



Water Resources ♦ Flood Control ♦ Water Rights

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December 16, 2011

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 Petitions for Long Term  
Transfer and Instream Flow Dedication**

Dear Ms. Evoy:

Enclosed are the following documents relative to the Petition for Long Term Transfer and the Petition for Instream Flow Dedication (collectively, Petitions) under Merced Irrigation District's (Merced) License 2685 (Application 1224):

1. Petition for Long Term Transfer Form (one original and one copy).
2. Petition for Instream Flow Dedication Form (one original and one copy).
3. Attachment to Petitions (one original and one copy per petition).
4. Environmental Information Form with Attachment (one original and one copy per petition).
5. Check in the amount of \$29,847 to cover the fees for the Petitions.
6. Check in the amount of \$850 to cover the fee for the Department of Fish and Game (DFG) associated with this project.

Merced is petitioning to temporarily add a place of use and purpose of use to its License 2685 in order to assist the U.S. Bureau of Reclamation in meeting the 31-day pulse flow period in the San Joaquin River at Vernalis during April and May of 2012 and 2013. The pulse flows provided by Merced are proposed as an interim measure between the expiration of the San Joaquin River Agreement and the State Water Resources Control Board's adoption of new flow objectives for the San Joaquin River. Pursuant to discussions with Division staff, Merced has prepared a consolidated Environmental Information Form to address the questions and provide the relevant information associated with the Petitions. As you are aware, time is of the essence to process these Petitions for the implementation of the spring pulse flows beginning in approximately April of 2012; and we appreciate your attention to these Petitions.

As identified above, enclosed is a check in the amount of \$850, payable to the DFG to cover the relevant fee associated with these Petitions. This single filing fee to DFG is consistent with Public Resources Code Section 10005(e) for a single project.

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

Sincerely,  
MBK ENGINEERS



Darren Cordova

DC/ps  
5520.3/BARBARA EVOY 2011-12-16.DOCX

Enclosures

cc: John Sweigard, General Manager, Merced Irrigation District  
Phillip McMurray, General Counsel, Merced Irrigation District  
Ken Robbins, Counsel to Merced Irrigation District  
Pablo Arroyave, U.S. Bureau of Reclamation  
Mary Johannis, U.S. Bureau of Reclamation  
Ray Sahlberg, U.S. Bureau of Reclamation  
Lisa Holm, U.S. Bureau of Reclamation  
Kathy Mrowka, Division of Water Rights  
Julie Means, Department of Fish and Game (via certified mail)



(c) Will transfer unreasonably effect the overall economy of the area from which the water is being transferred (Water Code Section 386.) No.

(d) Have you consulted the California Department of Fish and Game concerning this proposed change? Yes X No \_\_\_\_\_. If Yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed change on fish and other wildlife and state measures required for mitigation. Paul Forsberg (916-323-7215). No comments were provided at this time.  
A copy of this Petition has been provided to Julie Means of DFG.

6. State the conditions that are the basis of this transfer. See Attachment

7. If the point of diversion is being changed, are there any persons taking water from the stream between the old point of diversion and the new point? Yes \_\_\_\_\_ No \_\_\_\_\_. Between the old point of return flow and the new point of return flow? Yes \_\_\_\_\_ No \_\_\_\_\_. If the answer is "yes", please list names and addresses Not applicable, as there is no proposed change to the existing points of diversion identified in License 2685.

8. Following the expiration of the transfer period, all rights shall automatically revert to the original holders of such right without any action by the State Water Board.

THIS TRANSFER OF WATER/WATER RIGHTS DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE RIGHT OR SEASON OF USE.

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

Dated: December 16, 2011 at Sacramento, California.



Signature(s)

Darren Cordova, MBK Engineers

916-456-4400

Telephone No.

If there is insufficient space for answers to this form, attach extra sheets. Please cross reference all remarks to the numbered paragraph to which they refer.

**NOTE:** All petitions must be accompanied by the **filing fee, (see fee schedule at [www.waterrights.ca.gov](http://www.waterrights.ca.gov))** made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

**PETITION FOR INSTREAM FLOW DEDICATION**  
(WATER CODE 1707)

This type of petition is only for projects to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See Water Code section 1707).

Application 1224 Permit \_\_\_\_\_ License 2685 Statement\* \_\_\_\_\_

\*For pre-1914 appropriative rights and/or riparian rights - provide an attachment describing the basis of right (points of diversion, place of use, quantities and season of diversion, date of origination, map of point of diversion and place of use (Cal. Code Regs., tit. 23, § 715, et seq.)). Also, if the right has been verified by a court, provide a copy of the court ruling.

I (we) hereby petition for instream flow dedication as shown on the accompanying map and described as follows:

**Upstream Location of Flow Dedication Reach of Stream:** (Give coordinate distances in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Regs., tit. 23, § 715. Also provide the 40-acre subdivision in which the upstream location of flow dedication reach is located.)

See Attachment

**Downstream Location of Flow Dedication Reach of Stream:**

See Attachment

List the quantities dedicated to instream flow in cubic feet per second:

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
			See Attachment								

Will the dedicated flow be diverted from the stream for consumptive use at a downstream location? If so, provide the location and the quantities of flow that will be diverted from the stream. The information for the point of diversion should be provided in California Coordinates, NAD 83, or other ties as allowed by Cal. Code Reg., tit. 23, § 715:

See Attachment

Are there any persons taking water from the stream in the instream flow dedication reach? Yes. \_\_\_\_\_ (yes/no)

If so, list the name and addresses of the persons taking water from the stream in this stream reach.

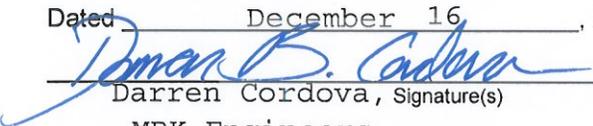
See files at Division of Water Rights, State Water Resources Control Board.

A copy of the petition must be provided to the California Department of Fish and Game (DFG). Indicate the date that the petition was provided to DFG and provide a copy of the transmittal letter to DFG: See Attachment

**THIS CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE.**

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

Dated December 16, 2011 at Sacramento, California

  
Darren Cordova, Signature(s)

MBK Engineers

916-456-4400

Telephone No.

**NOTE:** All petitions must be accompanied by the fee (see fee schedule at [www.waterboards.ca.gov/waterrights](http://www.waterboards.ca.gov/waterrights)), made payable to the State Water Resources Control Board (State Water Board) and an \$850 fee made payable to the Department of Fish and Game must accompany the petition. Separate petitions are required for each water right. Separate State Water Board fees are required if both a change and time extension petition are being filed.

**Attachment to Petition for Long Term Transfer  
and Petition for Instream Flow Dedication  
License 2685 (Application 1224)  
held by Merced Irrigation District**

GENERAL

Merced Irrigation District (Merced) is filing this Petition for Long Term Transfer and this Petition for Instream Flow Dedication (collectively, Petitions) to its License 2685 (Application 1224) in order to assist the U.S. Bureau of Reclamation (Reclamation) in meeting the 31-day pulse flow period in the San Joaquin River at Vernalis during April and May of 2012 and 2013. The pulse flows are proposed as an interim measure between the expiration of the San Joaquin River Agreement (SJRA) and the State Water Resources Control Board's (State Water Board) adoption of new flow objectives for the San Joaquin River. The SJRA was extended through 2011 and was accepted by the State Water Board in its Revised Decision 1641 (D-1641). Merced's water rights were temporarily amended by conditions identified in D-1641 to authorize the pulse flows provided by Merced under the SJRA. The purpose of these Petitions is to request approval from the Division of Water Rights (Division) for Merced to provide continued pulse flows in April and May, similar to the pulse flows that would have been provided under the SJRA with certain exceptions noted below, during a term of two years, 2012 and 2013. Merced and Reclamation are preparing the necessary agreement (herein referred to as the USBR-MID Agreement) and environmental documentation associated with these Petitions for the interim dedication of instream flows. Below are responses to the items requested in the Petition for Long Term Transfer form and the Petition for Instream Flow Dedication form.

**Additional Responses to numbered items in Petition for Long Term Transfer Form:**

1(a) & 1(b): POINT OF DIVERSION

No change in Merced's present points of diversion are proposed and no additional points of diversion or redirection are proposed to be added. 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 (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.

**Merced Falls Diversion Dam for Northside Canal**

Point of direct diversion and redirection 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 redirection 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 Mariposa County.

2(a), 2(b), 3(a), & 3(b): PLACE OF USE & PURPOSE OF USE

**Present Places of Use and Purposes 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.

Fish and Wildlife Enhancement within the reach of river between Merced's existing point of diversion at New Exchequer Dam (Lake McClure) and Vernalis on the San Joaquin River through December 31, 2011.

**Proposed Place of Use and Purpose of Use:**

No change to the present places of use is proposed. As identified above, Merced's existing place of use includes the reach of river between Merced's existing point of diversion at New Exchequer Dam (Lake McClure) and Vernalis on the San Joaquin River through December 31, 2011. Merced proposes to continue authorization for this place of

Merced Irrigation District License 2685 (Application 1224)  
Attachment to Petitions for Long Term Transfer/Instream Flow Dedication

use between New Exchequer Dam and Vernalis through December 31, 2013 under its License 2685.

- 5(a): The State Water Board concluded in D-1641 that the surface water to be provided by Merced under the SJRA will not increase the amount of water Merced is entitled to use and will not unreasonably affect any legal user of water (Paragraph 6.3.5, page 48, D-1641). The quantity of surface water to be provided by Merced under these Petitions will be made available by the same methods as identified in D-1641 for flows provided by Merced under the SJRA. This may include releases of stored water, reservoir reoperation, and if necessary during a significant drought, groundwater pumping under Merced's groundwater exchange pumping program. The pulse flows provided by Merced could reduce the quantity of water held in storage at Merced's Lake McClure and/or may change the timing of releases from the reservoir. In order to help ensure that downstream legal users of water are not harmed by refill operations resulting from water provided under these Petitions, the USBR-MID Agreement includes reservoir refill criteria, which is consistent with the intent of Term 2 on page 169 of D-1641. Considering the above average hydrologic conditions during 2010 and 2011, Merced does not anticipate a need to pump groundwater to meet its demands as a result of future hydrologic conditions and surface water made available under these Petitions for pulse flows during 2012 and 2013.
- 5(b): It is anticipated a beneficial effect on fish, wildlife, or other instream beneficial uses will occur as a result of these Petitions because the spring pulse flows provided by Merced involve Merced's existing facilities and will increase flows in the Merced River and San Joaquin River. In addition, there will be no changes to the crops produced within Merced's boundaries as a result of these Petitions. Merced is required to release water pursuant to its other existing downstream requirements and commitments; and Merced will provide the spring pulse flows over and above these existing requirements and commitments. In absence of the pulse flows provided by Merced, Reclamation would be unable to meet the spring pulse flow requirements unless Reclamation was able to obtain surface water supplies from an alternate source.
6. As identified above, the pulse flows at Vernalis during April and May under this proposed interim dedication of instream flows will be similar to the pulse flows that would have been provided under the SJRA in order to accomplish the same purpose of meeting the objectives identified in D-1641. For this reason, the conditions identified in D-1641 applicable to Merced's water rights are anticipated to be similar to the conditions associated with the approval of these Petitions. Attached as Exhibit A are proposed terms and conditions to be included in Merced's License 2685, which identify changes from the terms included in D-1641 for flows under the SJRA. Specifically, the proposed place of use under these Petitions includes the reach of the Merced River beginning from Merced's New Exchequer Dam to the confluence with the San Joaquin River and thence

to the Airport Way Bridge over the San Joaquin River at Vernalis (Term 1, page 166, D-1641). The proposed purpose of use under these Petitions includes Fish and Wildlife Enhancement (Term 2, Page 166, D-1641). The pulse flows provided by Merced under these Petitions are expected to assist Reclamation in satisfying the objectives identified in Tables 1, 2, and 3 of D-1641 (Term 2 on Page 161 and Term 3 on Page 166, D-1641).

The target flow schedule for the San Joaquin River at Vernalis under these Petitions is the same as the schedule identified in D-1641 (Term 4, Page 166, D-1641) with the exception that the pulse flow changes based on prior year and current year hydrologic conditions are not included in these Petitions (Terms 4 and 5, Pages 167 and 168, D-1641). The so-called “double step” requirement in the last paragraph of Term 4 on page 167 of D-1641 is not included because fewer water right holders will be involved in this proposed interim dedication of instream flows during 2012 and 2013 as compared to the SJRA; and therefore, the water needed to perform this double step requirement is not available. The quantity of water provided by Merced for the pulse flow will be measured at Merced’s gage at Schaffer Bridge or at the Department of Water Resources’ (DWR) gage at Cressey, consistent with the measurements under the SJRA. The timing of the pulse flow will not be determined by the San Joaquin River Technical Committee, as indicated in footnote 90 to Term 4 of D-1641. Instead, the period of the pulse flow will be as agreed upon by Merced and Reclamation in coordination with U.S. Fish and Wildlife Service (USF&WS), the California Department of Fish and Game (DFG), and the National Marine Fisheries Service (NOAA Fisheries). The definition of existing flow, or base flow, in the San Joaquin River at Vernalis is simplified from footnote 91 in D-1641; and shall be the estimated flow absent the pulse flow, excluding the incremental releases from New Melones Reservoir to satisfy the Reasonable and Prudent Alternatives under the Biological Opinion in effect at the signing of the USBR-MID Agreement. The existing flow, or base flow, in the San Joaquin River at Vernalis is to be determined by Reclamation in consultation with Merced.

Merced will coordinate water release planning for the pulse flow with Reclamation, USF&WS, NOAA Fisheries, and DFG (Term 6, page 168, D-1641). Reclamation will coordinate with DWR, as necessary. Relative to reporting the results from the operations associated with the pulse flow, Merced will submit an operations report to the Executive Director of the State Water Board by January 30 of each year following the pulse flow. The report will include similar information as required by Term 7 of D-1641, specifically associated with the pulse flows provided by Merced during 2012 and 2013 under these Petitions.

In the case that the USBR-MID Agreement is not executed or is terminated in advance of December 31, 2013, Merced will immediately notify the State Water Board (Term 8, page 168, D-1641).

**Additional Responses to items in Petition for Instream Flow Dedication Form:**

UPSTREAM LOCATION OF FLOW DEDICATION REACH OF STREAM:

**New Exchequer Dam (Lake McClure)**

South thirty-eight degrees, no minutes West (S 38° 0' 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. See map on file with the Division of Water Rights for License 11395, dated December 11, 1942.

DOWNSTREAM LOCATION OF FLOW DEDICATION REACH OF STREAM:

**San Joaquin River at Airport Way Bridge, Vernalis**

California Coordinate System, Zone 3, NAD 83: N 2,069,532 ft., E 6,339,889 ft., based on data obtained from the U.S. Geological Survey. This location is shown as Station C10 on a map identified as Figure 4 on page 194 of D-1641.

QUANTITIES DEDICATED TO INSTREAM FLOW:

The proposed quantities of water to be provided by Merced for the interim spring pulse flows under these Petitions are variable and depend upon hydrologic conditions. For the purpose of identifying the quantities of water dedicated to instream flows, the estimated maximum quantity of water that may be provided by Merced over a 31-day period during April and May of 2012 and 2013 is up to 90,000 AF each year. The average flow rate associated with this quantity is approximately 1,500 cfs over a 31-day period. The total quantity of water provided by Merced during the spring pulse flow periods in 2012 and 2013 under these Petitions is estimated to be up to 180,000 AF.

CONSUMPTIVE USE OF WATER DEDICATED TO INSTREAM FLOW:

Below the proposed downstream location of the stream reach for the spring pulse flows provided by Merced (the San Joaquin River at Airport Way Bridge, Vernalis), the quantity of water dedicated to instream flows under these Petitions may be diverted for consumptive purposes by downstream legal users of water. See the files at the Division of Water Rights, State Water Resources Control Board for the legal users of water located downstream of the San Joaquin River at Airport Way Bridge, Vernalis.

Merced Irrigation District License 2685 (Application 1224)  
Attachment to Petitions for Long Term Transfer/Instream Flow Dedication

DEPARTMENT OF FISH AND GAME:

The Department of Fish and Game (DFG) was contacted; and no comments were provided at this time. A copy of these Petitions has been provided to Julie Means (559-243-4014) of DFG with concurrent submittal to the Division.

DC/ps

5520.3/A1224 ATTACHMENT TO PETITION FOR LONG TERM TRANSFER FOR INSTREAM 2011-12-16.DOC

## Exhibit A

Below are proposed revisions to the terms and conditions identified on pages 166 through 169 in D-1641 applicable to Merced's water rights relative to spring pulse flows. These terms and conditions to Merced's License 2685 shall expire on December 31, 2013 or at such time as the USBR-MID Agreement is terminated, whichever occurs first:

1. In addition to all other places of use authorized by this license, the reach of river between Licensee's point of diversion and Vernalis on the San Joaquin River is added as a place of use.
2. In addition to all other purposes of use authorized by this license, the purposes of use shall include Fish and Wildlife Enhancement.
- ~~3. The flows provided by Licensee pursuant to the SJRA will satisfy any responsibility of Licensee to meet the objectives in Tables 1, 2, and 3, attached. When the SJRA expires or is terminated, the Board will give notice and will commence a proceeding to determine the responsibility of Licensee to meet the objectives.~~
- 4.3. Except as provided under the USBR-MID Agreement and below, while the SJRA USBR-MID Agreement is in effect, Licensee shall meet the following target flows for the protection of fish and wildlife beneficial uses on the San Joaquin River at Airport Way Bridge, Vernalis during the 31-day pulse flow period in April and May<sup>90</sup> of each year, while the SJRA is in effect. The target flow shall be based on the base existing flow, as defined below.

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<sup>90</sup> ~~The timing of the 31-day pulse flow is to be as agreed upon by Merced and Reclamation in coordination with U.S. Fish and Wildlife Service (USF&WS), the California Department of Fish and Game (DFG), and the National Marine Fisheries Service (NOAA Fisheries). determined by the San Joaquin River Technical Committee (SJRTC). The SJRTC is composed of technical experts appointed by the parties to the SJRA to implement the VAMP experiment and other technical activities that its members deem appropriate to meet the goals of the SJRA.~~

Merced Irrigation District License 2685 (Application 1224)  
Attachment to Petitions for Long Term Transfer/Instream Flow Dedication

<b><u>Existing Flow</u></b> <b><u>Base Flow in lower SJR at</u></b> <b><u>Vernalis<sup>91</sup> (cfs)</u></b>	<b><u>Target Flow</u></b> <b><u>Vernalis Spring Flow Target,</u></b> <b><u>minimum average flow rate over</u></b> <b><u>31-day Pulse Flow Period (cfs)</u></b>
0-1,999	2,000
2,000-3,199	3,200
3,200-4,449	4,450
4,450-5,699	5,700
5,700-6,999	7,000
7,000 or greater	<u>Existing Base Flow</u>

The total amount of water provided under Licenses ~~990, 2684, 2685, 6047, 11395, 11396, 7856, 7860, 5417, and 11058, together,~~ to meet the target flows is not required to exceed ~~1~~90,000 acre-feet annually. Water provided by the Licensee shall be measured at the Licensee's gage at Schaffer Bridge or at the Department of Water Resources' Cressey gage, as indicated in the USBR-MID Agreement. ~~last point of control.~~

During years when the sum of the current year's ~~60-20-20~~<sup>92</sup> indicator and the previous year's ~~60-20-20~~ indicator is seven (7) or greater, target flows shall be one step higher than those required by the above table. ~~The Licensee is not required to meet the target flow during years when the sum of the current year's 60-20-20 indicator and the previous two years' 60-20-20 indicator is four (4) or less, using the following table.~~

<sup>91</sup> ~~"Existing Base flows"~~ will be determined by ~~the SJRTC Reclamation in consultation with Merced.~~ Existing Base flow is defined as the estimated flow absent the pulse flow, excluding the incremental releases from New Melones Reservoir to satisfy Reasonable and Prudent Alternatives under the Biological Opinion in effect at the signing of the Reclamation-MID Agreement.

~~forecasted flows in the San Joaquin River at Vernalis during the pulse flow period that would exist absent the SJRA or water acquisitions, including but not limited to the following:~~

- ~~1. Tributary minimum instream flows pursuant to Davis Grunsky, Federal Energy Regulatory Commission, or other regulatory agency orders existing on the date of this agreement;~~
- ~~2. Water quality or scheduled fishery releases from New Melones Reservoir;~~
- ~~3. Flood control releases from any non-federal storage facility required to be made during the pulse flow period pursuant to its operating protocol with the U.S. Army Corps of Engineers in effect when the SJRA is executed;~~
- ~~4. Uncontrolled spills not otherwise recaptured pursuant to water right accretions (less natural depletions) to the system; and/or~~
- ~~5. Local runoff.~~

<sup>92</sup> ~~The computation method for the 60-20-20 indicator is provided in Figure 2, attached.~~

<b>SJR Basin 60-20-20 Classification</b>	<b>60-20-20 Indicator</b>
Wet	5
Above Normal	4
Below Normal	3
Dry	2
Critical	1

~~3. Licensees shall determine the 60-20-20 indicator for each year while the SJRA is in effect, using the table below. The most current DWR forecast of the San Joaquin Valley water hydrologic classification will be used.~~

~~6.4. Licensees shall coordinate water release planning for the April-May pulse flow period with the DWR, the USBR, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the California Department of Fish and Game.~~

~~7.5. Annually, Licensees shall submit an operations report to the Executive Director of the SWRCB by January 30 of the year following each year of operation under the SJRA USBR-MID Agreement. The report shall identify (a) the source and quantity of water released from storage, or storage and direct diversions foregone to meet the April-May pulse flow objective in the San Joaquin River at Airport Way Bridge in Vernalis; (b) the time period when this water was released from storage, or not diverted; (c) a monthly accounting of reservoir operations to refill reservoir storage; (d) the source and quantity of water transferred to the USBR pursuant to the terms of the SJRA; (de) the quantity, timing, and location of groundwater extractions made to maintain water supply deliveries due to the SJRA USBR-MID Agreement; (f) the time period in which water sold to the USBR was released from storage or not diverted; and (eg) an analysis showing that all storage releases, storage and direct diversions foregone, and replenishment operations listed above were performed within the limits, terms and conditions of these licenses.~~

~~8.6. Licensees shall notify the State Water Board immediately if the USBR-MID Agreement is not executed, or upon termination of the USBR-MID Agreement SJRA if such occurs in advance of December 31, 2013.~~

Below are proposed revisions to the terms and conditions identified on page 169 in D-1641 applicable to Merced's water rights relative to spring pulse flows. These terms and conditions to Merced's License 2685 shall expire on December 31, 2013 or at such time as the USBR-MID Agreement is terminated, whichever occurs first:

2. If groundwater substitution is used in response to meeting flow obligations of Licensee under the USBR-MID Agreement SJRA, and the result is exacerbation of groundwater overdraft in the Merced Groundwater Basin, Licensee shall take measures to recharge the incremental increase in the amount of groundwater pumped as a result of the authorized

change. Prior to pumping groundwater as a result of the authorized change, Licensee shall provide to the Executive Director of the State Water Board ~~SWRCB~~ a recharge plan specifying the amount of groundwater to be pumped, the location of the pumping, and the location and method of recharge that will be undertaken to balance the groundwater pumping. The plan shall contain an analysis of how the recharge program will prevent overdraft or a decrease in flow in the Merced River due to the groundwater pumping. Upon approval of the plan by the Executive Director of the State Water Board ~~SWRCB~~, Licensee shall implement the plan.

3. ~~At times when the USBR is releasing water from New Melones Reservoir for the purpose of meeting the Vernalis salinity objective, or when Standard Permit Term 93 is in effect, or when salinity objectives at Vernalis are not being met, Licensee shall not replenish (1) stored water or foregone diversions provided for the April-May pulse flow or the October target flow at Vernalis, or (2) water transferred to the USBR pursuant to the SJRA.~~

Licensee agrees that the replenishment of stored water in Lake McClure released for the Vernalis Spring Flow Target may impact USBR. USBR is impacted during periods when USBR's releases from New Melones Reservoir, in addition to its releases absent the USBR-MID Agreement, are made to meet the State Water Board's Vernalis salinity objective, or when Standard Permit Term 93 is in effect. Licensee will compensate for the impact by releasing water from Lake McClure at times when releases from New Melones are being made to meet the State Water Board's Vernalis salinity objective, or when Standard Permit Term 93 is in effect, on a schedule coordinated with USBR. The impact will be set to zero if USBR makes a flood release from New Melones prior to or during releases by Licensee to compensate for an impact. The Executive Deputy Director of the State Water Board ~~SWRCB~~ is delegated authority to ensure that this condition is not used by the USBR to increase the obligation of Licensee.

California Environmental Protection Agency  
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.waterboards.ca.gov/waterrights>

**ENVIRONMENTAL  
INFORMATION FOR PETITIONS\***

**License 2685 (Application 1224)**

\* Required for all petitions, including change petitions, time extension petitions, wastewater change petitions and instream flow dedication 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.

**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.

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See Attachment No. 1

**2. COUNTY PERMITS NOT APPLICABLE.**

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

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

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

County Zoning Designation: \_\_\_\_\_

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

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

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

**3. STATE/FEDERAL PERMITS AND REQUIREMENTS NOT APPLICABLE.**

a. Check any additional state or federal permits required for your project:

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. \_\_\_\_\_

d. Have you contacted the California Department of Fish and Game concerning your project?  YES  NO  
If YES, name and telephone number of contact: Paul Forsberg (916) 323-7215 and Julie Means (559) 243-4014

**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 State Water Board will be preparing the environmental document.\*\*
- I expect that a California public agency other than the State Water Board will be preparing the environmental document.\* Public agency: \_\_\_\_\_

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

See Attachment No. 1

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

\*\* **Note:** CEQA requires that the State Water Board, 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 State Water Board, Division of Water Rights.

**5. WASTE/WASTEWATER NOT APPLICABLE.**

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

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

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

**7. ENVIRONMENTAL SETTING *SEE ATTACHMENT No. 1.***

Attach **two 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: December 16, 2011

Signature: \_\_\_\_\_



**Attachment No. 1**  
**to Environmental Information for**  
**Petition for Long Term Transfer**  
**and Petition for Instream Flow Dedication**  
**by Merced Irrigation District**

1. DESCRIPTION OF PROJECT

Merced Irrigation District (Merced) is petitioning to temporarily add a place of use and purpose of use to its License 2685 (Application 1224) in order to assist the U.S. Bureau of Reclamation (Reclamation) in meeting the 31-day pulse flow period in the San Joaquin River at Vernalis during April and May of 2012 and 2013. The purpose of the Petition for Long Term Transfer and the Petition for Instream Flow Dedication (collectively, Petitions) is provide continued pulse flows during April and May, similar to the pulse flows that would have been provided under the San Joaquin River Agreement (SJRA), as accepted by the State Water Resources Control Board in its Revised Decision 1641 (D-1641). The quantity of surface water to be provided by Merced under these Petitions, up to a total of 180,000 AF during 2012 and 2013, will be made available by the same methods as identified in D-1641 for flows provided by Merced under the SJRA. Merced and Reclamation are preparing the necessary agreement (herein referred to as the USBR-MID Agreement) and environmental documentation associated with the interim dedication of instream flows.

Merced will continue to meet its own water needs as without the proposed temporary instream flow dedication. For this reason, there is no physical change in Merced's facilities or its downstream diversions as a result of the USBR-MID Agreement. It is anticipated a beneficial effect on fish, wildlife, or other instream beneficial uses will occur as a result of these Petitions because the spring pulse flows provided by Merced involve its existing facilities and will increase flows in the Merced River and San Joaquin River. In addition, there will be no changes to the crops produced within Merced's boundaries as a result of these Petitions. Merced is required to release water pursuant to its other existing downstream requirements and commitments; and Merced will provide the spring pulse flows over and above these existing requirements and commitments. In absence of the pulse flows provided by Merced during 2012 and 2013, Reclamation would be unable to meet the spring pulse flow requirements unless Reclamation was able to obtain surface water supplies from an alternate source.

4. ENVIRONMENTAL DOCUMENTS

Reclamation is preparing an Environmental Assessment and Initial Study, pursuant to the requirements under the National Environmental Policy Act and the California Environmental Quality Act. Upon completion of this environmental documentation, a copy will be provided to the Division of Water Rights (Division).

7. ENVIRONMENTAL SETTING

No photographs have been provided as there is no proposed point of diversion. The photographs for the proposed place of use between New Exchequer Dam to the confluence with the San Joaquin River, and the San Joaquin River from the confluence of the Merced River to the San Joaquin River at Vernalis would be difficult to obtain. This reach is well known and well documented with the Division.

DC/ps

5520.3/ATTACHMENT TO ENVIRONMENTAL FORM LONG TERM INSTREAM 2011-12-16.DOC