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## 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 May 17, 2024, 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 areas: Merced's Sphere of Influence Lands, Le Grand-Athlone Water District, Lone Tree Mutual Water Company, East Side Water District, Turner Island Water District, Amsterdam Water District, Sandy Mush Mutual Water Company, Chowchilla Water District, and other parcels along the Merced distribution system. 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 date of approval through October 31, 2024.

#### **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: Merced's Sphere of Influence Lands, Le Grand-Athlone Water District, Lone Tree Mutual Water Company, East Side Water District, Turner Island Water District, Amsterdam Water District, Sandy Mush Mutual Water Company, Chowchilla Water District, and other parcels along the Merced distribution system.

#### **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.

## STATUTORY PROVISIONS

Pursuant to Water Code section 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](mailto:WaterRightPetitions@waterboards.ca.gov) by 4:30 p.m. on June 17, 2024. 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](mailto:Patricia.Fernandez@waterboards.ca.gov)

Merced Irrigation District  
c/o Darren Cordova  
MBK Engineers  
455 University Avenue, Suite 100  
Sacramento, CA 95825-1898  
[cordova@mbkengineers.com](mailto:cordova@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](mailto:Patricia.Fernandez@waterboards.ca.gov).

Date of Notice: **May 21, 2024**