	<u>No Change Requested</u>

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.
- 2a. If the point of diversion/rediversion is being changed, are there any person(s) taking water from the stream between the present point of diversion/rediversion and the proposed point? No
(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? No
(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.
N/A
- 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. N/A
-

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: March 9, 2007 at Sacramento, California

Marc Van ...
Signature(s)

(916) 456-4400
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 accordance with the direction provided by the Division of Water Rights (Division). Merced and numerous downstream water users entered into an agreement, known as the Cowell Agreement (Agreement), pursuant to a Merced County Superior Court Order dated January 17, 1926. The Agreement settled potential water right issues and facilitated the continued development of Merced projects. The facilities and ditches identified as points of rediversion in this petition were in place and diverting water prior to the 1926 Agreement, and possibly prior to 1914. Therefore, no additional or new use of water is occurring as a result of filing this petition. Merced believes this petition should be considered an administrative change, as it represents a change in the Division's position since the time of licensing the water rights of Merced. The Division has advised Merced that lands covered under the Agreement need to be included in Merced's licenses to authorize the use of stored water.

POINT OF DIVERSION OR REDIVERSION

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.

Proposed Points of Diversion:

No change in the points of diversion is proposed.

Proposed Points of Rediversion:

The following points of rediversion are proposed to be added:

Canevaro Ditch – West 1,792' and South 366' from Proj. NE Corner Section 11, being within the NW ¼ of NE ¼ of said Section 11, T5S, R14E.

Robinson/Cuneo Ditch – West 2,117' and South 423' from Proj. NE Corner Section 10, being within the NW ¼ of NE ¼ of said Section 10, T5S, R14E.

Ruddle Ditch – West 1,963' and South 1,174' from Proj. NE Corner Section 9, being within the NW ¼ of NE ¼ of said Section 9, T5S, R14E.

Dale/Scott Ditch – East 742' and South 2,683' from Proj. NW Corner Section 9, being within the NW ¼ of SW ¼ of said Section 9, T5S, R14E

Jorgenson/Ferrell Ditch – West 926' and South 674' from Proj. NE Corner Section 17, being within the NE ¼ of NE ¼ of said Section 7, T5S, R14E

Cowell Ditch – East 390' and North 1,744' from Proj. SW Corner Section 17, being within the NW ¼ of SW ¼ of said Section 17, T5S, R14E.

Bettencourt/Shaffer/Griffith Ditch – East 2,021' and North 545' form Proj. SW Corner Section 28, being within the SE ¼ of SW ¼ of said Section 28, T5S, R13E.

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 13,003 acres within a gross area of 19,700 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 and Points of Rediversion". The following is list of Merced County Assessor's Parcels that are participating in the temporary transfer:

042-130-006
042-130-007
042-130-009
042-130-011
042-130-021
042-140-006
042-140-008
042-140-009
042-140-010
042-140-011
042-140-012
042-140-019
042-140-020
042-140-028
042-160-017
042-160-038

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

042-160-045
042-170-010
042-170-012
042-170-021
042-170-036
042-170-041
042-170-042
042-170-055
042-200-005
042-200-006
042-200-011
042-200-022
042-200-032
042-200-033
042-200-036
042-200-039
042-200-040
042-200-044
042-200-046
042-200-047
042-200-048
042-200-049
042-210-012
042-220-002
042-220-007
042-220-008
042-220-009
042-220-010
042-230-001
042-230-024
042-230-025
042-230-030
042-230-031
042-230-048
042-240-006
042-240-017
042-240-019
042-240-020
042-240-021
042-240-022
042-250-005
042-250-011
042-250-012
042-250-013
042-250-014

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

042-260-007
042-260-013
042-260-025
042-260-026
042-260-027
043-020-024
043-020-025
043-020-031
043-020-037
043-020-045
043-020-047
043-020-048
043-020-050
043-020-051
043-020-052
043-030-022
043-040-023
043-040-039
043-050-013
043-050-017
043-050-044
043-070-004
043-070-005
043-070-008
043-070-019
043-070-025
043-070-038
043-070-039
043-080-002
043-080-008
043-090-002

1b, 3a, & 3b

Merced is required to maintain specified flows in the Merced River as a result of the Cowell Agreement (Agreement), signed January 17, 1926. The Agreement represents a litigated settlement of the waters of the Merced River. The terms of the Agreement provide the signatory landowners a schedule of water that would be made available in every year for diversion. Pursuant to the Agreement, the flow of the Merced River must be maintained by Merced to meet a specified flow schedule. These flows are measured at the Crocker-Huffman Diversion Dam together with Merced's instream flow requirements.

Merced has historically bypassed water or made releases from Lake McClure to meet the required Merced River flows. The downstream parties to the Agreement have diverted water pursuant to water rights identified in the Agreement. Merced makes releases from storage when

needed to meet the downstream in-stream flow requirements (combination of fishery and Agreement). Historical diversions of any stored water by the parties to the Agreement occurred infrequently, and were believed to occur pursuant to the Agreement and individual water rights.

The Division of Water Rights (Division) initiated a compliance review of Merced's water rights and use of water in January 2001. As a result of this review, the Division has taken the position that a petition to Merced's water rights is required to authorize the diversions made by the parties to the Agreement. After numerous meetings and discussions to identify its contrary viewpoint, Merced is filing this petition to satisfy the Division's request.

Based on the Department of Water Resources (DWR) Bulletin 120 publication for February 1, 2007, *Water Supply Conditions in California*, the unimpaired runoff forecast for the Merced River below Merced Falls during the 2007 Water Year is 51% of average. Thus, Merced anticipates that the inflow to Lake McClure may decline such that storage releases may be required in order to satisfy the terms of the Agreement for the 2007 irrigation season.

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 have a strong opinion. We are sending him an entire package for his review. Based on our discussions for the identical transfer in 2004, the proposed temporary transfer will not require any permits nor result in an increased impairment to water quality.

5a – CA Department of Fish and Game

We have been unsuccessful in contacting Tim Heyne ((209) 853-2533). Based on our previous discussions with Tim Heyne for the identical transfer in 2004, the proposed temporary transfer will not result in an increased adverse effect on fish, wildlife, or other instream beneficial uses due to the existing operation of the facilities. Mitigation measures are not required.

5c & 5d

There will be no effect on fish, wildlife, or other instream beneficial uses as a result of this petition because Merced has historically provided the schedule of flows required by the terms of the Agreement, as identified above. There will be no change to the historical or current operations of Merced as a result of this petition.

California Environmental Protection Agency

CALIFORNIA WATER RESOURCES CONTROL BOARD

State Water Resources Control Board

2007 MAR -9 PM 3:34

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

DIVISION OF WATER RIGHTS SACRAMENTO

ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (SWRCB) can approve a petition to change your water right permit or a petition for extension of time to complete use, the SWRCB must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

See Attachment

See Attachment No. 1

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

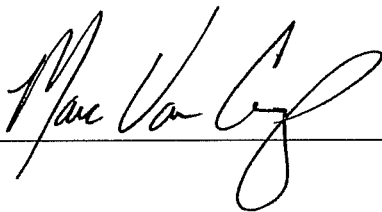
Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- 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.

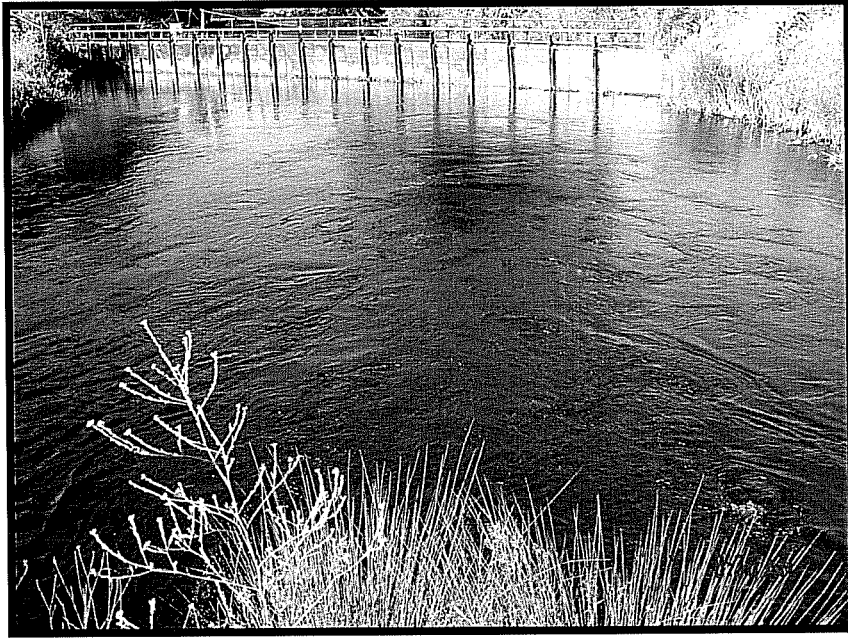
Date: March 9, 2007

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 points of rediversion and places of use operated by the parties historically diverting water under the Cowell Agreement (Agreement) entered into pursuant to a Merced County Superior Court Order dated January 17, 1926. The Agreement represents a litigated settlement of assumed certain riparian and/or pre-1914 water right claims and quantified water rights on the Merced River. The Agreement stipulates a scheduled quantity of flow rates, measured at Crocker-Huffman Dam, to be maintained by Merced. Merced is responsible for maintaining the schedule of flows in the Merced River as outlined in the Agreement and does not coordinate or deliver water to the individual diverters named in the Agreement. There will be no change to the historical or current operations of Merced or the downstream water users as a result of this petition. The purpose of this petition is to authorize the storage releases made by Merced to satisfy the Agreement pursuant to the request of the Division of Water Rights. For this reason, there is no physical change in Merced's facilities or operation, or the downstream diversions made pursuant to the Agreement.



View downstream on the Merced River showing the Point of Rediversion
at the Cowell Ditch Diversion Dam



View upstream on the Merced River showing the Point of Rediversion at the
Ruddle Ditch Diversion Structure

Typical Diversion Structures of the Cowell Agreement Diverters

Photographer - Merced Irrigation District

May 2004

MBK 
ENGINEERS



View downstream on the Merced River showing the Point of Rediversion
at the Cowell Ditch Diversion Dam



View upstream on the Merced River showing the Point of Rediversion at the
Ruddle Ditch Diversion Structure

Typical Diversion Structures of the Cowell Agreement Diverters

Photographer - Merced Irrigation District

May 2004



View downstream on the Merced River showing the Point of Rediversion
at the Cowell Ditch Diversion Dam



View upstream on the Merced River showing the Point of Rediversion at the
Ruddle Ditch Diversion Structure

Typical Diversion Structures of the Cowell Agreement Diverters

Photographer - Merced Irrigation District

May 2004

MERCED IRRIGATION DISTRICT

RESOLUTION NO. 2007-5

DATE FILED - RESOLUTIONS
OFFICE OF THE CLERK

RESOLUTION OF EXEMPTION REGARDING
COWELL AGREEMENT DIVERTERS (CAD)

MARCH -9 PM 3:34

WHEREAS, in 1929 the Merced Irrigation District, "MID", settled litigation by agreement, "The Project", with a group of water users, "CAD";

OFFICE OF THE CLERK

WHEREAS, the settlement resolved the issue of entitlement to riparian use of water being diverted from the original Exchequer Dam along the Merced River, which required MID to "bypass" and release water in the summer so the beneficiaries of the settlement, the "riparians", would remain in the same position that they were prior to the construction of the Exchequer Dam;

WHEREAS, the beneficiaries have "picked up" water each year since the construction of the Exchequer Dam;

WHEREAS, the California Environmental Quality Act became effective November 23, 1970;

WHEREAS, the Act does not apply to public projects approved prior to the effective date which projects have not changed;

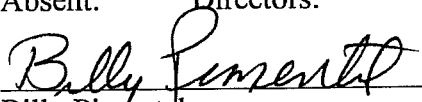
WHEREAS, The Project has not changed since the court settlement in 1929.

BE IT RESOLVED, the Board finds and determines that The Project is exempt from CEQA, as the public 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, the Board finds and determines that The Project is categorically exempt pursuant to 14 Cal Code Regs §15301, Class 1, since public project approval in 1929 there was, if any, a "negligible" or "no expansion" of existing use.

PASSED AND ADOPTED, by the Board of Directors of the Merced Irrigation District on the 6th day of March 2007, by the following vote:

Ayes: Directors:
Noes: Directors:
Abstain: Directors:
Absent: Directors:



Billy Pimentel
President
Merced Irrigation District



Tim Pellissier
Secretary
Merced Irrigation District