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

July 15, 2013

Ms. Barbara Evoy, Deputy Director Division of Water Rights State Water Resources Control Board P.O. Box 2000 Sacramento, CA 95812-2000

Subject:

Merced Irrigation District Petition for Change Involving Water

Transfer under License 2685 (Application 1224)

Dear Ms. Evoy:

Enclosed are the following documents relative to the Petition for Change Involving Water Transfer (Petition) under Merced Irrigation District's (Merced) License 2685 (Application 1224):

- 1. Petition Form with Attachment (one original and one copy).
- 2. Environmental Information Form with Attachment (one original and one copy).
- 3. Map to accompany Petition (one original Mylar and one copy).
- 4. Check in the amount of \$2,447 to cover the fees for the Petition.
- 5. Check in the amount of \$850 to cover the fee for the Department of Fish and Wildlife.

Merced is petitioning to temporarily add a point of rediversion and an additional place of use to its License 2685 in order to transfer up to a total of 1,500 AF to the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex. As you are aware, time is of the essence to process this Petition for the implementation of the water transfer; and we appreciate your attention to this temporary transfer Petition.

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

Sincerely,
MBK ENGINEERS

Darren Cordova

Ms. Barbara Evoy
Merced Petition for Change Involving Water Transfer to SLNWR

July 15, 2013
Page 2

DC/jp 5520.3/BARBARA EVOY 2013 07-15

Enclosures

cc: John Sweigard, General Manager, Merced Irrigation District
Hicham ElTal, Deputy General Manager, Merced Irrigation District
Phillip McMurray, General Counsel, Merced Irrigation District
Linda Colella, U.S. Bureau of Reclamation
Kathryn Gaffney, Division of Water Rights
Elizabeth Lee, CVRWQCB (via certified mail)
Annette Tenneboe, Department of Fish and Wildlife (via certified mail)
Board of Supervisors, County of Mariposa (via certified mail)
Board of Supervisors, County of Merced (via certified mail)

Please indicate County where your project is located here:

Merced, Mariposa

MAIL FORM AND ATTACHMENTS TO: State Water Resources Control Board

DIVISION OF WATER RIGHTS

P.O. Box 2000, Sacramento, CA 95812-2000

Tel: (916) 341-5300 Fax: (916) 341-5400 http://www.waterboards.ca.gov/waterrights

PETITION FOR CHANGE INVOLVING WATER TRANSFERS

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete

forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary. **Point of Diversion Point of Rediversion** Place of Use **Purpose of Use** Wat. Code, § 1701 Wat. Code, § 1701 Wat. Code, § 1701 Wat. Code, § 1701 **Temporary Urgency Temporary Change Long-term Transfer Instream Flow Dedication** Wat. Code, § 1435 Wat. Code, § 1725 Wat. Code, §§ 382, 1735 Wat. Code, § 1707 Application 1224 Permit License Statement 914 2685 I (we) hereby petition for change(s) noted above and described as follows: Point of Diversion or Rediversion - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). Present: See Attachment Proposed: See Attachment Place of Use – Identify area using Public Land Survey System descriptions to 1/4-1/4 level; for irrigation, list number of acres irrigated. Present: See Attachment Proposed: See Attachment Purpose of Use Present: Municipal, Domestic, and Irrigation. Add Fish and Wildlife Enhancement to the existing purposes of use for Municipal, Domestic, and Irrigation uses. Proposed: Instream Flow Dedication - Provide source name and identify points using both Public Land Survey System descriptions to 1/4-1/4 level and California Coordinate System (NAD 83). **Upstream Location:** Downstream Location: List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day: Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream. Proposed New User(s) Provide the names, addresses, and phone numbers for all proposed new user(s) of the water right. U.S. Bureau of Reclamation Mid Pacific Region Water Acquisition Program, MP 410 2800 Cottage Way Sacramento, California 95825-1898

Contact: Linda Colella (916) 978-5203

Amount of Water to be Transferred

Up to 1,500 acre-feet will be transferred. If the basis of right is direct diversion, the average maximum 30-day period of use is Not Applicable cubic feet per second or mixed second or mixe		
General Information – Provide the following information, if applicable to your proposed of	change(s)	
Have you attached an analysis which documents that the amount of water to be transferred or exchanged would have been consumptively used or stored in the absence of the proposed temporary change or long-term transfer?	⊙ Yes	O No
Have you attached an analysis of any changes to streamflow, water quality, timing of diversion or use, return flows, or effects on legal users from the proposed temporary change or long-term transfer?	Yes	O No
Have you attached an analysis that shows the proposed temporary change or long-term transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses?	⊙ Yes	O No
I (we) have access to the proposed point of diversion or control the proposed place of us ownership lease verbal agreement		e of: agreement
If by lease or agreement, state name and address of person(s) from whom access has b	een obtai	ned.
Give name and address of any person(s) taking water from the stream between the pres rediversion and the proposed point of diversion or rediversion, as well as any other perso affected by the proposed change. Not Applicable. See Attachment.		
All Right Holders Must Sign Below: I (we) declare under penalty of perjury that this investigated which would have been consumptively used or stored in the absence of the proposed terabove is true and correct to the best of my (our) knowledge and belief.		
Dated July 15, 2013 at Sacramento, California		
may B Combra		
Right Holder or Authorized Agent Signature Right Holder or Authorized Right Holder or Authorized Right Holder or Authorized	ed Agent S	Signature
NOTE: All petitions must be accompanied by:		

Attachment to Petition for Change Involving Water Transfers License 2685 (Application 1224) held by Merced Irrigation District

PURPOSE OF PETITION

The purpose of this Petition for Change Involving Water Transfers (Petition) is to: (1) add the East Bear Creek Unit Pumping Plant as an additional point of rediversion, (2) add the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex as an additional place of use, and (3) add Fish and Wildlife Enhancement as an additional purpose of use under Merced Irrigation District's (Merced) License 2685 (Application 1224) for the release of up to 1,500 AF of surface water for use within the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex. The releases by Merced for the proposed water transfer would occur beginning upon approval of this Petition and potentially during a period of up to one year following approval of this Petition. Surface water will be made available by Merced for the proposed temporary water transfer through releases from Lake McClure (New Exchequer Dam) that would have been stored in absence of the proposed transfer. Releases from Lake McClure would be increased during the proposed temporary water transfer as compared with the condition absent the transfer. The quantity of water transferred will be conveyed through Merced's existing surface water delivery system and Bear Creek for rediversion at the East Bear Creek Unit Pumping Plant. Absent the proposed temporary transfer, Merced would retain the entire quantity proposed for transfer in storage pursuant to its water right.

POINT OF DIVERSION OR REDIVERSION

POINTS OF DIVERSION

Present:

No changes in Merced's present points of diversion are proposed. Merced's authorized points of diversion under License 2685 are listed below:

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° 0' W), thirty eight hundred (3,800) 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.

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 (2,750) feet from the SE corner of Section 4, T5S, R15E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ 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 (2,830) 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 Mariposa County.

Proposed:

No change in the present points of diversion is proposed.

POINTS OF REDIVERSION

Present:

No changes in Merced's present points of rediversion are proposed. Merced's authorized points of rediversion under License 2685 are listed below:

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 (2,750) 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 (2,830) 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.

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 ½ 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 Additional Point of Rediversion:

No change in the present points of rediversion is proposed. Merced proposes to add the following point of rediversion:

East Bear Creek Unit Pumping Plant on Bear Creek

N 1,914,452 ft., E 6,480,299 ft., California Coordinate System Zone 3, NAD 83, being within the SE ¼ of NE ¼ of Section 8, T8S, R11E, MDB&M. This proposed additional point of rediversion is identified on the map accompanying this Petition.

PLACE OF USE

Present:

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 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 (SWRCB) dated May 1, 1995.

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

Proposed:

No change in the present place of use is proposed. Merced proposes to add the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex as an additional place of use in order to facilitate the temporary water transfer. This proposed additional place of use includes approximately 3,677 acres located within portions of Sections 6, 7, 8, 9, 17, 18, 19, 20, and 29, T8S, R11E; and portions of Sections 12 and 13, T8S, R10E, MDB&M, as identified on the map accompanying this Petition.

GENERAL INFORMATION

The purpose of this proposed temporary transfer is to provide a supplemental surface water supply for the East Bear Creek Unit to enhance and maintain wetland habitats for the benefit of migratory waterfowl and wetland-dependent wildlife. The proposed transfer will result in an increase in the flow in the Merced River by up to 1,500 AF between Merced's

present point of diversion at New Exchequer Dam and Merced's Main Canal over what would have occurred absent the proposed transfer. Merced will provide, through diversions into its Main Canal and conveyance in its existing system and Bear Creek, up to 1,500 AF of surface water for rediversion at the existing East Bear Creek Unit Pumping Plant. Merced has entered into Agreement No. 12-WC-20-4319 (Agreement) with the U.S. Bureau of Reclamation (Reclamation) for this proposed water transfer. Merced will coordinate with Reclamation and a representative from the U.S. Fish and Wildlife Service regarding the schedule of releases for rediversion at the East Bear Creek Unit Pumping Plant. The proposed releases identified in this Petition are in addition to Merced's existing downstream requirements and commitments. Thus, there will be no adverse downstream effects and there will be no injury to other legal water users, water quality, or return flows; in fact, the increased flows may result in instream benefits below Merced's existing points of rediversion during the period of the releases, which are proposed to occur beginning upon approval of this Petition and potentially during a period of up to one year following approval of this Petition.

A potential effect to the flow downstream in the Merced River from the release of water by Merced arises during the subsequent refill of the proposed transfer quantity, up to 1,500 AF. This refill normally occurs during periods of high runoff and periods of low water demand by downstream water right holders. In accordance with the Agreement with Reclamation, Merced has agreed to accept refill criteria to assure no adverse impact occurs. Absent this proposed temporary transfer to the East Bear Creek Unit, Merced would retain the entire quantity proposed for transfer in storage pursuant to its water right.

Although there may be water users taking water from the stream between Merced's current points of return flow and the points at which the East Bear Creek Unit would return water to the system, we have responded to the relevant section of the Petition form as "not applicable." Merced would not transfer water such that it would adversely impact water users within Merced; and Merced will continue the same surface water deliveries to its existing customers with or without the proposed temporary water transfer. Therefore, there will be no change in the return flow pattern from water users within Merced.

See files of SWRCB for more information regarding other legal water users. The Department of Fish and Wildlife (DFW) and the Central Valley Regional Water Quality Control Board (CVRWQCB) were contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. Copies of this Petition have been provided to Annette Tenneboe (559-243-4014) of DFW and Elizabeth Lee (916-464-4787) of the CVRWQCB.

DC/jp

5520.3/ATTACHMENT TO PETITION FOR TRANSFER EBCU 07.15.2013

State of California State Water Resources Control Board

DIVISION OF WATER RIGHTS P.O. Box 2000. Sacramento. CA 95812-2000

Tel: (916) 341-5300 Fax: (916) 341-5400 http://www.waterboards.ca.gov/waterrights

ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, the State Water Board 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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.

Insert the attachment number here if applicable.	

Insert the attachment number here, if applicable:

See Attachment No. 1

Coordination with Regional Water Quality Control Board

or change petitions only, you must request consultation with the Regional Vater Quality Control Board regarding the potential effects of your proposed hange on water quality and other instream beneficial uses. (Cal. Code Regs., t. 23, § 794.) In order to determine the appropriate office for consultation, see: ttp://www.waterboards.ca.gov/waterboards_map.shtml. Provide the ate you submitted your request for consultation here, then provide the following information.			Date of Request				
			July 11, 2013				
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			
Will a waste discharge permit be required for the project?		0	Yes	No			
If necessary, provide additional information below:							
Elizabeth Lee (916-464-4787) of the Central Valley Regional Water Quality Control Board was contacted in order to discuss the proposed temporary water transfer; and no comments were provided at this time. A copy of this petition has been provided to Ms. Lee concurrently with the submittal of this petition to the Division of Water Rights.							
Insert the attachment number here, if applicable:							
Local Permits							
For temporary transfers only, you must contact the board of			Date of C	Contact			
county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.			July 15, 2013				
For change petitions only, you should contact your local plinformation below.	anning or public works de	parti	ment and	provide the			
Person Contacted: Not Applicable	Date of Contact:						
Department:	Phone Number:						
County Zoning Designation:							
Are any county permits required for your project? If yes, in	dicate type below.) Y	es C) No			
Grading Permit Use Permit Watercourse Obstruction Permit							
Change of Zoning General Plan Change Other (explain below)							
If applicable, have you obtained any of the permits listed a	bove? If yes, provide copi	es.	O Yes	No No			
If necessary, provide additional information below:							
Not Applicable							
Insert the attachment number here, if applicable:							

Check any additional agencies that may require permits or other approvals for your project: Regional Water Quality Control Board Department of Fish and Game Dept of Water Resources, Division of Safety of Dams California Coastal Commission State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service Bureau of Land Management Federal Energy Regulatory Commission Natural Resources Conservation Service Have you obtained any of the permits listed above? If yes, provide copies. Yes No For each agency from which a permit is required, provide the following information: Agency Permit Type Person(s) Contacted Contact Date Phone Number Not Applicable If necessary, provide additional information below: Not Applicable Insert the attachment number here, if applicable: **Construction or Grading Activity** Does the project involve any construction or grading-related activity that has significantly Yes altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? If necessary, provide additional information below: Not Applicable Insert the attachment number here, if applicable:

Federal and State Permits

Archeology		
Has an archeological report been prepared for this project? If yes, provide a copy.	OYes	No
Will another public agency be preparing an archeological report?	OYes	No
Do you know of any archeological or historic sites in the area? If yes, explain below.	OYes	⊙ No
If necessary, provide additional information below: Not Applicable Insert the attachment number here, if applicable:		
Photographs See Attachment No. 1		
For all petitions other than time extensions, attach complete sets of color photographs labeled, showing the vegetation that exists at the following three locations: Along the stream channel immediately downstream from each point of diversion Along the stream channel immediately upstream from each point of diversion At the place where water subject to this water right will be used		ted and
Maps See Attachment No. 1		
For all petitions other than time extensions, attach maps labeled in accordance with the applicable features, both present and proposed, including but not limited to: point of discontrated rediversion, distribution of storage reservoirs, point of discharge of treated wastewater location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 79 Pursuant to California Code of Regulations, title 23, section 794, petitions for change may not be accepted.	iversion, po r, place of u 94.)	int of se, and
All Water Right Holders Must Sign This Form: I (we) hereby certify that the statements I (we) have furnished above and in the attach the best of my (our) ability and that the facts, statements, and information presented a best of my (our) knowledge. Dated Sacramento, C	are true and	•
Water Right Holder or Authorized Agent Signature	orized Agent	t Signature

NOTE:

- <u>Petitions for Change</u> may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- <u>Petitions for Temporary Transfer</u> may not be accepted unless you include proof that a copy of the petition was served
 on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use
 water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

Attachment No. 1

to Environmental Information for Petition for Change Involving Water Transfers License 2685 (Application 1224) held by Merced Irrigation District

DESCRIPTION OF PROPOSED CHANGES

Merced Irrigation District (Merced) has filed a Petition for Change Involving Water Transfers (Petition) to: (1) add the East Bear Creek Unit Pumping Plant as an additional point of rediversion, (2) add the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex as an additional place of use, and (3) add Fish and Wildlife Enhancement as an additional purpose of use under Merced's License 2685 (Application 1224) for the release of up to 1,500 AF of surface water for use within the East Bear Creek Unit of the San Luis National Wildlife Refuge Complex. The releases by Merced for the proposed water transfer would occur beginning upon approval of the Petition and potentially during a period of up to one year following approval of the Petition in order to enhance and maintain wetland habitats for the benefit of migratory waterfowl and wetland-dependent wildlife. There is no change to the existing points of diversion or rediversion, place of use, or purposes of use identified in License 2685.

The proposed quantity of water to be made available by Merced involves releases from Lake McClure (New Exchequer Dam) for conveyance into Merced's existing surface water delivery system and Bear Creek for rediversion at the existing East Bear Creek Unit Pumping Plant. The proposed transfer will result in an increase in the flow in the Merced River by up to 1,500 AF between Merced's present point of diversion at New Exchequer Dam and Merced's Main Canal over what would have occurred absent the proposed transfer. Merced will provide, through diversions into its Main Canal and conveyance in its existing system and Bear Creek, up to 1,500 AF of surface water for rediversion at the existing East Bear Creek Unit Pumping Plant. Merced has entered into Agreement No. 12-WC-20-4319 (Agreement) with the U.S. Bureau of Reclamation (Reclamation) for this proposed water transfer. Merced will coordinate with Reclamation and a representative from the U.S. Fish and Wildlife Service regarding the schedule of releases for rediversion at the East Bear Creek Unit Pumping Plant. Merced is required to release water pursuant to its other existing downstream requirements and commitments; and Merced will provide the proposed releases over and above these existing requirements and commitments. In addition, Merced will continue to meet its own water needs as without the proposed temporary water transfer; and there will be no changes to the crops produced within Merced's boundaries as a result of the temporary transfer. Absent the proposed temporary transfer, Merced would have retained the 1,500 AF of surface water in storage pursuant to its water right. In accordance with the Agreement with Reclamation, Merced has agreed to accept refill criteria to assure no adverse impact occurs to downstream water right holders. For the reasons identified above, the proposed temporary transfer does not involve any construction or other physical changes to any facilities.

Petitions for temporary transfer of water pursuant to Water Code Section 1725 are exempt from the California Environmental Quality Act. Reclamation has prepared an Environmental Assessment (EA) for this proposed water transfer pursuant to the requirements under the National Environmental Policy Act and has issued a Finding of No Significant Impact (FONSI). A copy of the EA and FONSI is available at

< http://www.usbr.gov/mp/nepa/nepa projdetails.cfm?Project ID=11391 >.

PHOTOGRAPHS

The present points of diversion and the present places of use include existing facilities and areas that are well known and documented with the Division of Water Rights (Division). Therefore, photographs of these present points of diversion and places of use are not included. The proposed additional place of use for the East Bear Creek Unit is well known and documented. For reference, see the website for the San Luis National Wildlife Refuge Complex < http://www.fws.gov/nwrs/twocolumn.aspx?id=2147505570 >, which contains several photographs. Additional photographs may be made available upon request.

MAPS

The present points of diversion, points of rediversion, and places of use are shown on maps filed with the Division for License 2685. The proposed additional point of rediversion for the East Bear Creek Unit Pumping Plant and the proposed additional place of use for the East Bear Creek Unit are identified on the map accompanying the Petition.

DC/jp

5520.3/FINAL ATTACHMENT TO ENV INFO FORM EBCU TRANSFER 07.15.2013

